

CITY OF KIVALINA, ALASKA

Ordinance No. _____

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

BE IT ENACTED BY THE KIVALINA CITY COUNCIL AS FOLLOWS:

Section 1. Purpose

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

Section 2. Classification.

This ordinance is of a general and permanent nature.

Section 3. Prior ordinances superseded.

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

Section 4. Severability.

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

Section 5. Titles and chapters adopted.

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

Title I. GENERAL PROVISIONS

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

Title II. ADMINISTRATION

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

Title III REVENUE AND FINANCE

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

Title IV. ACQUISITION AND DISPOSAL OF CITY PROPERTY

Chapter 23.	Real Property Acquisition
Chapter 24.	Eminent Domain; Adverse Possession
Chapter 25.	Real Property Sales by City
Chapter 26.	Lease of City Lands

- Chapter 27. Disposition of City-owned Personal Property
- Chapter 28. Extraterritorial Jurisdiction
- Chapter 29. (Reserved)

Title V. CITY DEPARTMENTS

- Chapter 30. Public Safety Department
- Chapter 31. Fire Department
- Chapter 32. Office of Emergency Management;
Emergency Preparedness and Civil Defense
- Chapter 33. Library Department
- Chapter 34. Planning Committee
- Chapter 35. (Reserved)

Title VI. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

- Chapter 36. Water and Sewer System
- Chapter 37. AVEC Power Plant
- Chapter 38. Repair Shop
- Chapter 39. City Equipment
- Chapter 40. City Property; Inventory and Files
- Chapter 41. (Reserved)
- Chapter 42. (Reserved)
- Chapter 43. (Reserved)
- Chapter 44. (Reserved)
- Chapter 45. (Reserved)

Title VII. GENERAL WELFARE

- Chapter 46. Intoxicating Liquors or Beverages

Chapter 47.	Alcohol Local Option Election
Chapter 48.	(Reserved)
Chapter 49.	Dog Control
Chapter 50.	(Reserved)
Chapter 51.	Curfew
Chapter 52.	Offenses By or Against Minors
Chapter 53.	Litter-Sanitation Measures
Chapter 54.	Protection of Water Shed
Chapter 55.	Offenses Against Property
Chapter 56.	Offenses by or against Public Officers And Government
Chapter 57.	Offenses against Public Peace
Chapter 58.	(Reserved)
Chapter 59.	(Reserved)
Chapter 60.	Motor Vehicles
Chapter 61.	Control of Firearms, deadly weapons, Explosives, fireworks
Chapter 62.	(Reserved)
Chapter 63.	(Reserved)
Chapter 64.	(Reserved)

Title VIII. ELECTIONS

Chapter 65.	City Elections
Chapter 66.	Election Equipment and Materials
Chapter 67.	Election Procedures
Chapter 68.	Absentee Voting
Chapter 69.	Review of Election Returns

Chapter 70. Contest of Election

Chapter 71. (Reserved)

Chapter 72. (Reserved)

Title IX. PERSONNEL

Chapter 73. Responsibility of Officers and Employees

Chapter 74. Personnel Policies

Section 6. Effective date.

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

DATE INTRODUCED: _____

FIRST READING: _____

PUBLIC HEARING: _____

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

Mayor

ATTEST:

City Clerk

Title I General Provisions

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

CHAPTER 1
GENERAL PROVISIONS

Sections:

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

Section 1. Code cite and designation.

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

Section 2. Definitions

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

CITY:	The City of Kivalina, Alaska, or the area within the territorial limits of the City of Kivalina, Alaska.
CLERK:	The City Clerk;
CODE:	The Code of Ordinances, City of Kivalina, Alaska; the Kivalina City Code;
COUNCIL:	The City Council of Kivalina;
PERSONS:	A corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person;
PUBLISH:	To post a notice within the City in three locations open to the public, one of which shall be the city offices, for a period of not less than five days;
STATE:	The State of Alaska;

VOTER: A United States citizen, who is qualified to vote in State elections, has been a resident of the City of Kivalina for 30 days immediately preceding the election, is registered to vote in State elections, and is not disqualified under Article V of the constitution of the State of Alaska.

Section 3. Grammatical interpretation.

The following grammatical rules shall apply in the Kivalina City Code and the ordinances of the City:

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

Section 4. Effect of repeal of ordinances.

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

Section 5. Severability of ordinances and parts of Code

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

Section 6. General Penalty

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

legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled

(A) To a trial by jury; or

(B) To have a public defender or other counsel appointed at public expense to represent the person;

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

Section 7. Laws of Alaska; violations.

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

Section 8. Amendments to Code; effect of new ordinances.

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

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

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

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

Section 9. Distribution

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

Section 10. Supplements or revisions to the Kivalina City Code.

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

The Kivalina City Code shall be supplemented at regular intervals or if the Council deems that supplementation of the code is unnecessary; the Code shall be revised and printed every five years.

Section 11. Ordinances included in the Kivalina City Code.

The Council shall cause each ordinance and resolution having the force and effect of law to be printed as promptly as possible following its adoption in the following manner:

- A. Ordinances enacted by the City Council and permanent in nature shall be inserted in the Kivalina City Code when properly prepared and authenticated by the City Clerk.
- B. Emergency, bond, temporary and appropriation ordinances and resolutions shall be retained in the form enacted.
- C. All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction classes shall be omitted from the Code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

Section 12. Time ordinances take effect.

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

Section 13. Corrections.

When in this code or any amendments or additions thereto there are any errors the correction of which does not change the meaning of any section of this code the Council may authorize the correction of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance procedure:

- A. Manifest errors which are clerical, or typographical in nature, or errors in spelling, or errors by way of addition or omission;
- B. Changes in capitalization for the purpose of uniformity;
- C. Correction of manifest errors in references to laws;
- D. Correction of mistakes in grammar;
- E. Correction of citations or references to laws, statues and ordinances whose designations have changed because of renumbering or revision of the Alaska Statutes, federal law, or this Code.

CHAPTER 2

CITY INFORMATION

Sections:

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

Section 1. Name of City and form of government.

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

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

Section 2. City limits and history.

The boundaries of the said City are:

The map on the following page of this Code shows the location of these boundaries.

The boundaries of the City as above described were the effective city limits as of incorporation of the City of Kivalina as a second class city on June 23, 1969.

The certificate of Incorporation is recorded in Book 258, page 335 at the Cape Nome Recording District in Nome, Alaska. This certificate was recorded on the 11th day of November 1970.

On September 10, 1972 the City of Kivalina was reclassified as a second class city according to the, at that time, A.S. 29.08.050(b) as enacted by the 1972 Alaska State Legislature.

Section 3. City Seal.

The City shall have a seal consisting of two concentric circles bearing the words in the outer circle "City of Kivalina" and in the inner circle the words "corporate, seal, State of Alaska."

Section 4. Use of seal.

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

CHAPTER 3

ORDINANCES; RESOLUTIONS; REGULATIONS

Sections:

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

Section 1. Acts of the Council.

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

Section 2. Acts required to be by ordinance.

In addition to other actions which the Alaska Statutes require to be by ordinance, the Council shall use ordinances to:

- A. Establish, alter, or abolish city departments;
- B. Amend or appeal an existing ordinance;
- C. Fix the compensation of members of the Council;
- D. Provide for the sale of city property;
- E. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- F. Provide for the levying of taxes;
- G. Make appropriations, including supplemental appropriations or transfer of appropriations;
- H. Grant, renew, or extend a franchise;
- I. Adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
- J. Approve the transfer of a power to a first or second class borough;

- K. Designate the borough seat;
- L. Provide for the retention or sale of tax-foreclosed property;
- M. Regulate the rate charged by a public utility;
- N. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in A.S. 36.25.025

Section 3. Ordinance procedure.

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

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

At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. During the public hearing the Council shall hear all interested persons wishing to be heard. After the hearing, the Council shall consider the proposed ordinance and may adopt it with or without amendment. The Council shall type or print and make available copies of the adopted ordinance.

If the proposed ordinance is amended by the Council after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly-introduced proposed ordinance.

Section 4. Ordinance form and content.

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

- A. The heading: "City of Kivalina, Alaska";
- B. The "Ordinance Number";
- C. The title, which summarizes the ordinance's provisions and includes any penalties imposed;
- D. The enacting clause which shall read:
"BE IT ENACTED BY THE COUNCIL OF THE CITY OF KIVALINA, ALASKA:";
- E. The provisions of the ordinance;
- F. The dates of introduction, first reading, and public hearing;
- G. The date of adoption;
- H. Space for the signature of the Mayor; and

- I. Space for the Clerk's signature as an attestation to the signature of the Mayor.

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

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

All ordinances passed subsequent to this Code which amend repeal or in any way affect this code, shall be numbered according to the numbering system of this Code and be printed for inclusion herein. In the case of chapters, sections and subsections or any part thereof repealed by subsequent ordinances, such repealed portions shall be excluded from the Code by omission from reprinted pages affected thereby.

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

If a new Chapter or Section not heretofore existing in the Code is to be added the following language shall be used: "The Code of Ordinances of the City of Kivalina, Alaska is hereby amended by addition of a chapter or section, to be numbered ____, which chapter or section reads as follows:". The new chapter or section shall then be set out in full as desired.

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

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

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

Section 7. Emergency ordinances.

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

An emergency ordinance may not be used to levy taxes; to grant, renew, or extend a franchise; or to regulate the rate charged by a public utility for its services.

An emergency ordinance is effective for 60 days.

Section 8. Ordinances confined to single subject.

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

Section 9. Requirements for passage.

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

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

Section 10. Signature.

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

Section 11. Ordinance File.

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

Section 12. Repeal shall not revive any ordinance.

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

Section 13. Formal acts by resolution.

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

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

- G. Space for the Clerk's signature as an attestation to the signature of the Mayor.
- H. Space for the Clerks signature as an attestation to the signature of the Mayor.

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

Resolutions shall not be included in the Code, but shall be kept in a separate permanent file by the City Clerk and shall be available for public inspection.

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

Section 14. Procedures for resolutions.

Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.

On any vote to pass a resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the Council may finally pass such resolution with or without amendments.

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

Section 15. Requirements for passage of resolutions.

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

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

Section 16. Rules and Regulations.

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

Section 17. Codes of regulations.

The Council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption

of an ordinance under this section at least five copies of the code of regulations shall be made available for public inspection at a a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The Council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

CITY OF KIVALINA, ALASKA

ORDINANCE NO. _____

AN ORDINANCE _____

BE IN ENACTED BY THE COUNCIL OF THE CITY OF KIVALINA, ALASKA:

Sections:

- 1.
- 2.
- 3.

Section 1. _____

Section 2. _____

Section 3. _____

DATE INTRODUCED: _____

FIRST READING: _____

PUBLIC HEARING: _____

PASSED and APPROVED by the KIVALINA CITY COUNCIL this _____ day
Of _____, 19_____.

Mayor

ATTEST:

City Clerk

Chapter 3, Section 13

CITY OF KIVALINA, ALASKA

RESOLUTION NO. _____

A RESOLUTION _____

WHEREAS, _____

WHEREAS, _____

AND WHEREAS, _____

BE IT RESOLVED: _____

PASSED and APPROVED by the KIVALINA CITY COUNCIL this _____ day
Of _____, 19____.

Mayor

ATTEST:

City Clerk

CHAPTER 4
PUBLIC RECORDS

Sections:

1. Definitions.
2. Ownership and custody of records;
3. Duties of city clerk.
4. Public records; Inspection and copying.
5. Confidential records.
6. Retention and disposal.

Section 1. Definitions.

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

Section 2. Ownership and custody of records.

- A. All records shall be and remain city property. Records shall be delivered by outgoing officials and employees to their successors as required by Section 3, Chapter 74 of this Code and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided by law.
- B. City records, or copies of city records which have been certified by the clerk, shall be prima facie evidence of their contents.

Section 3. Duties of City Clerk.

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

- A. Compile and maintain an inventory of the public records, including those in the custody of other city officials and employees, those which have been placed in storage or destroyed, and those which are confidential;
- B. Establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and refilling records which are temporarily removed from the permanent files for use by the Clerk, other city officials or employees, or members of the public;
- C. Develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska

Department of Community and Regional Affairs as provided by A.S. 40.21.090, and for the destruction of records pursuant to Section 6, while protecting the confidentiality of those records which are not open to public inspection to Section 5;

- D. Establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to Section 5, and
- E. Secure and maintain at least one copy of the Alaska Statutes and make them available for public inspection.

Section 4. Public records; inspection and copying.

- A. Except as provided in Section 5, city records are public records.
- B. Public records are open to inspection by the public during the Clerk's regular office hours, subject to reasonable rules relating to time, place, and manner of inspection, to be established by the Clerk. The Clerk shall give on request and payment of costs a copy or certified copy of portions of the public record.

Section 5. Confidential records.

- A. Except as otherwise provided by law, confidential records shall not be made available to the public or to any city officer, official or employee whose duties do not require access to the record in question.
- B. The following city records are confidential:
 - 1. Records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S. 18.50;
 - 2. Records pertaining to juveniles;
 - 3. Medical and related public health records;
 - 4. Personnel records, except as provided in Chapter 75;
 - 5. Other records required by federal or state law or regulation or by ordinance to be kept confidential.

Section 6. Retention and disposal.

- A. All city records shall be retained until the Council, in writing, authorizes their disposal.
- B. The Clerk shall propose and the Council shall by resolution or ordinance approve a records retention and disposal schedule dictating how long various categories of routine records shall be kept before they no longer have legal, administrative, or historical value and may be destroyed by the Clerk. The Clerk may dispose of routine records pursuant to the retention schedule.
- C. The Clerk shall periodically review the city records, including inactive documents in storage, to determine whether he or she considers any to be without legal, administrative or historical value. When the Clerk identifies such records, he or she may propose to the Council shall

include lists of these records sufficiently detailed to identify the records and to permit the council to determine whether the records retain any legal, administrative, or historical value, and shall also include the proposed means of disposal. If the Council finds that certain records so identified by the Clerk are without legal, administrative, or historical value, it may authorize their disposal and specify the means by which they may be disposed of. With such authorization, the Clerk may dispose of the specified records in the manner approved by the Council.

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

Title II.

ADMINISTRATION.

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

CHAPTER 5
CITY COUNCIL

Sections:

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

Section 1. City Council; composition.

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

Section 2. Qualification of Council members.

Council members shall be qualified city voters. Candidates for Council shall have resided in the city for three consecutive years preceding the date of election.

Council seats are designated and terms expire as follows:

Seat A – term expires in 1988, then 1990, 1992, etc. – 2 year term
Seat B – term expires in 1987, then 1989, 1991, etc. – 2 year term
Seat C – term expires in 1989, then 1992, 1995, etc. – 3 year term
Seat D – term expires in 1989, then 1992, 1995, etc. – 2 year term
Seat E – term expires in 1987, then 1988, 1989, etc. – 1 year term
Seat F – term expires in 1987, then 1989, 1991, etc. – 2 year term
Seat G – term expires in 1987, then 1988, 1989, etc. – 1 year term

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

Section 3. Election of Council members; terms.

An election shall be held annually on the first Tuesday of October to choose Council members for staggered terms and until successors are elected and have qualified, and to decide such other questions or propositions as may require a vote of the people and are placed upon the ballot. Council members' terms of office begin on the first Monday following certification of the election.

Section 4. Oath of office.

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

“I _____ do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the City of Kivalina, Alaska, and that I will honestly, faithfully and impartially discharge my duties as _____ to the best of my ability.

The oath is filed with the City Clerk.

Section 5. Compensation of Council members.

Council members shall receive \$75.00 compensation for serving and attending regular meetings of the Council, and \$50.00 for special meetings subject to change for budgetary reasons by the Council by ordinance.

Section 6. Conflicts of Interest.

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

Section 7. Vacancies.

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

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. Is physically absent from the City for ninety consecutive days unless excused by the Council;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the Council;
- E. Is convicted of a felony or an offense involving a violation of the oath of office;
- F. Is convicted of a felony or misdemeanor described in A.S. 15.56 and two-thirds of the members of the Council concur in expelling the person elected;
- G. Is convicted of a violation of A.S. 15.13;
- H. No longer physically resides in the City and the Council by two-thirds vote declares the seat vacant; or
- I. If a member of the Council, misses three consecutive regular meetings and is not excused.

Section 8. Recall.

- A. An official who is elected or appointed to an elective city office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.
- B. Grounds for recall are misconduct in office, incompetence or failure to perform prescribed duties.
- C. Procedures to be followed for a recall petition and election are those set out in A.S. 29.26.260-340.
- D. If a Council member is recalled that office is filled in accordance with Section 9 of this Chapter. If all members of the Council are recalled, the Governor shall appoint three qualified persons to the Council. The appointees shall appoint additional members to fill remaining vacancies in accordance with Section 9 of this Chapter. A person appointed to the Council serves until a successor is elected and takes office.
- E. If an official other than a member of the City Council is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held on the 6th Tuesday after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the late date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Section 9. Filling a vacancy.

If a vacancy occurs in the City Council, the remaining members shall, within 30 days appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled. Notwithstanding the less than 30 days remaining in a term provision, if the membership of the Council is reduced to fewer than the number required to constitute a quorum, the remaining members shall within seven days, appoint a number of qualified persons to constitute a quorum. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

CHAPTER 6

MAYOR

Sections:

1. Election and term of Mayor
2. Duties of Mayor
3. Vice mayor; presiding officer pro tem
4. Compensation of Mayor
5. Oath of office
6. Vacancy in the office of Mayor
7. Mayor is ex-officio officer

Section 1. Election and term of Mayor.

The Mayor is elected by and from the Council, and serves until a successor is elected and has qualified. The Council shall meet on the first Monday after certification of the regular election and elect a Mayor who takes office immediately. The Mayor serves a one year term and may serve as Mayor only while a member of the Council.

Section 2. Duties of Mayor.

The executive power in the City is vested in the Mayor. The Mayor acts as ceremonial head of the City and executes official documents on authorization of the Council. The Mayor presides at City Council meetings and as a Council member shall vote on all matters. The Mayor does not have the power to veto. The Mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates in conformance with the City's personnel ordinances. As chief administrator the Mayor shall:

- A. Appoint, suspend or remove city employees and administrative officials as provided in the City's personnel ordinances (Chapter 75);
- B. Supervise the enforcement of city law and carry out the directives of the Council;
- C. Prepare and submit an annual budget and capital improvement program for consideration by the Council, and execute the budget and capital improvement program adopted;
- D. Make monthly financial reports and other reports on city finances and operations as required by the Council;
- E. Exercise custody over all real and personal property of the City;
- F. Serve as personnel officer, unless the Council authorizes the Mayor to appoint a personnel officer;
- G. Perform such other duties, as required by law or ordinance or lawfully prescribed by the Council.
- H. The Mayor may appoint the Administrator to be the Chief Administration Officer.

Section 3. Vice-mayor; presiding office pro tem.

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

Section 4. Compensation of Mayor.

The Mayor of the City shall receive compensation at the same rate as Council members.

Section . Oath of office.

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

Section 6. Vacancy in the office of Mayor.

- A. The Council shall, by two-thirds concurring vote, declare the office of Mayor vacant only when the person elected
1. Fails to qualify or take office within 30 days after election or appointment;
 2. Unless excused by the Council, is physically absent from the City for 90 consecutive days;
 3. Resigns and the resignation is accepted;
 4. Is physically or mentally unable to perform the duties of office;
 5. Is convicted of a felony or of an offense involving a violation of the oath of office;
 6. Is convicted of a felony or misdemeanor described in
 7. A.S. 15.56;
 8. Is convicted of a violation of A.S. 15.13;
 9. No longer physically resides in the City; or
 10. Misses three consecutive regular council meetings and is not excused.
- B. A vacancy in the office of Mayor shall be filled by and from the Council. A Mayor appointed under this subsection serves the balance of the term to which appointed, except the Mayor may serve only while a member of the Council.
- C. Recall provision of Section 8, Chapter 5 of this Code apply to the office of Mayor.

Section 7. Mayor is ex-officio officer.

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

CHAPTER 7

COUNCIL MEETINGS

Sections:

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

Section 1. Meetings public.

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

Section 2. Quorum.

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

Section 3. Regular council meetings.

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

The usual place of council meetings shall be at the Kivalina City Office provided, however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the Council, the meeting may be moved.

Section 4. Special meetings.

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

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

Section 5. Notice.

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

Section 6. Executive session.

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

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

CHAPTER 8

COUNCIL PROCEDURES

Sections:

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

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

The Mayor shall preside at all meetings of the Council; he shall preserve order among the Council members, and is responsible for conduct of all meetings according to the rules of the Council. He may at any time make such rules as he considers proper to preserve order among the attending public in the city council room during sessions of the Council. The Vice Mayor shall preside in the absence of the Mayor.

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

Section 2. Meetings; order of business.

At every regular meeting of the City Council the order of business shall be as follows:

- A. Call to order
- B. Roll call
- C. Approval of agenda
- D. Minutes of previous meetings
- E. Reports
- F. Communications and appearance requests
- G. Hearings, ordinances and resolutions
- H. Bids
- I. Old business
- J. New business
- K. Public participation
- L. Council comments
- M. Adjournment

Section 3. Minutes.

Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the journal of the proceedings of the Council. The minutes are public records and are to be made available to anyone upon request. The cost of copying may be charged. Minutes shall be posted, as soon as typewritten, at a public place.

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

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

Every member while speaking shall confine himself to the subject under debate, and shall not refer to any other member of the Council except in a respectful manner.

Section 5. Motions; second required.

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

Section 6. Motions; disposition; withdrawal.

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

Section 7. Motions; reduction to writing.

Any motion must be put in writing if the Mayor or presiding officer requires or if any Council member demands.

Section 8. Motions; rescinding vote.

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

Section 9. Voting; quorum.

Four Councilmen constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.

All Council members present shall vote on every question, unless required to abstain from voting on a question by law. The final vote on each ordinance resolution, or substantive motion shall be records "yes" or "no", except that if the

vote is unanimous it may be recorded unanimous. The Mayor or presiding officer shall declare the result of all votes.

Section 10. Duties of the Clerk at council meetings.

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

CHAPTER 9

CITY ADMINISTRATOR

Sections:

1. Appointment; term
2. Duties
3. Additional duties of the City Administrator
4. Acting City Administrator
5. Administrator's pay

Section 1. Appointment; term.

There shall be a City Administrator who shall be appointed by the Council. He/she shall hold office at the pleasure of the Council.

Section 2. Duties.

The Mayor may appoint an Administrator to act on his behalf as the Chief Administrative Officer.

At the discretion of the Mayor, the powers and duties of the City Administrator may be:

- A. Supervises enforcement of city laws.
- B. Prepare the annual budget and capital improvement program for the Council.
- C. Execute the budget and capital program as adopted.
- D. Make monthly financial reports to the council on city finances and operations.
- E. Report to the council at the end of each fiscal year on the finances and administrative activities of the city.

Section 3. Additional duties of the City Administrator.

The Administrator may serve as City Personnel Officer.

Section 4. Acting City Administrator.

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

Section 5. City Administrator's Pay.

The Council shall determine the pay of the Administrator or Acting Administrator.

CHAPTER 10

CITY CLERK

Sections:

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

Section 1. Appointment; term.

The City Clerk shall be appointed by the Council. He/she shall hold office at the pleasure of the Council.

Section 2. City Clerk.

The City Clerk shall:

- A. Give notice of the time and place of council meetings to the Council and to the Public;
- B. Attend council meetings and keep the journal;
- C. Arrange publication of notices, ordinances and resolutions;
- D. Maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes;
- E. Attest deeds and other documents; and
- F. Perform other duties specified in the Alaska Statutes or prescribed in this Code or by the Mayor or by the Council.

The Council may combine the office of the Clerk with that of the Treasurer.

Section 3. Additional duties of the clerk.

The City Clerk shall record and certify all actions of the Council.

The City Clerk shall have the power to administer all oaths required by law.

The City Clerk shall be custodian of the city seal and the official records of the City.

The City Clerk shall give to the proper officials sample notice of the expiration or termination of any terms of office and when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.

The City Clerk shall verify timesheets for city employees and supervise the bookkeeper, other office staff and the running of other city departments.

Section 4. Acting Clerk.

In case of temporary absence of the City Clerk, the Council may appoint an acting clerk with all the powers and obligations of the City Clerk.

Section 5. Clerk's pay.

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

CHAPTER 11

CITY ATTORNEY

Sections:

1. City Attorney.
2. Duties of City Attorney.

Section 1. City Attorney.

There may be a City Attorney who shall be appointed by the Council. He/She shall hold office at the pleasure of the Council.

Section 2. Duties of City Attorney.

The City Attorney may:

- A. Be charged with the performance of all legal services of the City, including those of legal advisor to the Council, the City Administrator, and to all departments and offices of the City;
- B. Upon the request of the City Council, take necessary steps to arrange for the prosecution of violations of the city ordinances;
- C. Represent the City in all matters, civil and criminal, in which the City is interested;
- D. Draft any ordinance when required by the City Council or City Administrator;
- E. Perform such other duties as may be required by the City Council or City Administrator;
- F. Attend meetings of the City Council
- G. Report to the City Council promptly all suits brought against the City;
- H. Call to the attention of the City Council and the City Administrator all matters of law affecting the City;
- I. Render all opinions in writing, as far as is practicable;
- J. Maintain a record of all opinions rendered and turn such record over to his successor in office; and
- K. Perform such other duties as the City Administrator or Council may require.

CHAPTER 12

CITY TREASURER

Sections:

1. Appointment
2. Duties
3. Pay

Section 1. Appointment.

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

Section 2. Duties.

The treasurer shall:

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

Section 3. Pay.

The Council shall determine the pay of the Treasurer.

CHAPTER 13

(Reserved)

CHAPTER 14

(Reserved)

CHAPTER 15

(Reserved)

Title III REVENUE AND FINANCE.

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

CHAPTER 16

FISCAL PROCEDURES

Sections:

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

Section 1. Fiscal year.

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

Section 2. Ordinance required.

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

Section 3. Treasury.

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

Section 4. Checking and savings account.

- A. All checks drawn on the treasury of the City shall be signed by two elected officials.
- B. All checks prior to issuance shall be approved to be within budget allowances as prescribed by ordinance.
- C. Operating cash shall be kept in one financial institution to be designated by resolution.
- D. The City Clerk and bookkeeper shall monthly review anticipated incomes, expenditures and budgets and report to the Council any cash balances in excess of 60 days of budgeted city operation. Upon directive of the Council such balances above 60 days' budgeted operating costs shall be placed in the following, types of short term or long term, as appropriate, investments:
 1. Savings accounts, certificates of deposit or interest bearing checking accounts at federally chartered savings institutions;
 2. Bonds, notes or other obligations.

Section 5. Responsibilities of Officers.

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

The City Administrator shall execute the budget as approved by the Council and as chief administrative officer of the City shall ensure that proper accounting procedures are followed. The city staff and City Clerk, under the immediate supervision of the City Administrator and under the direction of the City Council shall carry out all duties as directed, including day to day administrative supervision of projects and management and supervision of the city office and office staff. The bookkeeper under supervision of the City clerk shall among other duties keep a complete set of records of the financial transactions of the City.

Section 6. Insufficient funds in bank account.

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

CHAPTER 17

BUDGET

Sections:

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

Section 1. Preparation of the budget.

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

Section 2. Scope of budget.

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

Section 3. Budget adopted as ordinance.

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

Section 4. Public hearing on budget.

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

Section 5. Further consideration of budget.

After the conclusion of such public hearing, the Council may insert new items or may increase or decrease the items of the budget, except items on proposed

expenditures fixed by law. The Council may not vary the titles, descriptions, or conditions of administration specified in the budget.

Section 6. Adoption of budget; vote required.

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

Section 7. Effective date of budget; certification.

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

Section 8. Budget public record.

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

Section 9. Amendment of the budget.

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

CHAPTER 18

AUDIT

Sections.

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

Section 1. Conformity to generally accepted accounting principles.

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

Section 2. Compliance with audit requirements.

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

Section 3. Choosing an auditor.

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

CHAPTER 19

SALES TAX

Sections:

1. Definitions
2. Taxable sale; sales tax schedule
3. Exempt sales
4. Burden of establishing exemption
5. Seller to add tax to selling price
6. Monthly returns; penalties and interest for delinquency
7. Assessment limitation periods; recordkeeping
8. Delinquency; failure to submit return
9. Inspection of business license
10. Sale of business; final tax return; liability of purchaser
11. Lien for tax; interest and penalty due
12. Penalties

Section 1. Definitions.

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

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

Section 2. Taxable sales; sales tax schedule.

There shall be levied and collected a sales tax equal to the sum of two percent on the selling price of all retail sales and rentals made and services performed or provided including local telephone service charges and electric service charges

within the city boundaries when the selling price amounts to fifty (.50) cents or more, provided that there shall be no sales tax imposed upon the exempt sales listed in Section 4. For example:

SALES TAX: Two percent (2%)

If the amount of the sale is:		then the tax is:
Under	.50	-0-
.50	- .99	.01
1.00	- 1.49	.02
1.50	- 1.99	.03
2.00	- 2.49	.04
2.50	- 2.99	.05
3.00	- 3.49	.06
3.50	- 3.99	.07
4.00	- 4.49	.08
4.50	- 4.99	.09
Over \$5.00		2% of selling price

Section 3. Exempt sales.

The tax levied under this chapter shall not apply to the following:

- A. Sales and service charges of less than .50 (fifty cents);
- B. Casual and isolated sales not made in the regular course of business;
- C. Trade-in sales: the value of new or used articles taken in trade as a credit of part payment on the sale of new articles shall be deductible from the total sales price of the new article, and a tax paid only on the net sales price;
- D. Gross receipts derived from sales, services, rentals and transactions which the municipality is prohibited from taxing under the Constitutions and laws of the United States or the State of Alaska.
- E. Gross receipts derived from sales resulting from orders received from outside the City where delivery is made by mail or common carrier.
- F. Services under a building or construction contract or subcontract;
- G. Rentals of real property for periods in excess of twenty-seven (27) days in which no personal service is provided by the landlord;
- H. Sales of insurance and bonds of guaranty and fidelity;
- I. Gross receipts derived from funeral charges and services, medical, dental, optometric, veterinary and hospital services or from sales of prescription medicines, oxygen used for medical purposes blood or blood plasma, artificial devices designed or altered for the use of a particular crippled person, artificial limbs, eyes and organs, crutches, and wheelchairs hearing aids, prescription glasses, artificial teeth sold by a dentist and material used by a dentist in treatment.
- J. Gross receipts from the sale of food and beverages in elementary or high school cafeteria and lunch rooms operated primarily for teachers and students, and not operated primarily for the public or for profit;

- K. Gross receipts from the sale of food and beverages, bake sales and other occasional fund raising events held by non-profit, charitable, religious or service organizations;
- L. Dues or fees paid to clubs, labor unions and fraternal organizations.
- M. Gross receipts from sale, services and rentals to any non-profit corporation, organization or institution which is organized exclusively for religious or charitable purposes;
- N. Gross receipts derived from sales, services and rentals to the United States Government, the State and its political subdivisions, and the City provided, however, that the exemption shall not apply to the sale of materials and supplies to contractors for the manufacture and production of property for sale to government agencies on a contract bid award, in which event the contractor shall be deemed the buyer or consumer or user subject to the payment of the tax; and
- O. All public utility services owned and operated by the City and other services that may be operated under contract with the City so long as the City collects or has the power to collect the billings for service provided.
- P. Elderly persons 62 years and older.

Section 4. Burden of establishing exemption.

The burden of establishing any tax exemption is upon the claimant. The City Administrator and/or Clerk shall propose to the Council procedures, regulations and forms to facilitate proper claiming of exemptions.

Section 5. Seller to add tax to selling price.

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

Section 6. Monthly returns; penalties and interest for delinquency.

- A. Every person making retail sales, rendering services or renting property shall on or before the 20th day of the month make out a return for the preceding month upon forms to be furnished by the City setting forth the total amount for such preceding month, of all sales, rents, and services, regardless of whether such transactions are taxable or nontaxable, the amount of tax due, and such other information as the City may require, and sign and transmit the same to the city Clerk.
- B. The tax levied under this chapter, whether or not collected from the buyer shall be paid by the seller, to the City in monthly installments at the time of transmitting the return, and if not so paid such tax shall forthwith become delinquent. A penalty of five percent (5%) of such tax shall be added to the tax for the first month or fraction thereof of delinquency, and an additional five percent (5%) for each

additional month or fraction thereof of delinquency until a total penalty of fifteen percent (15%) has accrued. Such penalty shall be assessed and collected in the same manner as the tax is assessed and collected. In addition to the aforesaid penalty, interest at the rate of eight percent (8%) per year of the delinquent tax from the date of delinquency until paid shall accrue and be collected in the same manner the delinquent tax is collected.

Section 7. Assessment limitation periods; recordkeeping.

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

Section 8. Delinquency; failure to submit return.

- A. Whenever any seller has become delinquent in the submission of the required monthly return for a period of thirty (30) days the City Clerk or sales tax administrator shall make written demand by Certified Mail, Return Receipt Requested upon such delinquent seller for submission of the required sales tax return within ten (10) days, and in the event of noncompliance with such demand the City Clerk shall forthwith file a complaint against the delinquent seller in the court at Nome for violation of this chapter; and concurrently the City Clerk shall make a sale tax assessment against the delinquent seller, the assessment to be based on an estimate of the gross revenue received by the seller during the month in question, and such assessment shall be referred to the city attorney, who shall immediately institute action to recover such tax.
- B. Whenever any seller fails to submit the required monthly return after notice is given as provided in subsection (A) of this section, or such return is reasonable believed by the City Clerk to contain incorrect reporting, the City Clerk may notify such seller in writing by Certified Mail, Return Receipt Requested, that a hearing will be held upon the matter at a specified place and time, which shall not be less than

fifteen (15) days after the date of such notice, at which time and place the seller shall present himself and make available to the City Clerk for inspection of the seller's books, papers, records, and other memoranda pertaining to gross revenue to make a determination of all sales tax liability, if any, and in the event of noncompliance by the seller the City Clerk shall forthwith take such legal action, civil or criminal, or both, as provide for in this Chapter or the civil or criminal statutes of the State of Alaska, or both.

Section 9. Inspection of business license.

Each person who exercises the taxable privilege of doing business within the City thereby consents to the inspection of his Alaska State Business License in order to facilitate the accomplishment of the provisions and objectives of this chapter.

Section 10. Sale of business; final tax return; liability of purchaser.

If any seller sells his business to another person, he shall make a final sales tax return within fifteen (15) days after the date of selling the business; and his purchaser, successors, or assigns, shall withhold a sufficient portion of the purchase money to safely cover the amount of such sales taxes, penalties and interest as may be due and owed to the City and show that all tax obligations imposed by this Chapter have been paid; and be it further provided, if any purchaser of a business fails to withhold from the purchase price, money as herein provided, 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 11. Lien for tax; interest and penalty due.

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

Section 12. Penalties.

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

Chapter 20

(Reserved)

Chapter 21

(Reserved)

Chapter 22

(Reserved)

Title IV ACQUISITION AND DISPOSAL OF CITY PROPERTY

- Chapter 23. Real Property Acquisition
- Chapter 24. Eminent Domain; Adverse Possession
- Chapter 25. Real Property Sales by City
- Chapter 26. Lease of City Lands
- Chapter 27. Disposition of City-owned Personal Property
- Chapter 28. Extraterritorial Jurisdiction
- Chapter 29. (Reserved)

CHAPTER 23

REAL PROPERTY ACQUISITION

Sections:

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

Section 1. Acquisition and ownership.

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

Section 2. Real property defined.

As used in this chapter, “real property” includes by warranty or quit claim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant. Real property shall be held in the name of “City of Kivalina:.

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

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

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

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

Section 4. Ownership.

The City may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any person or government body for any public purpose. The City may hold real property in trust for any public purpose.

The Council may approve and authorize the purchase of real property by contract of sale, deed or trust, or mortgage.

Section 5. Rights and powers of City.

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

Section 6. Dedication by plat.

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

Section 7. Industrial sites.

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

Section 8. Federal and State aid.

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

Section 9. Real property as security.

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

CHAPTER 24

EMINENT DOMAIN; ADVERSE POSSESSION

Sections:

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

Section 1. Eminent domain.

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

Section 2. Ordinance and vote required.

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

Section 3. Adverse possession.

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

CHAPTER 25

REAL PROPERTY SALES BY CITY

Sections:

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

Section 1. Power to dispose of real property.

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

Section 2. Sale or disposal.

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

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

Section 3. Rights and powers.

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

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

Section 4. Property exchanges.

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

Section 5. Grants for Federal and State programs.

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

Section 6. Beneficial new industries.

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

Section 7. Change of use.

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

Section 8. Utilities.

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

Section 9. Release of easements.

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

Section 10. Public sale requirements.

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

Section 11. Sale procedure-land value under \$25,000.

Real property of the City valued under twenty five thousand dollars (\$25,000), except as provided otherwise in this Chapter, shall be sold or otherwise permanently disposed of as provided below:

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

Section 12. Sale procedure; land value \$25,000 or more.

Sale or other permanent disposition of land valued at twenty-five thousand dollars (\$25,000) or more shall be in the manner described in Section 11 of this chapter with two exceptions as provided below:

- A. Council action under Section 11 subsection "G" shall be by ordinance instead of by resolution;
- B. No disposition of land valued at twenty-five thousand dollars and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted.

At least twenty days notice shall be given of the election; the notice shall state the time of the election; the place of voting; a description of the property to be sold, leased, or disposed of; a brief statement of the terms and conditions of the sale; the consideration, if any; and the title and date of passage of the ordinance. Notice shall be given by posting a copy of the notice in at least three public places in the City at least 20 days before the election.

Section 13. Sales; preference rights.

- A. When the Council adopts a resolution for sale of residential lots, the Council shall provide that the City shall offer to sell lots included in the lands to be sold to persons with preference rights as provided in this section.
- B. The bona fide occupant(s) of a parcel of city land who have built a residence on the parcel have a preference right to purchase the parcel under either of the following circumstances:
 - 1. The residence was built before the land was conveyed to the City, and the circumstances under which the residence was built do not make it inequitable to grant a preference right to the occupant(s), or
 - 2. The residence was built after the land was conveyed to the city, with the express consent of the Council, or based upon assurance by the Mayor or Council that the land would be conveyed to the occupant(s) after improvements were constructed.
- C. When residential lots are to be sold by sealed bid or outcry auction, a preference right entitles the bona fide occupant(s) of a sale parcel to purchase the parcel by matching the highest bid. If no bids are received, the preference right holder may purchase the parcel at its appraised value.
- D. When residential lots are to be sold by lottery or by negotiated sale, a preference right entitles the bona fide occupant(s) of a sale parcel to purchase the parcel for its appraised value before it is offered for sale to others.
- E. For any specific sale, the Council may prescribe additional terms and conditions regarding the exercise of preference rights.

Section 14. Future interests and after-acquired title.

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

Section 15. Minimum acceptable offer.

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

Section 16. Exceptions to minimum acceptable offer.

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

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

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

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

Section 17. Conditions of sale.

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

The City Administrator shall prescribe the form of the purchase agreement. The Council shall approve all public sales of real property and shall approve any purchase agreement prior to its execution by the City. The approval of any public sale by the Council authorizes the City Administrator to take all steps and execute all instruments to complete and close the sale. The City Administrator or his designee shall conduct the sale and shall give to the buyer a receipt for all monies received by the City. A purchaser at a public sale who fails to make such other

cash payments within the times required by the resolution or ordinance shall forfeit any cash deposit paid to the City.

Section 18. Council action.

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

Section 19. Purchase agreement.

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

Section 20. Employment of broker.

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

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

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

Section 22. Mayor's regulations.

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

SECTION 26

LEASE OF CITY LANDS

Sections:

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

Section 1. Property available for leasing.

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

Section 2. Term of lease.

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

Section 3. Appraisals.

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

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

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

Section 4. Lease auction.

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

Section 5. Lease procedures.

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

Section 6. Fair rental value.

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

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

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

Section 7. Adjustment of rental.

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

Section 8. Transfer of lessee's interest.

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

Section 9. Renewal of lease.

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

Section 10. Improvements and chattels.

The lease shall provide the terms, conditions and limitations of the removal or reversion of the improvements or chattels upon the lease premises after termination of the lease. The retiring lessee may, with the consent of the City Administrator, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice, to the lessee, be sold at public sale as provided by regulations of the City Council.

Proceeds of the sale shall be first applied to the City's cost and expenses of maintaining, removing, and selling the improvements and chattels and to rentals for the period of non-removal. The City may bid at the sale and may be credited with the value of the City's cost, expenses, and rentals due resulting from the non-removal of the improvements and chattels and to rentals for the period of non-removal. The City shall have all other rights, both legal and equitable, any other purchaser would have acquired by reason of sale.

Section 11. Inspection of leased premises.

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

Section 12. Easements and rights-of-way.

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

Section 13. Condemnation of premises; lease termination.

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

Section 14. Lease rental credit.

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

Section 15. Conditional lease.

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

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

Section 16. Mayor's regulations.

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

CHAPTER 27

DISPOSTION OF CITY-OWNED PERSONAL PROPERTY

Sections:

1. Personal property disposition by value
2. Sale of surplus or obsolete goods
3. Surplus stock
4. Declaration of obsolescence

Section 1. Personal property disposition by value.

Personal property, other than surplus stock that is valued at less than one-thousand dollars may be disposed of upon such notice and terms considered reasonable by the City Administrator with approval of the council. The city Administrator shall take into consideration the vale of the article, the reasons for disposal, and the general preference for competitive bid. The city Administrator shall report disposals to the Council.

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

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

Section 2. Sale of surplus or obsolete goods.

The City Administrator and Council may sell the following without giving an opportunity for competitive bidding:

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

Section 3. Surplus stock.

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

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

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

Section 4. Declaration of obsolescence.

No surplus or obsolete supplies, materials, or equipment of a value of more than one-thousand dollars may be sold until the Council has declared them obsolete or surplus.

CHAPTER 28

EXTRATERRITORIAL JURISDICTION

Sections:

1. Authority
2. Procedure

Section 1. Authority.

Alaska Statute 29.35.020. Extraterritorial Jurisdiction provides:

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

- (b) A municipality may adopt an ordinance to protect its water supply and watershed, and may enforce the ordinance outside its boundaries. Before this power may be exercised inside the boundaries of another municipality, the approval of the other municipality must be given by ordinance.
- (c) This section applies to home rule and general law municipalities.

Section 2. Procedure.

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

CHAPTER 29

(Reserved)

Title V.

UTILITIES AND PUBLIC FACILITIES/ EQUIPMENT

- Chapter 30. Public Safety Department
- Chapter 31. Fire Department
- Chapter 32. Office of Emergency Management;
Emergency Preparedness and Civil Defense
- Chapter 33. Library Department
- Chapter 34. Planning committee
- Chapter 35. (Reserved)

CHAPTER 30

PUBLIC SAFETY DEPARTMENT

Sections:

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

Section 1. Creation.

There shall be a public safety department for the City of Kivalina. The Village Public Safety Officer is the Chief of the Department.

Section 2. Appointment of Chief (VPSO).

The chief is appointed by the City Council with approval of the Alaska State Troopers and Maniilaq and serves at their pleasure. The chief is administratively responsible to the City Administrator.

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

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

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

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

Emergency medical response: The authority and duties contained in this section are only to be assumed by individuals who have successfully completed Emergency Medical Training I.

It is the duty of department Emergency Medical Technicians to undertake immediate response in traumatic accident situations; where qualified stabilize the condition of the victim in preparation for transportation; transport the victim to the nearest primary health care facility (i.e. local clinic); and resuscitate and administer first aid to persons injured in an emergency. The department shall in any emergency offer assistance to the local primary health care provider. The chief and the primary health aide will cooperate in devising protocol for dealing with emergency medical situations.

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

Section 4. Chief (VPSO)

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

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

Section 5. Rules and regulations.

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

The rules and regulations adopted for the department may include, in addition to those concerning the conduct of the members, uniform and equipment to be worn or carried, protocol or procedures, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the department.

Section 6. Conduct of members.

It shall be the duty of every member of the department to conduct him or herself in a professional manner and to refrain from conduct which brings discredit to any member of the department. Each member of the department shall obey the directions of the chief or his/her designee. No member of the department shall use unnecessary force in carrying out his/her law enforcement duties.

Section 7. Custody of public and stolen property.

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

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

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

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

Section 8. Officers; regular and special.

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

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

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

- A. Volunteer fire department;

- B. Search and rescue teams; and
- C. Emergency medical response teams.

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

Section 9. Search and rescue; cost repayment.

Person or persons causing a search and rescue operation to take place because of the person’s or persons’ abuse of drugs and/or alcohol shall be subject to repay the cost of the search and rescue operation up to the sum of \$500.

CHAPTER 31

FIRE DEPARTMENT

Sections:

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

Section 1. Fire department; fire chief.

There may be a fire department, the head of which shall be the fire chief appointed by the City Council. The number of firemen shall be determined by, and each fireman appointed by the City Council except, as they may delegate the power of appointment to the fire chief.

Section 2. Powers and duties of the fire department.

Duties of the fire department shall be among others, to extinguish fires; to rescue person endangered by fire; to resuscitate, and to administer first aid to persons injured in or about burning structures, promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in stores and other public buildings.

Section 3. Fire chief.

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

1. Determine the organization of the fire department and provide for its staffing;
2. Establish and enforce rules and regulations for the conduct of members of the department;
3. Train and drill the members of the department, including periodic fire drills as deemed necessary;
4. Maintain possession and custody of all fire equipment, buildings, and all other property of the department;
5. Prepare and maintain records of all fires, inspections, fire-fighting equipment, personnel, and other information about the work and status of the department and make periodic written reports to the Council;

6. Provide suitable arrangements and equipment for supporting fires or other emergencies and for notifying all members of the department to assure prompt response for such incidents;
7. Assign equipment or manpower in response to calls for outside aid where mutual aid agreements are in force and other cases only when the absence of such equipment will not jeopardize protection in the City;
8. Supervise fire prevention;
9. Recommend to the Mayor and Council needed fire-fighting equipment;
10. Prepare and submit, upon request a tentative budget for the department to the Mayor or Council;
11. Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires; and
12. Perform such other duties as may be required by the Mayor and the Council.

Section 4. Volunteer fire department.

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

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

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

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

Expense allowances; members of the volunteer fire department shall be paid an expense allowance for volunteer fire; and other emergency work as provided by the Council by resolution from time to time.

Section 5. Rules and regulations.

The fire chief shall maintain and enforce up-to-date, comprehensive sets of rules and regulations governing the discipline, training and operation of the fire department. Such, rules, regulations and any deletions, changes or additions shall be effective when approved by and filed with the Council. The fire chief shall have the authority to carry out the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or fire fighter as provided in the rules and regulations.

Section 6. Training and records.

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

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

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

Section 7. Conduct of members.

It shall be the duty of every member of the fire department to conduct himself or herself in a professional manner and to refrain from conduct which brings discredit to any member or to the department.

Section 8. Equipment.

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

Section 9. Definitions.

For purposes of this Code “employees” do not include members of the volunteer fire department, unless otherwise noted. Members of the volunteer fire department are not subject to the rules and regulations of any personnel system which is adopted by the Council, unless the personnel rules and regulations affirmatively provide that the members of the volunteer fire department are included.

CHAPTER 32

OFFICE OF EMERGENCY MANAGEMENT; EMERGENCY PREPAREDNESS AND CIVIL DEFENSE

Sections:

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

Section 1. Intent and purpose.

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

Section 2. Definitions.

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

- A. Disaster – includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, earthquake, epidemic or other impending or actual calamity endangering or threatening to endanger health, life, property or constituted government.
- B. Civil disorder – means a public disturbance involving;
 - 1. An act or acts of violence by one or more persons part of an assemblage of four or more persons, which act or acts constitute a clear and present danger of or result in damage or injury to the property of any person or to the person of any other individual; or
 - 2. A threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of four or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.
- C. Civil emergency means:
 - 1. A civil disorder.
 - 2. A natural or man-made calamity.
- D. Civil defense – in its broad meaning is to carry out the basic governmental functions of maintaining the public peace, health and safety during a civil emergency. This should include plans and preparation for protection from, and relief, recovery and rehabilitation from, the effects of an attack on the City by the force of an enemy nation or the agents thereof, and it shall also include such activities in connection with a civil emergency as defined herein. It shall not however include any activity that is the primary responsibility of the military forces of the United States.
- E. Attack – shall mean a direct or indirect assault against the City, its government, its environs, or the nation by forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, or sabotage.
- F. Civil defense forces – shall mean the employees, equipment and facilities of all city departments, boards, institutions and commissions; and, in addition it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
- G. Volunteer – shall mean contributing a service, equipment or facilities to the civil defense organization without remuneration.
- H. Civil defense volunteer – shall mean any person duly registered, identified and appointed by the coordinator of the Office of Emergency Management and assigned to participate in the Civil Defense activity.
- I. Curfew – means prohibition against any person walking, running, loitering, and standing or operating a vehicle upon any public property, alley, sidewalk, thoroughfare, vehicle parking area or vacant premise within the City except as required for persons officially designated to duty with reference to the civil defense.

- J. Intoxicating liquor – means whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended or used for human consumption and containing more than 1% alcohol by volume.
- K. Director – shall mean the Mayor or his designated alternate duly appointed in accordance with law.
- L. Coordinator – shall mean the coordinator of the office of Emergency Management, appointed as prescribed in this ordinance.
- M. Regulation – shall include plans, programs, and other emergency procedures deemed essential to Civil Defense

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

Should the Office of Director, Kivalina Office of Emergency Management (OEM) become vacant or should the Director be absent or unable to perform the duties of the OEM, the order of interim succession shall be determined as follows:

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

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

- A. The Director, OEM is responsible for meeting the dangers presented by disasters to the City and its people.
- B. The Director, OEM may issue orders, proclamations and regulations to carry out the purpose of this chapter, and amend or rescind them. These orders, proclamations and regulations have the force of law.
- C. An order proclamation or regulation issued under this chapter shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless prevented or impeded by circumstances attendant upon the disaster, a copy will be filed with the City Clerk.
- D. A condition of disaster emergency shall be declared by proclamation of the Director if he finds that a disaster has occurred or that such an occurrence is imminent or threatened. If the City Council is not in session when a proclamation is issued, concurrent with the issuance of the proclamation, a special session of the City council will be requested to ratify the actions taken under this chapter. The emergency proclaimed in accordance with the provision of this section shall terminate after seven (7) days from the issuance of a proclamation, or upon issuance of a proclamation or resolution of the Council declaring that an emergency no longer exists, whichever occurs first, except that such emergency may be extended for such additional periods of time as deemed necessary by resolution of the Council. All proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened or affected, and the conditions which have brought it about or which make possible the termination of the disaster emergency. A copy of all proclamations issued under this subsection shall, if possible, be sent to the Alaska Division of Emergency Services.

- E. A proclamation of a disaster emergency activates the disaster response and recovery aspects of the city disaster emergency plans and constitutes authority for the deployment and use of any Civil Defense forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available under this chapter or any other provisions of law relating to disaster emergency response.
- F. During the effective period of a Disaster Emergency, the Mayor is the Director of all Civil Defense and other unorganized forces available for emergency duty. The Mayor may delegate or assign direction authority by appropriate orders or regulations.
- G. In addition to any other powers conferred upon the Mayor by law, he may, under this chapter:
 - 1. Suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of city business, or the orders or regulations of any city department, if compliance with the provisions of the statute, order or regulation would prevent, or substantially impede or delay action necessary to cope with the disaster emergency.
 - 2. Use all the resources of the city government as reasonably necessary to cope with the disaster emergency.
 - 3. Transfer personnel or alter the functions of city departments and offices or units of them for the purpose of performing or facilitating the performance of Disaster Emergency Management.
 - 4. Subject to any applicable requirements for compensation under Section 9 of this chapter, commandeer or utilize an private property, except for the news media other than as specifically provided for in this chapter if he considers them necessary to cope with the disaster emergency.
 - 5. Direct and compel the relocation of all or part of the population from any stricken or threatened area in the City, if he considers relocation necessary for the preservation of life or for other disaster mitigation purposes.
 - 6. Prescribe routes, modes of transportation and destination in connection with necessary relocation.
 - 7. Control egress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in it.
 - 8. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, ammunition, explosives and combustibles.
 - 9. Make provisions for the availability and use of temporary emergency housing.
 - 10. Impose a curfew upon all or any portion of the City thereby requiring all persons in such designated and restricted curfew areas to remove themselves from public property, streets, alleys, sidewalks, thoroughfares, vehicle parking area or other public places except that physicians, nurses and para medical personnel performing essential medical services, utility personnel maintaining essential public services, firemen, members of the media upon showing of authorized press cards, civil defense volunteers and city, state, and federal authorized law enforcement officers and personnel may be exempt from such curfew. The curfew may be applicable

to any such hours of the day or night as the Director deems necessary in the interest of the public safety.

11. Allocate, ration, or redistribute food, water, fuel, clothing and other items he deems necessary.
- H. The director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of the health, life and property of the people, and bind the City for the fair value thereof.
- I. The director may order Civil Defense forces to the aid of other communities when required in accordance with statutes of the state and he may request the state or political subdivisions of the state to send aid to the City of Kivalina in case of disaster when conditions in the City are beyond the control of the City's civil defense forces.

Section 5. Violations and penalties.

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

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

Section 6. Office of Emergency Management.

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

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

- A. The Emergency management Coordinator shall be responsible to the Mayor in regard to all phases of the civil defense activity in the City. Under the supervision of the Mayor, he shall maintain liaison with the state and federal

authorities or other nearby political subdivisions so as to insure the most effective operation of the emergency preparedness plan.

- B. The Office of Emergency Management shall prepare and maintain a city emergency plan and keep it current. The plan may include provisions for:
 - 1. Prevention and minimization of injury and damage caused by disasters;
 - 2. Prompt and effective response to disasters;
 - 3. Emergency relief;
 - 4. Recommendations for zoning, building and other land-use controls, safety measures for securing mobile homes and other non-permanent or semi-permanent structures, and other preventive and preparedness measures designed to eliminate, reduce or mitigate disasters or their impact;
 - 5. Assistance to local officials in designing local emergency action plans and standard operating procedures;
 - 6. Authorizations and procedures for the construction of temporary works designed to protect against or mitigate danger, damage or loss from disaster;
 - 7. Preparation and distribution to the appropriate local officials of catalogs or extracts listing federal, state, city and private assistance programs;
 - 8. Organization of manpower and command and control;
 - 9. Coordination of federal, state and local disaster activities;
 - 10. Coordination of the city emergency plan with the disaster plans of the state government; and
 - 11. Other matters necessary to carry out the purpose of this chapter.
- C. In preparing and maintaining the city emergency plan, the Office of Emergency Management shall seek the advice and the assistance of local government, business, industry, civic and volunteer organizations, community leaders, and the Kivalina Civil Defense Advisory Board.
- D. The city emergency plan or any part of it may be incorporated in regulations or orders of the Office of Emergency Management. Regulations and orders of the Office of Emergency Management have the force of law when properly promulgated by the Mayor in accordance with the Section 4.
- E. The basic plan and all amendments shall be submitted to the Mayor. If approved after coordination with all departments involved, the Mayor will submit the plan and its amendments to the City Council for their approval. The plan and amendments will take effect 30 days from the date of approval unless action is taken by the Council disapproving the Mayor's submission. In the event of the plan or amendment is pending at the time that a disaster is proclaimed under the provisions of this chapter, the plan or amendment will be considered approved immediately and will remain effective unless specifically revoked by the Council.
- F. The Office of Emergency Management shall:
 - 1. Coordinate the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the City for civil defense purposes;
 - 2. Develop and coordinate plans for the immediate use of facilities, equipment, manpower and other resources of the City for the purposes of minimizing or preventing damage to persons and property, and protecting

- and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
3. Negotiate and conclude agreement with owners or persons in control of buildings or other property for the use of such buildings or other property for civil defense purposes and designate suitable buildings as public shelters.
 4. Through public information programs, educate the public as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present;
 5. Conduct public practice alerts and training to insure the efficient operation of civil defense forces and to familiarize residents with civil defense procedures, regulations and operations;
 6. Coordinate the activity of all other public and private agencies engaged in civil defense activities.
 7. Determine requirements of the City for food, clothing and other necessities in the event of a disaster emergency;
 8. Procure and pre-position supplies, medicines, materials and equipment.
 9. Adopt standards and requirements for local plans and standard operating procedures;
 10. Determine requirements and standards for local disaster communications;
 11. Make surveys of industries, resources and facilities in the City, both public and private as are necessary to carry out the purpose of this chapter;
 12. Establish a register of persons with types of training and skills important in disaster prevention, preparedness, response and recovery skills;
 13. Establish a resource manual of mobile and construction equipment, temporary housing and other resources available for use in a disaster emergency;
 14. Prepare for issuance by the Mayor, orders, proclamations and regulations as necessary or appropriate in coping with disasters;
 15. Develop and carry out procedures and policies to effectively employ disaster relief funds made available by the Mayor's authority or by the Governor's authority through the Alaska Division of Emergency Services; these procedures shall include application and documentation, review, verification and funding approval; and
 16. Do other things necessary or proper for the implementation of this chapter, including assuming such authority and conducting such activity as the Mayor may direct to promote and execute the emergency plan.

Section 8. Financing.

- A. It is the intent of the Council and the administration and declared to be the policy of the City, that funds to meet disaster emergencies will always be available.
- B. Whenever, and to the extent that, money is needed to cope with disaster, the first recourse shall be funds regularly appropriated to local agencies. If money available from these sources is insufficient, the Mayor may, notwithstanding, any limitations imposed by local ordinance, transfer or spend money appropriated for other purposes or, in situations involving natural or man-

made disasters, borrow from the federal or state government or other public or private sources for a term not to exceed two (2) years.

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

Section 9. Compensation.

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

Section 10. No governmental or private liability.

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

Section 11. Disaster prevention.

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

Section 12. Limitations.

Nothing in this chapter:

- A. Interferes with or allows interference with the course of conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- B. Interferes with or allows interference with dissemination of news or comment on public affairs; but any communications facility or organization (including, but not limited to radio, television, wire services and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency, in a manner which encroaches as little as possible upon the normal functions of the news media;
- C. Affects the jurisdiction or responsibilities of police forces, fire-fighting forces, units of the armed forces of the United States, or of any personnel of them when on active duty; but disaster emergency plans shall place reliance upon the civil defense forces available for performance of functions related to disaster emergencies; or
- D. Limits modifies or abridges the authority of the mayor to proclaim martial law or exercise any other powers vested in his by law independent of or in conjunction with any provisions of this chapter.

Section 13. Administration.

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

Section 14. Civil Defense Advisory Board.

- A. The Director, Kivalina OEM may establish and appoint members to a Civil Defense Advisory Board. This board will provide advice and assistance in the establishment of a viable civil preparedness program within the City.

Membership of the board will include the Director (Chairman), or his designated representative, the Emergency Management Coordinator (Vice-Chairman), a member of the City council, the police chief, fire chief, and members selected from the business community and the general public.

- B. It shall be the duty of the Civil Defense Advisory Board, and it is hereby empowered to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and rules and regulations as are necessary to implement such plans and agreements. The Advisory Board shall meet upon the call of the chairman, or in his absence from the City or inability to call such a meeting upon call of the vice chairman.

Section 15. Severability:

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

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

At all times when the orders, rules and regulations made and promulgated pursuant to this Chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

CHAPTER 33

LIBRARY DEPARTMENT

Sections:

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

Section 1. Establishment of library.

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

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

Section 2. Availability of library.

The library shall be available to all residents of the City of Kivalina and all other persons who desire its use

Section 3. Librarian.

All books and magazines shall be available with no charged fee although any book lost or not returned within 60 days will be charged against the person who checked out the book or magazine. It shall be the duty of the librarian to account for overdue books and magazines and arrange for their return or restitution charges. The librarian shall be responsible for operation of the library, cataloging of materials by subject matter, ordering of materials, checking in and out of books, accounting for funds appropriated and other library matters.

Section 4. Library board.

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

Section 5. Hours and location of library.

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

CHAPTER 34

PLANNING COMMITTEE

Sections:

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

Section 1. Establishment of Planning Committee.

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

Section 2. Composition; terms.

The Planning Committee shall consist of:

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

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

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

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

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

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

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

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

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

- A. Approval of minutes of previous meetings as amended or corrected;
- B. Reading and disposition of correspondence;
- C. Unfinished business;
- D. New business; and
- E. Miscellaneous business.

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

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

Section 4. Office space, compensation and expenses.

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

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

Section 5. Vacancies.

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

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

Section 6. Planning Committee duties.

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

- A. Comprehensive plan;
- B. Capital improvement program;
- C. Zoning;
- D. Flood protection and counter measures;
- E. Erosion control;
- F. Building permits;
- G. Other matters that may come to the committee's attention that effect the health, safety and well being of the citizens of Kivalina.

Section 7. Recommendations to be by resolution.

Recommendations to the City Council shall be by resolution bearing:

- A. The heading "Kivalina Planning Committee":
- B. The space for a number to be assigned, "Resolution No. ____";
- C. A short and concise title descriptive of the resolution's subject and purposes;
- D. Short premises or WHEREAS clauses descriptive of the reason for the resolution, if necessary;
- E. The resolving clause, "Be it resolved:";
- F. The text; and
- G. After the date adopted, designated lines for signature of the committee presiding officer and "Attest" by the City Clerk.

CHAPTER 35

(Reserved)

CHAPTER 36

WATER AND SEWER SYSTEM

Sections:

1. Historical data
2. Prohibited acts
3. Connection to city water and sewer system
4. Standards for installation of service lines and fixtures
5. Permits for construction of individual water and sewer systems
6. Maintenance of plumbing system
7. Standards for plumbing
8. Authorized inspection
9. Administration and enforcement
10. Utility rates; disconnect; reconnect; penalties
11. Utility operator

Section 1. Historical data.

Section 2. Prohibited acts.

- A. It shall be unlawful for any person to operate or maintain an individual sewage disposal system, unless such is constructed and maintained in such fashion that it does not contaminate any source of drinking, public, or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Environmental Conservation and any other applicable laws, regulations or ordinances of the United States, the State of Alaska, or the City of Kivalina.
- B. It shall be unlawful for any person to construct, alter, or extend an individual sewage disposal system except by permission of the City.
- C. It shall be unlawful for any person to construct, alter, or extend an individual water system except by permission of the City.

Section 3. Connection to city water and sewer system.

- A. Making of connections:
 1. All connections to the city water and sewage systems shall be made at the expense of the user. Costs of the connection and all appropriate regulations governing connection, including the use of self-help, shall be declared by resolution of the Council.
 2. All individual water service and sewer connections and repairs, modifications, or disconnections shall be made only under the terms and conditions as set forth by the regulations of the State of Alaska as adopted by the City and such further regulations as the City may make.

Title V. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

Chapter 36.	Water and Sewer System
Chapter 37.	AVEC Power Plant
Chapter 38.	Repair Shop
Chapter 39.	City Equipment
Chapter 40.	City Property; Inventory and Files
Chapter 41.	(Reserved)
Chapter 42.	(Reserved)
Chapter 43.	(Reserved)
Chapter 44.	(Reserved)
Chapter 45.	(Reserved)

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- B. Application for water and sewage service and/or connection: Each application for water and/or sewage service connection shall be in writing and shall include the following:
1. Legal name and address of applicant;
 2. Description of the property and building for which the water service and/or sewage service is requested;
 3. Such additional information as the City may require to demonstrate that the proposed connection complies with this ordinance.
- C. Approval of Application: Appeal
1. If the City is satisfied that the application and the proposed connection complies with this ordinance and applicable regulations relating to the water and sewer systems, it shall approve the application for, and provide for, the connection.
 2. Any person whose application for connection has been denied or conditionally approved may appeal to the City Council at its next regularly scheduled meeting.
- D. Installation of service lines: All consumer lines to the point of connection to the city water and sewer lines shall be installed by the user, at his own expense, and remain his responsibility for maintenance and repair.

Section 4. Standards for installation of service lines and fixtures.

The City may make regulations establishing standards for the installation of domestic fixtures to be served by the city water and sewage systems, water and sewer lines, and all related appurtenances as needed to ensure the safe utilization of the city water and sewer systems. All such uses must conform to the regulations of the State of Alaska and to any such regulations as may be adopted by the City.

Section 5. Permits for construction of individual water and sewer systems.

- A. An application for a permit for the construction, alteration, or extension of an individual water system or sewage disposal system shall be made in writing to the city and shall include the following:
 - 1. Legal name and address of applicant;
 - 2. Description of the property on which the construction, alteration, or extension is proposed;
 - 3. A sketch of the proposed disposal facility and such additional information as the City may deem necessary to demonstrate that the proposed disposal facility shall comply with this ordinance and the standards of the State of Alaska.
- B. Approval of Permit: Appeal
 - 1. If the City is satisfied that the proposed facility will comply with this ordinance and with state regulations, it shall approve the application and issue a permit for the work.
 - 2. Any person whose application for a permit has been denied may appeal at the next regular meeting of the City Council.

Section 6. Maintenance of plumbing system.

- A. Each consumer of community water or sewage service shall maintain his individual water and waste facilities in good repair at his own expense. The consumer's responsibility for water and sewer facilities shall begin at the point of connection to the city's water and sewer facilities and shall include all facilities from that point through the building. In the case of individual water and sewer systems, the consumer shall have complete responsibility for his own system.
- B. Water and sewer services to a consumer may be discontinued by the City when defective fixtures or misuse of sewage facilities may affect the safe and proper operation of the city water or sewer system; when there is a willful waste of water; when there is a refusal to permit an inspection by the City; and/or when the service charges for the systems are not being paid.

Section 7. Standards for plumbing.

All plumbing work shall comply with applicable regulations and standards of the State of Alaska and any other regulations as adopted by the City.

Section 8. Authorized inspection.

The City through its designated representative or representatives is hereby authorized to make inspections at reasonable times during daylight hours to determine satisfactory compliance with this ordinance and regulations promulgated hereunder. Consumers by application for connection to the city water and sewer system or for permits to construct individual water and sewer systems are deemed to have knowledge of and to have authorized such reasonable inspection.

Section 9. Administration and enforcement.

- A. This ordinance shall be administered and enforced by the City Council.
- B. All monies collected for water, sewer and solid waste utilities will be used strictly for maintenance, extension, repair, capital improvement, and operation of the systems.
- C. All monies collected for water sewage, and solid waste will be deposited in the city bank account by the City Clerk and disbursed by action of the City Clerk in accordance with this ordinance and related regulations. A separate accounting shall be kept of those monies.
- D. The City Council shall adopt such additional regulations, provisions, and procedures pertaining to water, sewer and waste collection and disposal services as it deems proper.

Section 10. Utility rates; disconnect; reconnect; penalties.

- A. Utility rates and other charges for services shall be established by the City Council and shall be enforced by the water and sewer utility board.
- B. The following rates shall be in force until amended by the City Council:

Water Service	\$2,500.00	per month
Water and sewer	\$-0-	per month
- C. An additional charge of 10% shall be collected on accounts over 90 days old.
- D. The water and sewer systems shall be disconnected if the consumer has not paid for such services for at least one year.
- E. The consumer shall pay the utility operator a reconnect fee for services rendered. All reconnect charges shall be paid by the consumer.

Section 11. Utility operator.

- A. The operator shall receive \$ per month to maintain the city water and sewer system. This sum may be amended whenever the City Council amends the rates in Section 10 B.
- B. If the operator has an alternate working whenever he takes time off or weekends off, and these are not related to any training, the City shall pay the alternate a prorated share of the \$. If the operator is absent for training, the City shall pay the alternate from the City general funds.
- C. If the operator is funded by any Federal or State program; he shall be considered to have received his salary-provided such funding exceeds the \$ per month that the City would have paid him.

- D. If the operator is paid under Sec. 11 C.; the City shall pay the alternate a prorated amount of \$ per month.

CHAPTER 37

AVEC POWER PLANT

Sections:

1. Money spent by City shall not exceed AVEC reimbursement
2. Basic salary of AVEC operator, bonus
3. Alternate operator pay prorated
4. Federal or State funding of operator
5. Alternate operator weekend pay
6. Application of Sections 1, 2, and 3

Section 1. Money spent by City shall not exceed AVEC reimbursement.

The money that the City spends for the AVEC power plant operation shall as much as possible not exceed the “fixed sum” of money that AVEC, Inc. pays to the City of Kivalina to maintain the power plant operation. This said “fixed sum” is stated the operating agreement between the City of Kivalina and AVEC, Inc. This “fixed sum” may be amended by AVEC, Inc. and resolution of the City Council.

Section 2. Basic salary of AVEC operator, bonus.

This basic fixed sum of money that AVEC, Inc. pays to the City shall be the basic salary of the AVEC Plant Operator. The plant operator shall also be paid a bonus if AVEC, Inc. sends a bonus to the City under the Operating Incentive Agreements.

Section 3. Alternate operator pay prorated.

If an alternate plant operator works whenever the plant operator decides to take a day of leave without pay, he shall receive a prorated part of the “fixed sum” that AVEC pays to the City.

Section 4. Federal or State funding of operator.

If the plant operator is paid by any federal or State funded program and the wages he receives are greater than the “fixed sum” of money paid to the City by AVEC, Inc. he shall not be paid by the City for a “week-end” work since the wages he receives are greater than the salary that he would have received had he been paid by the City.

Section 5. Alternate operator weekend pay.

If the AVEC plant operator is paid as in Section 4 and he takes weekends off, the City shall pay the alternate plant operator according to the formula in Section 3.

Section 6. Application of sections 1, 2, and 3.

If both the plant operator and the alternate plant operator are paid by the City; Sections 1, 2, and 3 shall be applied.

Section 7. AVEC Utility Board.

There shall be a three member AVEC utility board elected for one year terms at the AVEC annual meeting. The board shall consist of the annual meeting chairman, the secretary and the delegate as elected. The delegate is the annual AVEC meeting delegate and shall chair the utility board meetings. The board shall meet monthly and monthly report to AVEC and to the City Council. Compensation shall be as determined by AVEC.

CHAPTER 38

REPAIR SHOP

Sections:

1. Establishments
2. Use
3. Cost

Section 1. Establishment.

The City Council hereby authorizes use of the City owned machine repair shop by the community.

Section 2. Use.

Hours and days when the machine repair shop may be used will be determined and periodically reviewed by the Council.

Section 3. Cost.

Users' fees shall pay for the costs of operation of the machine repair shop. The Council shall periodically review the costs of operation of the shop, and from this information determine the rates to be charged users.

CHAPTER 39

CITY EQUIPMENT

Sections:

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

Section 1. Recognition.

The City Council of Kivalina recognizes that:

- A. The City of Kivalina owns various trucks, loaders, tractors and other equipment; that
- B. Many times city owned equipment is the only equipment available for use on construction projects in Kivalina; that
- C. Private contractors, individual citizens, the State of Alaska and the United States government often desire to use city owned equipment for use on construction projects and; that
- D. The cost of operation and maintenance of equipment in Kivalina is high.

Section 2. Use of equipment.

Individuals, contractors, agencies of the State of Alaska or the United States government may make application to the City Council of Kivalina for use of city equipment. The Council shall review their application and may or may not grant use on such terms as the Council deems fit.

Section 3. Rental of equipment.

Rental agreements for use of city equipment shall be prepared by the City council. The Council shall periodically review operation and maintenance costs of city equipment and set hourly, daily and longer term rates for the rental of city owned equipment. Renters shall be responsible for maintenance, fueling, repair and replacement of parts while equipment is under their control. The Council may require a city operator to be used on rental equipment.

Section 4. City Clerk.

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

CHAPTER 40

CITY PROPERTY, INVENTORY AND FILES

Sections:

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

Section 1. Inventory; files.

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

At a minimum these files shall contain:

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

Section 2. Ancillary files.

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

Section 3. Register.

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

CHAPTER 41

(Reserved)

Chapter 42.

(Reserved)

Chapter 43.

(Reserved)

Chapter 44.

(Reserved)

Chapter 45.

(Reserved)

Title VI. GENERAL WELFARE

- Chapter 46. Intoxicating liquors or beverages.
- Chapter 47. Alcohol Local Option Election.
- Chapter 48. (Reserved)
- Chapter 49. Dog Control
- Chapter 50. (Reserved)
- Chapter 51. Curfew
- Chapter 52. Offenses by or against minors.
- Chapter 53. Litter; sanitation measures.
- Chapter 54. Protection of Watershed.
- Chapter 55. Offenses against property.
- Chapter 56. Offenses by or against public officers and government.
- Chapter 57. Offenses against public peace.
- Chapter 58. (Reserved)
- Chapter 59. (Reserved)
- Chapter 60. Motor vehicles.
- Chapter 61. Control of firearms, deadly weapons, explosives, fireworks.
- Chapter 62. (Reserved)
- Chapter 63. (Reserved)
- Chapter 64. (Reserved)
- Chapter 65. (Reserved)

CHAPTER 46

INTOXICATING LIQUORS OR BEVERAGES

Sections.

1. Furnishing liquor unlawful
2. Consumption in public place unlawful
3. Open container
4. Definitions
5. Penalty

Section 1. Furnishing liquor unlawful.

It shall be unlawful for any person to motivate or induce another person to furnish him or her with an alcoholic beverage, or for a person to furnish an alcoholic beverage to another person.

Section 2. Consumption on public place unlawful.

It shall be unlawful for any person to consume any alcoholic beverage in any public place; be it in alley, street, restaurant, recreation hall, or other business establishment.

Section 3. Open container.

It shall be unlawful for any person in the City of Kivalina to carry, conceal or transport any open bottle, can, or any other container of alcoholic beverage; such open container being defined as a container, bottle, or can which has a broken seal or which is in some other way obviously open, on any person in a public place as defined in Section 2 or in any automobile, or on a boat, or on a snowmobile, three wheeler or any other vehicle.

Section 4. Definitions.

“Alcoholic beverage” means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage and that contain alcohol, whether produce commercially or privately.

Section 5. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 47

ALCOHOL LOCAL OPTION ELECTION

Alcohol local option election to prohibit the sale and importation of alcohol beverages.

In accordance with the alcohol local option election held under AS.04.11.496 and AS.04.11.502, on August 24, 1981 at which 65 voters voted yes and 27 no, to prohibit the sale and importation of alcoholic beverages in Kivalina, Alaska, effective May 1, 1982 it shall be unlawful to sell or import alcoholic beverages in Kivalina. The fines and penalties shall be those established under State law. This ordinance shall remain in effect until it is repealed by a duly held and certified alcohol local option election under AS.04.11.490 et. seq.

CHAPTER 48

(Reserved)

CHAPTER 49

DOG CONTROL

Sections:

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

Section 1. Coverage.

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

Section 2. Keeping dogs confined.

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

Section 3. Loose ownerless dogs.

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

Section 4. Loose owned dogs.

In the case of a loose, unattended dog, where ownership can be determined; a city employee or official, the VPSO or VPO shall give the owner notice in writing of the dog's condition so that the owner may secure the dog in proper fashion. The notice shall state the date, time and to whom delivered. The notice shall give the owner a reasonable time certain from receipt I which to secure an unconfined dog. A copy of the notice as delivered shall be kept for the Public Safety Department's records. Upon expiration of the time certain in the second notice, a dog is still unconfined; it shall be disposed of by the Public Safety Department.

Section 5. Rabies vaccination.

All dogs six (6) months of age or older shall be vaccinated against rabies. Owners are responsible for making certain their dogs are vaccinated against rabies at the

times vaccination is available in Kivalina. Owners are responsible for furnishing proof of vaccination of their dogs.

Section 6. Rabid dogs.

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

Section 7. Rabies; loose dogs under emergency situations.

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

Section 8. Disposal of dogs.

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

Section 9. Penalties.

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

CHAPTER 50

(Reserved)

CHAPTER 51

CURFEW

Sections:

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

Section 1. Curfew effective.

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

Section 2. Area of curfew.

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

Section 3. Curfew hours.

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

Section 4. Vacations and holidays.

During any declared school holiday or vacation, the curfew hours established shall be 12:00 a.m. to 6:00 a.m. on all days of the week except that Sunday curfew hours shall be in effect the last day of such vacation immediately prior to the next school day.

Section 5. Exceptions.

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

Section 6. Parental responsibility.

It is unlawful for any parent or other adult person having the custody of a minor to allow the minor on the public streets or in any other public place in the City during the prohibited hours described in this Chapter unless the minor is accompanied by

a parent, or guardian, or an adult person charged with control of the minor, or the minor has in his or her possession a note signed by the parent or guardian authorizing said minor to be out and en-route home. The signed note shall state specifically the time the minor is to be home. The presence of a minor on or in a public street or place as described above, in violation of this Chapter shall be primary evidence of the guilt of the parent or other adult person having the custody or control of the minor.

Section 7. Enforcement.

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

CHAPTER 52

OFFENSES BY OR AGAINST MINORS

Sections:

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

Section 1. Selling tobacco to children.

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

Section 2. Selling intoxicating liquor to minors.

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

Section 3. Penalties.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 53

LITTER; SANITATION MEASURES

Sections:

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

Section 1. Litter unlawful.

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

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

Section 2. Notice to abate; removal by City.

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

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

When the City has affected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of eight (8) percent per year

from the date of the completion of the work shall be charged to the owner or occupier of the property.

Section 3. Polluting water.

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

Section 4. Water and sewer.

It shall be unlawful for any person, company or organization to deposit, dump, or in any manner dispose of human waste, offal, or excrement within the city limits except as provided in Chapter 36 Water and Sewer System of this code.

Section 5. Authorized dump area.

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

Section 6. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of the Code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 54

PROTECTION OF WATERSHED

Sections:

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

Section 1. Definitions.

As used in this chapter,

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

Section 2. Location of Watershed.

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

Section 3. Prohibited Acts.

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

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

Section 4. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 55

OFFENSES AGAINST PROPERTY

Sections:

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

Section 1. Tampering with sewer and water system.

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

Section 2. Injury to public library books or property.

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

Section 3. Injury to roads and other utilities.

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

Section 4. Injury to public property or equipment.

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

Section 5. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this

Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 56

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

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

Section 1. Interference with city officers.

It is unlawful for any person to interfere with or hinder any policeman, fireman, officer or city official in the discharge of his duty.

Section 2. Falsely assuming to be an officer.

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

Section 3. Resisting arrest.

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

Section 4. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 57

OFFENSES AGAINST PUBLIC PEACE

Sections:

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

Section 1. Disturbance of peace.

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

Section 2. Disturbing congregations or other assemblies.

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

Section 3. Blasphemous or obscene language.

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

Section 4. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 58

(Reserved)

CHAPTER 59

(Reserved)

CHAPTER 60

MOTOR VEHICLES

Sections:

1. Definitions
2. Coverage
3. Excessive Speed
4. Unsafe Operation
5. Obstructing airstrip
6. Influence of intoxicating liquor or beverage
7. Required equipment; snowmachines
8. Required equipment; all land based vehicles
9. Reporting of accidents
10. Penalties

Section 1. Definitions.

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

Section 2. Coverage.

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

Section 3. Excessive Speed.

It shall be unlawful for any person under the age of 12 for any motor vehicle, including motor scooters, motorcycles, motor driven bicycles, to travel at an excessive speed of 15 miles per hour within the city limits of Kivalina. A snowmachine (sno-go, etc.) is considered a motor vehicle. Regardless of any posted limit, it is also unlawful to drive a land based vehicle at a speed greater than is reasonable under the existing road or weather conditions.

Section 4. Unsafe operation.

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

Section 5. Obstructing airstrip.

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

Section 6. Influence of intoxicating liquor or beverage.

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

Section 7. Required equipment; snowmachine.

No person shall drive or operate a snowmachine unless the snowmachine is equipped with the following:

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

Section 8. Required equipment; all land based vehicles.

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

Section 9. Reporting of accidents.

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

Section 10. Penalties.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 61

CONTROL OF FIREARMS, DEADLY WEAPONS, EXPLOSIVES, FIREWORKS

Sections:

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

Section 1. Definitions.

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

Section 2. Carrying concealed weapons.

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

Section 3. Carrying loaded firearms.

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

Section 4. Discharging firearms.

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

Section 5. Explosives.

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

Section 6. Exclusions.

- A. Sections 2 and 3 of this ordinance do not apply to any duly authorized City, State, or Federal law enforcement officer in the performance of official duties.
- B. Section 4 of this ordinance does not apply to duly authorized City, State, or Federal law enforcement officers under the following circumstances:

1. When the use of the firearm is necessary to protect himself, a prisoner, another officer or a citizen from a dangerous and felonious assault;
 2. When the use of a firearm is necessary to prevent a person who has committed a felony from escaping;
 3. When the use of a firearm is necessary to dispose of loose dogs as otherwise defined in this Code.
- C. Under no circumstances shall an officer fire upon any person who is attempting to escape arrest on a misdemeanor or lesser charge.
- D. Section 4 of this ordinance does not apply to a person who is;
1. Firing a firearm in justifiable defense of himself or of others or of property or otherwise in accordance with law;
 2. Sighting in firearms at a time and location approved by the Council;
 3. Who is engaged in subsistence activities, and
 4. At such times as designated by the Council such as New Years' Eve.

Section 7. Fireworks.

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

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

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

Section 8. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 62

(Reserved)

CHAPTER 63

(Reserved)

CHAPTER 64

(Reserved)

Title VII. ELECTIONS

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

CHAPTER 66

CITY ELECTIONS

Sections:

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

Section 1. Administration.

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

Section 2. Voter Qualifications.

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

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

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

Section 3. Residence criteria.

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

- A. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the state or of the United States, or of his absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the State, of the United States or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in the Alaska Pioneers' Home.
- B. The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return. If a person resides in one place, but does business in another, the former is his place of resident. Temporary construction camps do not constitute a dwelling place.
- C. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
- D. A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.
- E. A person does not gain residency by coming to the city without the present intention to establish his permanent dwelling in the City.
- F. A person loses his residence in the City if he votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he again qualifies under this Chapter.
- G. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of the voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumptive is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his new voting residence.

Section 4. General Elections.

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

Section 5. Special elections.

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

Section 6. Election notices.

- A. Election notices shall be prepared and posted in three public places by the City Clerk for 30 days preceding the date of the general election and for 20 days preceding the date of a special election, and shall contain the following, as is appropriate:
 - 1. Whether the election is general, special or run-off;
 - 2. Date of the election;
 - 3. Location of the city polling place(s);
 - 4. Time the polling place(s) will open and close;
 - 5. Offices to be filled;
 - 6. A statement describing voter qualification;
 - 7. Time for filing declarations of candidacy and nominating petitions;
 - 8. A statement of any question or propositions to be placed on the ballot.
- B. A sample election notice that may be used is shown at the end of this chapter.

Section 7. Run-off elections.

Pursuant to Ordinance _____ the Council voted and decided that no run-off elections will be required. The candidate having the highest number of votes shall be designated the seat. If no candidate receives greater than 40 percent (40%) of the votes cast, the Council shall hold a run-off election between the two (2) candidates receiving the greatest number of votes for the office and the leading candidate wins. Run-off elections shall be held on the second Tuesday following the date the Council certifies the election. Notice of the run-off election shall be posted in three (3) public places for at least five (5) days before the election.

Section 8. Tie votes.

In the event of a tie vote, and after a recount of ballots that confirms the tie vote the Council shall in its first meeting after the election call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner.

Section 9. Qualifications for City Council.

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

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

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

Section 10. Filing for office.

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

Section 11. Withdrawal, written notice.

Any candidate who has complied with the provision of this Chapter may withdraw his candidacy no later than the last day for filing nominating petitions by filing a written notice of withdrawal with the City Clerk.

Section 12. Publishing names.

The City Clerk shall cause to be posted in three (3) public places five (5) days next preceding the day of election, the names of all candidates who have declared and been nominated and designating the office for which such person have declared and been nominated.

Section 13. Election judges.

- A. The Council shall each year choose three (3) city voters as judges to be the election board at each polling place and select one of the judges to chair the board. The judges shall not be Council members or candidates for office. If an appointed judge fails to appear and subscribe to the oath on Election Day or becomes incapacitated during the time of the election or the counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.

- B. The City Clerk shall give the following written oath to all election judges on or before Election Day.

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

SIGNED:_____

ATTEST:_____

City Clerk

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

(Chapter 66, Section 5(B))

NOTICE OF GENERAL MUNICIPAL ELECTION

CITY OF KIVALINA, ALASKA

TO BE HELD: OCTOBER ____, 19__

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

SEAT ____: 3 – YEAR TERM

SEAT ____: 3 – YEAR TERM

SEAT ____: 3 – YEAR TERM

VOTER QUALIFICATIONS:

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

POLLS WILL OPEN: 7:30 A.M., OCTOBER ____, 19__

POLLS WILL CLOSE: 8:00 P.M., OCTOBER ____, 19__

LOCATION OF POOLLS: CITY OFFICES

VOTING BOUNDARY (PRECINCT)

CITY OF KIVALINA

Candidates for office must file a declaration of candidacy accompanied by a nominating petition carrying the signatures of at least 10 qualified voters with the City Clerk no later than 5:00 p.m. September ____, 19__. Sample declaration of candidacy and nominating petition forms may be obtained from the City Clerk at the city offices from 9:00 a.m. to 5:00 p.m. Monday through Friday.

(Date)_____

ATTEST:_____

(CITY CLERK)

(CITY SEAL)

DECLARATION OF CANDIDACY

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

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

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

Signature: _____

NOMINATING PETITION

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

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

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Received (date) _____

ATTEST: _____

CITY CLERK

CHAPTER 67

ELECTION EQUIPMENT AND MATERIALS

Sections:

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

Section 1. Election booths.

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

Section 2. Furnishing instruction cards.

The election supervisor shall prepare for each polling place instructions for the guidance of voters covering the following:

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

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

Section 3. Ballots; printing; sample ballots.

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

Section 4. Ballots; form.

- A. The ballots shall state at the top whether the election is a regular, special, or runoff election.
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The Clerk shall assure that there are one-third more ballots and numbered than there are registered voters in Kivalina, in order to provide replacement ballots for ballots that may be spoiled by voters and for those person who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be placed the words “vote for not more than three,” or “vote for not more than one”, or such other number as are to be elected.
- F. Under the title of each office and before the printed names of the candidates, there shall be printed “Vote for one” or such other number as are to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order, and by a blank line or lines for write-in candidates. In regular and special elections the number of blank lines provided for each office shall be equal to the number of person who is to be elected to the office. No blank lines shall be provided for runoff election.
- G. The names of the candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-n candidates, a square not less than one-quarter of an inch on each side will be printed.
- H. The names of candidates shall be printed as they appear upon the declarations of candidacy and nominating petitions filed with the City Clerk, except that any honorary or assumed title or prefix shall be omitted.
- I. Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon if any. Provision shall be made for marking the propositions or questions “Yes” or “No”.
- J. Somewhere on the ballots, so as to be clearly visible, will be printed the words:

1. “OFFICIAL BALLOT”

2. The date of the election; and
 3. An example of the signature of the clerk who had the ballots printed.
- K. The sample ballot appearing at the end of this chapter illustrates the ballot format.

Section 5. Other materials.

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

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

AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE

CITY OF KIVALINA, ALASKA

REGULAR ELECTION OF _____(DATE)_____

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

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

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

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

VOTE FOR NOT MORE THAN THREE

CITY COUNCIL MEMBER

SEAT ____ : THREE YEARS

(VOTE FOR ONE ONLY)

☐ _____

☐ _____

☐ _____

CITY COUNCIL MEMBER

SEAT ____ : THREE YEARS

(VOTE FOR ONE ONLY)

☐ _____

☐ _____

☐ _____

CITY COUNCIL MEMBER

SEAT ____ : THREE YEARS

(VOTE FOR ONE ONLY)

☐ _____

☐ _____

☐ _____

PROPOSITIONS:

☐ YES

☐ NO

OFFICIAL BALLOT

Prepared by: _____

City Clerk

CHAPTER 68
ELECTION PROCEDURES

Sections:

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

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

- A. On the day of any election, the election board shall open the polls for voting at seven thirty 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 7:00 in the morning on an election day.
- B. Fifteen minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce the time when the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.
- C. The normal voting place shall be the city offices. If for some reason beyond the control of the Council this location is unusable, the Council may by resolution designate a different location. Such location shall be included in all notices of election.

- D. Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts outside the city limits are excluded. Currently the City of Kivalina is entirely within the Kivalina election precinct.

Section 2. Distribution of ballots.

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

Section 3. Distribution of other election materials.

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

Section 4. Preparation of ballot box.

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

Section 5. Voting; general procedure.

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

Section 6. Voting; spoiled ballots.

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

Section 7. Voting; questioned ballots.

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

Section 8. Assisting voter by judge.

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

Section 9. Prohibitions.

- A. Prohibiting the leaving of the polling place with ballot. No voter may leave the polling place with the official ballot that he received to mark.

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

Section 10. Administration of oaths.

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

Section 11. Majority decision of election board.

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

Section 12. Ballots; counting and tallying.

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. Ballots may not be counted before 8:00 p.m. on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed official 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 or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall

cause the vote tally to be continued without adjournment until the count is complete.

- B. The election board shall account for all ballots by completing a ballot statement containing (1) the number of ballots received; (2) the number of ballots voted; (3) the number of ballots spoiled; (4) the number of ballots unused. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist between the ballots received and those accounted for it shall be explained in detail on the ballot statement and explanation signed by the election judges.
- C. The forms at the end of this chapter illustrate Tally Sheets and Ballot Statement forms that may be used.

Section 13. Rules for counting ballots.

- A. The election board shall count according to the following rules:
 - 1. A voter may mark his ballot only by use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced I the square opposite the name of the candidate or propositions the voter desires to designate.
 - 2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
 - 3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
 - 4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
 - 5. The mark specified in subsections A of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.
 - 6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates' properly made.
 - 7. An erasure or correction invalidates only that section of the ballot in which it appears.
 - 8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.

9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written in as a write-in vote.
 10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.
- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
 - C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or position) state in subsection (A) of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.
 - D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes are shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion or portion of the ballot to which the objection applies.
 - E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots," which shall be delivered to the election supervisor.

Section 14. Report of election results.

- A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or not on each question and any additional information the election board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee on the Friday following the election when the committee meets.
- B. The election supervisor shall place all election materials received from the election board in the office safe until the canvass of election returns on the

Friday following the election. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates.

Section 15. Posting certificate of preliminary election results.

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

CITY OF KIVALINA, ALASKA
OATH AND AFFIDAVIT OF ELIGIBILITY

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

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

SIGNED:

(NAME)

(ADDRESS)

WITNESSED

Election Judge

(Chapter 68, Section 12 (C))

TALLY SHEET

CITY OF KIVALINA, ALASKA

(DATE OF ELECTION)

(DATE AND TIME OF VOTE COUNT)

	Seat	Seat	Seat	Seat	Seat	Seat	Seat	
Candidate	A	B	C	D	E	F	G	TOTAL
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								

WRITE-IN

1. _____

2. _____

PROPOSITIONS

Yes No

CITY OF KIVALINA, ALASKA

REPORT OF PRELIMINARY ELECTION RESULTS

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

PART 1: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT _____

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

OFFICE: CITY COUNCIL SEAT _____

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

OFFICE: CITY COUNCIL SEAT _____

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

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION _____: FOR _____ AGAINST _____

PROPOSITION _____: FOR _____ AGAINST _____

PROPOSITION _____: FOR _____ AGAINST _____

QUESTION _____: YES _____ NO _____

QUESTION _____: YES _____ NO _____

QUESTION _____: YES _____ NO _____

PART III: ACCOUNTING OF BALLOTS

Total Ballot Received From Election Supervisor: _____

Total Regular Ballots Cast: _____

Total Questioned Ballots Cast: _____

Total Ballots Returned to Clerk: Defective _____

Spoiled _____

Unused: _____

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

Respectively submitted,

_____, Election Board Chairman

_____, Election Judge

_____, Election Judge

ATTEST:

City Clerk

(City Seal)

CHAPTER 69

ABSENTEE VOTING

Sections:

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

Section 1. Absentee voting; eligible persons.

Any qualified voter, who expects to be absent from the City or who will be unable to vote by reason of physical disability on the day of any election, may cast an absentee ballot.

Section 2. Absentee ballots; application; filing.

- A. A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the City Clerk.
- B. An application made by mail must be received by the City Clerk no ore than twenty days, nor less than three days before a city election. An application made in person must be filed with the City Clerk not more than twenty days before the city election, and no later than noon on the day before a city election.
- C. The application must be signed by the applicant and show his place of residence.
- D. No absentee voter's ballot shall be mailed to any address in the City. Any voter present in the City who requires an absentee ballot shall personally obtain the ballot from the City Clerk.

- E. Nothing in this section is intended to limit the City Clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City Clerk's office for an absent voter's ballot. The City Clerk may deliver an absentee ballot to a disabled person living within the City at any time until the polls close on Election Day.
- F. The form appearing at the end of this chapter illustrates this application.

Section 3. Ballot and envelope form.

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

Section 4. Absentee voting procedures.

- A. The Clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with Section 4, Chapter 67 together with a ballot envelope and a prepaid return envelope.
- B. The Clerk shall not issue an absentee ballot sooner than 10 days before the election.
- C. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the Clerk shall enter in the blank register the following information: the number of the ballot issued, the name of the voter to whom it was issued, and the date on which the ballot was issued. Before the opening of the polls on election day the Clerk shall delivery to the election judges a list of the voters who have requested to vote absentee.
- D. To be counted, an absentee voter's ballot must be executed before the polls close in the City and be received by the clerk prior to the time the ballots are canvassed by the election review committee.
- E. All supplies necessary for the voter to cast and return his ballot will be furnished by the Clerk. No city official may make any charge for services rendered to any voter under the provisions of this Chapter.

Section 5. Absentee ballots; delivery.

Upon receipt of an application for an absent voter's ballot, the Clerk shall check the latest state registration listings to determine whether the applicant is registered in

accordance with Alaska Statutes Chapter 15.07. If the applicant is properly registered, the clerk shall deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, a ballot envelope and a return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally mark the ballot, but which does not permit the Clerk to see how the voter voted. The voter shall fold the ballot and seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the back of the return envelope and deliver it to the Clerk. The Clerk shall certify to the affidavit on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the Council for canvassing.

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

Any voter issued an absentee ballot may, at any time prior to the day of the election for which it is issued, appear at the office of the City Clerk, and there cast his ballot in the following manner: The voter first shall show the City Clerk that his ballot has not been marked, then shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the clerk to see how the voter voted. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the back of the return envelope, and deliver it, properly sealed, to the City Clerk. The City Clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the Council for canvassing.

Section 7. Absentee ballots; executing outside city.

Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner as he would cast it in the office of the City Clerk under Section 6 of this chapter. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the City Clerk.

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

If a voter issued an absentee ballot returns to the City election day, she shall not vote at the polling place unless he first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to him. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the

election supervisor by the election board with other ballots not used at the polling place.

Section 9. Retention of absentee ballots, delivery.

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

Section 10. Liberal construction.

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

(Chapter 69, Section 2(E))

CITY OF KIVALINA, ALASKA

APPLICATION FOR ABSENTEE BALLOT:

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

RESIDENCE ADDRESS: _____

(P.O. BOX NUMBER OR STREET)

MAILING ADDRESS: _____

(IF OTHER THAN RESIDENCE ADDRESS)

REASON FOR REQUESTING ABSENTEE BALLOT: _____

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:

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

DATE: _____ SIGNED: _____

(VOTER)

RECEIVED BY: _____ DATE: _____

PLEASE MAIL THIS APPLICATION TO: CITY CLERK
CITY OF KIVALINA
KIVALINA, ALASKA

99750

ABSENTEE BALLOT RETURN ENVELOPE

170

CHAPTER 70

REVIEW OF ELECTION RETURNS

Sections:

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

Section 1. Election review committee; meeting.

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

Section 2. Review to be public.

- A. The review of all absentee and questioned and defective ballots shall be made in public by opening the returns and announcing the results thereof in front of those present.

- B. The review shall include a review and comparison of the tallies of ballots with the election reports to correct any mathematical error in the count of ballots.
- C. If the election supervisor finds an unexplained error in the tally of ballots, he/she may count the ballots from a ballot box.

Section 3. Procedure for questioned ballot review.

- A. The election supervisor shall contact the State Division of Elections and the local voter registrars by the Thursday following the election and determine if persons casting questioned ballots because of failure of their names to appear on the Master Voter Registration List were in fact registered to vote in state elections. The election supervisor shall record the names of these questioned voters in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures in subsection B,4 of this section.
- B. The Council meeting as the election review committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the Council may request the assistance of the Clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the council's decision. If the council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the Council upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.
 - 1. A questioned ballot may not be counted if
 - a. The voter has failed to properly execute the certificate;
 - b. An official authorized by law to attest the certificate failed to execute the certificate;
 - c. The voter did not enclose the marked ballot inside the small envelope.
 - 2. Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The election review

committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (1) of this subsection.

3. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe.
4. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and missed with other small envelopes containing questioned ballots. The questioned ballots shall then one by one be removed from the ballot box taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted.

Section 4. Questioned ballots; subpoenas.

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

Section 5. Absentee ballots.

- A. The Council shall examine each absentee ballot return envelope. Upon the council's satisfaction that:
 1. The voter is registered to vote;
 2. A resident of Kivalina;
 3. Did so certify and cast his ballot before a person authorized by law to administer oaths, which person did so sign and seal; and
 4. The ballot was cast before the close of the polls in Kivalina; the return envelope shall be opened and the blank envelope containing the absentee ballot shall be placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.
- B. If the Council determines that a voter voting absentee was not in fact a qualified voter or did not follow absentee voting procedures the3 Council by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened but rather the reasons for rejection shall be noted on the envelope. The lection supervisor shall place all such rejected absentee ballots in an envelope marked "rejected absentee ballots" to be saved with other election materials. The election supervisor shall notify the voter in writing why his absentee ballot was rejected.

Section 6. Counting absentee and questioned ballots.

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

Section 7. Defective ballots.

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

Section 8. Certifying results.

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

- A. Certify a report that shows:
 - 1. The total number of ballots cast in the elections;
 - 2. The names of the persons voted for (including write-ins) and the propositions voted upon;
 - 3. The offices voted for;
 - 4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
 - 5. The disposition of all absentee, questioned, and defective ballots; and
 - 6. Any other matters which the Council deems necessary to preserve a complete record of the election.
- B. Record the results of the election in the minutes of the meeting;
- C. Authorize the results to be certified;
- D. Publicly declare the results of the election.

Section 9. Contest of election.

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

Section 10. Certificate of election.

- A. Upon authorization of certification of the election results by the City Council the City Clerk shall prepare two Certificates of Election for each office, proposition, or questioned considered. The certificates shall be signed by the Mayor and attested by the Clerk. One original of each Certificate of Election shall be given the successful candidate or the

sponsor of the successful questions or propositions named thereon, and the other original of each certificate shall be kept by the City.

- B. The forms appearing at the end of this chapter illustrate the certificates of election.

Section 11. Retention of election records.

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

CITY OF KIVALINA, ALASKA
REPORT OF ELECTION RESULTS

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

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT ____

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

OFFICE: CITY COUNCIL SEAT ____

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

OFFICE: CITY COUNCIL SEAT ____

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

(Chapter 70, Section 8(B))

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITIONS _____: FOR _____ AGAINST _____

PROPOSITIONS _____: FOR _____ AGAINST _____

PROPOSITIONS _____: FOR _____ AGAINST _____

QUESTION _____: YES _____ NO _____

QUESTION _____: YES _____ NO _____

QUESTION _____: YES _____ NO _____

PART III: ACCOUNTING OF BALLOTS

Total Ballots Cast: _____

Total Regular Ballots Cast: _____

Total Questioned Ballots Cast: _____

Disposition:

Accepted _____

Rejected _____

Total Absentee Ballots Cast: _____

Disposition:

Accepted _____

Rejected _____

Total Defective Ballots Cast: _____

Disposition:

Accepted _____

Rejected _____

The canvass of the election was completed between the hours of

_____ .m. and _____ .m. on _____, 19__.

Mayor

ATTEST:

City Clerk

(City Seal)

Report of Election Results

Page 2 of 2

(Chapter 70, Section 10(B))

City of Kivalina, Alaska

CERTIFICATE OF ELECTION

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

DATED at Kivalina, Alaska this _____ day of _____, 19_____.

Mayor

ATTEST:

City Clerk

(City Seal)

(Chapter 70, Section 10(B))

City of Kivalina, Alaska

CERTIFICATE OF ELECTION - - BALLOT PROPOSITION

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

DATED at Kivalina, Alaska this _____ day of _____, 19_____.

Mayor

ATTEST:

City Clerk

(City Seal)

CHAPTER 71
CONTEST OF ELECTION

Sections:

1. Contest of election; contestant
2. Contest of election; Council
3. Ballot recount
4. Prohibited practices alleged
5. Sustained charges; recount
6. Recount expenses; appeal

Section 1. Contest of election; contestant.

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

Section 2. Contest of election; Council.

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

Section 3. Ballot recount.

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

Section 4. Prohibited practices alleged.

When the contestant alleges prohibited practices the Council shall direct the City Clerk to produce the original register books for the election.

Section 5. Sustained charges, recount.

If the charges alleged by the contestant are upheld, the election review committee shall make a recount. The Council shall then certify the correct election returns as provided in Chapter 70, Section B.

Section 6. Recount expenses; appeal.

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

(Chapter 71, Section 1,B,3)

AFFIDAVIT OF ELECTION CONTEST

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

The undersigned states that the following laws were violated.

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

Signature of Person Contesting

Received Date and Time: _____

City Clerk: _____

(City Seal)

CHAPTER 72

(Reserved)

CHAPTER 73

(Reserved)

Title VIII. PERSONNEL

CHAPTER 74. Responsibilities of officers and employees

CHAPTER 75. Personnel Policies

CHAPTER 74
RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Sections:

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

Section 1. Conduct in office; investigation.

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

Section 2. Oath.

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

Section 3. Delivery of office.

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

Section 4. Reports.

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

Section 5. Resignation.

Resignations of city officers and appointed officials shall be made in writing and filed with the Clerk, who shall immediately notify the Mayor and Council. Appointed employees shall follow the procedures of Chapter 75, Personnel Policies for resignation.

CHAPTER 75

INDEX

Sections 1.	-	1.5	Policies
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Chapter 75, Kivalina Code of Ordinances

CITY OF KIVALINA
PERSONNEL POLICIES

SUBJECT: 1. Policies

PAGE: 1 of 2

SECTIONS: 1. – 1.15

ADOPTED BY ORDINANCE # _____, Effective: _____

SECTION(S) _____ AMENDED BY ORDINANCE # _____, Effective: _____

1. Policies

1.1 Authority:

The following Personnel Policies and principles are established under the authority granted by A.S. 29.20.410.

1.2 Application:

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

1.3 Federal and State Law:

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

1.4 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 functions of the City will be employed, and that an effective career service will be encourage, developed and maintained. The merit principle of employment includes the following:

1.4(1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

CITY OF KIVALINA

PERSONNEL POLICIES

PAGE: 2 of 2

SECTIONS: 1. – 1.5

SUBJECT 1. Policies

1.4(2) No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of race, religion, color or national origin, age, physical, handicap, sex, marital status, changes in marital status, pregnancy, parenthood or unless otherwise contrary to law because of political opinions or affiliations when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood;

1.4(3) Regular integrated salary programs based on the nature of the work performed.

1.4(4) Retention of employees with permanent status on the basis of the adequacy of their performance, reasonable efforts of temporary duration for correction of inadequate performance, and separation for cause.

1.4(5) Selection and retention of an employee's position secure from political influences.

1.5 Employment Preference

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

CITY OF KIVALINA
PERSONNEL POLICIES

SUBJECT: 2. General Provisions

PAGE: 2 of 2
SECTIONS: 2. – 2.34

2.3(2) Accounting Personnel Files:

The City Clerk shall also provide and maintain personnel files for accounting purposes for each employee of the City. Such files shall include the employee's W-4 and W-2 forms and all records having to do with an employee's salary or compensation, and all other records necessary for accounting purposes.

2.3(3) Personnel Files – Confidentiality:

All information in the personnel records of city employees showing salary or compensation, job description, education and training background, and previous work experience shall be open for public inspection. Access to all other information in an employee's file shall be limited to the City Administrator or his/her designee as personnel officer and the employee or the employee's authorized representative.

2.3(4) Equal Employment Opportunity Officer:

The City Administrator shall appoint a person on the staff to be the Equal Employment Opportunity Officer. His/her duties will be spelled out in all State, Federal or local laws dealing with Equal Employment Opportunity.

CITY OF KIVALINA
PERSONNEL POLICIES

SUBJECT: 2. General Provisions

PAGE: 1 of 2
SECTIONS: 2. – 2.34

ADOPTED BY ORDINANCE #_____, Effective: _____

SECTION(S) _____ AMENDED BY ORDINANCE #_____, Effective: _____

2. General Provisions

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

2.2 Personnel Officer

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

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

2.3 Personnel Files

2.3(1) Central Personnel Files:

The City Clerk shall provide and maintain central files for records of the personnel and work histories of each employee of the City. Such records shall include the employee's original application, reports on the employee's work performance, disciplinary actions, commendations, and any other records relating to the employee's service to the City.

CITY OF KIVALINA
PERSONNEL POLICIES

SUBJECT: 3. Employment, Limitations,
Prohibitions, & Penalties

PAGE: 1 of 1
SECTIONS: 3. – 3.6

ADOPTED BY ORDINANCE # _____, Effective: _____

SECTION(S) _____ AMENDED BY ORDINANCE # _____, Effective: _____

3. Employment Limitations, Prohibitions and Penalties

3.1 No Political Consideration for Employment:

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

3.2 No Advantage in a Position:

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

3.3 No Political Party Assessments:

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

3.4 No Political Party Endorsements:

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

3.5 Equal Opportunity in all Personnel Management Actions:

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

3.6 Outside Employment:

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

CITY OF KIVALINA
PERSONNEL POLICIES

SUBJECT: 4. Classification, Compensation PAGE: 1 of 2
 Salary Schedules SECTIONS: 4 – 4.5

ADOPTED BY ORDINANCE #_____, Effective: _____

SECTION(S) _____ AMENDED BY ORDINANCE _____, Effective: _____

4. Classification, Compensation, Salary Schedules:

4.1 Position Roster:

The City Clerk shall keep a roster of all positions within the City. The roster will spell out the organizational structure of the City.

4.2 Job Classification:

The City Council shall adopt a Job Classification System by resolution and may amend such system by resolution. The Classification System shall include job descriptions defining each position in writing and assigning a pay grade to each position. The existence of a job description does not obligate the City to fill the position.

4.3 Changes in Duties and Responsibilities:

The City Administrator or an employee's supervisor shall recommend a redefinition of a job description to the City Council whenever a significant change is made in a position involving the addition, the taking away or substantial modification of existing duties and responsibilities.

4.4 Temporary Service Outside of Classification:

An employee may be required to assume the duties, responsibilities and workload of another employee or supervisor because of resignation, termination or extended leave. Any service performed outside the employee's required duties in such a manner shall be recorded and filed in the employee's central personnel file. If such temporary assignment is to be regular and continuous in character for a period of one (1) month or longer, the City Council may authorize temporary additional compensation which amount shall be determined in direct proportion to the additional duties, responsibilities and workload.

CITY OF KIVALINA
PERSONNEL POLICIES

SUBJECT: 4. Classification, Compensation, Salary Schedules	PAGE: 2 of 2
	SECTIONS: 4. – 4.5

4.5 Compensation Plan/Salary Schedules, Pay Grades, Merit System Plan:

Following recommendations from the City Administrator and city staff the City Council shall adopt a compensation plan by resolution including salary schedules and pay grades, and may include a merit system plan, and such plan may be amended by resolution.

CITY OF KIVALINA
PERSONNEL POLICIES

SUBJECT: 5. Recruitment and Hiring of
Personnel

PAGE: 1 of 3
SECTIONS: 5. – 5.64

ADOPTED BY ORDINANCE #_____, Effective: _____

SECTION(S) _____ AMENDED BY ORDINANCE _____, Effective: _____

5. Recruitment and Hiring of Personnel

5.1 Merit Principles Apply:

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

5.1.1 Employment of Council Members:

Elected officials may be hired by the City for temporary employment. Elected officials will be considered on the basis of merit with all other job applicants.

5.2 Posting of Job Openings:

Notice of all job openings with the City shall be posted in at least three public places within the City. Notice shall include the job title, duties, minimum qualifications, rate of pay and end of recruitment period. Notice shall be posted for at least two weeks (14 days) from the date of posting to the ending date of the recruitment period. Two weeks' notice is not required for temporary positions that need to be immediately filled. Notice for such temporary positions shall however be posted in three places and include the job title, duties, minimum qualifications, rate of pay and end of recruitment period.

5.3 Filing Applications:

Applications for city position shall be made on forms provided by the City Clerk and must be filed with the City Clerk on or prior to the closing date specified in the announcement. A resume' may be substituted for or filed in addition to the application form.

CITY OF KIVALINA
PERSONNEL POLICIES

SUBJECT: 5. Recruitment and Hiring of Personnel	PAGE: 2 of 3 SECTIONS: 5. – 5.64
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5.4 Filling of positions:

5.4(1) The City Council shall make all appointments to permanent full-time, permanent part-time and long-term temporary city positions. Appointments will be made on the basis of qualifications, education, experience and merit. The Mayor or his/her designee with knowledge to the City Council shall make short-term temporary appointments and appointments in emergency situations.

All qualifications must be verified. Other qualifications being equal, preference in employment shall be given to a city employee seeking a promotion or transfer, then to year round city residents.

5.4(2) Information to New Hires: The City Clerk shall in writing advise all new appointees to city positions of their job title, job description, pay, benefits, personnel policies, the date of the employee's probationary period and all other pertinent employment information.

5.5 Promotion:

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

5.5 Probationary Period:

5.6(1) Purpose: The probationary period is an integral part of the selection process and shall be utilized for observing an employee's work, for securing the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards.

CITY OF KIVALINA
PERSONNEL POLICIES

PAGE: 3 of 3

SUBJECT: 5. Recruitment and Hiring of Personnel SECTIONS: 5. – 5.64

5.6(2) 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.

5.6(3) Completion of Probationary Period: The probationary period is a time of learning and orientation. An objective appraisal of employee performance shall be conducted at the end of the probationary period. It shall be the responsibility of the employee's supervisor or the City Administrator (if she/she is the supervisor) or the City Administrator's designee to provide a written evaluation and recommendation to the City Council whether the employee shall become a permanent employee with employee benefits, whether the probationary period shall be extended or whether the employee shall be dismissed from his/her appointment. The City Clerk shall give notice to supervisors of the expiration of employees' probationary periods and provide to supervisors performance evaluation forms for their use. If a performance evaluation is not completed by an employee's supervisor within 30 days after an employee has completed his/her probationary period the employee automatically becomes a permanent (either full time or part time) employee as of the date of the expiration of his/her initial probationary period.

5.6(4) Dismissal During Probationary Period: The City Administrator with confirmation by the City Council may dismiss a probationary employee at any time during the probationary period if in the City Administrator's opinion the working test indicates that the employee is unable to perform the duties of the position satisfactorily or that his/her habits and dependability do not merit continuance in the position. The employee so dismissed shall be notified in writing of the reasons for the 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 provide 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.

CITY OF KIVALINA
PERSONNEL POLICIES

PAGE: 1 of 3

SUBJECT: 6. Work Week, Pay, Classification of Employees SECTIONS: 6.-6.34

ADOPTED BY ORDINANCE #_____, Effective: _____

SECTION(S) _____ AMENDED BY ORDINANCE _____, Effective: _____

6.1 Work Week:

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

6.2 Pay:

6.2(1) Amount: Employees of the City shall be paid according to the schedules established by the City Council. Any wage or salary so established is the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official city business. Unless approved by the City Council no employee shall receive pay from the City in addition to the salary authorized for the position to which she/he has been appointed. Pay shall be only for hours actually worked according to an employee's time sheet as approved by his/her supervisor.

6.2(2) Overtime: It is the policy of the City that work hours and work days be so scheduled that overtime not be paid. However, if circumstances do not permit such flexible scheduling, employees shall be compensated for hours worked beyond eight hours in a day and forty hours in a week at one and one half times their regular rate of pay. State and Federal fair labor standards apply.

6.2(3) Pay Days: Employees shall be paid semi-monthly on the 15th and last days of the month. When a pay day falls on a Saturday, employees shall receive their pay on the preceding work day. When the pay day falls on a Sunday employees shall receive their pay on the following work day. In special circumstances or for special projects the City Council may direct different pay periods.

6.2(4) Transfer: An employee transferred from one position to another where both positions have the same rate of pay shall be appointed to the same rate of pay held prior to transfer and his/her anniversary date shall remain unchanged. This will apply if any special knowledge of the position is not required.

6.2(5) Payroll Advance: A permanent employee may receive a payroll advance during a payroll period, but before pay day upon approval of the City Administrator, or I his/her absence, the Mayor or two council members. A

payroll advance will be for no more than the compensation owed for hours already worked. An advance shall be deducted from the employee's pay on pay day.

6.2(6) Payroll Deductions: Payroll deductions as required by law will be withheld from each employee's paycheck. Any other payroll deductions must be authorized by the employee in writing. Employees are urged to authorize deductions from paychecks to pay personal obligations (like water and sewer bills) owed the City. Failure to pay toward obligations owed the City for two successive pay days in city employment is grounds for dismissal from city service.

6.2(7) Termination or Resignation: Upon termination or resignation, an employee shall receive payment for all accrued wages, salaries or other compensation for labor or services less any personal obligations owed the City within one (1) working day after the last day of work.

6.3 Classification of Employees:

City employees are classified into the following categories:

6.3(1) Permanent full-time: These employees accrue leave, and receive paid holidays and other city employment benefits. Their work week is five or more hours per day, at least five days per week. Their jobs are of a continuous twelve months a year nature. Some salaried positions that are on call twenty-four (24) hours per day (such as the plant operator) are included among permanent full time employees. The City Council shall appoint to these positions.

6.3(2) Permanent part-time: These employees accrue leave and receive paid holidays and other city employment benefits if their normal work week is at least five days per week. Their jobs are of a continuous, twelve months a year nature but the hours worked are normally less than five hours per day and/or five days per week. The City Council shall appoint to these positions.

6.3(3) Long term temporary: These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of employer taxes paid by the City. Their 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 months duration. These jobs may recur yearly and are typically associated with special projects. The City Council shall appoint to these positions.

6.3(4) Short term temporary: These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of employer taxes paid by the City. Their work week may be up to forty hours per week. These jobs are normally of less than two weeks duration. Typically these jobs opening occur because of leave, termination or resignation of a permanent employee, or because of emergency or special conditions. The Mayor or his/her designee with knowledge to the City Council shall appoint to these positions.

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SUBJECT: 7. Performance Evaluation

PAGE: 1 of 2
SECTIONS: 7.-7.42

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7. Performance Evaluations:

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

7.1 City Clerk's duties: It shall be the responsibility of the City Clerk to give notice to employees' supervisors and the City Administrator of the dates performance evaluations for employees are due. The City Clerk shall provide to supervisors' performance evaluation forms for their use.

7.2 Supervisor's Duties: A performance evaluation report shall be required from an employee's immediate supervisor annually from the date of hire, promotion, or demotion of the employee. A performance evaluation shall also be rendered upon the completion of the three month probationary period. A final performance evaluation shall be prepared within five working days of an employee's final day of work regardless of the reasons why an employee leaves city service.

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

7.3 Performance Evaluation Record:

7.3(1) All employees shall receive a written performance evaluation at the end of their probationary period and thereafter annually on the date the employee was appointed to permanent status.

In addition to rating the employee in terms of actual performance, the supervisor will include specific suggestions for improvements, and thoroughly discuss each evaluation with the employee. Each Performance Evaluation Record is filed in the employee's personnel file.

7.3(2) Employees shall be rated on their performance evaluations according to the following criteria:

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SUBJECT: 7. Performance Evaluation

Outstanding: Distinguished performance. Employee consistently exceeds performance standards.

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

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

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

7.4 Effect of Performance Evaluation:

7.4(1) Upon the recommendation of the supervisor and at the discretion of the City Council an employee who receives an outstanding or excellent rating on his/her performance evaluation may be granted a salary increase to the next step in the salary schedule adopted by the City Council.

7.4(2) an employee who receives an unacceptable performance evaluation has after consultation with his/her supervisor one month to correct his/her performance to acceptable levels. At the end of this month the supervisor shall prepare a performance evaluation rating the employee's performance. Failure of an employee to improve performance to acceptable levels after one month is grounds for dismissal from city service. If an employee achieves an acceptable rating of his/her performance evaluation after one month, he or she will be retained in city service and a performance evaluation performed after two additional months. An unacceptable performance evaluation after those two months is grounds for dismissal from city service.

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SUBJECT: 8. Resignation, Suspension, Layoff

SUBJECT: 8.-8.33

ADOPTED BY ORDINANCE #_____, Effective: _____

SECTION(S) _____ AMENDED BY ORDINANCE #_____, Effective: _____

8.2 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 reason for leaving at least two (2) weeks prior to resignation. Failure to give proper notice of resignation shall result in loss of all accrued leave. Upon approval of the City Administrator, an employee may withdraw his resignation at any time prior to the effective date of resignation. Upon approval of the City Council the requirement of proper notice may be waived when provision can be made for a capable successor to an employee in the period of time for which notice of resignation is given. The City Council may also waive proper notice in cases where there are extenuating circumstances such as medical reasons, or family obligations.

8.1(1) No form of resignation filed without date or with a future date, and that is not intended to be a bonafide and voluntary resignation to be acted upon at the time of filing, shall be accepted by the City Administrator as a resignation.

8.1(2) Failure by an employee to comply with proper notice of resignation may be considered cause for denying the employee future employment by the City.

8.1(3) Unauthorized absence from work for a period of two successive working days may be considered by the supervisor and/or Mayor as a resignation without proper notice resulting in loss of all accrued leave and cause for denying the employee future employment by the City.

8.2 Suspension: In addition to reason for suspension of an employee from work as otherwise provided for in these Personnel Policies the City Administrator may in cases in which signed charges in writing have been filed against an employee, suspend the employee with or without pay and with or without accrual of benefits for the purposes of conducting an investigation into the validity of the charges. The employee shall be notified in writing of his/her suspension and its expected duration which may be indefinite or until the charges are resolved. Knowledge of the suspension shall be given to the City Council.

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Such a suspension shall be made only in the cases in which the charges against the employee are of such a nature that the interests of the City would be seriously prejudiced by continuing the employee on active duty status while the investigation is conducted. If the charges are found valid, the City Administrator or his designee shall take such steps, including dismissal or other disciplinary action, as he/she with City Council approval deems appropriate.

In all cases in which charges have been filed against an employee the investigation shall begin immediately.

8.3 Layoff:

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

8.3(1) The City Administrator or her/his designee may layoff an employee if the employee's position is temporary; if there is a shortage of work or funds; or for other reasons which do not reflect discredit on the services of the employee.

8.3(2) If circumstances allow permanent employees shall be given two (2) weeks' notice of layoff. All employees shall be given as much notice of layoff as circumstances allow.

8.3(3) No permanent employee shall be laid off while there are probationary or temporary employees serving in the same job class. Probationary and temporary employees shall be first laid off and are to be notified of this upon hire. Such employees are deemed to have constructive notice of this information through these Personnel Policies.

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SUBJECT: 8. Dismissal, Disciplinary Actions

SUBJECT: 9. – 9.225

ADOPTED BY ORDINANCE #_____, Effective: _____

SECTION(S) _____ AMENDED BY ORDINANCE #_____, Effective: _____

9.1 Dismissal:

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

9.1(1) Incompetence:

- 9.111 Lack of basic knowledge, skills or physical ability needed to accomplish work employee was hired to do.
- 9.112 Inability to understand and/or follow instructions.
- 9.113 Continual difficulty in learning and implementing new methods and procedures related to assigned duties.

9.1(2) Unsatisfactory Performance of Duties:

- 9.121 Slovenly work.
- 9.122 Flagrant damage to tools or equipment used.
- 9.123 Failure to produce an acceptable amount of work in relation to fellow employees in like classification.
- 9.124 Disregard for established safety regulations and procedures.

9.1(3) Unexcused Absenteeism:

- 9.131 Absence for work without prior approval.
- 1.132 Arriving or returning late for work or leaving early for work.

9.1(4) Drunkenness:

- 9.141 Reporting to work under the influence of alcohol or drugs.
- 9.142 Use of alcohol beverages or drugs at work.

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SUBJECT: 8. Dismissal, Disciplinary Actions

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9.1(5) Dishonesty:

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

9.1(6) Gross Disobedience:

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

9.1(7) Abandonment of Duties:

- 9.171 Absenting oneself without approval or authority and failure to promptly notify employer of supportable reasons therefore.

9.1(8) Unsafe Operation:

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

9.1(9) Notice:

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

9.2 Disciplinary Actions:

9.2(1) Responsibility of City Administrator and Supervisors: It is the responsibility of the City Administrator and Supervisors to maintain efficiency, cooperation, and safe and proper work conduct among employees while protecting the rights of all employees and promoting efficient city operation and provision of services to citizens. If a situation requiring discipline occurs the City Administrator, his or her designee, or the immediate supervisor shall immediately gather all essential facts about the situations in writing including the employee's version and decide what, if any disciplinary action is needed. If in the opinion of the City Administrator disciplinary action of a less severe nature than dismissal as provided for elsewhere in this section is required the Procedures of Progressive Discipline shall be followed. The appropriate discipline is the least severe penalty that is at the same time severe enough to convince the erring employee that his/her behavior cannot be tolerated.

9.2(2) Procedures of Progressive Discipline:

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

9.222 Written Warning: A written warning is more severe than a verbal warning. It is used for more serious offenses by an employee that calls for more than a verbal warning. Written warning is also to be issued if there is a repetition of an infraction for which verbal warning was given within three months of the date of verbal warning. A copy of written warning is placed in an employee's central personnel file and becomes part of the file. The Mayor or Supervisor shall give written warning.

9.223 Suspension: Suspension is a very severe penalty. An employee may be suspended without pay and without accrual of benefits for one to thirty days. Suspension is used only when a major infraction has occurred or repeated warning have not succeeded in bringing about changes in an employee's conduct. Repetition of an incident that required written warning within three months of the date of written warning is cause for suspension. The City Administrator or his/her designee after a private interview with the employee shall personally deliver a letter of suspension to the employee. The letter shall state the reasons for suspension and the dates on which suspension begins and ends. A copy of the letter shall be placed in the employee's central personnel file. If an employee is unavailable for personal delivery of a letter of suspension, notice shall be given by certified mail, return receipt requested sent to his/her last known mailing address.

9.224 Dismissal: Dismissal from city service is the most severe of disciplinary actions. An employee may be dismissed by the City Administrator for reasons listed elsewhere in these policies. An employee may also be dismissed if within a six month period after completion of suspension a disciplinary action becomes necessary. Before dismissal the employee shall be given an opportunity for hearing before the City Administrator or his/her designee. The employee may ask questions of any witnesses and may otherwise confront the evidence presented against him. Following the hearing the City Administrator or his/her designee shall prepare written findings, detailing any disciplinary action and the reasons therefore. The decision in writing shall then be personally delivered to the employee. If the employee is unavailable for personal delivery, the decision shall be sent by certified mail, return receipt requested, to his/her last known mailing address. A copy of the decision shall be placed in the employee's central personnel file.

9.225 Appeal: Every employee shall have the right to appeal any disciplinary action enforced against him/her which she/he believes to be unwarranted unfair or unjust. An appeal shall be treated as a grievance and shall be handled in accordance with the Grievance Policy and Procedure of Section 10 of these Personnel Policies.

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SUBJECT: 10. Grievance and Grievance Procedure SECTIONS: 10. - 10.24

ADOPTED BY ORDINANCE #_____, Effective: _____

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10. Grievance and Grievance Procedure:

10.1 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 a supervisor or the City Administrator, the supervisor or the City Administrator shall discuss all relevant circumstances with the employee, and his/her representative if he/she so desires, consider and examine the causes of the grievance, and attempt to resolve it to the extent that the Mayor or supervisor has authority to do so. If the grievance is not dealt with satisfactorily at this level, the grievance may be carried to the City Council as provided in this section.

10.2 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.

10.2(1) the employee shall first discuss with this supervisor (or attempt to discuss) his/her grievance. Should this fail to dissolve the grievance, the employee should confer with the City Administrator. If this fails to dissolve the grievance, the employee may contact any City Council and request a preliminary investigation to determine the validity of the grievance.

10.2(2) the City Council member contacted by an employee shall contact the Mayor. The Mayor shall appoint another City Council member to investigate the alleged grievance along with the first contacted member.

10.2(3) if in the opinion of the two investigating Council members the grievance is of a critical nature needing immediate resolution they shall contact the Mayor who shall call a special City Council meeting to hear the grievance. If the grievance is of 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.

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10.2(4) The City Council meeting as the Grievance Committee shall request the aggrieved party and all others concerned to appear before them for their investigations. Notice shall have been given these persons. If the aggrieved party, having been given notice, fails to appear before the City Council, the grievance is dissolved and the aggrieved party does not have standing to appear before the City Council on the same incident again. If the nature of the grievance is such that its discussion may tend to prejudice the reputation and character of any person a City Council member may move and the City Council after convening as a public meeting 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.

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11 LEAVE POLICY

11.1 Introduction

City of Kivalina will strive to provide its employees with the best benefits possible within the Cities financial capabilities and economic conditions.

Any employee who has been absent without notifying his/her supervisor and obtaining authorized leave shall be considered an unexcused absence. Unexcused absence is subject to corrective actions up to and including termination of an employee's employment with City of Kivalina. For extenuating circumstances that are found to have existed, however, such absences may be covered by the employee's supervisor by a subsequent grant of leave with or without pay.

11.2 Annual Leave

11.2.1 General Annual Leave Policies

- a. Annual leave shall be accrued from the initial date of hire, but cannot be used until after ninety days of employment.
- b. Annual leave is accrued at the end of each pay period and may not be used prior to that time.
- c. Annual leave taken in excess of amount accrued will be charged to leave without pay (LWOP).
- d. The maximum amount of annual leave that can be accrued without being used prior to the end of the calendar year is 240 hours maximum. Unused leave in excess of 240 maximum hours shall be forfeited and cancelled at the close of business on January 2 of any calendar year.
- e. Persons terminating employment with City of Kivalina except JTPA employees will receive pay for all annual leave accrued and not taken.
- f. Upon the death of an employee, all compensation and accrued annual leave shall be paid to the surviving next of kin, unless another beneficiary has been designated by the employee.
- g. The Administrator may use his/her discretion in extending the time for use of annual leave beyond January 1 of any year in cases where it is determined that it is impossible for an employee to be granted leave prior to that time.
- h. Annual leave may not be transferred in any way to another person or employee.

- i. While on annual leave, an employee shall be paid at his/her current rate of pay.

11.2.2 Requests for Annual Leave

- a. Requests for annual leave in excess of three (3) days must be requested of the supervisor for approval at least two (2) weeks in advance for all personnel. Situations not normally anticipated shall be reviewed by the immediate supervisor. The supervisor shall approve or disapprove within three (3) days of the request.
- b. Requests for annual leave for three (3) days or less must be requested and approved at least twenty-four (24) hours in advance unless under circumstances such as death etc.
- c. The immediate supervisor may use his/her discretion in approving annual leave requests not submitted within the above time frame.

11.2.3 Rates of Accrual

	ANNUAL LEAVE		
	Days Per month	Hours Per Pay Period	Days Per Year
STATUS OF EMPLOYEE			
<u>Full-Time Employee (with 40 hour work week)</u>			
0 – 2 years service (less than 2 years)	1.25	4.62	15
2 – 6 years service (with 2, but less than 6 years)	1.75	6.46	21
6 – 10 years service (with 6, but less than 10 years)	2.00	7.38	24
10 or more years service	2.25	8.31	27

** All days per year are based on a 7 hour work day

Part-Time Employees

All part-time employees shall accrue annual leave on a pro-rated basis. For every hour worked, they shall accrue the appropriate amount of annual leave. To compute this use the following formula: Yearly rate of accrual x 7 to 4 (normal hours per work day) divided by 2080 (hours per work year) = hourly rate of accrual. Multiply the hours worked by the hourly rate of accrual = accrued annual leave.

Temporary (Relief) Employees

11.2.4. Vacation Scheduling

An eligible employee may take his/her vacation(s) at any time during the year; subject to the schedule set by his/her immediate supervisor and/or the Council.

11.3 Sick Leave

11.3.1. Introduction

Sick leave is a benefit intended to assist an affected employee through a period of illness or non-work sustained injury. Sick leave associated with work related injury is provided for through Worker's Compensation. Sick leave has no cash value. All eligible employees accrue sick leave at a rate of fifteen (15) days per year.

11.3.2. General Sick Leave Policies

1. Sick leave shall be accrued after 90 days of continuous employment and may be used as it is accrued. It accrues at the end of each pay period and may not be used prior to that time.
2. Sick leave shall not be converted to annual leave.
3. Supervisors may require the Certificate of Physician form to be filled out by a physician if an employee uses in excess of three (3) continuous days of sick leave. If the supervisor has reason to believe that an employee is abusing his/her sick leave privileges, a Certificate of Physician form may be required to filled out by a physician for any period of time an employee is incapacitated. It shall be the responsibility of the employee to pay any and/or all expenses incurred to have a physician fill out the Certificate of Physician form.
4. An employee whose absence has been approved as being justified shall be paid for such time lost, to the extent that he/she has sick leave accrued at his/her current salary. Any payments received by an employee from the Alaska Workmen's Compensation Act shall be deducted from the employee's paycheck up to the time his/her accrued sick leave is used up.
5. Any sick leave used in excess of that accrued shall first be charged to annual leave and then to leave without pay.
6. An employee who has separated from City of Kivalina in good standing and who is reemployed within twelve (12) months will have his/her sick leave balance restored to his/her account.
7. Sick leave may not be transferred, loaned, or sold to another person or employee.

11.3.3 Rates of Accrual

STATUS OF EMPLOYEE	SICK LEAVE	
	Approximate Hours Per Pay Period	Maximum Days Per Year
<u>Full-Time Employee (with basic 40 hour work week)</u>		
0 – all years employed with City of Kivalina		
	4.62	15

Part-Time Employees

All part-time employees who work shall accrue sick leave at the rate of .058 of an hour for every hour worked.

Temporary (relief) Employees

Temporary employees are not eligible for Fringe Benefits, including sick leave.

11.3.4 Valid Reasons for Use of Sick Leave

1. Personal illness or injury.
2. To see a licensed practitioner, or an Alaskan Native employed by Maniilaq as a Tribal Doctor, in order have medical, physical, optical, psychological, or dental treatments and examinations.
3. Pregnancy and maternity (see section 11.5.1 Maternity Leave)
4. Exposure to contagious disease that would endanger the health of co-workers. The presence of a contagious disease within the employee's immediate household which requires personal care.
5. With approval of the immediate supervisor, to stay with a member of the employee's immediate family (grandparent, parent, spouse or child).

11.3.5 Serious Disabilities or Illness

City of Kivalina's employees are eligible to use all of their accrued sick leave for serious disabilities or illnesses which are non-job related. Non-job related disabilities or illnesses will be charged first to sick leave, if the employee has less sick leave hours accrued than is necessary to cover the time off due to an illness or off the job injury, the excess time off will then be charged to annual leave. Any time off used beyond the employee's accrued sick and annual leave shall be charged to leave without pay. If the employee is unable to work or meet the physical requirements of the

job at the end of his/her accrued sick leave or 90 days, whichever is greater, s/he may be removed from the job.

Injuries occurring on the job will be covered by Worker's Compensation.

11.4 Bereavement Leave

Should a death occur in an employee's immediate family (mother, father, brother, sister, spouse, grandmother, grandfather, and/or child) available sick leave shall be granted, up to (5) working days.

11.5 Maternity and Paternity Leave

11.5.1. Maternity Leave

Disabilities caused by pregnancy, miscarriage, abortion, childbirth, and recovery are for all job related purposes, to be considered temporary disabilities. It should be recognized there is not a separate maternity leave as a type of leave. Sick leave may be used to cover the time required for physical examinations and to cover the period of incapacitation. An absence covering pregnancy and confinement is to be treated like any other medically certified temporary disability. This leave category also applies to adoptions. In the case of adoptions, maternity leave shall start on the day the employee receives custody of the child and/or children.

1. After delivery and recuperation, the employee may desire a period of adjustment or need time to make arrangements for the care of the child. Such additional leave requirements may be taken care of by the use of available annual leave or leave without pay. Additional leave must be required at least two (2) weeks in advance of its intended use.
2. to be eligible for sick leave because of child-bearing, an employee shall give her supervisor as much advance notice as is feasible, but not less than four (4) weeks notice, if possible, of her anticipated date of departure, her intention to return and her anticipated date of return. The granting of leave for maternity reasons is a combination of as many as three separate kinds of leave: sick leave, annual leave, and leave without pay.

For purposes of this policy, a nine (9) week period of maternity leave shall be considered reasonable in the absence of extenuating circumstances. At no time shall leave be given in excess of ninety (90) days.

3. During pregnancy, women employees may continue working as long as the individual and her physician concur in her ability to work and the demands of the job are satisfied.
4. Maternity leave is not additional to other forms of leave, but rather an authorization to utilize other forms of leave for a period not to exceed the established time frame. Leave time shall be used in the following order:

All earned sick leave.
All earned annual leave.
Leave without pay.

5. If the employee notifies the Administrator of her intentions to resign before the end of her maternity leave, she will be documented as having given proper notice of her intentions to terminate her employment with City of Kivalina. This entitles her to any and all of her annual leave which she has accrued from the City. If she fails to return to work without giving any notice to the Administrator before she is to report to work, her employment with City of Kivalina will be deemed to have terminated without notice on the last day that the maternity leave was granted.
6. If necessary, an employee absent on maternity leave may be replaced on a temporary basis, without losing her job rights.
7. All points listed above shall apply without regard to the marital status of the woman.

11.5.2 Paternity Leave

A male employee may request up to and including five (5) days of accrued sick leave, annual leave, or leave without pay (if he has no other accrued leave), or a combination thereof, for purposes of caring for his minor children or assisting the mother of his newborn child while she is incapacitated for maternity reasons.

Paternity leave may be used by a male employee to assist the mother and/or care for a child he has adopted.

11.6. Military Leave

Any full-time and/or part-time employee of City of Kivalina who is regularly scheduled to work and is a member of the State National Guard, State Reserve Corps, or a Federal Reserve Military Unit shall be entitled to be absent from his/her duties with full pay (less military pay) for up to fifteen calendar days in any calendar year in the performance of officially ordered military duty and while going to or returning from such duty.

Any employee who has successfully completed the probationary period shall be entitled to a Military Leave of Absence without pay to serve on active duty in the Armed Forces of the United States and shall be entitled to the re-employment benefits of the Universal Military Service Act as amended, 50 U.S.C., Section 459.

11.7 Court Leave

While on jury duty or while appearing as legally required witness, an employee will receive full pay from City of Kivalina minus the amount of jury fees actually received by the employee. The employee may turn in monies received for jury service to the payroll office and receive his/her regular paycheck.

1. Hours worked for jury duty will be counted as hours worked for the purpose of computing annual/sick leave credit.
2. At any time, the Council, or Administrator may try to have the jury duty waived for an employee.
3. Court leave shall be supported by written documents such as subpoena, marshal's statement of attendance, and records of compensation of services, per diem and travel.
4. If the employee is dismissed from court during scheduled working hours, he/she is expected to report for work within thirty minutes.

11.8 Leave for Voting

When possible, an employee shall be allowed reasonable time off duty to register to vote and/or vote without loss of pay or accrued leave.

The employee must have his/her supervisor's permission before taking such leave.

11.9 Subsistence Leave

City of Kivalina recognizes that many employees need time off for subsistence activities, i.e. gathering native foods, hunting, and fishing. To promote this, the City of Kivalina shall allow an employee time off with pay from his/her respective job each year at an appropriate seasons for such activities. Employees shall receive subsistence leave in the following amounts:

SUBSISTENCE LEAVE

Days Per Year

STATUS OF EMPLOYEE

Full-Time Employee (40 hour work week)

0-1 years service (less than 1 year)	0
1-4 years service (with 1, but less than 4 years)	5
4-7 years service (with 4, but less than 7 years)	7
7 or more years	10

Permanent part-time employees who work twenty (20) hours or more shall receive subsistence leave at one-half (1/2) for the listed full-time employee with similar years of service.

Subsistence shall not accrue from one year to another. It shall be granted on the employee's anniversary date, and any unused portion from the previous year shall be terminated on the employee's anniversary date.

11.10 Leave Without Pay

This is a temporary unpaid status when absent from duty. Leave without pay may be granted, provided such leave can be scheduled without adversely affecting the operation of the City office. Requests for leave without pay shall be submitted in writing in advance to the employee's immediate supervisor and shall contain reasonable justification for approval. Leave without pay in excess of thirty days will be granted only at the discretion of the Administrator. No employee shall be granted leave without pay until all accrued leave is used.

1. Failure to return to work or report to the Kivalina City Office upon expiration of the leave without pay, or working for another employer which is in conflict of interest of City of Kivalina during such leave without the expressed written approval of the Administrator, may result in corrective action up to and including termination of his/her employment. The Administrator must submit his/her request to the Mayor. All requests for leave without pay must have final approval from the City Administrator.

11.11 Holidays

Any days designated as paid holidays by the City of Kivalina shall be considered as legal holidays for employees in the City of Kivalina. The following is a list of paid holidays observed by City of Kivalina:

1. The first day of January, known as NEW YEAR'S DAY.
2. The 12th of February, known as LINCOLN'S BIRTHDAY
3. The last Monday in March will be observed as SEWARD'S DAY.
4. The last Monday in May, known as MEMORIAL DAY.
5. The Fourth of July, known as INDEPENDENCE DAY.
6. The first Monday in September, known as LABOR DAY.
7. The eighteenth of October, known as ALASKA DAY.
8. The eleventh day of November, known as VETERAN'S DAY.
9. The fourth Thursday in November, known as THANKSGIVING DAY.
10. The 25th of December, known as CHRISTMAS DAY.
11. Every day designated by public proclamation by the President of the United States or the Governor of the State of Alaska as a legal holiday.

Holidays that fall on Saturday will be observed on the preceding Friday. Holidays that fall on a Sunday will be observed on the following Monday.

An employee who is otherwise eligible for City of Kivalina benefits will not be compensated for a holiday if the employee is in a leave without pay status on the day immediately preceding the following the holiday.

11.12 Administrative Leave

Employees may be granted administrative leave for any of the following reasons:

1. To take the annual physical examinations required by the City of Kivalina. It may also be used for taking the required physical examination for entry into the armed forces. Leave in this case shall not exceed one day.
2. To donate blood to a non-profit organization or in emergencies to an individual for the time necessary for such donation, not to exceed four hours, providing that the employee does not receive pay for the blood.
3. To take part in public activities in which the City of Kivalina participates (or is interested) providing the employee can be spared without detriment to the work and the employee's absence would not require employment of a relief worker or payment of overtime.
4. To participate in emergency rescue or protective work under the same provisions stated above.
5. To participate in federally recognized civil defense programs for a reasonable amount of time.
6. To participate and/or attend a funeral.

Request for Administrative leave shall be made to the immediate supervisor who shall forward the request to the Mayor.

11.13 Compensatory Time and Overtime

11.13.1 General Information

Overtime shall not be paid to exempt personnel, exempt in very unique instances, and then only with the permission of the immediate supervisor and the Administrator or his/her designee. Compensatory time may be awarded to exempt personnel in certain conditions. The proper overtime rate shall be paid for overtime worked to all non-exempt personnel categories are clearly defined in federal and state regulations. A brief description of each are listed below.

11.13.2 Exempt Personnel

Employees in supervisory or administrative positions and certain professional individuals exempted by state and federal fair labor laws are often expected to work in excess of a 40-hour week to complete normal duties or to attend meetings and conferences. Some time devoted to this end may be compensated by compensatory time.

11.13.3 Non-Exempt Personnel

When employees who are subject to state and federal fair labor laws are directed to work overtime in excess of eight (8) hours in a day or 40 hours in a week, s/he shall be compensated with pay at the rate of one and one-half (1 ½) times the regular rate of pay unless the employee works an approved flexible work schedule. Under an approved flexible work

schedule, the employee shall not be paid overtime unless s/he works more than ten (10) hours in a day or forty (40) hours in a week.

The Mayor or his/her designee shall have the power to approve overtime. The employee's supervisor shall submit an Overtime Request/approval form to his/her supervisor who will, if given the authority, approve it. If the authority to approve it has not been delegated to the Administrator, they shall forward the Overtime Request/Approval form to the Mayor.

11.13.4 Conditions

The following conditions apply to all City of Kivalina employees:

1. Any overtime work must be authorized in advance as describe in section 11.13.3. Non-Exempt Personnel.
2. Overtime shall be paid, with the exception of call-back which an employees shall be paid for at least one (1) hour of overtime, for work performed in excess of 8 hours per day or 40 hours per week. Personnel on compressed hours shall not be compensated unless s/he works more than his/her scheduled work day.
3. Compensatory time will be awarded at the discretion of the employee's supervisor.
4. Compensatory time awarded shall not exceed eight (8) consecutive hours or one schedule work day, whichever is greater, at a time.
5. Compensatory time shall be awarded on a one-to-one basis (1 hour compensatory time for one hour overtime), up to and including eight (8) hours per day period.
6. Any compensatory time taken must have prior written approval of the immediate supervisor.
7. Compensatory time shall be used with the supervisor's approval within two (2) weeks from the time awarded. If the compensatory time is not used within this time limit, the compensatory time shall be terminated. An employee may use a maximum of eight hours of compensatory time per pay period.
8. Compensatory time shall be handled as sick leave when an employee's employment with City of Kivalina is terminated for any reason.
9. Compensatory time shall not be awarded in lieu of overtime pay except in the case of exempt employees, where it may be awarded in lieu of overtime pay.

11.14 TRAVEL

1. All trip reports shall be completed and turned in to the office within five (5) working days of returning from a trip. Failure to do this may result in corrective actions up to and including dismissal of an employee's employment with the City of Kivalina.
2. Car rentals may be approved by the City Council when his/her local travel cost by other means will equal or exceed the cost of a car rental. Such approval must be obtained prior to commence of travel.

11.15 Job Related Training

When an employee attends a school, training session or other similar program (such as classes to keep licenses current) during a period for which City of Kivalina is paying part of, or any combination of: the employee's salary, travel expense, tuition or registration fees and which is of mutual benefit to the employee and City of Kivalina, the employee shall agree to:

1. Remain in the City of Kivalina's service one month if the training or educational session is no greater than two (2) days. If the training or education session is greater than two (2) days, the employee shall agree to remain employed with City of Kivalina for three (3) months after the training or educational session.
2. Should the employee leave the service of City of Kivalina prior to the completion of computed service time, s/he shall reimburse the City Office for costs incurred to attend the training session, seminar, etc., in proportion to length of time remaining to be served.
3. If the employee is involuntarily separated from the service of City of Kivalina before completion of computed service time, the remaining time to be served will be cancelled.

11.16 Leave Application Request/Report

All leave shall be approved by the employee's immediate supervisor and/or Council. Follow the appropriate guidelines as listed in section 7, Leave Policy. An approved "Request for Leave" form shall be attached to the employee's time sheet for the period during which leave was taken.

The "Report of Leave Taken" form shall be completed upon the employee's return as designated on the form. This form shall be attached to the last time sheet on which leave is recorded upon completion.

CITY OF KIVALINA

PERFORMANCE EVALUATION REPORT (insert)

INSTRUCTIONS (insert)

Instructions to Supervisor

- 1) Before completing this report review the Personnel Policies and Job Descriptions. If the Job Description is inaccurate it must be updated and submitted for use in future evaluations. (Such action shall not delay this evaluation).
- 2) Collect all information relevant to this reporting period. You may wish to prepare a draft report for initial discussion with the employee.
- 3) Complete specific rating areas. The final rating in the narrative section should be your best judgment of this employee's overall effectiveness on the job. For example, if an employee's performance is acceptable in all areas except one, such as interpersonal relationships, his/her overall effectiveness could be low or even unacceptable. Such cases must be fully explained in the narrative section of this report.
- 4) In evaluating the overall effectiveness on the job, consider the following definitions and review section 7 of the Personnel Policies.

Block #1 U – Unacceptable – below average performance

Block #2 A – Acceptable – adequate performance

Block #3 E – Excellent – above average performance

Block #4 O – Outstanding – distinguished performance

- 5) Supervisor's recommended action should be consistent with the narrative section and the employee's status. Typical recommended actions are:

Recommended for permanent status.

Recommended for merit increase (must be rated in Block #3 or higher)

Recommended for rehire

Not recommended for rehire

SUPERVISOR'S ADDITIONAL AND/OR EMPLOYEE'S COMMENTS FROM FRONT OF PAGE (additional pages for comment may be attached if needed).