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# **ATKA**

# **CODE OF ORDINANCES**

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As of October, 2009

## **City of Atka**

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**TITLE 1.                   GENERAL PROVISIONS**

Chapters:

- 1.1 General Provisions
- 1.2 Ordinances
- 1.3 Resolutions and Technical Codes
- 1.4 City Information

CHAPTER 1.1  
GENERAL PROVISIONS

Sections:

1. Code cite and designation.
2. Definitions.
3. Effect of repeal of ordinances.
4. Severability.
5. General penalty.
6. Violations of laws of Alaska.
7. Changes.
8. Distribution.
9. Incorporating changes into the Code.
10. Time ordinances take effect.
11. Grammatical interpretation.

Section 1. Code cite and designation.

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

Section 2. Definitions.

The following definitions apply to the following words or terms used in this Code unless the plain meaning requires otherwise:

1. City: City of Atka, Alaska;
2. Administrator: City Administrator and clerk-treasurer;
3. Code: the Code of Ordinances, City of Atka, Alaska;
4. Council: the City Council of Atka;
5. Person: a corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person;
6. publish: appearing at least once in a newspaper of general circulation distributed within the City, or if there is none, posting in three public places in the city for at least five days;
7. State: the State of Alaska;
8. Voter: a United States citizen who is qualified to vote in state elections, has been a resident of the City for 30 days immediately preceding the election, is registered to vote in state elections, and has not been convicted of a felony involving moral turpitude unless that citizen's civil rights have been restored.

Section 3. Effect of repeal of ordinances.

For any ordinance which has been repealed, a violation of that ordinance which occurred before its repeal is enforceable as if the ordinance had not been repealed, and any rights or remedies existing at the time of the ordinance's violation are preserved to anyone claiming them.

Section 4. Severability.

Every ordinance or chapter of this Code which does not contain a severability clause shall be read as though it contains the following severability clause: "If any part of this Code is invalidated, the remainder which is not invalidated is valid."

Section 5. General penalty.

- A. Every act prohibited by ordinance of this City is unlawful. Unless another penalty is expressly provided, every person convicted of a violation of any provision of this Code, or any rule or regulation adopted or issued thereby, shall be punished by a fine of not more than \_\_\_\_\_ or not more than 30 days imprisonment, or both. Each act of violation and every day upon which such violation occurs constitutes a separate offense.
- B. The penalty provided by this section shall apply to any amendments to this Code, whether or not such penalty is re-enacted in the amendment ordinance, unless another penalty expressly provided.

Section 6. Violations of laws of Alaska.

Violations of state law shall be violations of this Code, except where the State has exclusive jurisdiction over the offense.

Section 7. Changes to Code.

- A. All ordinances passed after the adoption of this Code shall be numbered according to the numbering system of this Code.
- B. Repealed provisions of this Code shall be excluded from the Code. The provisions to be repealed must be specifically repealed by section or chapter number.
- C. Amendments to this Code shall be made by specific reference to the section number and chapter number so amended.
- D. If a new chapter or section is to be added to this Code, specific reference to the new section number and new chapter number shall be made.

Section 8. Distribution.

This Code shall be made available to the public. The cost of reproducing all or parts of this Code may be charged to anyone requesting copies. A copy of this Code shall be furnished to any court as needed or upon its request.

Section 9. Incorporating changes into the Code.

Changes to this Code shall be typed or printed and included within this Code within 90 days after passage.

Section 10. Time ordinances take effect.

Every ordinance takes effect upon adoption by the council unless otherwise stated in the ordinance.

Section 11. Grammatical interpretation.

The following grammatical rules apply to this Code:

- 1. Any gender includes the other gender;

2. The singular number includes the plural and the plural includes the singular;
3. The present tense includes the past and future tenses, and vice versa, unless clearly inappropriate;
4. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language;
5. Common words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

CHAPTER 1.2  
ORDINANCES

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. Ordinances confined to single subject.
7. Requirements for passage.

Section 1. Acts of the council.

The council shall act only by ordinance, resolution, or motion. Law of a general, uniform, and permanent nature shall be written as an ordinance.

Section 2. Acts required to be by ordinance.

- A. In addition to other actions which state law requires to be by ordinance, the council shall use ordinances to establish, alter, or abolish city departments;
1. Establish, alter, or abolish city departments;
  2. Amend or repeal an existing ordinance;
  3. Fix the compensation of council members;
  4. Provide for the sale of city property;
  5. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
  6. Adopt the city budget;
  7. Make appropriations and supplemental appropriations or to transfer appropriations;
  8. Grant, renew, or extend a franchise;
  9. Regulate the rate charged by a public utility;
  10. Approve the transfer of a power to a borough;
  11. Adopt, modify, or repeal the comprehensive plan, zoning, and subdivision ordinances, building and housing codes: and the official map;
  12. Provide for the retention or sale of tax foreclosed property;
  13. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of city public works projects within the limitations set out in AS 36.25.025.
- B. The budget ordinance is a non-code ordinance and need not be included in this Code.

Section 3. Ordinance procedure.

- A. A proposed ordinance is introduced in writing by the mayor or other council member, or by a committee of council members, at any lawful council meeting.
- B. After the ordinance is introduced, the council votes on whether to set the time and place for a public hearing on the ordinance. If there are at least four votes in favor

- of setting a public hearing, then the council shall publish a summary of the proposed ordinance with a notice setting out the time and place for a public hearing on the proposed ordinance. The public hearing on the proposed ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting.
- C. 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 persons shall have an opportunity to be heard at the public hearing. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall type or print and make available copies of the adopted ordinance.
- D. If the proposed ordinance is amended after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly introduced proposed ordinance.

#### Section 4. Ordinance form and content.

- A. All ordinances enacted by the council shall be in substantially the following form:
1. The heading "City of Atka, Alaska";
  2. The ordinance number;
  3. The title, which summarizes the ordinance's provisions and includes any penalty imposed;
  4. The enacting clause, which shall read: "BE IT ENACTED BY THE ATKA CITY COUNCIL AS FOLLOWS:";
  5. The provisions of the ordinance;
  6. The dates of introduction (first reading), public hearing, and adoption;
  7. Space for the signature of the mayor;
  8. Space for the administrator's signature to verify the signature of the mayor.
- B. The form appearing at the end of this Chapter illustrates the form set out in this Section and is suggested for use by council members.

#### Section 5. Emergency ordinances.

- A. The council may adopt emergency ordinances to meet a public emergency. Every emergency ordinance must contain a statement by the council why an emergency exists and statement of the facts which describes 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 council membership, whichever is less, is required for adoption. The council must type or 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 60 days.

#### Section 6. Ordinances confined to single subject.

Every ordinance shall be confined to one subject unless it is an appropriation

ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be summarized in the title.

Section 7. Requirements for passage.

- A. At least four affirmative votes are required for the passage of an ordinance.
- B. The final vote on an ordinance is a recorded roll call vote.

(Chapter 1.2, Section 4.A.)

ORDINANCE NO. \_\_\_\_\_

BE IT ENACTED BY THE ATKA CITY COUNCIL AS FOLLOWS:

Section 1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE INTRODUCED:

DATE OF PUBLIC HEARING:

PASSED AND APPROVED by the ATKA CITY COUNCIL THIS \_\_\_\_\_ day  
of \_\_\_\_\_, 19 .

Mayor

ATTEST:

City Administrator

CHAPTER 1.3  
RESOLUTIONS AND TECHNICAL CODES

Sections:

1. Acting by resolution.
2. Procedures for resolutions.
3. Requirements for passage.
4. Rules and regulations.
5. Codes of regulations.

Section 1. Acting by resolution.

- A. Opinions, principles, facts, or propositions may be presented in the form of a resolution.
- B. A resolution shall be in substantially the following form:
  1. The heading "City of Atka, Alaska:";
  2. The resolution number;
  3. A short title descriptive of the resolution's subject and purpose;
  4. "WHEREAS" clauses describing the statements of fact that show why there is a need for council resolution;
  5. The resolving clause "BE IT RESOLVED:" stating the opinions or course of action the council feels should be taken;
  6. The date of passage;
  7. Space for the signature of the mayor and every other councilmember who voted;
  8. Space for the administrator's signature verifying the signatures of the mayor and other council members who voted.
- C. Resolutions shall not be included in the Code, but shall be kept separately by the administrator in a file available for public inspection.
- D. The form appearing at the end of this Chapter illustrates the form set out in this Section and is suggested for use by council members.

Section 2. Procedures for resolutions.

- A. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
- B. After adoption, every resolution shall be posted on the city bulletin board or in other places as the council may direct.
- C. Every resolution shall become effective upon adoption unless a later date is specified in the resolution.
- D. If state law requires a resolution to be submitted to city voters, then the resolution may be adopted after the results of the election are certified.

Section 3. Requirements for passage.

- A. At least four affirmative votes are required for the passage of a resolution.
- B. The final vote on each resolution is a recorded roll call vote.

Section 4. Rules and regulations.

Any rule or regulation made by any administrative officer or board or commission shall be posted for 10 days in three public places following its approval by motion by the council.

Section 5. Codes of regulations.

The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The date or edition of the standard published code of regulations shall be included in the adopting ordinance. 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 15 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 adoption ordinance need be printed after adoption. The council may sell the adopted code to the public.

(Chapter 1.3, Section I.B.)

CITY OF ATKA, ALASKA  
RESOLUTION NO. \_\_\_\_\_

A RESOLUTION \_\_\_\_\_  
\_\_\_\_\_

WHEREAS, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREAS, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREAS, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BE IT RESOLVED, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PASSED AND APPROVED by the ATKA CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Member

ATTEST:

\_\_\_\_\_  
City Administrator

City Seal

CHAPTER 1.4  
CITY INFORMATION

Sections:

1. Name of City and form of government.
2. City limits.
3. City seal described.
4. Seal adoption declared.
5. Use of seal.

Section 1. Name of City and form of government.

- A. The City of Atka shall continue as a municipal corporation and political subdivision of the State as a second class city.
- B. The government of the City shall be that commonly known and designated as the council-mayor form of government.

Section 2. City limits.

The boundaries of the City as described below are the effective city limits as of ATKA:

*Described in Certificate of Incorporation*

Section 3. City seal described.

The description of the seal of the City shall be CITY OF ATKA: Incorporated September 1, 1988.

Section 4. Seal adoption declared.

The above described seal is hereby adopted and declared the official seal of the City.

Section 5. Use of seal.

The city seal shall be used as evidence of the official nature of city acts or documents. The city seal is to be kept and used by the administrator.

**TITLE 2. CITY ADMINISTRATION**

Chapters:

- 2.1 Mayor
- 2.2 City Council
- 2.3 City Council Meetings
- 2.4 City Council Procedures
- 2.5 City Administrator
- 2.6 Responsibility of Officers and Employees
- 2.7 Documents and Records
- 2.8 Personnel Policy Requirements
- 2.9 Employment of City Council Members

CHAPTER 2.1  
MAYOR

Sections:

1. Duties of mayor as executive.
2. Qualifications.
3. Compensation of mayor.
4. Oath of office.
5. Mayor's vote.
6. Term of office.
7. Vacancy.
8. Vice-mayor.
9. Mayor is ex-officio officer.

Section 1. Duties of mayor as executive.

- A. The mayor is the chief executive officer of the City. The mayor shall preside at council meetings, act as ceremonial head of the City, and sign documents on behalf of the City upon council authorization.
- B. The mayor is the chief administrative officer of the City. The mayor shall perform the administrative duties listed below:
1. Appoint city employees and administrative officers, unless otherwise provided in this Code or by AS 14.14.065; hire necessary administrative assistants, if so desired; and authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his or her department, if so desired;
  2. Suspend or remove by written order city employees and administrative officers, unless otherwise provided in this Code or by AS 14.14.065;
  3. Supervise enforcement of city law;
  4. Prepare the annual budget and capital improvements program for the council;
  5. Execute the budget and capital improvements program as adopted;
  6. Make monthly financial reports to the council on city finances and operations;
  7. Report to the council at the end of each fiscal year on the finances and administrative activities of the City;
  8. Prepare and make available for public distribution an annual report on city affairs;
  9. Serve as city personnel officer unless the council authorizes the mayor by motion to appoint a personnel officer;
  10. Execute other powers and duties specified in Title 29 or lawfully prescribed by the council.

Section 2. Qualifications.

- A. The mayor shall be a qualified city voter.
- B. If the mayor ceases to be eligible to be a city voter, he or she is not longer mayor or council member.
- C. The mayor shall have ~~been a resident of~~ physically resided within the City for 3 years immediately prior to the date of the election. (Rev. 2/28/1990)

Section 3. Compensation of Mayor.

Section 4. Oath of Office.

The mayor, as a council member, shall affirm in writing the oath of office required of other council members in Chapter 2.2, Section 5 of this Code.

Section 5. Mayor's vote.

The mayor is a council member and may vote on all matters. The mayor does not have the veto power.

Section 6. Term of office.

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

Section 7. Vacancy.

A vacancy in the office of mayor is filled by and from the council.

Section 8. Vice-mayor.

The council shall elect a vice-mayor from among its membership to serve in the temporary absence of the mayor.

Section 9. Mayor is ex-officio officer.

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

CHAPTER 2.2  
CITY COUNCILSections:

1. Composition of council.
2. Qualifications of council members.
3. Election of council members.
4. Terms of council members.
5. Oath of office.
6. Compensation of council members.
7. Salaries of elected officers.
8. Conflicts of interest.
9. Vacancies.
10. Filling a vacancy.

Section 1. Composition of council.

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

Section 2. Qualifications of council members.

- A. Council members shall be qualified city voters.
- B. A council member who ceases to be eligible to be a city voter immediately forfeits his or her office.
- C. In order to serve as a council member, a person ~~must be a resident of~~ shall have physically resided within the City for 3 years immediately prior to the date of the election. (Rev. 2/28/1990)

Section 3. Election of council members.

An election will be held annually on the first Tuesday in October to choose council members according to the schedule provided in Section 4 of this Chapter.

Section 4. Terms of council members.

Council members shall be elected as follows:

- Seat A – three years
- Seat B – three years
- Seat C – three years
- Seat D – three years
- Seat E – three years
- Seat F – three years
- Seat G – three years

Section 5. Oath of office.

- A. All council members before entering upon the duties of office shall affirm in writing the following oath and affirmation: "I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska and the ordinances of the City of Atka, Alaska,

and that I will honestly, faithfully, and impartially perform the duties of the office of to the best of my ability."

B. The oath is filed with the ~~clerk~~ administrator. (Rev. 2/28/1990)

Section 6. Compensation of council members.

Any compensation to city council members shall be determined through the adoption of an annual city budget appropriation ordinance. (Rev. 2/28/1990)

Section 7. Salaries of elected officers.

The council may change the compensation of council members at any time by ordinance, except that the salary of the mayor may not be reduced 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 considered to be compensation.

Section 8. Conflicts of Interest.

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

Section 9. Vacancies.

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

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

CHAPTER 2.3  
CITY COUNCIL MEETINGS

Sections:

1. Meetings public.
2. Regular council meetings.
3. Special meetings, including emergency meetings.
4. Notice.
5. Executive session.

Section 1. Meetings public.

- A. Meetings of the council shall be public. The only exception to the requirement of public council meetings is when an executive session is lawfully justified, as provided in Section 5 of this Chapter.
- B. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

Section 2. Regular council meetings.

- A. The council shall meet on the 1st Wednesday of the month.
- B. The usual place of council meetings shall be the Community Building. In the event of any condition which renders the meeting place unfit to conduct meetings of the council, the meeting may be moved to such other place as the council may choose, provided reasonable notice is given. The City Council may by majority vote set a date for a regular meeting which does not fall on the 1<sup>st</sup> Wednesday of the month. (Rev. 2/28/1990)

Section 3. Special meetings, including emergency 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 regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.
- B. Advance notice of at least 24 hours shall be given each council member before a special meeting is held. The notice shall specify the time, place, and business of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be given personally to each member of the council or left at his or her usual place of business or residence by the administrator or administrator's designee.
- C. In an emergency, a special meeting called on less than 24 hours notice is a legal meeting if all members are present or if there is a quorum and all absent members have waived (excused) in writing the required notice. A waiver may be made either before or after the meeting is held. Waivers shall be attached to and made a part of the minutes of the meeting.

Section 4. Notice.

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

Section 5. Executive session.

- A. Only the following subjects may be discussed in an executive session:
  - 1. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the City;
  - 2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.
- 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. Discussions of pending or threatened lawsuits in which the City has an interest.
- C. If any of the above subjects are to be discussed in executive session, the session must first be convened as a public meeting. During the public meeting, the council shall vote on a motion whether to hold an executive session. No subjects may be considered at the executive session except those mentioned in the adopted motion calling for the executive session and which concern subsections "A." and "B." above unless relating to the main question. No action may be taken at the executive session. Only after the executive session is over and the meeting is once again before the public may the council take action on what was discussed in the executive session.

CHAPTER 2.4  
CITY COUNCIL PROCEDURES

Sections:

1. Mayor presides at council meetings.
2. Order of business.
3. Minutes. Speaking - rules of conduct.
4. Second required for motions.
5. Disposition of motions.
6. Reducing motions to writing.
7. Changing vote on motion.
8. Additional procedures.
9. Voting requirements.

Section 1. Mayor presides at council meetings.

- A. The mayor shall preside at all meetings of the council. He or she shall preserve order among council members and is responsible for the efficient conduct of all meetings according to the rules of the council. The mayor may at any time make such other rules as are considered reasonable and proper to preserve order among the attending public during sessions of the council.
- B. The council shall select a vice-mayor from among the council who will preside in the mayor's absence or disability.
- C. In the temporary absence or disability of the mayor or vice-mayor, any member of the council may call the council to order at any properly called meeting to elect an acting mayor from among its members. The acting mayor shall exercise all the powers of mayor only during such temporary absence or disability of the mayor or vice-mayor.

Section 2. Order of business.

The order of business at every regular meeting of the council shall be as follows:

- I. Call to order;
- II. ~~Roll call;~~ Establish Quorum;
- III. ~~Minutes of previous meetings;~~ Approval of Minutes;
- IV. ~~Reports;~~ Identification of Persons Desiring to Address the Council;
- V. ~~Communications and public appearance requests;~~ Adoption of Agenda;
- VI. ~~Hearings, ordinances, and resolutions;~~ Reports;
- VII. ~~Old business;~~ Public Hearings;
- VIII. ~~New business;~~ Old Business;
- IX. ~~Public participation;~~ New Business;
- X. ~~Council comments;~~ Public Comments;
- XI. ~~Adjournment;~~ Council Comments;
- XII. Date of Next Meeting;
- XIII. Adjournment.

(Rev. 2/28/1990)

Section 3. Minutes.

Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the council meeting journal. The minutes are available to the public for inspection and copies may be sold at cost.

Section 4. Speaking - rules of conduct.

- A. Before speaking, a council member must first respectfully address the mayor or other presiding officer for permission to speak; a council member must then be recognized by the mayor or presiding officer before speaking. When two or more members request to speak at the same time, the mayor or other presiding officer shall determine which one is recognized.
- B. When speaking, a council member shall discuss only the subject under discussion. A council member shall not refer to any other council member except in a respectful manner.

Section 5. Second required for motions.

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

Section 6. Disposition of motions.

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

Section 7. Reducing motions to writing.

A motion must be made in writing if any council member demands.

Section 8. Changing vote on motion.

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

Section 9. Additional procedures.

Robert's Rules of Order Revised governs the conduct of council meetings to the extent this Chapter does not provide otherwise.

Section 10. Voting requirements.

- A. Four council members constitute a quorum. A quorum is necessary for the council to conduct any business.
- B. At least four affirmative or "Yes" votes are required for passage of an ordinance, resolution, or motion.
- C. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. Except when a conflict of interest requires that a person not vote, all council members present shall vote unless the council, for special reasons, permits a member to abstain. To allow a person to abstain, the council must decide the question without discussion and before the final vote is taken.
- D. The mayor or presiding officer shall declare all votes and the result.

CHAPTER 2.5  
CITY ADMINISTRATOR

Sections:

1. Appointment and term.
2. Duties of City Administrator.
3. Acting City Administrator.
4. Treasurer.

Section 1. Appointment and term.

- A. The City Administrator shall be appointed by the council.
- B. The City Administrator shall hold office at the pleasure of the council.

Section 2. Duties.

- A. The City Administrator shall:
  1. Give and post notice of the time and place of council meetings both to the council and to the public;
  2. Attend council meetings and keep the minutes in the journal;
  3. Arrange publication and posting of notices, ordinances, and resolutions;
  4. Maintain and make available for public inspection city ordinances, resolutions, rules, regulations, and codes;
  5. Attest deeds, ordinances, resolutions, and other documents;
  6. Record and certify actions of the council;
  7. Have the power to administer oaths;
  8. Be custodian of the city seal and the official records of the City;
  9. Be the city election registrar and be responsible for calling and supervising all city elections;
  10. Perform other duties specified by this Code, state law or the council.

Section 3. Acting city administrator.

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

Section 4. Treasurer.

- A. The city administrator is the city treasurer.
- B. As treasurer, the city administrator shall:
  1. Keep custody of all city funds;
  2. Keep an itemized account of money received and disbursed;
  3. Maintain care of all property used by the city;
  4. Assist the mayor to compile the annual budget of the City;
  5. Prepare and submit to the mayor such financial reports and other data as may be required;
  6. Prescribe and control such procedures as are necessary to protect city funds and property;

7. Be responsible for filing state and federal applications for shared revenue programs;
8. Perform such other duties as the mayor, council, or state law may lawfully require.

CHAPTER 2.6  
RESPONSIBILITY OF OFFICERS AND EMPLOYEES

Sections:

1. Conduct in office.
2. Oath of office.
3. Records open.

Section 1. Conduct in office.

The council or the mayor shall have power to inquire into the conduct of any office, department, officer, or employee of the City, make investigations into city 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 of the City.

Section 2. Oath of office.

Every officer of the City shall, before entering upon the duties of office, take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his or her office. This oath is provided in Chapter 2.2, Section 5 of this Code.

Section 3. Records open.

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 ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the safe-keeping of all public records under his or her responsibility. No public records, reports, correspondence, or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the administrator.

CHAPTER 2.7  
DOCUMENTS AND RECORDS

Sections:

1. Document approval.
2. Documents to file with the State.
3. Retention, disposal of public records.

Section 1. Document approval.

All legal documents requiring the assent of the City shall be:

1. Approved by the council;
2. Signed by the mayor on behalf of the City;
3. Attested by the administrator.

Section 2. Documents to file with the State.

The City shall file the following documents with the Department of Community and Regional Affairs:

1. Maps and descriptions of all annexed or excluded territory;
2. A copy of an audit or statement of annual income and expenditures;
3. Tax assessment and tax levy figures as requested;
4. Reports relating to long-term debt as provided in AS 44.19.205;
5. A copy of the current annual city budget;
6. A summary of the optional property tax exemptions authorized in the City, together with the city's estimate of the revenues lost to it by operation of each of the exemptions.

Section 3. Retention, disposal of public records.

The mayor shall approve a records retention and disposal schedule which indicates how long city records, documents, correspondence, and other papers shall be kept before disposal.

CHAPTER 2.8  
PERSONNEL POLICY REQUIREMENTS

Sections:

1. Merit system.
2. Promotion.
3. No discrimination.
4. City residents.
5. Nepotism.

Section 1. Merit system.

Hiring and promotion of city employees shall be made on the basis of merit and ability.

Section 2. Promotion.

When well-qualified individuals are available, appointments to fill vacancies shall be by promotion from among the city staff.

Section 3. No discrimination.

There shall be no discrimination in the employment procedure, including appointment, promotion, demotion, suspension or removal on the basis of race, political affiliation, national origin, religion, sex, or other non-merit reasons.

Section 4. City residents.

Other qualifications being equal, preference in hiring or promotion may be given to residents of the city area.

Section 5. Nepotism.

- A. No person may be employed in a position supervised by a family member. If an employee and his supervisor should marry, they shall determine who will continue with the department and who will terminate or transfer. "Family member" means spouse, lather, mother, brother, sister, or child.
- B. The council, by resolution, may provide for exceptions on a case-by-case basis.

CHAPTER 2.9  
EMPLOYMENT OF CITY COUNCIL MEMBERS

Section 1.

This is a code ordinance.

Section 2.

City council members may be employed by the City of Atka by only as provided in ordinance.

Section 3.

Applications for city employment shall be reviewed and employees hired by the city council solely on the basis of merit. A city council member shall be hired for city employment only if the qualifications of the city council member are better than the qualifications of all other applicants.

Section 4.

When a city council member applies for city employment, all applications for the position shall be reviewed by the city council at a regular or special city council meeting.

Section 5.

The city council meeting authorized under Section 4 above shall be open to comment from the public.

Section 6.

If and when a city council member is hired to work for the city, the city council shall post in the city offices a list of all applicants for the position, together with the reasons why the city council member was hired over other applicants.

Section 7.

- A. Elected officials may be hired by the city for temporary employment. Elected officials will be considered on the basis of merit with all other job applicants.
- B. Temporary employment means employment which is not part of the classified service or a confidential or managerial position; which does not accrue annual leave, sick leave, or any other benefits city service may provide; and which is for a period of ~~six~~ five months or less. (Rev. 2/28/1990)

**TITLE 3. FINANCE AND BUDGET**

Chapters:

- 3.1 Fiscal Policies
- 3.2 Budget Form and Scope
- 3.3 Budget Procedures
- 3.4 Purchasing
- 3.5 Sales and Use Tax (Raw Fish Sales)
- 3.6 Accommodations Tax

CHAPTER 3.1  
FISCAL POLICIES

Sections:

1. Budget and capital improvements program.
2. City obligations.
3. Fiscal year.
4. Statement of annual income and expenditures; audit.
5. Check writing policy.

Section 1. Budget and capital improvements program.

- A. The Mayor, with the assistance of the administrator shall prepare the budget and capital improvements program of the City for the council. The budget and capital improvements program shall be submitted as an ordinance.
- B. After public hearing, the council may approve the budget and capital improvements program 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 incurred unless an appropriation has been made by ordinance. The council may authorize contracts for capital improvements to be financed wholly or partly by the issuance of bonds.

Section 3. Fiscal year.

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

Section 4. Statement of annual income and expenditures, audit.

- A. The mayor is responsible for preparing a statement of annual income and expenditures and delivering the statement to the council before October 1 of each year.
- B. The council may require that an audit be conducted in place of or in addition to the statement of annual income and expenditures. The audit shall be completed and transmitted to the council on or before June 30 of the year following the year for which the audit has been prepared, unless the council by resolution specifies another date.

Section 5. Check writing policy.

All checks written on city funds shall be prepared by the administrator and signed by two council members. If the administrator is not available, any council member may prepare a check for the signature of any two other council members. The administrator shall be notified of any check so prepared.

CHAPTER 3.2  
BUDGET FORM AND SCOPE

Sections:

1. Scope of budget.
2. Anticipated revenues.
3. Proposed expenditures.

Section 1. Scope of budget.

- A. The budget shall be a complete financial plan for all of the operations of the City, showing anticipated revenues, proposed expenditures, and reserves.
- B. The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year.
- C. Proposed expenditures shall not exceed anticipated revenues and reserves.

Section 2. Anticipated revenues.

Anticipated revenues shall be composed of all sources of income to the City, and itemized as to individual source.

Section 3. Proposed expenditures.

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

1. Interest, amortization of principal, and redemption charges on the public debt for which the faith and credit of the City is pledged;
2. Administration, operation, and maintenance of each office, department, or agency of the City;
3. The council's budgetary reserve;
4. Expenditures proposed for capital improvements;
5. Others as required by acceptable accounting procedures and which will fairly and adequately inform the public as to the contents of the budget.

CHAPTER 3.3  
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.

Section 1. Budget public record.

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

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 places in the City at least two weeks prior to the hearing. The council shall include in the notice a summary of the budget and capital improvements program and a statement setting out the time and place for a public hearing.

Section 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 time all interested persons shall be given an opportunity to be heard.

Section 4. Further consideration of budget.

After the conclusion of the public hearing on the budget, the council may insert new items or may increase or decrease the items or the budget, except items in proposed expenditures fixed by law. The council shall then appropriate the funds required after the budget is approved.

Section 5. Adoption of budget - vote required.

The budget shall be adopted by majority vote of the council by June 30.

Section 6. Effective date of budget certification.

The adopted budget shall be in effect for the fiscal year. A copy of the adopted budget shall be certified by the Mayor, attested to by the administrator, and filed with the administrator. The certified budget shall be available to the public.

CHAPTER 3.4  
PURCHASING

Sections:

1. Purchasing agent.
2. Scope of authority.

Section 1. Purchasing agent.

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

- A. The Mayor is the purchasing agent for the City. However, the Mayor may designate the administrator or other city employee to be the city purchasing agent, subject to council approval by resolution.

Section 2. Scope of authority.

- A. 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 Mayor and approved by the council.
- B. The purchasing agent shall recommend joint purchases with other units of government when the best interests of the City would be served.

CHAPTER 3.5  
SALES AND USE TAX

Sections:

1. Tax levied.
2. Obligation to pay tax.
3. Custody, report, and remittance.
4. Exemptions.
5. Definitions.
6. Rulings and regulations.
7. Registration of buyers - certification of registration.
8. Seller not to assume tax.
9. Tax schedule.
10. Protest of tax.
11. Refunds for overpayment of taxes.
12. Confidential material.
13. Duty to keep records.
14. Omissions and civil penalties.
15. Lien.
16. Accelerated returns.
17. Extensions.
18. Criminal penalties.
19. Effective date.

Section 1. Tax levied.

There is levied a sales tax of ~~one~~ two percent (2%) on the sales of all raw seafood products delivered by means of a tender to a processor of raw seafood products for processing in the City. (Rev. )

Section 2. Obligation to pay tax.

The obligation for paying the tax is upon the seller except if the buyer, if it elects, assumes responsibility for paying the tax. The buyer of raw seafood products shall assume responsibility for collecting the tax from the seller on behalf of the city. Collection is enforceable by the buyer, as a certified tax collector of the City; provided, however, that this shall not limit the liability of the person liable for the tax.

Section 3. Custody, reporting, and remittance.

- A. All raw seafood products sales taxes collected are City monies, and the buyer is at all times accountable to the City for such monies.
- B. Taxes due the City collected by a raw seafood products buyer hereunder shall be paid at the expiration of each quarter of each calendar year. Every buyer liable for the collection of the tax shall file with the City upon forms furnished by it a return setting forth:
  1. Gross sales;

2. The non-taxable portion separately stating the amount of sales revenue attributable to each class of exemption;
  3. Taxes collected;
  4. Such other information as may be required by regulations.  
The completed return, together with remittance in and for the amount of the tax due, must be transmitted to the City on or before the last day of the month succeeding the end of each quarter.
- C. If a return is filed with the taxes remitted within the time allowed, the buyer collecting the tax may retain one percent of the amount collected to cover its cost of administration of the tax.
- D. Any person who filed or should have filed a raw seafood products sales tax return for the prior quarter shall file a return, even though no tax may be due. This return shall show why no tax is due and, if the business is sold, the name of the person to whom it was sold.
- E. If any buyer collecting sales taxes sells, leases or otherwise disposes of his business, he shall make a final sales tax return within 15 days after the date of the sale; and the purchaser or successor assigned shall withhold a sufficient portion of the purchase money to safely cover the amount of such sales tax, penalties and interest as may be due and unpaid to the City until such time as the former owner has produced a receipt from the City showing that all tax obligations imposed by this chapter have been paid; and further provided, if any purchaser of a business fails to withhold from the purchase money, as herein provided for, he shall be personally liable for the payment of the taxes, penalties and interest accruing and unpaid to the City on account of the operation of the business by any former owner, owners or assigns.

#### Section 4. Exemptions

The following shall be exempt from the raw seafood products sales tax imposed by the City:

- A. Casual and isolated sales not made in the regular course of business.
- B. Gross receipts or gross proceeds derived from sales to the United States Government, State of Alaska, City of Atka, or Atka Fishermen's Association.

#### Section 5. Definitions

- A. "Sale" shall include: Every sale of raw seafood products including an event that occurs when a person within the City becomes directly or indirectly obligated for the payment for raw seafood products occurred inside or outside the City if the raw seafood products are purchased for delivery or are delivered to a location inside the City. The place of the sale is the business location of the buyer inside the City. A sale in the City occurs if the raw seafood products are purchased by a buyer and delivered to the buyer inside the City even if transported outside the City prior to processing.

- B. "Sales price" means consideration paid by the buyer in terms of money and, in the case of a sale involving an exchange of property, the fair market value of the property exchanged, including delivery or installation costs, taxes, or any other expenses whatsoever, measured by the gross sales of the seller. The sales price also includes any indirect considerations such as fuel or supplies furnished by the processor or offsets to the cash value for gear furnished.
- C. "Buyer" includes persons who are purchasers of raw seafood products.
- D. "Seller" includes persons who are vendors of raw seafood products.
- E. "Raw seafood products" or "raw fish products" consists all raw seafood products including, but not limited to, crab, clams, shrimp, and other shellfish, salmon, herring, bottomfish, and salmon roe.
- F. "City" means City of Atka.
- G. "Person" includes individuals and every person recognized in law and every group of persons who act as a unit.
- H. "Mayor" means the Mayor of the City of Atka, Alaska or his designee.

Section 6. Rulings and regulations.

- A. The Mayor or his designee may take any action necessary or appropriate to the implementation of this chapter by promulgating regulations, which may include the adoption of forms. Such regulations or any procedures adopted by the Mayor are effective at the time indicated by him/her, but are subject to revision or repeal by the City Council at the next meeting following their effective date or at any time that the Council acts thereon.
- B. Should the buyer, obliged to collect the tax, be in doubt as to the application of this chapter to an actual situation facing him or about to face him, he may apply to the Mayor for an informal ruling on this issue. Rulings having general applications may, at the direction of the Mayor or his designee, be promulgated as regulations.

Section 7. Registration of buyers as tax collectors - certification of registration.

- A. All buyers of raw seafood products shall file with the City an application for a certificate of registration, on a form prescribed by the City, not more than ten (10) days after the effective date of this chapter, the date of commencing business, or the opening of an additional place of business.
- B. Upon the receipt of a properly executed application, the City will issue without charge to the buyer, a certificate of registration, stating the address of the place of business to which it is applicable and authorizing the buyer to collect the tax. The certificate must be prominently displayed at the place of business named therein.

- C. The certificate of registration is non-assignable and non-transferable and must be surrendered to the City by the buyer to whom it was issued upon his ceasing to do business in the location named therein. If the business is continued at the same location but there is a change in its form of organization such as from a single proprietorship to a partnership or corporation, the admission or withdrawal of a partner or any other change, the buyer making such change shall surrender his old certificate to the City for cancellation. The successor buyer is required to file a new application or a certificate of registration. Upon receipt of such application, properly executed, a new certificate will be issued to such successor buyer.
- D. When there is a change of location for the buyer's place of business, a new certificate of registration is required showing a new address.
- E. Before issued a certificate of registration, the City may require the applicant to post a bond, furnish a statement of net worth, or further additional security to insure the full and prompt payment of taxes to be collected under such certificate when it is in the best interest of the City to do so.
- F. A buyer who obtains or should obtain a certificate of registration in accordance with this chapter hereby consents to the inspection of his Alaska Fisheries Business Tax returns in order to facilitate the accomplishment of the provisions and objectives of this chapter.

Section 8. Seller not to assume tax.

A seller shall not advertise or hold out or state to the public or to any buyer, directly or indirect, that the tax or any part thereof imposed by this chapter will be assumed or absorbed by the seller or that it will not be added to the sales price or that it will be refunded or assumed, in whole or in part, except that a seafood processor may if it sees fits elect to absorb such tax, in which case it may so advise the seller. The buyer, shall, whenever feasible, separately state the tax to the buyer or a seller on each taxable transaction. When not feasible to state separately, the seller or buyer shall prominently display a sign provided by the City indicating the imposition of the tax. Nothing in this section shall prevent the buyer of raw seafood products from assuming the tax; however, if the buyer of raw seafood products assumes the tax, the buyer shall separately state the tax assumed on each taxable transaction.

Section 9. Tax schedule.

The tax address to the sales price shall be in accordance with the following schedule:

At 4 2%

Price	Tax
\$.01-\$.50	<u>\$.00 01</u>
\$.51-\$1	<u>\$.04 02</u>

The sale of seafood or fish by a commercial fishermen or other person to a fish processor or buyer shall be considered as a sale of the entire quantity of fish or seafood delivered at the transaction.

Section 10. Protest of tax.

- A. A buyer of raw seafood products shall determine in the first instance whether the sale is exempt under this chapter. In the event a determination of exemption is made without the presentation of a certificate of exemption as provided for in Section 3.5.12, a statement setting forth the nature of the transaction and the reason for exemption must be filed with the City. It shall not be necessary for the tax to be collected if the statement is filed. However, if the buyer of raw seafood products incorrectly determines that a sale is exempt, then the person responsible for the collection of this tax is liable to the City for the tax, just as if he had collected it.
- B. In the event that the buyer of raw seafood products, determines that a transaction is not exempt, but the seller of raw seafood products believes the transaction to be exempt, then the person collecting the tax will furnish to the buyer a form of certificate of protest supplied by the City which shall be completed by the person protesting the tax and delivered to the person collecting the tax with payment of the disputed tax. The certificate shall show the respective names and address of the seller and the buyer, the nature of the claim for exemption and such other information as may be prescribed by the City. In the event that certificate of protest forms are not available, then a statement setting forth the names and addresses of the seller and the buyer and the nature of the claim for exemption shall be sufficient if filed with payment of the disputed tax.
- C. The buyer of raw seafood products shall remit to the City all certificates of protest delivered to him as promptly as possible, but in any event no later than thirty (30) days after delivery of a certificate to him, together with any additional information which the seller or buyer believes to be pertinent to the determination of the issue.
- D. The City will rule in each protest and send to raw seafood products seller and buyer a notice that his claim has been allowed or disallowed within 30 days of receipt of the certificate by the City. If the claim has been allowed, a refund will be remitted with the notice. In no event will a refund be remitted for a claim of exemption unless a certificate of protest has been filed with the payment of the tax. Refunds shall only be made to the person paying the tax and the City shall not pay interest on refunds.
- E. In the event that the claim is disallowed, the seller or the buyer may, within 30 days request that the claim be reviewed by the City and any reconsideration shall be made in writing and shall be final subject to judicial review where applicable.

Section 11. Refunds for overpayment of taxes.

If, in payment of taxes legally impose a remittance by a taxpayer through error or otherwise exceeds the amount due, and the City, on audit of the account in question, is satisfied that this is the case, the City shall refund the excess to the taxpayer. The City shall not pay interest on any refunds made under this section. A claim for refund under this section must be made within one year after the due date of the tax or be forever barred. In the case of a buyer of raw seafood products who has assumed the tax, the City shall not refund the overpayment but shall apply the overpayment to credit on account, unless the payment was the final remittance of the buyer. In no event shall a refund to be made to the person collecting the tax unless the person provides a method for paying the refund to the taxpayer. In the event the taxpayer's claim for an overpayment refund is denied, the taxpayer may appeal the decision in the manner set for in Section 3.5.10.

Section 12. Confidential material.

- A. Returns filed with the City for the purpose of complying with the terms of this chapter and all data obtained from such returns are confidential, and such returns and data obtained there from shall be kept from inspection by all private persons except as necessary to investigate and prosecute violations of this chapter.
- B. Nothing contained in this section shall be constructed to prohibit the delivery to a person, or his duly authorized representative, a copy of any return or report filed by him, nor to prohibit the furnishing of information on a reciprocal basis or otherwise to other agencies of the State or the United States concerned with the enforcement of any tax laws.

Section 13. Duty to keep records.

- A. Every buyer of raw fish products engaged in activity subject to this chapter shall keep and preserve suitable records of all purchases made by him and such other books of account as may be necessary to determine the amount of tax which he is obliged to collect. Every buyer of raw seafood products shall preserve suitable records of sales for a period of three (3) years from the date of the return reporting such sales, and shall preserve for a period of three (3) years all invoices of goods, and merchandise purchased for resale, and all such other books invoices, and records as may be necessary to accurately determine the amount of taxes which the buyer was obliged to pay under this chapter.
- B. For the purpose of ascertaining the correctness of a return, or for the purpose of determining the amount of tax collected or which should have been paid by the buyer of raw fish products, the City may hold investigations and hearings concerning any matters covered by this chapter and may examine and relevant books, papers, records, or memoranda of and seller or buyer, or any officer or employee of a seller or buyer at the hearing.

Section 14. Omissions and civil penalties.

- A. Failure to obtain certificate: A buyer of raw fish products who is obliged to obtain a certificate of registration but fails to do so after written notice within the time prescribed herein is subject to civil penalty of five times the amount of any tax due. A buyer, who after notice, continues to conduct business without obtaining a certificate is subject to a penalty of ten times the amount of any tax due.
- B. Failure to file a return: A buyer of raw seafood products who fails to file a return as required by this chapter or who fails to remit taxes collected by him, or which should have been collection by him, is subject to a penalty of five percent of the taxes collected, or which should have been collected, per month to a maximum of the higher of 25% or \$300.00. The filing of an incomplete return is equivalent to filing no return.
- C. Falsification: Falsification or knowing misrepresentation of any record required hereunder is a misdemeanor and subjects the person making such falsification or misrepresentation to a penalty of 100 times any tax due or lost because of such falsification or misrepresentation to a maximum of \$1,000.00.
- D. Inspection: The failure of a buyer of raw seafood products to allow the inspection at reasonable times of records required by this chapter to be kept subjects the buyer to a penalty of three (3) times any deficiency found or estimated to have occurred by the City in the tax accounting of the buyer of raw fish products.
- E. Estimation: In the event that the City is unable to ascertain the tax due to be remitted by the buyer by reason of the failure of the buyer to keep accurate records, allow inspection, failure to file a return, or falsification of records, the City may make an estimate of the tax due based on any information available to it. Notice of the estimate of taxes due shall be furnished the buyer and shall become final for the purposes of determining liability of the buyer to the City in thirty (30) days unless the buyer earlier files an accurate return, supported by satisfactory records, indicating a lesser liability.
- F. Loss of records: A buyer of raw fish products shall immediately notify the City of any fire, theft, or other casualty which would prevent complying with this chapter. Such casualty constitutes a defense to any penalty provided in this chapter, but does not excuse the seller from liability for taxes due. Accidental loss of funds or records is not a defense hereunder.
- G. Maintenance of suits: Nothing in this section shall prevent the City from filing a maintaining an action to collect any taxes collected or which should have been collected in addition to any penalty assessed.
- H. Severability clause: If any provision or provisions in this ordinance are declared invalid including, but not limited to, any provisions imposing a tax on a particular transaction or transactions, or exempting a particular transaction or transactions from a tax, the remainder of the ordinance shall continue in effect.

Section 15. Lien.

The tax, penalty, and interest imposed by this chapter shall constitute a lien in favor of the City upon all the buyer of raw seafood products assets within the City. The lien arises upon delinquency and continues until the liability for the amount is satisfied or the property is sold at foreclosure sale. The lien is not valid as against a mortgage, pledge, purchaser of judgment creditor until notice of the lien is filed in the ordinance of the recording for the district in which the property is located in the manner provided for Federal Tax liens in AS 43.10.090 - 43.10.050 apply to the tax liens arising under this ordinance. These sections of law are herewith adopted by reference the same as if set forth in full herein.

Section 16. Accelerated returns.

A buyer of raw seafood products which fails to file a tax return or who has been late in filing for two or more quarters may be required by the City, after a hearing, to file the returns and remit taxes on a monthly basis.

Section 17. Extensions.

For good cause shown, the City may grant extensions on any time limitation described in this chapter. Any application for an extension must be filed before the date specified as the original time limitation.

Section 18. Criminal penalties.

- A. Each of the following acts, when intentional, constitute a misdemeanor and is punishable by imprisonment of up to thirty (30) days and a fine of up to \$500.00, in addition to any civil penalties assessed:
1. Failure to obtain a certificate of registration.
  2. Failure to file a return or failure to remit taxes due.
  3. Falsification or misrepresentation of any record filed with the City hereunder or required to be kept hereby, if used to mislead City tax authorities.
  4. Each act hereunder constitutes a separate offense and each day constitutes a separate offense for continuing crimes or omissions or concealment.

Section 19. Effective date.

This ordinance shall become effective sixty (60) days following acceptance of resident voters of the City of Atka. If the majority of voters do not accept the levy of a raw fish tax then this ordinance shall be considered to be failed.

Date Introduced:	August 29, 1990
Date of Public Hearing:	September 12, 1990
General Election:	October 2, 1990

**ORDINANCE 99-145**

AN ORDINANCE OF THE ATKA CITY COUNCIL AMENDING CHAPTER 3.5, AND SECTIONS OF TITLE III OF THE CODE OF ORDINANCES OF THE CITY OF ATKA.

Section 1 – Purpose

The intent of this ordinance is to amend the City Code of Ordinance Title III, Chapter 3.5 to change the amount of raw fish sales tax levied from one percent (1 %) to two percent (2%).

Section 2 – Classification

The provisions of this ordinance shall be integrated into the City Code of Ordinances and are of a general and permanent nature.

Section 3 – Prior Ordinance Superseded

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

Section 4 – Severability

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

Section 5 – Chapters and Sections Amended

*Chapter 3.5, Section 1, Tax Levied:* There is levied a sales tax of ~~one percent (1%)~~ **two percent (2%)** on the sales of all raw seafood products delivered by means of a tender to a processor of raw seafood products for processing in the City.

*Chapter 3.5, Section 9, Tax Schedule:* The tax address to the sales price shall be in accordance with the following schedule:

At ~~1%~~2%

Price	Tax
\$ .01-\$ .50	<del>\$.00</del> <b><u>\$.01</u></b>
\$.51-\$1.00	<del>\$.04</del> <b><u>\$.02</u></b>

The sale of seafood or fish by a commercial fisherman or other person to a fish processor or buyer shall be considered as a sale of the entire quantity of fish or seafood delivered at the transaction.

Section 6 — Effective Date

This ordinance shall become effective sixty (60) days following acceptance by resident voters of the City of Atka. If the majority of voters do not accept the increase in raw fish sales taxes, this ordinance shall be considered to be failed.

Date Introduced: May 26, 1999

Date of Public Hearing: June 9, 1999

Date of General Election: October 5, 1999

CHAPTER 3.6  
ACCOMMODATIONS TAX

Sections:

1. Definitions
2. Payment and collection of tax exemptions.
3. Operator's certificate of registration.
4. Receipts segregation.
5. Returns; payments; penalties.
6. Involuntary filing, appeal.
7. Records, confidentiality.
8. Records, maintenance and inspection.
9. Prohibited acts.
10. Penalties for violations.
11. Regulations.
12. Effective date.

Section 1. Definitions.

- I. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
  13. Administrator means the Atka City Administrator or the Administrator's designee.
  14. Guest means a person who rents a room for a term of Less than 30 consecutive days. A person who rents a room for a term of 30 consecutive days or more, is not a guest.
  15. Room means a structure or part of a structure rented, or offered for rent, for a term of less than 30 consecutive days for dwelling, lodging or sleeping purposes.
  16. Operator means a person who offer; rooms for rent and to whom rent for a room is payable, either directly or through an agent or employee.
  5. Quarter means any one of the four consecutive three-month periods in a calendar year, the first of which commences January 1.
  6. Rent means: (a) to rent a room or other accommodation means to obtain the right to use or occupy the room OT other accommodation, and (b) a monetary consideration paid to rent an accommodation.

Section 2. Payment and collection of tax exemption.

City levies a tax on all accommodations rent payable to an operator in the amount of ten percent (10%) of the accommodations room rent. The guest shall pay the tax to the operator at the time the rent is paid. The operator shall collect the tax when the operator collects the rent. The operator shall state the tax as a separate item on the guest's bill.

Section 3. Operator's certificate of registration.

- A. No person may engage in business to an operator without obtaining a certificate of registration under this section. An operator shall display its certificate of registration prominently at its registered place of business.
- B. Application for a certificate of registration shall be made to the City Administrator. If an operator engages in business as an operator at more than one location, the operator shall obtain a certificate of registration for each location. There shall be no charge for issuing a certificate of registration.
- C. A certificate of registration shall bear the name of the operator; the address of the registered place of business; and the operators form of business.

Section 4. Receipts segregation.

Title to the rental taxes collected pursuant to this chapter shall vest in the City upon collection. The taxes shall be segregated by the operator from the funds of the operator or the business entity subject to the tax and safeguarded until transmitted to the City. A separate account shall be maintained for all taxes collected.

Section 5. Returns; payments; penalties.

- A. On or before thirty days (30) after the end of each quarter, each operator shall prepare and submit to the City Administrator a return for the preceding quarter upon forms furnished by the City. The operator shall sign the return and transmit it together with the taxes collected to the City on or before the due date. A return shall be filed even if none of the reported rents were taxable. The return shall set forth the amount received for:
  - 1. Rents collected for transient accommodations within the City;
  - 2. The amount of non-taxable rents collected;
  - 3. The amount of taxable rents collected;
  - 4. The taxes collected.
- B. Taxes collected by an operator, as provided by this chapter, shall be due thirty days (30) after the end of each quarter. If taxes collected by an operator have not been received by the City Administrator on or before the due date, the operator shall incur a penalty equal to eight percent (8%) of the taxes which are due and shall be charged interest at the rate of eight percent (8%) per annum (or each day the tax is delinquent).

Section 6. Involuntary filing, appeal

- A. Involuntary Return: When an operator fails to file a return under Section 5, or when the City Administrator finds that a return filed by an operator is not supported by records maintained pursuant to Section 8 the City Administrator may prepare and file a return on behalf of the operator.

Taxes estimated on a return filed on behalf of an operator under this subsection may be premised upon any information that is available to the City Administrator including, among other things, comparative data for similar businesses.

An operator for whom an involuntary return is filed under this subsection shall be liable for the taxes stated on the return, as well as the penalties and interest provided in subsection (B), and pursuant to Section 10.

- B. Assessment Notice: The City Administrator shall provide each operator by certified mail, return receipt requested or personal service, a notice of assessment which includes the total amount of tax, penalties, and interest due, The notice shall inform the operator that the operator has (10) ten calendar days from the date of the notice to contest the amount of the assessment and request a hearing in writing.
- C. Hearing: If the hearing provided for by Section 5 is requested by the operator, the City Administrator shall notify the operator at least (15) fifteen calendar days in advance, by certified mail, return receipt requested, of the date, time and place of the hearing. The operator shall make available for inspection and copying at the hearing all of the operator's books and records, which the operator relies on in contesting the assessment and the same shall become part of the record.
- The City Administrator shall disclose to the operator all the documents or other evidence which the City Administrator relied upon in making the tax assessment and the same shall become part of the record.
- Hearings for more than one accommodation or filing period may be consolidated for the same operation.
- D. Determination: Within (10) ten calendar days of the hearing the City Administrator shall issue a written decision with findings of fact, setting forth the total taxable revenue for the period in question, the total amount of tax liability, penalty, and interest. The Notice of City Administrator's final decision shall also advise the operator of the operator's right to appeal the decision to the superior court within (30) thirty calendar days.
- E. Appeal: An appeal may be filed pursuant to Part 6 of the Alaska Rules of Appellate Procedure. If the amount of the tax, interest, and penalty is upheld by the court on appeal, the court shall issue a judgment for the amount, plus court and attorney fees.

#### Section 7. Records, confidentiality.

- A. All returns filed with the City pursuant to this chapter and all financial data obtained from the returns are confidential and may not be released for inspection by any person except the City Administrator, external auditor or the Council; provided, however, that the data may be released upon court order.
- B. Except as provided in this section, no person may divulge to another, any information obtained from a return filed with the City or from data obtained from a return unless the person authorized to review the return under the terms of this chapter.
- C. It is the duty of the City Administrator to safely keep returns and all financial data taken from the returns secure and from public and private inspection, except as provided by this chapter.

#### Section 8. Records, maintenance and inspection.

- A. An operator shall maintain the following records for the previous calendar year:

1. All guest registers and accounting records reflecting the renting of accommodations.
- B. During normal business hours, the City Administrator may, upon presentation of proper identification, inspect the records which an operator is required to maintain under subsection (A).

Section 9. Prohibited acts.

- A. A person may not fail or refuse to pay the tax imposed by this chapter when it is due and payable to an operator authorized to collect the tax.
- B. An operator may not advertise or state to the public or to any guest, or render directly or indirectly that the tax or any part of it, shall be assumed or absorbed by the operator, or that the tax shall not be added to the rental or that it shall be refunded. An operator may not absorb or fail to add the tax or any part of it, or refund any tax or fail to state the tax separately to the guest.

Section 10. Penalties for violations.

An operator who fails to file a tax return as required by this chapter shall incur a civil penalty equal to ten percent (10%) of the taxes due to the municipality for each quarter for which a return was not filed as required by this chapter. An operator who willfully fails to collect the tax levied by this chapter shall incur a civil penalty of double the tax which should have been collected. A person who violates any of the provisions of this chapter is guilty of a misdemeanor. Civil and criminal penalties shall be considered cumulative remedies and shall not relieve an operator or guest of the duties imposed under this chapter.

Section 11. Regulations.

The City Administrator may adopt regulations providing for the application and interpretation of this chapter and providing methods and forms for reporting and collecting taxes imposed by this chapter.

Section 12. Effective date.

This ordinance shall become effective sixty (60) days following acceptance of resident voters of the City of Atka. If the majority of voters do not accept the levy of a transient accommodations tax, this ordinance shall be considered to be failed.

Date Introduced: June 4, 1997

Date of Public Hearing: June 25, 1,997

Date of General Election: October 7, 1997

**TITLE 4. CITY PROPERTY**

Chapters:

- 4.1 Acquisition, management, and disposal of municipal land.

CHAPTER 4.1  
ACQUISITION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL 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. Acquisition of land.

- A. The city may acquire, own, and hold real property or any interest in real property inside or outside the city boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of taking under the city's power of eminent domain, or any other legal method. Unless otherwise directed by the City Council, the Mayor has authority to negotiate the terms of acquisitions, subject to council approval. Except as provided in sub-sections B and C of this section, and unless otherwise provided by law, all acquisitions shall be by resolution approved by a majority vote of the total membership of the City Council. Real property shall be held in the name of "City of Atka".
- B. Upon passage of a resolution approved by a majority vote of the total membership of the City Council, the Mayor may act upon behalf of the city to execute those documents required in the acquisition of real property or interest in real property when that property to be acquired is conveyed from the Native Village Corporation in partial satisfaction of the requirements of Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA). When the conveyance is for full and complete satisfaction of the requirements of ANCSA Section 14(c)(3), a non-code ordinance shall be passed which shall include a statement identifying the amount of land to be acquired, a legal description, a statement that the conveyance, in conjunction with any previous partial reconveyance, is in complete satisfaction of the ANCSA 14(c)(3) obligation; a finding that the lands are sufficient for existing and foreseeable community needs and a statement of facts supporting that finding.
- C. The city may exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the city in accordance with AS

09.55.240 – 09.55.460. The exercise of the power of eminent domain declaration of taking shall be by ordinance which submitted to the qualified voters at the next 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 contract of sale, deed of trust, or lease.
- E. Prior to approval of the purchase of property under sub-section D of this section, the Mayor shall furnish the City Council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition. The validity of any acquisition or purchase of real property by the city is not affected by the failure to furnish the City Council with such materials.

Section 3. Economic development sites.

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

Section 4. Temporary use of city lands.

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

Public comment shall be sought before the issuing of a special land use permit in those situations where, in the opinion of the Mayor, a hazardous or obnoxious use might significantly affect the surrounding area. Notice of the proposed actions shall be published and a period for public comment shall be provided. When significant 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 or renewable. Upon expiration, a special land use permit may be re-issued for a term not exceeding one-year.

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

Section 5. Casual use of city land.

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

Section 6. Disposal of real property.

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

lottery shall be 25 days longer than required for other non-code ordinances. The ordinance shall include:

1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such 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 purpose of disposal;
  5. The method of disposal as identified in Section 7.
  6. The value of the property or the value of the interest in property as determined under sub-section 13 of this section;
  7. The procedure for conducting the disposal and the time, place, and manner in which the proposed disposal shall occur.
- B. The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor, or the council may determine the fair market value by any other means it deems appropriate.

Section 7. Methods of disposal.

- A. All disposals shall be conducted in a fair and impartial manner. Procedures for conducting all disposals shall be set out in the non-code ordinance authorizing each disposal.
- B. Competitive disposal: The city may conduct the following type 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 auctions shall be the fair market value of the property or interest in property as determined under Section 6 B.
  3. Lottery: In case of a lottery, the price of the property or interest in property may be established by the City Council.
- C. Disposal for public services: The City Council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a non-profit corporation or association, or a Native Tribal council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than fair market value of the real property or interest in real property. If a disposal is made under the sub-section, the non-code ordinance authorizing the disposal must include an addition to the requirements in Section 6:
1. A finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based;
  2. A requirement that the conveyance of the property or property interest disposed include a condition that the title will revert to the municipality in the event the property is no longer used for the necessary public service justifying the disposal; and

3. In the event that the entity receiving the property or interest in real property is a Native Tribal council, a requirement that the Native Tribal council waive any immunity from suit for the purpose of enforcement the reversion provision.
- D. Disposal for economic development: The City Council may dispose of real property or an interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the fair market value of that real property of 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 of Section 7:
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: The City Council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.
- F. Disposal to settle claims of equitable interest: Upon a finding by the City Council that it is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a person who has a valid claim of equitable interest in the property in the property or in a substantial improvement located upon the property. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance.
- G. Disposal for residential purposes: Upon a finding by the City Council that there is a 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 property or an interest in real property for less than fair market value to a domiciled city resident who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this subsection, the deed or lease must contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of ten years after the disposal, title will revert to the city. In addition, disposals under this subsection shall include a requirement for the construction of a habitable dwelling within 3 years after the disposal or title will revert to the city.

#### Section 8. Leases.

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

#### Section 9. Easements.

The disposal of interest in real property by grant or easement shall follow the requirements of sections 7 and 8. The terms and conditions of easements shall be

established by the City Council for each such disposal.

Section 10. Notice of disposal.

- A. A notice of disposal shall be posted in three conspicuous public places within the city and not less than 30 days before:
1. The date of the bid opening; or
  2. The date of the lottery; or
  3. The date of the auction; or
  4. The date of the disposal.
- B. The notice shall include:
1. A legal description of the property and type of interest to be disposed;
  2. The method of disposal as identified in Section 7;
  3. The assessed or estimated value of the property or interest in property;
  4. The date of the proposed disposal and the time, place, and manner in which the proposed disposal shall occur.

Section 11. Definitions.

As used in this chapter:

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

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

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

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

Competitive disposal: A disposal of property wherein preference is shown to any prospective bidder or group of bidders.

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

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

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

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

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

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

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

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

of residents.

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

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

Evaluate: To judge the quality of.

Federal entity: The federal government or an agency thereof.

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

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

Lease: Interests in real property without transferring ownership of that property; a contract for exclusive possession of land or tenements for a determinate period.

Legal description: That part of a conveyance document which identified 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.

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 specifically 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 with the former owner.

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

State: The State of Alaska or an agency thereof.

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

Temporary uses: An exclusive use of city land which has a duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$100.00.

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

**TITLE 5. CITY ELECTIONS**

Chapters:

- 5.1 City elections – in general.
- 5.2 Election officials.
- 5.3 Candidates – nominations.
- 5.4 Notice of elections.
- 5.5 Election equipment.
- 5.6 Election procedures.
- 5.7 Canvassing of election returns.
- 5.8 Absentee voting.
- 5.9 Contest of election.

CHAPTER 5.1  
CITY ELECTIONS – IN GENERAL

Sections:

1. Administration of elections.
2. Voter qualifications.
3. General elections.
4. Special elections.
5. Expenses.
6. Majority elections.

Section 1. Administration of elections.

The City Council shall prescribe the general rules for conducting municipal elections.

Section 2. Voter qualifications.

A person may vote only if he is a United States citizen who is qualified to vote in state elections and has resided in the municipality for 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.

Section 3. General election.

On the first Tuesday of October of each year a general election will be held in the City for the election of vacant municipal offices and the determination of such other matters as may be placed on the ballot.

Section 4. Special elections.

The City Council, by resolution, may order that a special election be held for a certified initiative, referendum, or recall election.

Section 5. Expenses.

The City shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags, and other supplies, and any wages due judges and clerks. Salaries for the election judges and clerks shall be set by the Council. However, all expenses of making a recount pursuant to an election contest shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expenses.

Section 6. Majority Elections.

If in a municipal election no candidate receives in excess of 40 percent of the votes cast for his respective office, the Council shall hold a runoff election within two weeks from the date of the certification of the election between the two candidates receiving the greatest number of votes for the office. Notice of a runoff election shall be published at least five days before the election. The Council may by ordinance require a majority vote for election of officials.

CHAPTER 5.2  
ELECTION OFFICIALS

Sections:

1. Election duties of City Administrator - in general.
2. Election judges and clerks.
3. Filling vacancies on election board.
4. Election officials - oath.
5. Canvass committee.

Section 1. Election duties of City Administrator – in general.

The City Administrator or his designee will perform the duties necessary for administration of municipal elections. The election duties of the City Administrator include, but, are not limited to, obtaining from the State of Alaska a list of voters registered pursuant to AS 15.07.040. The Administrator may publish notices urging voter registration and may cooperate with the State of Alaska In encouraging City residents to register.

Section 2. Election judges and clerks.

- A. Before each municipal election, the Council shall appoint three judges to constitute the election board for the City, and may appoint two election clerks. One judge shall be designated chairman by the Council and shall be primarily responsible for administering the election. The City Administrator may appoint up to three additional election clerks at the polling place when necessary to facilitate the orderly conduct of the election or to relieve the judges or clerks of undue hardship. The judges shall not be Council members or candidates for office.
- B. Each judge or clerk must be a qualified voter of the City.

Section 3. 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 4. Election officials - oath.

The City Administrator will choose an election judge to appear before the City Administrator to take the oath set forth in this section. This election official will, in turn, administer the same oath to all other election judges and clerks. The oath administered will be as follows: "I \_\_\_\_\_ do solemnly affirm that I will honestly and faithfully perform the duties of election judge (or clerk) according to law. I will endeavor to prevent fraud, deceit, or abuse in conducting the election. All of this I will perform to the best of my ability, so help me God."

Section 5. Canvass committee.

The City Council shall act as the canvass committee for the municipality. The Council reserves the right to appoint other qualified individuals in the municipality to serve as the canvass committee.

ELECTION OFFICIALS  
Oath

I, \_\_\_\_\_ do solemnly affirm that I will honestly and faithfully perform the duties of election judge according to law. I will endeavor to prevent fraud, deceit, or abuse in conducting the election. All of this I will perform to the best of my ability, so help me God.

\_\_\_\_\_  
Signature of Election Official

\_\_\_\_\_  
Date

OATH ADMINISTERED BY:

\_\_\_\_\_  
Signature

CHAPTER 5.3  
CANDIDATES - NOMINATIONS

Sections:

1. Candidates – qualifications.
2. Declaration of candidacy - form and filing.
3. Declaration of candidacy - time for filing.
4. Declaration of candidacy – record.
5. Declaration of candidacy - time for withdrawal.
6. Declaration of candidacy - preservation.

Section 1. Candidates – qualifications.

No person shall hold any elective office or be eligible to seek election thereto, unless he is a qualified elector of the City and has resided within City boundaries or of the territory annexed to the City, or which has had a combination of residency in the City and in the annexed territory for a period of not less than 3 years preceding election day.

A qualified elector of the City is a person who possesses the qualifications set forth in AS 15.05.010 and who has registered to vote pursuant to Chapter 07 of Title 15 of the Alaska Statutes.

Section 2. Declaration of candidacy – form and filing.

A person who seeks to become a candidate for an elected office, shall execute and file a declaration of candidacy. The declaration shall be executed under oath before and on a form provided by the City Administrator. The declaration shall state in substance:

- A. The full name of the candidate and the manner in which he wishes his name to appear on the ballot;
- B. The full residence address of the candidate;
- C. The full mailing address of the candidate;
- D. The office for which the candidate declares;
- E. That the candidate is a qualified voter and resident of the City;
- F. That the candidate agrees to serve if elected to the office of \_\_\_\_\_ for a term of \_\_\_\_\_ years; and
- G. Any other information requested by the City Administrator which is reasonably necessary to administer the declaration of candidacy process.

Section 3. Declaration of candidacy – time for filing.

A declaration of candidacy shall be filed with the City Administrator not earlier than thirty days nor later than twenty days prior to the election.

Section 4. Declaration of candidacy – record.

The City Administrator will maintain a record containing the name and address of every person for which a declaration of candidacy is filed and the date and time of the filing.

Section 5. Declaration of candidacy – time for withdrawal.

A candidate may withdraw his declaration of candidacy through the last day for filing declarations, by submitting a written notice of withdrawal with the City Administrator.

Section 6. Declaration of candidacy – preservation.

The declaration of candidacy of each candidate will be preserved by the City Administrator until the term for which he declared expires.

DECLARATION OF CANDIDACY

I \_\_\_\_\_, residing in Atka, Alaska, declare that I am a United States citizen qualified to vote in the State of Alaska elections and registered to vote therein and have been or will have been by the date of the election for which I am filing this declaration ~~a resident of~~ physically residing within of the City of Atka for at least three (3) years. I am not disqualified as a voter under Article V of the Alaska Constitution. (Rev. 2/29/1990)

I declare myself a candidate for the office of \_\_\_\_\_ for Seat \_\_\_\_\_ for a term of \_\_\_\_\_ years commencing with the 19\_\_\_\_ election and ending with the 19\_\_\_\_ election. I request that my name be printed on the official ballot for the municipal election to be held in the City of Atka, Alaska on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ as follows:

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

Date: \_\_\_\_\_ Signature \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City/StateZip \_\_\_\_\_

RECEIVED BY:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Date

CHAPTER 5.4  
NOTICE OF ELECTIONS

Sections:

1. Notice of election.
2. Contents of election notice.

Section 1. Notice of election.

The City Administrator, subject to any directions from the Council, shall give at least ten days' notice of each general election and ten days' notice of each special election by posting notice thereof in two or more conspicuous places in each voting precinct of the municipality.

Section 2. Contents of election notice.

Notices for general or special elections must contain the following:

- A. The date of the election;
- B. The offices to be filled or the propositions to be voted upon;
- C. The time the polling place(s) will open and close;
- D. The location of the polling place(s);
- E. The procedure for declaring candidacy; and
- F. Whether the election is general or special.
- G. A statement of any question or propositions to be placed on the ballot.

NOTICE OF (TYPE) ELECTION

to be held on \_\_\_\_\_ Date \_\_\_\_\_

For the purpose of: (purpose stated - to elect candidates or vote on propositions)

VOTER QUALIFICATIONS:

- 1. U.S. Citizen
- 2. Qualified to vote in State of Alaska elections
- 3. Registered voter in Alaska
- 4. Resident of Atka 30 days immediately prior to the election
- 5. Not disqualified under Article V of the State Constitution

Polls Open: 8:00 a.m. on (Date)  
 Polls Close: 8:00 p.m. on  
 Location of Polls: Community Building

VOTING BOUNDARY  
City of Atka

Candidates for office must file a declaration of candidacy with the City Administrator no later than 4:00 p.m. \_\_\_\_\_, 19\_\_\_\_. Declaration of candidacy forms may be obtained from the City Administrator at the City office from 9:00 a.m. through 4:00 p.m. Monday through Friday.

City Seal

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Date

CHAPTER 5.5  
ELECTION EQUIPMENT

Sections:

1. Election booths.
2. Ballots – printing and inspection.
3. Ballots – form.
4. Sample ballots.
5. Registration index and original register – distribution to precinct officials.
6. Other materials.

Section 1. Election booth.

An election booth shall be provided at the polling place to allow the voter to mark his ballot hidden from observation from election judges, clerks, other voters, or any individual in the polling place.

Section 2. Ballots – printing and inspection.

In all municipal elections, the City Administrator will be responsible for the printing of ballots. The ballots will be printed and in the possession of the City Administrator at least five days prior to the election and subject to the inspection of candidates or their agents.

Section 3. Ballot – form.

- A. A ballot shall consist of a list of candidates and issues to be decided at the election.
- B. Preceding the list of candidates for each office there will be placed the words "vote for not more than three" or "vote for not more than one" or such other number as are to be elected.
- C. Under the title of each office and below the printed names of the candidates there will be printed blank lines for write-in candidates, equal to the number of candidates to be elected to the office.
- D. Somewhere on the ballot, so as to be clearly visible, will be printed the words:
  1. "OFFICIAL BALLOT";
  2. The date of the election and
  3. A facsimile signature of the City Administrator who had the ballots printed
  4. The type of election
- E. The ballots will be printed on plain white paper and number consecutively. The names of candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter inch per side will be printed.
- F. The names of candidates shall be printed as they appear upon the petitions filed with the City Administrator except that any honorary or assumed title or prefix shall be omitted. The names of candidates shall be listed in alphabetic order.

- G. Following the names of offices and candidates there shall be placed on the ballot all propositions and questions to be voted upon. The words "yes" and "no" shall be placed below the statement of each proposition and question.

Section 4. Sample Ballots.

The City Administrator will have a number of sample ballots printed. The sample ballots will be printed on non-white paper and clearly labeled as a "sample ballot". Sample ballots will be delivered to the election board in each precinct.

Section 5. Registration index and original register – distribution to precinct officials.

Prior to the opening of the polls, the City Administrator shall deliver a registration index and an original register to the election officials. The original register will provide sufficient space to enable voters to sign their name and enter residential and mailing addresses. A record shall be kept in the original register of the names of persons who offer to vote but 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 6. Other materials.

The following materials shall be available during the election:

- A. Tally sheets.
- B. A Report of Preliminary Election Results.
- C. Envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots.
- D. Envelopes: one marked "spoiled ballots" and the other marked "questioned ballots".

Ballot No. \_\_\_\_\_

CITY OF ATKA, ALASKA

REGULAR ELECTION OF \_\_\_\_\_

**INSTRUCTIONS**

Mark only by use of "X" marks. Place marks in squares at the left of the candidates' names or propositions you wish to vote for.

DO NOT vote for more than one person for each office. To vote for a person whose name is not printed on the ballot write his or her name in the blank space below the list of candidates.

If your ballot is marked incorrectly or if you wish to change your vote, return your ballot to the election judge who will give you a new ballot.

CITY COUNCIL MEMBER  
SEAT \_\_\_\_\_  
YEAR(S) \_\_\_\_\_  
(vote for one only)

CITY COUNCIL MEMBER  
SEAT \_\_\_\_\_  
YEAR(S) \_\_\_\_\_  
(vote for one only)

(Candidate's Name)  
  
 \_\_\_\_\_  
(write-in vote)

(Candidate's Name)  
  
 \_\_\_\_\_  
(write-in vote)

(Statement of Propositions)

Yes

No

**OFFICIAL BALLOT**

Prepared by:

City Administrator

CHAPTER 5.6  
ELECTION PROCEDURES

Sections:

1. Time for opening or closing polls.
2. Distribution of ballots.
3. Preparation of ballot box.
4. Voting procedure.
5. Marking of ballots by voters.
6. Challenging of voters of suspect qualifications.
7. Questioning a voter's ballot.
8. Challenged ballots - disposition.
9. Ballots - counting and tallying.
10. Defective and unused ballots.
11. Report of preliminary election results.
12. Majority decision of election board.
13. Prohibition of persuasion near election polls.

Section 1. Time for opening and closing polls.

- A. On the day of any election, the election board shall open the polls for voting at eight o'clock in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 in the morning of an election day. The hour shall be determined by local time in Atka.
- B. Fifteen minutes before the closing of the polls a judge or clerk shall proclaim to all persons present the time remaining before the polls close. When the polls are closed, the fact will be similarly announced. Thereafter, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are closed.
- C. The polling place will be located in what is known as the community building In Atka.

Section 2. Distribution of ballots.

- A. The City Administrator shall deliver the ballots to the election board before the polls are opened on election day. A receipt for ballots shall be taken from the election board to which they are delivered, and preserved by the City Administrator. No ballots shall be taken from the polling place before the closing of the polls.
- B. The Administrator shall keep the following records:
  1. The number of ballots delivered to polling place(s);
  2. The name of the persons to whom the ballots are delivered; and
  3. The time the ballots are delivered.
- C. When the ballots are returned, the clerk shall record the following:
  1. The number and character of the ballots returned;
  2. The time when the ballots are returned; and

3. The name of the person returning the ballots.

Section 3. Preparation of ballot box.

Before receiving any ballots the election board must, in the presence of all persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. Thereafter, the box will be sealed and not opened again until the polls are finally closed. At the close of the polls and upon the receipt within the ballot box of all ballots timely voted, the ballot box will be personally opened by the election judges.

Section 4. Voting procedure.

- A. A voter shall give the judges and clerks his name, and write his name, residence and mailing address on the first available line of the registration book. If any judge or clerk present believes the voter is not identifiable, he immediately shall challenge the voter and require him to vote a questioned ballot.
- B. If the voter is not challenged, he shall be given one ballot. The voter without undue delay shall prepare his ballot by marking the appropriate boxes for questions and propositions. Before leaving the voting area, the voter shall fold his ballot in a manner displaying the number thereon and deliver it to one of the judges or clerks, who shall tear or cut the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by the judges and clerks. A judge or clerk shall announce that the voter has voted.
- C. A voter who by accident or mistake mutilates or spoils his ballot shall, upon returning the same to the judges and clerks, be given another. A voter who is blind or otherwise incapable of marking his ballot shall be assisted in doing so by a judge or clerk if he requests such assistance.

Section 5. Marking of ballots by voters.

- A. A voter may mark his ballot only by the use of cross marks, "X" marks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
- B. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
- C. 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.
- D. 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. 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 the particular square to be designated.
- F. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
- G. An erasure or correction invalidates only that section of the ballot in which it appears.

- H. Write-in votes are not invalidated by writing 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.
- I. No voter may leave the polling place with the official ballot that he received to mark.

Section 6. Challenging of voters of suspect qualifications.

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 the challenged person is not qualified to vote. All challenges shall be made in writing setting out the reason for the challenge. A challenged person before voting shall subscribe to an oath and affidavit provided by the City Administrator attesting to the fact that in each particular the person meets all the qualifications of a voter, that he is not disqualified, and that he has not voted at the same election. He shall also state the place from which he came immediately before living in the precinct in which he now offers to vote and the length of time of his residence in the former place. 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 and sign the affidavit, the person may not vote.

Section 7. Questioning a voter's ballot.

If his polling place is in question or if the voter's name does not appear on the master voter registration list, a voter shall be allowed to vote, and any election official shall consider the ballot as a questioned ballot.

Section 8. Challenged ballots – disposition.

After a challenged voter has cast his ballot, the challenged voter will insert the ballot into a small, blank envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope shall be sealed and inserted into a larger envelope. The envelope will be delivered to the City Administrator. The City Administrator will present these materials to the canvass committee and assist in determining the merits of the challenge.

Section 9. Ballots – counting and tallying.

- A. Immediately after the polls close and the last vote has been cast, the election judges will open the boxes containing the ballots cast. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the original registry. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the registration book to have been cast in the precinct, the ballots shall be recounted until the election board finds that there is a discrepancy or that the number of ballots cast matches the number of ballots indicated by the registration tally. If a discrepancy is determined to exist, it shall be explained in detail on the tally paper or papers, and such explanation shall be signed by the judges.

- B. The counting of the ballots will be public. The opening of the ballot box at the close of the polls shall be accomplished in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each issue. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.

Section 10. Defective and unused ballots.

If a voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his ballot any voter's choice for any office to be filled, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine from an inspection of the ballot the person for whom the voter intended to vote and the office intended to be designated by the voter. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made shall be marked "objected to" on the back thereof. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with a description of its contents. All ballots not voted and all ballots mutilated or spoiled by voters shall be returned by the judges to the City Administrator who shall give a receipt therefore and keep a record of the number and character of the ballots returned to him, indicating when and by which judge each was returned.

Section 11. Report of preliminary election results..

After the votes are announced and counted, a certificate will be drawn stating the number of vote each person has received, and the designating office for which he has run. The poll lists and tallies will be attached to the certificate. The certificate will be signed by the election judges. The registration index, original register, tallies, or tally papers, oath of judges, oaths of voters, other papers, and the certificate will be placed in an envelope. The envelope will be marked "election returns" and delivered to the City Administrator.

Section 12. 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 of persuasion near election.

Section 13. Prohibition of persuasion near election polls.

During the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question.

CHAPTER 5.7  
CANVASSING ELECTION RETURNS

Sections:

1. Canvass committee - meeting; postponing canvass.
2. Canvass to be made public.
3. Investigation of questioned ballots.
4. Questioned ballots - subpoenas.
5. Canvass committee - report; contents.
6. Results of election - public declaration.
7. Certificate of election.

Section 1. Canvass committee – meeting; postponing canvass.

The canvass committee will meet on the first Friday after the election for which they are appointed and canvass all absentee and questioned ballots executed in the election. The canvass may be postponed from day-to-day for cause but not exceeding three days in total.

Section 2. Canvass to be made public.

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

Section 3. Investigation of questioned ballots.

- A. The City Administrator shall contact the State Division of Elections to determine if persons casting questioned ballots because of failure of their names to appear on the master voter registration list were in fact registered to vote in state elections. The City Administrator shall record the names of these questioned voters and shall submit their names as registered to vote when the questioned ballots are examined with other questioned ballots.

- B. The canvass committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this decision the committee may request the assistance of the City Administrator and shall hear testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the committee's decision. If the committee determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the committee upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.

Section 4. Questioned ballots – subpoenas.

The Council may order testimony of witnesses and issue subpoenas or subpoenas *duces tecum* while investigating questioned ballots. The subpoenas may be enforced by the court upon certification as provided by the state rules of civil procedure concerning enforcement of administrative and state agency subpoenas.

Section 5. Canvass committee – report; contents.

The canvass committee will submit a report of its findings to the Council prior to noon the Monday following the election. The report will show:

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

Section 6. Results of election – public declaration.

- A. If a contest is not initiated, the result of the election shall be publicly declared by the Council and entered in the minutes of a special meeting of the Council on Monday following the election.
- B. If a contest is held and determined the result of the election shall be publicly declared by the Council and entered in the minutes of a special meeting of the Council within a week after the contest is determined.

Section 7. Certificate of election.

The City Council will authorize the City Administrator to make and deliver a certificate of election to every person elected. The certificate of election will be signed by the Mayor and City Administrator. It will be authenticated by the corporate seal of the City.

CHAPTER 5.8  
ABSENTEE VOTING

Sections:

1. Absentee voting - eligible persons.
2. Absentee voting – application; filing.
3. Absentee ballots - delivery.
4. Determination of right by City Administrator.
5. Mailing by Administrator,
6. Notation of ballot number and date of application.
7. Completion and return of absentee ballots.
8. Absentee voting at Administrator's office.
9. Absentee ballots - executing outside City.
10. Absentee ballots – receipt.
11. Absentee ballots - voting supplies.
12. Liberal construction.

Section 1. Absentee voting – eligible persons.

Any qualified voter, who expects to be absent from his election precinct by reason of physical disability on the day of any election may cast an absentee ballot.

Section 2. Absentee ballots – application: filing.

- A. A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the City Administrator.
- B. An application made by mail must be received by the City Administrator not more than twenty days, nor less than three days before a municipal election. An application made in person must be filed with the City Administrator not more than fifteen days before the municipal election, and no later than noon on the day before a municipal election.
- C. The application must be signed by the applicant and show his place of residence,
- D. Nothing in this section is intended to limit the City Administrator in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City Administrator's office for an absent voter's ballot.

Section 3. Absentee ballots – delivery.

Upon timely receipt of an application for an absentee voter ballot, the receiving Administrator will file it. The Administrator will then check the latest state registration listings to determine whether the applicant is registered pursuant to AS Chapter 15.07. If the applicant is properly registered, the Administrator will deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, an identification envelope and a return envelope. If the absent voter's ballot is personally delivered, it shall be executed in the Administrator's office at the time of delivery. No absent voter's ballot will be mailed to a voter who resides within the City's boundaries.

Section 4. Determination of right by City Administrator.

Before delivering a ballot, the City Administrator will satisfy himself of the applicant's right, to vote an absent voter's ballot pursuant to Section 5.8.1.

Section 5. Mailing by City Administrator.

Whenever the Administrator is required to mail an absent voter's ballot beyond a fifty mile radius of the City, he may post the ballot by airmail, if in the exercise of his discretion he determines that it is necessary to insure timely delivery.

Section 6. Notation of ballot number and date of application.

Upon personal delivery or the mailing of absent voter's ballot, the City Administrator will enter on the application of the absent voter, and on the space provided in the voter registration index, the number of and the date the ballot was delivered or mailed. Before the election the City Administrator will send the election judges a list, of voters who have received the respective ballots under this section.

Section 7. Completion and return of absentee ballots.

The identification envelope and return envelope provided to the voter will be of such form, size, and weight as prescribed by the City Administrator. The identification envelope will have printed on its face an affidavit substantially as follows:

“IDENTIFICATION ENVELOPE

STATE OF ALASKA )  
 ) SS:  
 )

\_\_\_\_\_deposes and says: I am a resident of and a voter in precinct No, 820 in the City of Atka, Alaska, and I hereby enclose my ballot in compliance with Chapter 5.8.

CITY SEAL

\_\_\_\_\_  
Voter

\_\_\_\_\_  
Residence Address

SUBSCRIBED AND SWORN before me, this \_\_\_\_day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_(time and time zone). I hereby certify that in my presence this affiant enclosed said ballot and handed me this envelope sealed; that he signed this affidavit and I acknowledge the same, all in accordance with the law.

\_\_\_\_\_  
Official’s Signature

\_\_\_\_\_  
Title

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the City Administrator of the City of Atka, you must immediately return it by mail, postage prepaid, to the City Administrator, City of Atka: Atka Rural Branch; Atka, Alaska 99502.

MARKED BALLOT ENCLOSED TO  
BE OPENED ONLY BY  
CANVASSING COMMITTEE"

Section 8. Absentee voting at City Administrator's office – surrender of absent voter's ballot.

A voter who receives an absent voter ballot may, on any day prior to the day of the election, appear at the office of the City Administrator, Atka, Alaska, and execute his ballot under the scrutiny of the City Administrator or his designee in the following manner:

- A. The voter will first display the ballot to the Administrator to show that, the ballot has not been previously marked. He then will proceed to mark the ballot in a voting area in the Administrator's office. The voter will then place the ballot in the envelope provided him in a manner that permits the City Administrator to see the number. The voter will then hand the ballot to the Administrator who will examine it. If the Administrator determines that, the ballot is numbered correctly, he will tear the printed number off and permit the voter to enclose the ballot in the identification envelope.
- B. The voter will then make out and swear to the affidavit printed on the face of the envelope. He will seal the envelope and deliver it to the City Administrator before whom the ballot is marked.
- C. The City Administrator will certify the affidavit printed on the identification envelope by writing or stamping his name across the seal, The Administrator will deposit the envelope in a safe place in his office, to be kept by him and delivered to the canvassing committee.
- D. If an absent voter returns to his voting precinct on election day, he will not be allowed to vote until he surrenders the absent voter ballot and any other supplies mailed to him. The election judges will return the unused absent voter's ballot with the unused ballots,

Section 9. Absentee ballots – executing outside City.

After receiving an absent voter ballot, a voter may appear on any day prior and including the day of election, before a notary public, clerk or officer of any City, state, territory, or district within the United States. Under the scrutiny of such officer, he may execute his ballot, as set forth in Section 5.8.8. However, he must mark his ballot with pen and ink or indelible pencil. The official will then certify the affidavit printed on the identification envelope, enclose the envelope in the return envelope and seal it.

Section 10. Absentee ballot – receipt.

To be counted an absent voter's ballot must be executed prior to the time the polls close in the City and be received by the City Administrator prior to the time the ballots are canvassed by the canvassing committee.

Section 11. Absentee ballots – voting supplies.

All supplies necessary for the voter to execute and return his ballot will be furnished by the City Administrator. No City official may make any charge for services rendered to any voter under the provisions of this chapter.

Section 12. Liberal construction.

Sections 5.8.1 through 5.8.11 will be liberally construed so as to accomplish the purposes for which they are intended.

CHAPTER 5.9  
CONTEST OF ELECTION

Sections:

1. Contest of election.
2. Recount expenses – appeal.
3. Contest of election – investigation.
4. Ballot recount.
5. Prohibited practices alleged.
6. Sustained charges – recount.
7. Determination of tie votes.

Section 1. Contest of election.

- A. Any candidate or any ten qualified voters may contest the election of any person and the approval or rejection of any question or proposition.
- B. A candidate or elector who believes that prohibited practices occurred at an election will appear before the Council at the meeting held on the first Monday following the election. He will deliver a sworn written notice of contest, which will state with particularity the provisions of the law allegedly violated and the specific acts asserted as misconduct.

"NOTICE OF ELECTION CONTEST

The undersigned believes that Prohibited practices occurred at the election held on \_\_\_\_\_.

The undersigned states that the following provisions of law were violated:  
\_\_\_\_\_  
\_\_\_\_\_.

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

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

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

CITY SEAL

\_\_\_\_\_  
City Administrator

Section 2. Recount expenses – appeal.

- A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.
- B. No person may appear or seek judicial review of a City election for any cause or reason unless the person is qualified to vote in the municipality, has exhausted his administrative remedies before the Council and has, within 10 days after the Council has finally declared the election results, an action in the superior court in the judicial district in which the municipality is located. If no such action is commenced within the 10 day period, the election and election results shall be conclusive, final and valid in all respects.

Section 3. Contest of election - investigation.

The City Council will order an investigation to be made by the City attorney, City Administrator, and Mayor if a notice of contest is received. Investigation proceedings will be made public.

Section 4. Ballot recount.

If only a recount of ballots is demanded, the election boards in the precincts where error allegedly occurred shall recount the ballots in those precincts.

Section 5. Prohibited practices alleged.

When the contestant alleges prohibited practices the Council will direct the City Administrator to produce the original precinct register books for the election.

Section 6. Sustained charges – recount.

If the charges alleged by the contestant are sustained, the defective ballots will be purged from the election returns, and the canvassing committee make a recount without counting the illegal votes. The results of such recount will be reported immediately to the Council. The Council will then certify the correct election returns as provided in Section 5.7.6.

Section 7. Determination of tie votes.

If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the Mayor shall notify the candidates who are tied. The Mayor shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the Mayor shall so certify.

**TITLE 6. PERSONNEL POLICIES**Chapters:

- 6.1 Policies.
- 6.2 General Provisions.
- 6.3 Employment Limitations, Prohibitions, and Penalties.
- 6.4 Classification and Compensation.
- 6.5 Recruitment and Hiring of Personnel.
- 6.6 Work and Pay Schedules.
- 6.7 Evaluations.
- 6.8 Resignation, Layoff, Dismissal.
- 6.9 Grievance Procedure.
- 6.10 Personal Leave.
- 6.11 Other Leave.
- 6.12 Holidays.
- 6.13 Travel and Perdiem.
- 6.14 Drug and Alcohol Free Workplace.

## CHAPTER 6.1 POLICIES

### Sections:

1. Authority.
2. Application.
3. Federal and State Law.
4. Purpose.
5. Employment Preference.

### Section 1. Authority.

These personnel policies are established under the authority granted by AS 29.10.410.

### Section 2. Application.

These policies shall apply to all employees of the City of Atka.

### Section 3. Federal and State law.

It is the intention of these policies to comply with all Federal, State and local laws applicable to the City of Atka 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 City Council shall determine which Federal, State or local regulations apply to programs. All applicable Federal, State or local laws presently in force or as passed or amended in the future that regulate wages, labor, working conditions, etc. are hereby incorporated into these policies.

### Section 4. Purpose.

It is the purpose of these policies to establish a system of personnel administration based upon the merit principle and adapted to the requirements of the City to the end that persons best qualified to perform the work of the City will be employed. The merit principle of employment includes the following:

- A. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.
- B. No persons may be appointed or removed from city office or in any way favored or discriminated against with respect to city position, race, religion, national origin, age, physical handicap, sex, marital status, or pregnancy unless otherwise contrary to law.
- C. Selection and retention of an employee's position is secure from political influences.

### Section 5. Employment preference.

Per Chapter 2.8, Section 4, of the City Code of Ordinances, hiring or promotion preference will be given to residents of the City.

Should the City Council, when assembled, determine there are no qualified City residents available for a position, the City Council, may by resolution, approved non-City resident hire.

CHAPTER 6.2  
GENERAL PROVISIONS

Sections:

1. Adoption and Amendment.
2. Personnel Officer/Equal Employment Opportunity Officer.
3. Personnel Files.
4. Confidentiality.

Section 1. 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. The City Administrator shall review these policies annually and submit proposed recommendations for amendment to the City Council.

The City Council further 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 may submit proposals for amending these policies to the City Council through the City Administrator.

Section 2. Personnel officer/Equal Employment Opportunity officer.

The City Administrator shall act as the personnel officer for the city. The City Administrator shall also act as the Equal Employment Opportunity Officer for the City.

Section 3. Personnel Files.

The City Administrator shall be responsible for maintaining personnel records for the city.

Section 4. Confidentiality.

All information related to a City employee's compensation, job description, education or training, and previous work experience shall be open to public inspection. Access to any other information shall be considered confidential and only open to access by the City Administrator as personnel officer and the employee or his/her designated representative.

CHAPTER 6.3  
EMPLOYMENT LIMITATIONS, PROHIBITIONS, AND PENALTIES

Sections:

1. No Political Consideration.
2. No Advantage in Position.
3. No Political Party Assessments.
4. No Political Party Endorsement.
5. Equal Opportunity in Personnel Management Actions.
6. Outside Employment.

Section 1. No political consideration.

Employment with the City shall not be offered as a consideration or reward for public office, nor may any personnel, as an employee, engage in partisan political activity. In certain instances, the Council may grant a waiver to city employee(s) to engage in political activity if the political activity is determined beneficial to the City's goals and objectives.

Section 2. No advantage in position.

No person may give, render, pay, offer, solicit, or accept any money, service, or other valuable thing in connection with any appointment, promotion, or advantage in a position unless authorized by the City Council.

Section 3. No political party assessments.

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

Section 4. No political party endorsement.

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

Section 5. Equal opportunity in personnel management actions.

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

Section 6. Outside employment.

Other employment outside the City shall be allowed provided such other employment does not interfere with the employee's regular duties or performance in his/her position with the city.

CHAPTER 6.4  
CLASSIFICATION AND COMPENSATION

Sections:

1. Position Roster.
2. Position Descriptions.
3. Changes in duties and responsibilities.
4. Temporary service outside of position classification.
5. Compensation rates.

Section 1. Position roster.

The City Administrator shall keep a roster of all positions within the City. The roster will show the organizational structure of the city.

Section 2. Position descriptions.

The City Council shall adopt position descriptions for each position within the City which defines in writing each position. The existence of a job description does not obligate the City of fill the position.

Section 3. Changes in duties and responsibilities

The City Council shall approve amendments to an employee's position description based upon recommendations of the employee's supervisor whenever there is substantial modification of existing duties or responsibilities.

Section 4. Temporary service outside of position 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. If temporary assignment is to extend beyond the period of one (1) month the City Council may authorize temporary additional compensation in direct proportion to the additional duties, responsibilities, and workload.

Section 5. Compensation rates

All rates of compensation shall be authorized by the City Council through either an annual budget appropriation ordinance or by Council action at a regular city council meeting.

CHAPTER 6.5  
RECRUITMENT AND HIRING OF PERSONNEL

Sections:

1. Merit Principles Apply.
2. Employment of City Council Members.
3. Posting of Job Openings.
4. Filing Applications.
5. Filling of Positions.
6. Information for New Hires.
7. Promotion.
8. Probation.

Section 1. Merit principles apply.

All appointments and promotions of city employees are made on the basis of merit and fitness for the position.

Section 2. Employment of City Council members.

Per Chapter 2.9, Sections 1 through 7 of the City Code of Ordinances, City Council members may be hired for permanent and temporary employment with the City. Elected officials shall be considered on the basis of merit with all other job applicants.

Section 3. Posting of Job Openings.

Notice of all permanent and temporary job openings of more than two (2) weeks in duration shall be posted in at least three (3) public places within the City. The notice shall include at a minimum the job title, rate of pay, duration of job, and ending date of the recruitment period. The notice shall be posted for a minimum of three (3) days. Three days notice is not required for temporary positions of less than two weeks in duration.

Section 4. Filing applications.

Applications for permanent city positions shall be made on forms provided by the City Administrator and must be filed with the City Administrator prior to the closing date of the recruitment period. A resume may be substituted for or filed in addition to the application form.

Section 5. Filling of positions.

The City Council shall appoint the City Administrator. The City Administrator shall appoint other City positions. The individuals hired are subject to the confirmation of the City Council.

Section 6. Information to new hires.

The City Administrator shall be responsible for providing employment information to new city employees.

Section 7. 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. An employee who is promoted shall receive a probationary appointment. The employee's former position shall be held open by temporary appointment until such time as the employee completes the probationary period.

Section 8. Probation.

- A. Purpose: The probationary period is an integral part of the selection process and shall be utilized for observing an employee's work, for security the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards.
- B. Duration: Every original appointment and every promotional appointment of permanent employees is subject to a probationary period of three months from the date of appointment. Appointment for this section is defined as the date an employee first enters upon a job at the worksite.
- C. Completion of Probation 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 by the employee's supervisor. Satisfactory evaluation shall result in permanent employment.
- D. Dismissal During Probationary Period: A probationary employee may be dismissed at any time during the probationary period if in the opinion of the employee's supervisor the employee is unable to perform the duties of the position satisfactorily. Such dismissal is subject to confirmation by the City Council. The dismissed employee shall be notified in writing of the reasons for dismissal. A permanent employee dismissed during the probationary period from a position to which he/she has been promoted or transferred and in which she/he is serving a probationary period shall be reinstated to the position from which he/she was promoted or transferred unless she/he is dismissed from city service for reasons as provided in these policies other than performing adequately at the new position. Dismissal is effective upon the employee's receipt of notice of dismissal in writing, or if the employee is unavailable, upon posting of a letter of dismissal by certified mail, return receipt requested.

CHAPTER 6.6  
WORK AND PAY SCHEDULES

Sections:

1. Work Schedule.
2. Pay.
3. Classification.

Section 1. Work schedule.

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

Section 2. Pay.

- A. Amount: Employees of the City shall be paid according to amounts established by the City Council in the annual budget appropriation ordinance or by City Council action. 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.
- B. Overtime: It is the policy of the City that work hours and work days be scheduled so that overtime not be paid. Employees shall be granted comp time at some other date in lieu of overtime pay.
- C. Pay Days: City employees shall be paid semi-monthly on the 15th and last day of the month. When a pay day falls on a Saturday, employees will receive their pay on the preceding work day. When the pay day falls on a Sunday employees shall receive their pay on the following work day. In special circumstances or for special projects the City Council may direct different pay periods.
- D. Payroll Advances: Payroll advances are not encouraged but may be granted by the City Administrator in an emergency situation. A payroll advance will be for no more than the compensation owed for hours or days already worked. The advance shall be deducted from the employees pay on the next pay day.
- E. 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.
- F. Public Employees Retirement System: All full-time, permanent City employees shall be enrolled to the State of Alaska, Public Employees Retirement System and appropriate deductions made from their paycheck.
- G. 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.

Section 3. Classification.

City employees are classified into the following categories:

- A. Permanent Full-time: These employees accrue leave, and receive paid holidays and other city employment benefits. Their work week is five or more hours per day, at least five days per week. Their jobs are of a continuous twelve month a year nature.
- B. Permanent Part-time: These employees accrue leave and receive paid holidays and other city employment benefits. Their jobs are of a continuous, twelve months or ten months a year nature but the hours worked are normally less than five hours per day and/or five days per weeks.
- C. Long Term Temporary: These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of employer paid taxes. Their work week may be up to forty hours per week. These jobs are normally seasonal in nature and are of more than two weeks duration though normally not of more than five month duration. These jobs may recur yearly and are typically associated with special projects.
- D. Short Term Temporary: These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of employer taxes paid by the City. Their work week may be up to forty hours per week. These jobs are normally of less than two weeks duration. Typically these job openings occur because of leave, termination or resignation of a permanent employee, or because of emergency or special conditions.

## CHAPTER 6.7 EVALUATIONS

### Sections:

1. Performance Evaluations.
2. Performance Evaluation Record.
3. Effect of Performance Evaluations.

### Section 1. Performance evaluations.

This section applies to permanent full-time and permanent part-time positions. The City Council shall evaluate the City Administrator. The employee's supervisor shall evaluate other employees.

### Section 2. Performance evaluation record.

- A. All employees shall receive a written performance evaluation at the end of their probationary period and thereafter on their anniversary date.
- B. Employees shall be rated on their performance evaluations according to the following criteria:
  - 5 - Outstanding
  - 4 - Above Average
  - 3 - Average
  - 2 - Below Average
  - 1 - Unsatisfactory
- C. The written evaluation shall be discussed, when possible, with the employee. Evaluation forms will be filed in the employee's personnel file.

### Section 3. Effect of performance evaluations.

- A. An employee who receives an outstanding, excellent, or acceptable evaluation may, at the discretion of the City Council receive a pay raise. Budgetary considerations shall affect whether or not an employee is granted a raise in pay.
- B. An employee who receives an unacceptable performance evaluation has after consultation with her/her supervisor three (3) months to correct his/her performance to an acceptable level. Failure of an employee to improve his performance may be grounds for dismissal by the City Council. An employee receiving an unacceptable performance evaluation shall not be eligible to receive a raise in pay.

CHAPTER 6.8  
RESIGNATION, LAYOFF, DISMISSAL

Sections:

1. Resignation.
2. Layoff.
3. Dismissal.

Section 1. Resignation.

To resign from city employment in good standing, an employee must submit a resignation in writing to the City Administrator stating the effective date of the resignation and reasons for leaving at least two (2) weeks prior to resignation. The City Administrator shall submit her/his resignation to the City Council through the Mayor. Failure to give proper notice of resignation shall result in loss of accrued leave. Employees shall not be allowed to utilize accrued personal leave to fulfill any part of their two weeks resignation notice. The City Council may waive the requirement of giving proper notice in cases where there are extenuating circumstances such as medical reasons or family obligations. An employee may withdraw his/her resignation at any time prior to the effective date of the resignation.

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

Section 2. Layoff.

- A. 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.
- B. If circumstances allow, permanent employees shall be given two (2) weeks notice of layoff. All employees shall be given as much notice of layoff as circumstances allow.
- C. Temporary employees may be laid off at any time without two (2) weeks prior notice.

Section 3. Dismissal.

The following is a general listing of reasons which constitute grounds for dismissal of city employees. This listing is not all inclusive. Other infractions not listed may be of such a severe nature that they would also warrant dismissal.

- A. Incompetence:
  1. Lack of basic knowledge, skills or physical ability to accomplish work employee was hired to do.
  2. Inability to understand and/or follow directions.
  3. Continual difficulty in learning and implementing new methods and procedures related to assigned duties.
- B. Unsatisfactory performance of duties:
  1. Slovenly work.

2. Flagrant damage to tools or equipment used.
  3. Failure to produce an acceptable amount of work in relation to fellow employees in like positions.
  4. Disregard for established safety regulations and procedures.
- C. Drunkenness:
1. Reporting to work under the influence of alcohol or drugs.
  2. Use of alcoholic beverages or drugs at work.
- D. Absenteeism:
1. Continual absenteeism related to alcohol or drug abuse.
- E. Dishonesty:
1. Any act relating to employment that would signify an employee's word or intentions are not trustworthy.
  2. Being convicted of a felony committed on or off duty which would limit the mutual trust in a particular position.
  3. Stealing of city property or money for employee's own use.
  4. Knowingly falsifying records.
- F. Gross disobedience:
1. Failure to follow supervisor's orders without reasonable explanation of actions.
  2. Refusal to obey such rules and regulations fostered by the State of Alaska and City as standard policy.
- G. Gross negligence:
1. Negligence, carelessness, or unsafe operations of equipment, machinery at any time by any employee that endangers or injures him/herself or others.

In all cases in which an employee is dismissed from city service, written notice of dismissal with the reasons explained shall be served upon the employee. If the employee is unavailable because of absence from the City or work site, the employee is deemed to have notice of dismissal sent by certified mailed, return receipt, requested to his/her last known mailing address.

CHAPTER 6.9  
GRIEVANCE PROCEDURE

Sections:

1. Grievance Policy.
2. Grievance Procedure.

Section 1. Grievance Policy.

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

Section 2. 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.

- A. The employee shall first discuss with his/her supervisor (or attempt to discuss) his/her grievance. Should this fail to dissolve the grievance, the employee should confer with the Mayor. If this fails to dissolve the grievance, the employee may contact any City Council member and request a preliminary investigation to determine the validity of the grievance.
- B. The City Council member contacted by an employee shall contact the Mayor. The Mayor shall appoint another City Council member to investigate the alleged grievance along with the first contacted member.
- C. If in the opinion of the two investigating Council members the grievance is of a critical nature needing immediate resolution, they shall contact the Mayor who shall call a special City Council meeting to hear the grievance. If the grievance is not of a critical nature needing immediate resolution it shall be heard at the next regular City Council meeting. The grievant 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.
- D. The City Council, meeting as the grievance committee, shall request the aggrieved party and all others concerned to appear before them for their investigations. Notice shall have been given these persons. If the aggrieved party, having been given notice, fails to appear before the City Council, the grievance is dissolved and the aggrieved party does not have standing to appear before the City Council on the same incident again. If the nature of the grievance is such that its discussion may tend to prejudice the reputation and character of any persons a City Council member may move and the City Council after convening as a public meeting may vote to hold an executive session. No

subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. After the reconvening of the public meeting if an executive session is held, or at the meeting after all testimony has been heard and evidence examined, the City Council shall make such resolution of the grievance as they feel proper. The City Council's decision shall be final.

CHAPTER 6.10  
PERSONAL LEAVE

Sections:

1. Coverage.
2. Accrual Rates.
3. Day of Personal Leave Defined.
4. Leave Scheduling.
5. Maximum Accrual.
6. Payment of Personal Leave Accrued Upon Separation.

Section 1. Coverage.

Permanent full-time and part-time employees who work regular scheduled hours are eligible to accrue personal leave time with pay. No other employees accrue leave.

Section 2. Accrual rates.

Personal leave is the only leave accrued by city employees. Personal leave shall be accrued at the following rates:

1. For the first three years of city employment permanent employees shall accrue personal leave at the rate of one and one quarter (1-1/4) days per calendar month worked. That is, fifteen (15) days per year.
2. Employees with three or more years of service shall accrue personal leave at the rate of one and three quarter (1-3/4) days per calendar month worked. That is, twenty one (21) days per year.

Section 3. Day of personal leave defined.

Personal leave days accrued by employees are equal to the employee's normal workday. That is, an employee who customarily works a six (6) hour workday accrues a six (6) hour leave day; an employee who customarily works a four (4) hour workday accrues a four (4) hour leave day; etc.

Section 4. Leave scheduling.

Personal leave may be used for vacation time, illness, subsistence activities or any other purpose which the employee sees fit with the exception of time off for activities related to alcohol or drug abuse. Personal leave may be used during illness in the employee's immediate family. Leave for reasons other than valid illness must be requested at least one day in advance of the day that leave is to begin.

Section 5. Maximum accrual.

Permanent employees shall accrue a maximum of thirty (30) days personal leave. The employee shall stop accruing personal leave time until the number of days falls below thirty (30).

Section 6. Payment of accrued personal leave upon separation.

An employee who separates from City service for whatever reason shall be paid the value of all unused personal leave to the employee's credit upon the date of

separation unless otherwise provided for in these personnel policies. Payment shall be made within one working day after the employee's last day of work. The appropriate tax deductions shall be made from this payment.

CHAPTER 6.11  
OTHER LEAVE

Sections:

1. Application.
2. Court Leave.
3. Election Leave.
4. Maternity/Paternity.
5. Leave Without Pay for Activities Away From Community.

Section 1. Application.

The provisions of this section apply to all permanent employees of the City who work during regularly scheduled days and hours.

Section 2. Court leave.

A permanent employee who is called to serve as a juror or subpoenaed as a witness shall be entitled to court leave. 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. 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.

Section 3. Election leave.

A permanent employee who is appointed to serve as an election judge or otherwise assist in an election or whose attendance is requested or required at training for elections is entitled to election leave. Election leave shall be supported by written documentation such as a letter of appointment, or statement of compensation for services, per diem and travel. A permanent employee shall receive his/her regular salary while on election leave, but any compensation for services shall be turned over to the City in return.

Section 4. Maternity/paternity leave.

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

Section 5. Leave without pay for activities away from community.

Permanent employees may take leave without pay if they have not accrued sufficient personal leave to attend meetings outside of Atka not related to City business or for other personal business. The employee may remain on leave without

pay status for a period not to exceed three (5) months. The City Council may grant the permanent employee a longer period of time. Requests to be on leave without pay status for longer than three (3) months shall be submitted to the City Council in writing.

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CHAPTER 6.12  
HOLIDAYS

Sections:

1. Legal Holidays.
2. Observance.

Section 1. Legal holidays

Permanent employees who customarily work on regularly scheduled days and hours shall receive the following paid holidays:

New Year's Day - January 1

- ★ Russian Christmas - January 7
- ★ Martin Luther King Jr. Day – third Monday in January
- ★ President's Day - third Monday in February
- ★ Russian Good Friday - day varies from year-to-year
- ★ Memorial Day - last Monday in May
- ★ Independence Day - July 4
- ★ Labor Day - first Monday in September
- ★ Alaska Day - October 18
- ★ Veteran's Day – November 11
- ★ Thanksgiving - fourth Thursday in November and the Friday following
- ★ Christmas Day - December 25
- ★ Employee's Birthday
- ★ Every day designated by public proclamation, by the President of the United States, or Governor of the State of Alaska or the Mayor and City Council shall also be considered a legal holiday.

Section 2. Observance.

When any of the holidays listed in Section 1 falls on a Saturday, the preceding Friday shall be observed as the holiday. When any of the holidays falls on a Sunday, the following Monday shall be observed as the holiday. Permanent employees may be required to work on paid holidays when the nature of their duties or other conditions require. A permanent employee required to work on a holiday shall receive another day off within thirty (30) days thereafter.

CHAPTER 6.13  
TRAVEL AND PERDIEM

Sections:

1. Travel Time.
2. Travel Expenses.
3. Approval.
4. Reporting.
5. Travel for an Individuals Convenience.
6. Perdiem.

Section 1. Travel time.

Employees time spent at official conferences, meetings, or training sessions on the employee's customary work day shall be considered time worked and paid as the employee's customary work day.

Section 2. Travel Expenses.

The costs of official City travel shall be paid by the City. Transportation shall be arranged in advance whenever possible. The traveler shall receive an advance for anticipated lodging, food, and local transportation (cabs, buses, etc.) while on travel status.

Section 3. Approval.

All travel by either employees or City Council members shall be approved by the City Council prior to travel taking place.

Section 4. Reporting.

Anyone traveling at City expenses shall be required to provide either a written or oral report to the City Council at the next regular meeting following the traveler's return. Failure to report to the City Council upon return from travel is cause to deny further travel for that individual.

Section 5. Travel for an individual's convenience.

If any individual travels on official business by an indirect route for his/her own convenience, any extra expenses caused by this indirect route, shall be borne by him/her. Payment for expenses shall be based only on such charges as would have been incurred in traveling a usually traveled route. In the case of an employee, any additional time away from duty that may be required for such indirect travel shall be charged to personal leave or leave without pay.

Section 6. Perdiem.

Perdiem rates shall be set by the City Council. Perdiem will be paid only when the traveler is required to stay overnight away from the community. No perdiem will be paid to an employee already receiving perdiem from another source.

CHAPTER 6.14  
DRUG AND ALCOHOL FREE WORKPLACE POLICY

Sections:

1. Drug Free Workplace Policy and General Enforcement Procedures.
2. Alcohol Free Workplace Policy.

Section 1. Drug Free Workplace Policy and general enforcement procedures.

Employees may not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substances in the workplace, during the employee's work hours or during any time in which the employee is representing the City of Atka or is on travel status, employees may not report to work "under the influence" of a controlled substance used unlawfully. As a condition of employment, all employees must:

- A. Abide by the terms of this drug and alcohol free workplace policy; and
- B. Notice the City Council members within 5 calendar days of any criminal conviction against their person for violation of a drug statute, if the violation occurred at the workplace.

To the extent required by law or at the discretion of the Mayor and City Council, the Atka City Council will notify federal granting agencies of any employee violation of this policy within 10 calendar days or notice from an employee of such a drug conviction or otherwise receiving actual notice of such conviction. To the extent required by law or at the discretion of the Mayor and City Council, within 30 calendar days of receiving notice of such a drug conviction, the Atka City Council will take appropriate personnel action against the convicted employee or require the convicted employee's satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

The City of Atka will provide each employee with a copy of the City of Atka drug-free workplace policy.

Section 2. Alcohol Free Workplace Policy.

- A. Employees may not consume any alcoholic beverage in the workplace, during work hours or during anytime in which the employee is representing the City of Atka or is on travel status.
- B. Employees may not report to work "under the influence" of alcohol.
- C. Employees may not take paid leave for alcohol related incapacitation.

**TITLE 7.**

**PLANNING**

Reserved.

**TITLE 9.**

**UTILITIES**

Chapters:

- 9.1 Water, Sewer, and Refuse Utility.
- 9.2 Electric Utility.

CHAPTER 9.1  
WATER, SEWER, AND REFUSE

Sections:

1. Definitions.
2. Service Area.
3. Description of Services.
4. Ownership of Utility Systems.
5. Resale of Utilities.
6. Classification of Services.
7. Application of Services.
8. Main Extensions.
9. Services.
10. Meters.
11. Rates.
12. Notices.
13. Billing and Payment.
14. Administration and Enforcement.
15. Discontinuance.
- ~~16. Restoration of Service.~~
176. Unusual Demands.
187. Access to Property.
198. Responsibility of Equipment.
2019. Fire Hydrants.
240. Manholes & Main Lines.
221. Individual Waste Disposal.
232. Penalties.
243. Suspension of Rules.
254. Constitutionality and Saving Clause.
265. Customer Complaints.

Section 1. Definitions.

**APPLICANT:** The person(s) or organization making application for utility service from the City of Atka under the terms of these regulations.

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

**CITY COUNCIL:** The seven member governing body of the City of Atka, Alaska.

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

**CUSTOMER OR USER:** An applicant who has been accepted and who receives utility services from the City. By being accepted and receiving services, a customer or user thereby agrees to accept and follow the terms contained in these regulations.

**CUSTOMER SERVICE LINE:** The customer service line shall be that part of the piping from the main line to the residence, building, or point of use for water and sewer utilities.

**POTABLE WATER:** Water filtered and treated that is suitable for drinking. The water meets current standards of the Alaska Department of Environmental Conservation for public drinking water.

**SEPTIC WASTE:** Waste material from a septic disposal system.

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

Section 2. Service area.

The service area shall be the developed areas within the community of Atka, Alaska and includes the Netsvetov School, Atka HUD housing site, Atka Pride Seafoods facilities, Atka Village, and the area adjacent to the Atka Dock.

Section 3. Description of service.

The City shall provide the following services:

- A. **Water System:** The City shall provide a safe and fully operational water system to users. The water system shall meet the following requirements
1. **Quantity:** A continuous and sufficient supply of water shall be available to customers and any shortage or interruption of service shall be avoided as far as is reasonably possible. Neither the City nor the City Council shall be liable for damage resulting from interruption in water service due to improvements, repairs, shortages of supply, or other unforeseen circumstances. Whenever possible, or whenever time permits, all customers to be potentially affected by an interruption in services will be notified prior to shutdown through local notice posted in at least three public places in the community or by direct verbal or written contact.
  2. **Quality:** Safe water shall be provided at all times. Treatment of potable water shall include at a minimum filtration and chlorination.
  3. **Water Service Preference:** In the event of a water shortage, the City Council has the right to give preferences (including the potential interruption of services) as public necessity and convenience requires. The order of preference, within the limits of the system, is as follows:
    1. Fire protection
    2. School and clinic
    3. Private residences
    4. Public facilities
    5. Commercial users
    6. Other transient and special contract users
- B. **Sewer Collection System:** The City shall provide safe and fully operational sewer collection systems to users. The sewer collection system shall be able to handle normal sanitary wastes discharged to it without freezing, plugging, or otherwise affecting building drain lines under normal operating conditions.
- C. **Septic Disposal:** The City shall provide a septic system for disposal and treatment of septic waste material.

- D. Solid Waste Disposal: The City shall provide a solid waste disposal site. The City may provide a pick-up service to haul containers from locations within the service area to the City landfill for a user fee based on actual costs to provide the service.

Section 4. Ownership of utility systems.

All City owned utility system components including water and sewer mains, valves, fittings, equipment, and other system parts, except customer's service lines, as defined by Section 1, are the property of the City of Atka.

Section 5. Resale of utilities.

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

Section 6. Classification of services.

The classes of service shall be:

- A. Residential: residential service shall consist of all services for domestic purposes supplied to a single or multi-family dwelling.
- B. Public Facility: public facility service shall consist of services provided to public facilities including administrative offices. Should a commercial activity be taking place in a public facility, commercial rates shall apply.
- C. Commercial: commercial services shall consist of all commercial and business operations.
- D. Contract Service: contract services shall consist of those services for industrial or independent users under contracts authorized by the City.

Where the requirement for services is large or unusual, or requires special services, equipment or capacity, the City reserves the right to make a special contract with provisions that are different from the regular utility rates and regulations. All special contracts shall be in writing, signed by the applicant, and approved by the City Council. Even where a special contract exists, the water preferences stated in Section 3 shall apply should the need to restrict water usage arise.

Section 7. Application for service.

Each applicant for service shall sign an application form provided by the City. In signing this form, the customer agrees to abide by these rules and regulations as currently amended. The application is a request for service and does not bind the City to furnish service.

Section 8. Main extensions.

Extensions of water distribution or sewer collection mains to areas or houses not currently being served shall be installed only after application to and authorization by the Council. The City will determine the location of main extensions. Easements or

permits secured for main extensions across property not owned by the City shall be obtained in the name of the City along with all rights and title to the main at the time of installation.

Section 9. Services.

- A. The customer shall own and maintain the customer service line.
- B. At the time the applicant files for services, where no service previously existed, or if he applies for a re-connection of service, he shall submit a service connection fee with his application that is based on the actual cost of installation. Service installation charges may be waived at the discretion of the City.
- C. Customer Plumbing:
  - 1. The customer is responsible for all plumbing, piping, fixtures and other equipment intended to carry water, sewage, waste water, and drainage within the structure.
  - 2. Customer freeze-ups, or other leaks that affect the efficiency of the Atka water supply or sewer system or the public health, are to be immediately repaired by the customer. It is the customer's responsibility to immediately notify the City of any problem that could have adverse effect on the Atka system as a whole.
  - 3. It shall be a violation of this ordinance for any individual to secure bulk water from the City without prior arrangements having been made.

Section 10. Water meters.

- A. Meter Requirement: The City Council is authorized to require installation of a water meter upon the customer's line at the expense of any commercial, industrial, or public user and to charge for service at an established meter rate determined by the City Council. Residential users are excluded from this requirement.
- B. Location of Meters: Meters shall be placed in a location determined suitable for the City. The meter will not be placed where freezing or damage to the meter or its parts may occur nor where damage to the meter could result in a loss of water from the system.
- C. Joint Use of Meters: The joining of several customers to take advantage of a single minimum charge and/or large quantity rate is prohibited except under special contract, in writing, by the City.

Section 11. Utility Rates.

Residential customers will be charged a flat monthly fee for water, sewer, and refuse service. Commercial/industrial and public facility users will be charged water fees based upon metered usage with sewer and refuse service charged at a flat rate set by the City Council. Rates for services shall be set by the City Council based on the average actual cost to provide the service during a previous twelve month fiscal year period. Annually, during the budget approval process, the City Council will review the actual cost to provide utility services for the previous fiscal year and set rates accordingly.

Section 12. Notices.

- A. Notices to Customers: Notices to customers from the City will be in writing and delivered to the customer. In emergencies the City may notify customers by telephone or radio.
- B. Notice from Customers: Customers may notify the City in writing or verbally at the City office.

Section 13. Billing and payment.

- A. Monthly Bills: Bills will be mailed on or before the last day of the month. The bill will contain a statement of present charges and past due amounts. All bills are due when received.
- B. Late and Delinquent Bills: Bills not paid by the 20<sup>th</sup> day of the following month shall be considered "late". A 20% late charge ~~will~~ may be added to the customer's account. Bills not paid by the 20<sup>th</sup> day of the second month after the charge has been made will be considered delinquent.
- C. Delinquent Notice: A notice of delinquency shall be sent to each delinquent customer account on or about seven days from the date the account becomes delinquent.
- ~~D. Water Turn-Off Notice: A written water turn-off notice shall be sent to customers who fail to pay their account within seven days of receiving a notice that the account is delinquent. The notice shall include the date and time that service will be discontinued. The City may shut off water at any time following the published date and time without future notice to the customer. The customer may make payment arrangements, subject to approval by the Atka City Council or their designee (Mayor or City Administrator), to ensure continuation of service. Any payment arrangements agreed upon shall be in writing and signed by both the customer and the City. (repealed (date))~~
- ~~E. Reconnection: The City shall charge a reconnection fee if service has been discontinued because of delinquency. (repealed (date))~~
- D. Responsibility for Payment of Bills: The person signing the application for service is responsible for payment of utility bills regardless of who owns the property being served.
- E. The City Council may determine it necessary to collect on past due accounts by requiring that a percentage of customer electric purchases through the pre-pay electric system be applied to the past due account or through another collection method.

Section 14. Administration and enforcement.

- A. The rules and regulations shall be administered and enforced by the City Council. The City Council shall have the authority to establish and regulate rates for water, sewer, and refuse collection services for all customers. Rates shall be

- posted in at least three public places in Atka, Alaska for a minimum of five days after adoption by the City Council before becoming effective.
- B. A current file of rates adopted by the City Council shall be available for public inspection during regular business hours at the Atka City Office in Atka.
  - C. Money collected for water, sewer, and refuse collection services shall be used for maintenance, extension, repair, capital improvement, and operation of water, sewer, and refuse collection services in Atka.
  - D. The Atka City Council may adopt additional regulations, provisions, and procedures related to water, sewer, and refuse collection as needed or required.

#### Section 15. Discontinuance.

- A. Discontinuance by Customer: Each customer about to vacate a building supplied with water by the City shall provide the City with seven days written notice specifying the date service is to be discontinued. Forms for providing notice will be made available in the City office. Within one week of the time specified in the notice to discontinue service, a total bill will be provided to the customer that is due and payable immediately.
- B. ~~Discontinuance for Non-Payment of Bills. Services for water, sewer, and refuse collection may be discontinued if the bills in not paid in accordance with Section 4.13.~~ *(Repealed (date)).*
- B. Discontinuance for Fraud or Abuse: The City will refuse or discontinue service to any customer or premises where it is deemed necessary to protect the City from fraud or abuse of services. Discontinuance of service will be made immediately following receipt of knowledge by the City that fraud or abuse of services exists.
- C. Discontinuance for Unauthorized Turn-On: Where water is turned by the customer or another unauthorized person, the water or sewer may be turned off at the main by the City, without notice to the customer. The charge to the customer for costs involved for turning water off at the main will be charged to the customer plus 50%.

#### Section 1.16 Restoration of Services

~~Restoration of service following discontinuance of service for delinquent accounts shall be made only after delinquent accounts are paid in full. A fee of \$25 will be charged to restore services.~~ *(repealed date)*

#### Section 176. Unusual demands.

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

#### Section 1.187. Access to property

The customer shall allow City employees free access at all reasonable hours to the exterior parts of the customer's building as related to utility service.

Neither the City nor City Council assumes the responsibility for inspecting the customer's service line, plumbing, or equipment.

If the customer refuses to allow City employees access to their property, services will be discontinued until access is granted.

Section 198. Responsibility for equipment.

- A. Responsibility for Customer Equipment: Neither the City or City Council shall be liable for any loss or damage caused by defects in the customer service line, plumbing, or equipment. The City or City Council shall not be responsible for loss or damage due to temporary interruption of service or temporary changes in water pressure.
- B. The customer shall be responsible for maintaining proper heat within his property to ensure that pipes do not freeze and damage the Atka water or sewer systems.

Section 2019. Fire hydrants.

- A. Operation: No person other than those authorized by the City or the City Council shall attempt to draw water from a hydrant belonging to the City.
- B. Damage: Any person who damages a fire hydrant shall be responsible for the cost of its complete repair and return to service. If a minor damages the hydrant, the parent or guardian of the minor, will be responsible for paying for damages.

Section 240. Manholes and main lines.

- A. Operation: No person or persons other than those designated and authorized by the City Council shall place any substance in any manhole or main line, or in any manner damage or tamper with the manhole or main line.
- B. Damage to Manholes or Main Lines: Any person who damages a manhole or main line or any of the attachments or equipment shall be responsible for the cost of its complete repair and return to services. If a minor damages a manhole or main line, the parent or guardian of the minor, will be responsible for paying for damages.
- C. Dumping Refuse, Chemical, or Trash in Sewer Lines. Any person who damages a sewer main or interrupts sewer service through placing trash, refuse, animal carcasses, rocks or other debris not intended to be placed in a sewer will be responsible for all damages and repairs to the sewer lines and treatment works that are a consequence of his act. If a minor damages a sewer line, the parent or guardian of the minor, will be responsible for paying for damages.

Section 221. Individual waste disposal.

In the event the City Council does not provide a refuse pickup service, the users are responsible to see that refuse is stored in a secure covered container with a tight fitting lid and hauled to the designated disposal area inside the fence of the Atka Landfill.

Section 232. Penalties.

Any person violating these rules and regulations may be, after notice and opportunity for hearing by the City Council, subject to a civil penalty not to exceed \$300.

Section 243. Suspension of rules.

No employee of the City is authorized to suspend or alter the provisions of these rules and regulations without the specific approval of the Atka City Council except in case of emergency involving loss of life or property.

Section 254. Constitutionality and saving clause.

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

Section 265. Customer Complaints.

The City wants to resolve customer complaints as quickly as possible. The City will respond to the substance of each service complaint within 10 working days of receipt. If the City does not resolve a complaint to the customer's satisfaction, the customer may refer the matter to the Regulatory Commission of Alaska, 701 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501. The Commission's phone number is 907-276-6222, toll free 1-800-390-2782, or TDD 907-276-4533. Any complaint regarding the water of water provided may contact the local branch of the Alaska Department of Environmental Conservation.

CHAPTER 9.2  
ELECTRIC UTILITY

Sections:

1. General.
2. Nature of Services Offered.
3. Types of Service.
4. Deposits.
5. Billing and Collection Requirements.
6. Disconnection of Service.
7. Technical Provisions and Standards of Service.
8. Extension of Facilities.

Section 1. General.

This tariff contains the rules and rates of City of Atka Electric Utility, from here forward called "the Utility."

- A. Means of contacting Utility:
1. The Utility maintains a business office at the following location: 900B Kaangkux Lane. The office is open for business during "the following hours: 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. At this office customers may obtain service and rate information, make payments, submit applications for service, receive explanations of their bills, and inspect and obtain copies of the Utility's tariff.
  2. The following telephone number may be used at any time to notify the Utility of an emergency condition: 907-839-2233 or VHF Channel 6.
  3. The Utility's business office telephone number is: 907-839-2233
- B. Tariff Adoption and-Revisions: This tariff has been adopted in compliance with the requirements of the Regulatory Commission of Alaska. To become effective, revisions must be approved by the Regulatory Commission of Alaska.
- C. Conflicts: If the tariff rules conflict with a rate schedule or special contract, the provisions of the rate schedule or special contract apply. If a rate schedule conflicts with a special contract, the provisions of the special contract apply.
- D. Customer Complaints: The Utility wants to resolve customer complaints as quickly as possible. The Utility will respond to the substance of each service complaint or other customer correspondence within 10 working days of its receipt. If the utility does not resolve a complaint to the customer's satisfaction, the customer may refer the matter to the Regulatory Commission of Alaska, 701 West 8th Avenue, 300, Anchorage; Alaska 99501. The Commission's telephone number (907) 276-6222.
- E. Definitions: The following terms, wherever used in this tariff, have the following meaning unless otherwise clearly stated.
1. Advance in Aid of Construction: A potentially refundable sum of money an applicant must sometimes pay as a condition of obtaining service from the Utility.

2. Applicant: A person requesting some service from the Utility.
3. Billing Period: An interval of about one month between successive meter reading dates (except for beginning or final billing periods).
4. Contribution in Aid of Construction: A nonrefundable sum of money an applicant must sometimes pay as a condition of obtaining service from the Utility.
5. Customer: Any individual, firm, or organization purchasing electric service from the Utility.
6. Customer Charge: A charge for having electric service available, which excludes the charges for any electricity used.
7. Delinquent: Past due amounts and associated finance and late charges that are not received by the Utility within 60 days after the date the bill that is past due was rendered.
8. Deposit: Money paid to the Utility by a customer and held by the Utility for a certain time and later returned to the customer if all the requirements for refund are met.
9. Electric Service: The availability of electric energy at the point of delivery for use by the customer, regardless of whether the electric energy is actually used by the customer.
10. Engineering: Engineering includes the preparation of electric layouts, designs, specifications, and other drawings and lists associated with electric service construction. It also includes making construction estimates, inspecting construction for conformance with design criteria and specifications, staking, and labor costs associated with right-of-way acquisition, right-of-way clearing, administration, and similar related activities necessary to the installation of energy delivery system facilities.
11. Kilowatt (KW): A unit of power equal to 1,000 watts.
12. Kilowatt-hour (kWh): Electric energy equivalent to the amount of electric energy delivered in one hour at a constant rate of one kilowatt.
13. Line Extension: A section of line going from an existing Utility line to a new point.
14. Meter Tampering: Changing a meter's registration of energy usage or demand by methods such as bypassing a meter, using magnets to slow the meter recording, or breaking the meters seals.
15. Month: An interval of approximately (30) days between successive normal meter reading dates.
16. Past Due: Payment that has not been received by the Utility within 30 days from the date the bill is rendered.
17. Permanent Service: Service provided with the intent that facilities remain at a location for the useful service life of the facilities.
18. Point of Delivery: That location where the utility terminates its equipment or conductors and connects with the customer's equipment or conductors.
19. Qualifying Facility: A cogeneration facility or small power production facility as defined in 3 AAC 50.820(11).
20. Rendered Bill: A bill for service that has been issued to a customer; unless personally delivered by the Utility, is rendered on the date it is postmarked.

21. Secondary Voltage: Voltage for delivery directly to the service entrance of the customer, i.e., the low voltage side of a distribution transformer.
22. Service: The furnishing of electric energy to a given location; the conductors at secondary voltage required to furnish such energy.
23. Single-Phase Service: Standard service using two energized wires and one neutral.
24. Subdivision: A tract or parcel of land divided into two or more lots, sites, or other divisions according to applicable law.
25. Temporary Service: The provision of electric service to a location where there is intent to relocate or remove the utility's electrical facilities prior to expiration of the useful life of those facilities.
26. Three-Phase Service: A service using three energized wires and one neutral.

## Section 2. Nature of Services Offered.

- A. General Description and Standard Voltages:
- B. Utility Provision of Service: Unless otherwise provided in this tariff or by contract, the Utility will construct, operate, and maintain all the facilities necessary to deliver electric service to the customer's point of delivery.
- C. Point of Delivery of Service: The point of delivery of service is at the service lugs of a meter enclosure or other suitable terminal box mounted outside the customer's building or other structure to which the Utility's supply conductors are connected.
- D. Establishment of Permanent Service:
  1. Charges for Connection and Reconnection: The Utility will make no charge for connections and reconnection of services.
  2. Conditions When Facilities Exist: The Utility will establish service to existing facilities within twenty working days following a request by an applicant who has been accepted for service. "Existing facilities" means customer facilities ready and acceptable to the Utility, where the Utility needs only to install or read a meter or turn on the service.
  3. Conditions When Facilities Do Not Exist: If the customer requests permanent service, but does not have existing facilities, the Utility will attempt to establish permanent service within 60 days after receipt of an application. If the Utility cannot establish service within this 60 day period, it will, within 15 working days after receipt of the application, advise the applicant in writing of the reason for the delay, any interim type of service that may be available, and an estimated date when the requested service will be available.(See-also Section 6 - Extension of Facilities)
  4. Utility Inability to Meet Scheduled Date: If the Utility finds that it is unable to meet a previously scheduled date for establishment of service, it will attempt to advise the customer in a timely manner of the revised date when service will be available.
  5. Complete Listing of Reasons for Utility Refusal To Establish New Service:

- a. An applicant falsifies on an application for service any information that the Regulatory Commission requires an applicant to submit under 3 AAC 52.410.
- b. An applicant has an outstanding amount past due for Utility service and has not made arrangements acceptable to the Utility for payment of the outstanding balance.
- c. A condition exists or would exist upon establishment of service at the service premises which the Utility believes is unsafe or hazardous to the applicant, a member of the public, the Utility's personnel or facilities, or the integrity of the Utility's energy delivery system.
- d. An applicant refuses to furnish money, services, equipment, or rights-of-way that are required under Section 6 of this tariff.
- e. An applicant refuses to become a member of the Utility.
- f. The cost of providing an extension of new service is beyond the ability of the utility to pay for the extension.

### Section 3. Types of Service.

#### By permanency:

##### A. Permanent Service:

1. Permanent service installations are defined in Section 1 (Definitions). Charges for construction of permanent facilities will be based on the policies set out in Section 8 (Line Extensions) of this tariff. See also Section 2 D (Establishment of Permanent Service).
2. All facilities must be designed and installed in accordance with applicable codes, standards, and practices of the industry for the class of service provided. The equipment will be mounted on an applicant's pole, building, or other structure on a permanent non-moveable foundation. The utility reserves the right of final determination of whether a service will be classified as permanent.

##### B. Temporary Service:

1. Temporary service installations are defined in Section 1 (Definitions). Charges for construction on temporary facilities will be based on the policies set out in Section 8 (Extension of Facilities - Temporary Service) of this tariff.
2. Where the duration of temporary service is to be less than one month, the applicant will be required to advance a sum of money equal to the estimated bill for service. Where the duration of temporary service is to be more than one month, the applicant must meet the deposit requirements set out in Section 7 (Deposits).
3. If, during the term of the temporary service, the character of a temporary customer's operations changes or it appears that the duration of the service may be substantially longer than stated in the application, the Utility will reclassify the service as permanent and will apply the deposit and line extension rules as outlined in this tariff.
4. The installation of equipment must comply with applicable technical and safety standards, practices, and codes to protect the customer, the general

public, and the Utility's employees. Such codes include the National Electric Code, the National Electric Safety Code, and applicable subdivisions in which the Utility operates.

- C. By Rate Schedules: The Utility provides service under the rate schedules shown on Sheets 26-27. Service may also be provided under a special contract approved by the Regulatory Commission of Alaska.

Section 4. Deposits.

Deposit Requirements and Amounts: No deposits will be required for connection to Service

Section 5. Billing and Collection Requirements.

- A. Bills Based on Meter Readings:
1. Except as provided in Section 7 charges for energy will be based on the readings of meters installed by the Utility and read monthly by the Utility. The Utility will separately bill for each meter at a customer's premises. Readings from two or more meters will not be combined.
  2. It is the Utility's goal to read every meter monthly. Only when severe weather conditions prevent the meter reading or other circumstances make it dangerous or not reasonably feasible to read the meter will the Utility not read a meter monthly. Meters will be read at the first available opportunity.
  3. If the Utility is unable to read a meter during the scheduled meter reading cycle, the Utility will estimate the consumption for the billing period considering the customer's usage during the same month of the previous year or the amount of usage during the preceding month or months. Every estimated billing will contain a statement that the billing is based on an estimated meter reading.
- B: Monthly Billings: The Utility will bill monthly for services rendered. Charges for service may commence when the service is installed and energized.
- C. Bills Due: Bills are due and payable on the date rendered. Unless personally delivered by the Utility, a bill is rendered on the date it is postmarked.
- D. Past Due and Delinquent Bills: A bill will be considered, past due if not paid within 25 days after the date rendered. A bill will be considered delinquent if not paid within 60 days after the date rendered.
- E. Application of Payments: Unless otherwise agreed to by both the customer and the Utility, payments will be applied to amounts owed in the same order as the amounts became due.
- F. Payment Places: Customers may pay their bills for electric utility service in person at the Utility's office or by mail.
- G. Failure to Receive Bills: Failure to receive a bill that has been properly addressed and mailed to the customer does not prevent the bill from becoming past due or delinquent or excuse the customer's responsibility for payment. If a customer does not receive a monthly bill at the time of the month the customer normally receives a bill, the customer should immediately notify the Utility.

- H. Non-sufficient Funds Checks: A customer who tenders a non-sufficient funds check is still obligated to pay the Utility under the original terms of the bill plus any bank fees that may be charged.
- I. Payment in Advance: Customers may pay their Utility more than the amount due; the Utility will accept such payments and show the payment as a credit on the next bill.
- J. Application by Two or More Individuals: If a single application for service is made by two or more individuals together, the Utility may collect the full amount owed from any one of the applicants.
- K. Payment Responsibility When Disconnection Requested: If a customer requests the Utility to disconnect service, the customer is still responsible for all services up to the later of the requested disconnection date or three working days after the customer places the request.
- L. Deferred Payment Agreements:
1. If a residential customer demonstrates that economic hardship prevents payment in full of a delinquent bill that is not already covered by a deferred payment agreement, the Utility will restore or continue service to the customer if the customer agrees to a deferred payment contract, signed by both the Utility and customer. The contract will meet the following requirements.
    - a. The customer agrees to pay one-third (or less at the Utility's option) of the outstanding bill at the time the deferred payment agreement is signed.
    - b. The customer agrees to pay all future bills for Utility service in accordance with the provisions of this section.
    - c. The customer agrees to pay the remaining outstanding balance in installments over a period not to exceed 12 months.
  2. The Utility will not require any deferred payment agreement have a duration of less than 3 months.
  3. The Utility will offer comparable terms and conditions to customers with similar payment problems.
  4. In determining a reasonable deferred payment schedule, the Utility will discuss with the customer and consider the following conditions:
    - a. size of the delinquent account;
    - b. customer's ability to pay;
    - c. customer's payment history;
    - d. length of time the debt has been outstanding;
    - e. circumstances that resulted in the outstanding debt;
    - f. any other relevant factors related to the circumstances of the customer.
  5. If a customer fails to fulfill the terms of a deferred payment agreement, the Utility is not required to provide the customer with all the notices described in Section 9 prior to disconnection; however, at least three working days before disconnection the Utility will attempt to give written or telephone notice of the disconnection to the customer.
  6. The Utility will provide all customers signing a deferred payment agreement

- a copy of the agreement and a copy of this section of its tariff.
- L. Bills When There Are Meter Errors:
1. Meter Errors Involving Over Registration: If a meter in service is tested and found to have over registered the amount of power delivered by more two percent, the Utility will recalculate the bills for service from the known date of error and will make a refund or credit for the entire over registered amount if it exceeds \$5. If the beginning date of error is unknown, the Utility will refund or credit the most recent customer of record for the billed error for the period since the meter was last tested, not to exceed six months, or the period during which the most recent customer of record received service through the meter whichever period is less.
  2. Meter Errors Involving Under Registration:
    - a. If the meter of a residential or small commercial customer is tested and found to have under registered the amount of energy or power delivered, the Utility will not charge the customer for any under billings unless there is evidence of meter or electric service tampering by the customer.
    - b. If the meter of a wholesale, large power, or large commercial customer is tested and found to have under-registered the amount of energy delivered, the Utility will charge the customer for under billings for usage for no more than the four previous months unless there is evidence of meter or electric service tampering by the customer.
- M. Make-Up Bills:
1. This provision applies to bills that fall into the following categories:
    - a. Bills for service inadvertently not billed as a result of a Utility billing error; or
    - b. Bills for service that was not billed as a result of an estimated billing.
  2. Make-up bills are subject to the following restrictions:
    - a. The initial make-up bill must be issued within six months after provision of the previously unbilled service.
    - b. The period for payment of the make-up bill may, at option of the customer.
      - i. extend at least as long as the period during which the excess amount accrued; or
      - ii. extend as long as necessary so that the quantity of service billed in any one billing period is not greater than 150 percent of the normal estimated quantity for that period.
- N. Pre-paid Meters: Customers will be connected to a pre-paid metering system where they will be required to pre-pay for electricity. Nonresidential customers may request to be connected to the pre-paid system

Section 6. Disconnection of Service.

- A. Causes for Disconnection Without Notice: The Utility will disconnect service to a customer without advance written notice for any of the following reasons:
1. An immediate hazard exists which threatens "the safety or health of the customer or the general population or the Utility's personnel or facilities.
  2. The Utility has evidence of meter tampering or fraud by the customers.
  3. A customer has failed to comply with curtailment procedures imposed by the Utility during emergency supply shortages.
- B. Causes for Disconnection With Notice: The Utility will commence disconnection procedures in accordance with the notice procedures in Section 6 C for any of the following reasons:
1. A customer has failed to pay for utility service within 60 days after initial rendering of the bill and the customer has not entered into a deferred payment agreement with the customer.
  2. A customer has knowingly and continually failed to provide the Utility with reasonable access to its meter, equipment, or property.
  3. A customer has breached a special contract between the Utility and the customer for utility service.
  4. Disconnection is required in order for the Utility to comply with an order or regulation of a governmental agency with proper jurisdiction.
- C. General Policy far Notice of Disconnection:
1. This provision does not apply to customers being disconnected without notice or to customers in default of a deferred payment agreement or to customers in a residence occupied by someone who is seriously ill, elderly, handicapped, or dependent on life support systems.
  2. At least 15 days before the scheduled date of disconnection, the Utility will mail or deliver to the customer a written notice of intent to disconnect service. The Utility will simultaneously forward a copy of the disconnection notice to any third party designated by the customer on a service application. The disconnection notice form will contain all the information required by 3 AAC 52.450(c)(1).
  3. Not less than three working days prior to disconnection the utility will make reasonable attempts to contact the customer by telephone or by visit of an authorized Utility representative to the premises about to be disconnected. If by telephone, the Utility will keep records of all attempted and completed telephone contacts showing at least the time, the person making the attempt; and the outcome. If by visit to the premises, the Utility's authorized representative will hand deliver a "Shut Off Notice" to the customer or, if no personal contact is possible, leave the notice in a prominent place. The Shut Off Notice or completed telephone call will provide the customer with information required by 3 AAC 52.450(c)(3).

- D. Notice of Disconnection to Certain Customers Who Qualify for Longer Notice Periods:
1. If notice of disconnection is required and the Utility has been informed that the disconnection is to a residence occupied by a person seriously ill, elderly, handicapped or dependent on life support systems, the Utility will provide a notice containing all the information required by 3 AAC 52.450(c)(1) at least 30 days before the scheduled date of disconnection. If the Utility is notified after issuance of a 15-day disconnection notice that the disconnection affects a residence occupied by a person seriously ill, elderly, handicapped, or dependent on a life support system, the Utility will extend the disconnection date by 15 days and notify the customer of the extension.
  2. Not less than three working days prior to disconnection the Utility will make reasonable attempts to contact the customer by telephone or by visit of an authorized Utility representative to the premises about to be disconnected. If by telephone, the Utility will keep records of all attempted and completed telephone contacts showing at least the time, the person making the attempt, and the outcome. If by visit to the premises, the Utility's authorized representative will hand deliver a "Shut Off Notice" to the customer or, if no personal contact is possible, leave the notice in a prominent place. The Shut Off Notice or completed telephone call will provide the customer with the information required by 3 AAC 52.450(c)(3).
  3. If the customer lives 25 or more miles from the nearest location from which the Utility delivers notices and if telephone contact cannot be made, the Utility will mail the customer no less than five working days prior to disconnection a first class, postage prepaid letter as an alternative to the hand delivered Shut Off Notice.
- E. Notice of Disconnection to Customers Who Have Failed To Comply with a Deferred Payment Agreement: At least three working days prior to disconnection of a customer who has failed to comply with a deferred payment agreement the Utility will make reasonable attempts to contact the customer by telephone or by visit of an authorized Utility representative to the premises about to be disconnected. If by telephone, the Utility will keep records of all attempted completed telephone contacts showing at least the time, the person making the attempt, and the outcome. If by visit to the premises, the Utility's authorized representative will hand deliver a "Shut Off Notice" to the customer or, if no personal contact is possible, leave the notice in a prominent place. The Shut- Off Notice or completed telephone call will provide the customer with the information required by 3 AAC 52.450(c)(3).
- F. Limitations on Utility Initiated Disconnections:
1. Time Period Limitations: Within 10 days after the date specified on a Shut Off Notice, the Utility may, without further notice, disconnect service to a customer between the daily business hours of 9:00 a.m. on Monday to 4:00 p.m. on Thursday. The Utility will not disconnect service on a Friday or a day preceding a holiday.
  2. Limitations on Reasons for Disconnection:

- a. The Utility will not disconnect service to a customer for delinquency in payment for services rendered to a prior customer at the premises where service is being provided except in the instance where the prior customer continues to reside on the premises.
  - b. The Utility will not disconnect service to a customer for failure of the customer to pay for services or equipment not regulated by the Regulatory Commission of Alaska.
  - c. The Utility will not disconnect service to a customer for nonpayment of a bill related to another class of service at a different service location.
  - d. The Utility will not discontinue service to a customer for failure to pay a disputed amount due on a delinquent account if the customer complies with the rules on customer bill disputes and the dispute remains under investigation the Utility or the Regulatory Commission of Alaska. However, the Utility may proceed to disconnect service in accordance with the above provisions if a customer fails to pay any undisputed amounts.
  - e. The Utility will not disconnect service if the customer is unable to pay the full delinquent amount due, qualifies under the eligibility requirements for deferred payment agreements, and is in compliance with a signed, or is in the process of timely negotiating a, deferred payment agreement
- G. Removal of Utility Property: The Utility may remove any or all of its property installed on a customer's premises upon disconnection of service.
- H. Restoral of Service After Disconnection: The Utility will restore service within three working days after correction of the conditions that resulted in the disconnection. Correction includes execution of a deferred payment agreement.

Section 7. Technical provisions and standards of service.

A. Meters

1. Metering Required: The quantity of a customer's electrical energy and/or demand shall be determined by the registration of the electric meters provided by the Utility, except that:
  - a. Where the load is such that the amount electrical energy consumed is fixed by the type of service, the Utility may elect not to meter the service and to bill the customer a fixed amount as determined by the charges under the appropriate rate schedule;
  - b. Where temporary service is rendered under conditions making metering impractical, the amount of energy consumed may be estimated and billed accordingly.
2. Meter Locations: The Utility will work with the customer to reach agreement as to the location of the meter so that it is readily and safely accessible to the Utility for reading, testing, and inspection and causes the least interference and inconvenience to the customer.
3. Meter Testing: At the request of the customer the Utility will test any meter if the customer agrees to pay the meter testing charge shown "in the Schedule of Nonrecurring Charges under the conditions described below.

- a. If the meter is found to over or under register by more than two percent and there is no evidence of meter or electric service tampering by the customer, the Utility will not charge the customer for the meter test.
  - b. Otherwise, the Utility will charge the customer for any meter test performed at the request of the customer. The Utility will charge the customer the meter testing charge shown in the schedule of nonrecurring charges.
- B. Protective Devices: It is the customer's responsibility to provide suitable protective devices for the equipment on the customer's premise. If three-phase equipment is installed, it is the customer's responsibility to protect such equipment against single-phase operation and under-voltage and over-voltage conditions. Minimum protective devices considered necessary for motor protection are:
  1. Line Starting Protection: Any motor which, in starting, might be damaged by the full line voltage requires some type of protective device to disconnect it from the line during interruptions in service, thus protecting the motor when service is restored. Such a device should also be equipped with a time delay mechanism so that the motor will not be disconnected by momentary fluctuations in voltage.
  2. Overload Protection: Since the intense heat caused by overload may seriously damage the motor, the customer should install a device that will disconnect the motor if overload occurs. Fuses, thermal relays, or circuit breakers which are specifically designed to operate when excessive current occurs are the devices used for this purpose. Where the customer receives three-phase service, such protective devices should be connected to all phases.
  3. Single-Phasing Protection: Where the customer receives three-phase service, a relay should be installed which will disconnect the motor from the lines in the event one of the lines becomes open.
  4. Reverse Phasing Protection: For three-phase installations of electric cranes, hoists, elevators, pumps, and the like, the customer should install relays which will disconnect the motor from the line in the event of phase reversal.
- C. Inspection: The customer is responsible for installing and maintaining his/her electrical wiring and equipment in accordance with applicable local, state, and national electric and building codes.
- D. Addition of Load: Any customer shall give the Utility reasonable notice, in writing, of any plans to increase a given load past the capacity of the Utility's equipment installed to serve that particular location. The Utility may require the advance payment of contributions or advances in aid of construction and the execution of related documents as outlined in Section 6 of this tariff prior to the commencement of any installation of added or enlarged facilities. If the customer fails to notify the Utility of additional loads and the additional load damages the Utility's equipment, the customer is liable for such damages and repairs or replacement of damaged equipment.
- E. Undesirable Load Characteristics

1. **New Service:** The utility may refuse to establish new service if a condition exists or would exist upon establishment of service which the Utility believes is unsafe or hazardous to the applicant, a member of the public, the Utility's emergency delivery system.
2. **Established Services:**
  - a. **Disconnection Without Written Notice:** The Utility may disconnect service to a customer without advance written notice if the customer's load causes any of the conditions described in Section 6 A.
  - b. **Disconnection With Written Notice:** In less serious situations, the Utility will disconnect service only after delivery of a shut off notice to the customer's service location specifying the problem and scheduling disconnection 15 days later if the customer has not corrected the situation or otherwise adequately responded to the shut off notice. Where immediate correction is not possible, the customer's response must include arrangements made for repair or replacement of equipment. A completion date will then be established, and the disconnection will be postponed until the day following the agreed upon completion date.
- F. **Unauthorized Attachments:** Before an individual or firm attaches any equipment or material to any Utility property (including poles; guy wires, equipment, or structures) the individual or firm must receive written permission from the Utility. Any unauthorized attachment is subject to removal at any time without notice.
- G. **Inside Wiring:** Customers are responsible for their inside wiring, including the service entrance and meter socket.

#### Section 8. Extension of facilities.

- A. **General Policies Applicable to All Extensions:**
  1. Customers may design and construct their own line extensions.
  2. Where application of the line extension provisions in this section would result in an inequitable apportionment of costs to one or more customers or where the provisions do not appear applicable to the circumstances, the Utility will enter into a special contract with the customer; the contract must be approved by the Regulatory Commission of Alaska before it can go into effect.
  3. All extension agreements requiring payment by a customer must be in writing. The written agreement must include the Utility's estimate of the customer's share of the costs, the terms and conditions of payment, and the estimated date of completion of the work. The written agreement must be signed by the Utility and by the customer or the customer's authorized representative.
- B. **Customer Constructed Extensions:**
  1. Customer constructed facilities must be certified by an electrical engineer who is registered in Alaska.
  2. The design of customer constructed facilities must be in compliance with applicable codes and standards provided by law and substantially equivalent to the Utility's design standards for Utility installed line

- extensions. The Utility's design standards for Utility installed line extensions are available from the Utility on request.
3. The Utility will connect and maintain customer constructed facilities under the same terms and conditions as Utility installed extensions. However, the Utility will conduct reasonable inspections to assure that customer constructed line extensions fully conform to the state minimum electrical standards. The Utility will charge the customer the actual cost of the inspections.
  4. Only the Utility may energize customer constructed line extensions. The Utility will energize these line extensions after the Utility has inspected the facilities and accepted them. The Utility will perform the final inspection within five working days after receipt of notice from the customer that the project has been completed. The Utility will complete the energizing within five working days after inspection and acceptance by the Utility or after a customer request for energizing, whichever is later.
  5. The Utility will permit customers constructing their own line extensions to use existing easements unless prohibited by law.
  6. The Utility will aid customers constructing their own line extensions in obtaining easements where none exist; however, the customer must agree to pay the costs the Utility incurs in providing this assistance.
  7. The customer must, upon acceptance by the Utility, give the customer constructed plant to the Utility as a contribution in aid of construction.
  8. If a customer's authorized representative performs work adjacent to or within an easement or right-of-way, and it poses a hazard, is in violation of law, or significantly interferes with the Utility's access to equipment, the Utility will notify the customer or the customer's authorized representative. If the customer does not promptly correct the situation, the Utility will take the necessary actions to eliminate the hazard, obstruction, or violation at the customer's expense.
- C. Policies Applicable to All Extensions for Permanent Service Constructed by the Utility:
1. A customer is not responsible for the cost of system upgrade that is incidentally the result of the customer's addition to the system if the customer has a load requirement comparable to those in the area being served by the facilities requiring upgrade.
  2. At least annually advances will be refunded to customers due such refunds on account of new customers being served by the line extension.
  3. Advances in aid of construction are not interest-bearing.
  4. Specific costs incurred because of winter construction must be paid by the customer as a nonrefundable contribution.
  5. Cost estimates made by the Utility shall be in effect for a period of 60 days.
  6. In no case may the amount of a refund to a customer exceed the amount the customer originally advanced.
- D. Individual Extensions for Permanent Service Constructed by the Utility:
1. Description of Standard Offering: The Utility will expend no more than \$750 to extend service to any customer who makes application for permanent

service (as described in Section 3.A(1)) to a single location within the Utility's authorized service area. This amount is referred to as the "standard offering." The customer must pay the costs which exceed the standard offering as either a potentially refundable advance in aid of construction or nonrefundable contribution in aid of construction.

2. **Cost Estimates:** The Utility will provide, with no advance payment from the customer, one estimate of the cost of constructing the line extension. The estimate will include a 10% contingency and the costs of making the estimate. The Utility will not make subsequent cost estimates for that customer for a line extension to that location until the customer first pays the Utility a nonrefundable fee equal to the cost of the previous estimate.
3. If the cost of providing the requested service is more than the standard offering, the applicant must pay in full in advance of construction the Utility's estimate of the costs which exceed the standard offering. The Utility's estimate will include a 10% contingency. As described below, circumstances will determine whether the payment required from the customer is a nonrefundable contribution in aid of construction or potentially refundable advance in aid of construction.
4. **Cost Responsibility:** If estimated costs exceed actual costs, the Utility will make a refund to the customer so that the customer pays only the costs which exceed the standard offering. If actual costs exceed the estimated costs, the Utility may require the customer to reimburse the Utility for all the additional costs which occurred because of additional construction work requested or caused by the customer following the initial written estimate; except for these additional customer caused costs, the Utility will bear as a cost of doing business other actual costs in excess of the initial written estimate.
5. **Written Authorization Required:** Any applicant whose extension requires a payment to the Utility will be notified in writing of the estimated cost of the service. The standard offering the required contribution or advances, terms, and conditions of payment, and the estimated completion date of the work. This notification will be signed by a representative of the Utility. The Utility will not begin construction until the customer has in writing authorized construction to begin under the terms of the notification.
6. **Cost Sharing:**
  - a. Line extensions are subject to cost sharing by future applicants for a period of five years following completion of construction of the original line extension. If a new applicant is to be served from a previously constructed line extension within five years from the date the earlier line extension was completed and if there are still unrefunded advances from that earlier line extension, the new applicant must assist in payment for that earlier line extension. As described below, in some cases the new applicant's cost sharing may occur through application of the standard offering.
  - b. When a subsequent applicant is required to make advances in aid of construction to share the costs of an earlier line extension to which the

- subsequent applicant is connecting, those advances in aid of construction will be refunded to the customer(s) who previously advanced funds for that earlier line extension. The Utility will attempt to make the refunds to the previous customer(s) within 60 days of receipt of the amounts from the new customer.
- c. In calculating cost sharing amounts and refunds, the general principle to be followed is that customers using equal portions of a facility should have an equal investment in those facilities.
  - d. Individuals or companies that made an advance in aid of construction to the Utility are responsible for keeping the Utility informed of their current addresses.
  - e. All advances in aid of construction made by an applicant which have not become eligible for refund through the addition of new customers within a period of five years from the date construction is completed will become the property of the Utility and will no longer be refundable.
7. Application of Standard Offering: The standard offering will be applied to the total Costs of applicant's service in the following order:
- a. To the cost of the facilities dedicated to the applicant which do not have the capability of providing service to future applicants, e.g., secondary service facilities or primary facilities on the applicant's private property. For costs of this nature which remain after subtraction of, the standard offering, the applicant must make a nonrefundable contribution in aid of construction.
  - b. To the cost of facilities constructed for the applicant which have the capability of providing service to future applicants, e.g., primary facilities along a public right-of-way. For costs of this nature which remain after subtraction of any remaining standard offering, the applicant must make a potentially refundable advance in aid of construction.
  - c. To the un-refunded advances in aid of construction from an earlier line extension for which the new applicant is required to share in the costs.
- E. Utility Designed and Constructed Extensions to Subdividers: The Utility will construct extension for subdividers under the same provisions (Section 8 ) as it constructs individual extensions with the following exceptions:
1. The Subdivider must make an advance payment to the Utility of the Utility's entire estimated cost of constructing the line extension for the subdivision.
  2. The total cost of the project will be divided by the number of lots to be served to arrive at a "per lot" cost. The only amount potentially refundable to the subdivider for each lot is the lesser of the standard offering for individual extensions or the per lot cost; there is no requirement similar to that in 8 C(1) for future sharing of construction costs of a subdivider line extension.
  3. The Utility will make the calculated "refund to the subdivider on a per lot basis. The subdivider will be entitled to the calculated refund for each lot in which a customer takes permanent service within five years

of completion of the line extension. The Utility will make the refunds to the subdivider, on an annual basis. Each year by April 15 the Utility will make refunds for all lots which first received permanent service during the previous year.

4. Before the Utility will install electrical facilities, roads and platted easements must be to approximate final sub-grade and without man-made obstructions. Where the electric line extension is to be underground, backbone sewer systems, water systems, and other utility systems normally installed at depths greater than electrical facilities must have been installed.
  5. When the line extension for a subdivider results in new customers being served from a previously constructed individual line extension and there are still un-refunded advances from that earlier line extension, the subdivider must assist in payment for that earlier line extension. The subdivider's share of payments for the earlier line extension will be calculated so that the subdivider pays the total payments that would have been made had service to every lot in the new subdivision been constructed through an individual line extension.
- F. Temporary Service: If an applicant requests that the Utility construct facilities for the provision of temporary service, before construction begins the applicant must pay the Utility the estimated costs of installing and removing the facilities necessary to furnish the desired service. The required payment will be a nonrefundable contribution in aid of construction.
- G. Customer Requested Changes to Meters or Service Lines.
1. If a customer requests that the Utility change the meter or service line location on the customer's premises, the customer must pay the Utility as a nonrefundable contribution the costs the Utility incurs in relocating the meter or service line.
  2. Before the Utility commences to make the requested change, the Utility will provide the customer with an estimate of the costs involved, including a 10% contingency.
  3. If the actual costs of changing the meter or service line location are less than the estimated costs, the Utility will make a refund to the customer of the difference. If actual costs exceed the estimated costs, the Utility will require the customer to reimburse the Utility for additional costs which occurred because of additional construction work requested or caused by the customer following the initial estimate; except for these additional customer cause costs, the Utility will bear as a cost of doing business other actual costs in excess of the initial written estimate.

Section 9. Schedule of Non-Recurring Charges.

DESCRIPTION	CHARGE	RULE(S)
Connection or Reconnection of Service		1 B
During regular hours of business		2 E(1)
Outside regular hours of business		
Meter Testing Charge		5 A(3)
Late Charge		5 F

Note: While some specific nonrecurring charges are shown on this sheet, certain tariff rules call for customers to pay the actual costs incurred for the services they request.

Section 10. Rate schedule #1 – residential.

- A. Availability: Service is available to dwellings that is considered the primary residence of an individual or family.
- B. Rates: Energy Charge - \$.50 per kWh.
- C. Other Conditions: Residential customers will be on a pre-paid metering system.
- D. Cost of Power Adjustment: The rates on this schedule are subject to the cost of power adjustment amount shown on Tariff Sheet.
- E. Power Cost Equalization: These rates are eligible for power cost equalization in the amount per kWh as determined by the Regulatory Commission of Alaska.

Section 11. Rate schedule #2 – business.

- A. Availability: Service is available to any profit or non-profit business operating within the Atka service area.
- B. Rates: Energy Charge - \$.50 per kWh.
- C. Other Conditions: Business customers may request to be connected to the pre-paid metering system.
- D. Cost of Power Adjustment: The rates on this schedule are subject to the cost of power adjustment amount shown on Tariff Sheet.
- E. Power Cost Equalization: The rates are not eligible for power cost equalization.

Section 12: Rate schedule #3 – public facility.

- A. Availability: Service is available to any public facility within the Atka service area.
- B. Rates: Energy Charge - \$.50 per kWh.
- C. Other Conditions: Public facility customers may request to be connected to the pre-paid metering system.
- D. Cost of Power Adjustment: The rates on this schedule are subject to the cost of power adjustment amount shown on Tariff Sheet.
- E. Power Cost Equalization: These rates are eligible for power cost equalization in the amount per kWh as determined by the Regulatory Commission of Alaska.

Section 13. Power Cost Equalization.

- A. The amount of power cost equalization (PCE) for any individual customer, except

local community facilities, is limited to the customer’s actual-consumption up to 500 kWh per month.

- B. The PCE to local community facilities is limited to the facility’s actual consumption; in addition, such equalization is limited in the aggregate for each community serve to 70 kWh per month for each resident of the community.
- C. The amount of PCE to be credited to bills rendered on or after the effective date set forth below, is as follows (subject to available appropriations):
  - 1. Non-Community Facility Customers: Amount of PCE is determined by the Regulatory Commission of Alaska and is subject to periodic change. PCE rate allowed will be whatever the current rate allowed by the RCA.
  - 2. Community Facility Customers: Amount of PCE is determined by the Regulatory Commission of Alaska and is subject to periodic change. PCE rate allowed will be whatever the current rate allowed by the RCA.

Section 14. Power Cost Equalization Notice.

For each period a customer receives any PCE, the Utility will provide the following notice:

“For the current billing period the utility will be paid under the State of Alaska’s power cost equalization program (AS 44.82.163) to assist the utility and its customers in reducing the high cost of generation of electric energy.

Your total electrical service cost	\$	
Less state equalization	\$	
Your charge	\$	”

Section 15. Cost of power adjustment.

- A. Applicability: The energy rates in all tariff rate schedules (except the schedule of non-recurring charges) are subject to the cost of power adjustment (COPA) amount shown on Tariff Sheet.
- B. Base Cost of Power: The base cost of power is \$.50 /kWh. Billings to customers will be increased or decreased to reflect the COPA amount calculated to reconcile the Utility’s allowable fuel and purchased power expenses with revenues designed to cover those expenses.
- C. Balancing Account: The Utility will maintain a balancing account beginning 7/1/07 with balances thereafter reflecting sum of monthly debit and credit entries describe as follows:
  - 1. A debit entry for the amount spent for fuel.
  - 2. A debit entry for the amount spent to purchase power.
  - 3. A credit entry for the amount of kWh sold times the base fuel cost of power.
  - 4. A credit entry for the mount of kWh sold times the COPA actually assessed.
  - 5. Other entries as directed by the RCA.