

CITY OF NEW STUYAHOK, ALASKA

Ordinance No. ____

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

BE IT ENACTED BY THE NEW STUYAHOK CITY COUNCIL AS FOLLOWS:

Sections:

1. Purpose
2. Classification.
3. Prior ordinances superseded.
4. Severability.
5. Titles and chapters adopted.

Section 1. Purpose.

We, the elected officials of the City of NEW STUYAHOK 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 NEW STUYAHOK.

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 Prior ordinances superseded.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.

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 NEW STUYAHOK, as adopted.

Title I. GENERAL PROVISIONS

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

Title II. ADMINISTRATION

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

Title III. REVENUE AND FINANCE

- | | | |
|---------|-----|------------------|
| Chapter | 14. | (Reserved) |
| | 15. | (Reserved) |
| | 16. | Fiscal Procedure |
| | 17. | Budget |
| | 18. | Audit |
| | 19. | (Reserved) |

Title IV ACQUISITION AND DISPOSAL OF CITY PROPERTY

- | | | |
|---------|-----|--|
| Chapter | 23. | Real Property Acquisition, Management and Disposal |
| | 24. | Eminent Domain; Adverse Possession |
| | 25. | (Reserved) |
| | 26. | (Reserved) |
| | 27. | Disposition of City-owned Personal Property |
| | 28. | (Reserved) |
| | 29. | (Reserved) |

Title V. CITY DEPARTMENTS

Chapter 30.through .35 (Reserved)

Title VI. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

Chapter 36.thorough .45 (Reserved)

Title VII. GENERAL WELFARE

Chapter 46.through 62 (Reserved)

Title VIII. ELECTIONS

Chapter

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

Title IX. PERSONNEL

Chapter 74.through .75 (Reserved)

Section 6. Effective date.

Effective upon adoption by the NEW STUYAHOK City Council and signature of the Mayor.

DATE INTRODUCED: 8/14/96

FIRST READING: 8/14/96

PUBLIC HEARING: 9/30/96

PASSED and APPROVED by the NEW STUYAHOK CITY COUNCIL this 30th day of September, 1996.

Peter Christopher, Sr.
Mayor

ATTEST:

America C. Blunk
City Clerk

Title I. GENERAL PROVISIONS

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

CHAPTER 1

GENERAL PROVISIONS

Sections:

1. Code cite and designation.
2. Definitions.
3. Grammatical interpretation.
4. Effect of repeal of ordinances.
5. Severability of ordinances and parts of Code.
6. General penalty.
7. Laws of Alaska; violations.
8. Amendments to Code; effect of new ordinances.
9. Distribution.
10. Supplements or revisions to the NEW STUYAHOK City Code.
11. Ordinances included in the NEW STUYAHOK 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 NEW STUYAHOK, 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 NEW STUYAHOK, Alaska, or the area within the territorial limits of the City of NEW STUYAHOK, Alaska.

CLERK: The City Clerk;

CODE: The Code of Ordinances, City of NEW STUYAHOK, Alaska; the NEW STUYAHOK City Code;

COUNCIL: The City Council of NEW STUYAHOK;

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 NEW STUYAHOK 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 NEW STUYAHOK 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. Council may, at its discretion, require community service at the equivalent rate of \$5 per hour. A "violation" is a noncriminal 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 NEW STUYAHOK, 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 NEW STUYAHOK, 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 NEW STUYAHOK, Alaska, is hereby amended by addition of the following chapter(s)(or section(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 NEW STUYAHOK 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 NEW STUYAHOK 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 NEW STUYAHOK City Code.

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

Section 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.

The following corrections are so authorized:

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

Chapter II

CITY INFORMATION

Sections:

1. Name of City and form of government.
2. City limits and history.

Section 1. Name of City and form of government.

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

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

Section 2. City limits and history.

The boundaries of the City are:

Beginning at the SE corner of Unsurveyed T8S, R47W, Seward Meridian, Alaska; thence North to the NE corner of Unsurveyed T8S, R47W; thence West to the NW corner of Unsurveyed T8S, R47W; thence South to the SW corner of Unsurveyed T8S, R47W; thence East to the point o beginning, containing 36 square miles, more or less.

The boundaries of the City as above described were the effective city limits as of incorporation of the City of NEW STUYAHOK as a second class city on the **20th** day of **November, 1972**.

The certificate of Incorporation is recorded in at the Bristol Bay Recording Serial Number 72-247. This certificate was recorded on the 7th day of December , 1972.

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 NEW STUYAHOK City Code.
7. Emergency ordinances.
8. Ordinances confined to single subject.
9. Requirements for passage.
10. Signature.
11. Ordinance File.
12. Repeal shall not revise any ordinance.
13. Formal acts by resolution.
14. Procedures for resolutions.
15. Requirements for passage of resolutions.
16. Rules and regulations.
17. Codes of regulations.

Section 1. Acts of the Council.

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

Section 2. Acts required to be by ordinance.

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

- A. Establish, alter, or abolish city departments;
- B. amend or repeal an existing ordinance;
- C. fix the compensation of members of the Council;
- D. provide for the sale of city property;

- E. provide for a fine or other penalty, 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. provide for the retention or sale of tax-foreclosed property;
- L. regulate the rate charged by a public utility;
- M. exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in A.S. 36.25.025.

Section 3. Ordinance procedure.

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

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

Section 4. Ordinance form and content.

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

- A. The heading: "City of NEW STUYAHOK, 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 NEW STUYAHOK, 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 attesting to the signature of the Mayor.

The form appearing at the end of this chapter illustrates the form set out in this section and is suggested for use by 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 NEW STUYAHOK, Alaska is hereby amended to read as follows:". The new chapter or section shall then be set out in full with language to be deleted placed in brackets, and language to be added underlined. After passage of the amending ordinance, the new chapter or section will be written to reflect the changes, and inserted into the code in its proper place.

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 NEW STUYAHOK, 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.

A file of all repealed, amended or failed ordinances will be kept, as well as a file of the repealing or amending ordinances.

Section 6. Supplements or revisions to the NEW STUYAHOK City Code.

The NEW STUYAHOK 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 may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The Council must type or print and make available copies of adopted emergency ordinances. An emergency ordinance may not be used to levy taxes; to grant, renew, or extend a franchise; or to regulate the rate charged by a public utility for its services. An emergency ordinance is effective for 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.

If the ordinance is submitted at a city election when State law requires, then after the election favoring the ordinance has been certified by the Council, the ordinance may be adopted.

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 NEW STUYAHOK, Alaska";
- B. space for a number to be assigned "Resolution No. ___";
- C. a short and concise title descriptive of the resolution's subject and purpose;
- D. short premises or WHEREAS clauses descriptive of the reasons for the resolution, if necessary;
- E. the resolving clause "Be it Resolved";
- F. the date of adoption;
- G. space for the signature of the Mayor; and
- H. space for the Clerk's signature attesting to the signature of the Mayor.

All resolutions adopted by the Council whether at the request of a third party or on the motion of the Council shall conform to the requirements set forth in this section. Resolutions shall not be included in the Code, but shall be kept in a separate permanent file by the City 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 read aloud before any vote for passage is taken.

On any vote to pass a resolution, all interested persons 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 the election favoring the resolution 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 time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The Council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

CHAPTER 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 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 refiling 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 pursuant to Section 5;
- D. establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to Section 5, and
- E. secure and maintain at least one 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 that such records be destroyed. The Clerk's proposal to the Council shall include lists of these records sufficiently detailed to identify the records and to permit the council to determine whether the records retain any legal, administrative, or historical value, and shall also include the proposed means of disposal. If the Council finds that certain records so identified by the Clerk are without legal, administrative, or historical value, it may authorize their disposal and specify the means by which they may be disposed of. With such authorization, the Clerk may dispose of the 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 |
| | 6. | Mayor |
| | 7. | Council Meetings |
| | 8. | Council Procedures |
| | 9. | City Clerk |
| | 10. | Bookkeeper |
| | 11. | City Attorney |
| | 12. | City Treasurer |
| | 13. | (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. Qualifications of Council members.

Council members shall be qualified city voters. Candidates for Council shall have resided in the city for thirty (30) days preceding the date of election.

Council seats are designated and terms expire as follows:

- | | |
|--|--------|
| Seat A - term expires in 1991, then 1994, 1997, etc. | 3 year |
| Seat B - term expires in 1991, then 1994, 1997, etc. | 3 year |
| Seat C - term expires in 1991, then 1994, 1997, etc. | 3 year |
| Seat D - term expires in 1992, then 1995, 1998, etc. | |
| Seat E - term expires in 1992, then 1995, 1998, etc. | |
| Seat F - term expires in 1993, then 1996, 1999, etc. | |
| Seat G - term expires in 1993, then 1996, 1999, etc. | |

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 in October to choose Council members for staggered three year 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 NEW STUYAHOK, 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 not be paid for serving on the Council. Per diem payments or reimbursements for expenses are not compensation under this section.

Section 6. Conflicts of interest.

If a Council member has a substantial financial interest in an official action, the Council member shall declare that interest and ask to be excused from a vote on the matter.

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 Chapter 26 of Title 29.
- D. If a Council member is recalled that office is filled in accordance with 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. 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 no more than 60 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Section 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 of veto. The Mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates in conformance with the City's personnel ordinances. As chief administrator the Mayor shall:

- A. Appoint, suspend or remove city employees and administrative officials as provided in the City's personnel ordinances;
- B. supervise the enforcement of city law and carry out the directives of the Council;

- C. prepare and submit an annual budget and capital improvement program for consideration by the Council, and execute the budget and capital improvement program adopted;
- D. make monthly financial reports and other reports on city finances and operations as required by the Council;
- E. exercise custody over all real and personal property of the City;
- F. serve as personnel officer, unless the Council authorizes the Mayor to appoint a personnel officer;
- G. perform such other duties, as required by law or ordinance or lawfully prescribed by the Council.

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

A Vice Mayor is elected by and from the Council for a term of one year and until a successor is elected and has qualified. The

Vice Mayor shall be elected and take office immediately at the council meeting held on the first Monday after certification of the regular election.

Section 4. Compensation of Mayor.

The Mayor of the City shall receive ~~\$500~~ per month compensation.

756 1,000

Section 5. Oath of office.

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

The oath is filed with the Clerk.

Section 6. Vacancy in the office of Mayor.

- A. The Council shall, by two-thirds concurring vote, declare the office of Mayor vacant only when the person elected:
 - 1. fails to qualify or take office within 30 days after election or appointment;
 - 2. unless excused by the Council, is physically absent from the City for 90 consecutive days;
 - 3. resigns and the resignation is accepted;
 - 4. is physically or mentally unable to perform the duties of office;

5. is convicted of a felony or of an offense involving a violation of the oath of office;
 6. is convicted of a felony or misdemeanor described in A.S. 15.56;
 7. is convicted of a violation of A.S. 15.13;
 8. no longer physically resides in the City; or
 9. misses three consecutive regular council meetings and is not excused;
- B. A vacancy in the office of Mayor shall be filled by and from the Council. A Mayor appointed under this subsection serves the balance of the term to which appointed, except the Mayor may serve only while a member of the Council.
- C. Recall provisions of Section 8, Chapter 5 of this Code apply to the office of Mayor.

Section 7. Mayor is ex-officio officer.

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

CHAPTER 7

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. 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 second Tuesday of each month.

The usual place of council meetings shall be at the NEW STUYAHOK 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 meeting 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; disposition; withdrawal.
- 7. Motions; reduction to writing.
- 8. Motions; rescinding vote.
- 9. Voting; quorum.
- 10. Duties of the Clerk at council meetings.

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

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

In the temporary absence or disability of the Mayor and Vice Mayor, any member of the City Council may call the Council to order at any duly called meeting to elect a presiding officer pro tem from among its number. The presiding officer pro tem shall exercise all the powers of 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 Council members constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.

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

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 Clerk with that of the Treasurer.

Section 3. Additional duties of the clerk.

- A. The City Clerk shall record and certify all actions of the Council;
- B. shall have the power to administer all oaths required by law;
- C. shall be custodian of the city seal and the official records of the City;

- D. shall give to the proper officials ample notice of the expiration or termination of any terms of office and when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements; and
- E. shall be the city election supervisor and shall be responsible for the calling and supervision of all city elections.

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.
- 3. Pay.

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 Mayor, and to all departments and offices of the City;
- B. represent the City in all matters, civil and criminal, in which the City is interested;
- C. draft any ordinance when required by the City Council or Mayor;
- D. attend meetings of the City Council;

- E. report to the City Council promptly all suits brought against the City;
- F. call to the attention of the City Council and the Mayor all matters of law affecting the City;
- G. render all opinions in writing, as far as is practicable;
- H. maintain a record of all opinions rendered and turn such record over to his successor in office; and
- I. perform such other duties as the Mayor or Council may require.

Section 3. Pay.

The Council shall determine the pay of the City Attorney.

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 is combined with that of City Clerk.

Section 2. Duties.

The treasurer shall:

- A. Except as provided in Title 14 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 Mayor in preparing the annual budget of the City;

- E. prepare and submit to the Mayor and Council such financial reports and other data as may be required or requested;
- F. prescribe and implement those procedures 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 Mayor 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)

Title III REVENUE AND FINANCE.

- | | | |
|---------|-----|--------------------|
| Chapter | 14 | (Reserved) |
| | 15 | (Reserved) |
| | 16. | Fiscal Procedures. |
| | 17. | Budget. |
| | 18. | Audit. |
| | 19. | Sales Tax. |
| | 20. | (Reserved) |
| | 21. | (Reserved) |
| | 22. | (Reserved) |

CHAPTER 14

(Reserved)

CHAPTER 15

(Reserved)

CHAPTER 16

FISCAL PROCEDURES

Sections:

1. Fiscal year.
2. Ordinance required.
3. Treasurer.
4. Checking and savings accounts.
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. Treasurer.

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 designated by resolution.
- B. City employees shall not be authorized to withdraw funds from city accounts as signators or otherwise.
- C. All checks prior to issuance shall be approved to be within budget allowances as prescribed by ordinance.

- D. Operating cash shall be kept in one financial institution to be designated by resolution.
- E. The City Clerk and bookkeeper shall make a monthly review of 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 Mayor 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 Mayor 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 Clerk and treasurer with assistance of the bookkeeper 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 23

REAL PROPERTY ACQUISITION, MANAGEMENT AND DISPOSAL

Sections:

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

Section 1. Rights and powers of city

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

Section 2. Acquisition of land.

- A. The city may acquire, own, and hold real property or any interest in real property inside or outside the city boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of taking under the city's power of eminent domain, or any other legal method. Unless otherwise directed by the city council, the mayor has authority to negotiate the terms of acquisitions, subject to council approval. All acquisitions shall be by resolution approved by a majority vote of the total membership of the city council. Real property shall be held in the name of "City of NEW STUYAHOK".
- B. The city council may approve and authorize by resolution the purchase of real property or interest in real property by contract of sale, deed of trust, or lease.
- C. Prior to approval of the purchase of property under Sub-Section B of this Section, the mayor shall furnish the city council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition. The validity of any acquisition or purchase of real property by the city is not affected by the failure to furnish the city council with such materials.

Section 3. Economic development sites.

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

Section 4. Temporary use of city lands.

The mayor has the authority to issue special land use permits for the exclusive temporary use of city lands. A special land use permit does not convey an interest in the land and may be revoked for cause with 30 days notice. Unless otherwise agreed to in writing, the land will be restored to its original condition upon expiration or revocation of the permit. Easements will not be granted under a special land use permit. Public comment shall be sought before the issuing of a special land use permit in those situations where, in the opinion of the mayor, a hazardous or obnoxious use might significantly affect the surrounding area. Notice of the proposed action shall be published and a period for public comment shall be provided. When significant adverse comment is received, a public hearing shall be held.

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

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

Section 5. Casual use of city land.

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

Section 6. Disposal of real property.

- A. The city may dispose of real property or an interest in real property which has been found to be no longer necessary for municipal purposes. All disposals shall be by non-code ordinance. The minimum time between introduction and adoption of ordinances for disposals other than by sealed bid or public outcry or lottery shall be 25 days longer than required for other non-code ordinances. The ordinance shall include:

1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such a finding is based;
 2. A legal description of the property;
 3. Type of interest in property to be disposed of as defined in Section 11;
 4. The purpose of the disposal;
 5. The method of disposal as identified in Section 7;
 6. The value of the property or the value of the interest in property as determined under Subsection B of this Section;
 7. The procedure for conducting the disposal and the time, place and manner in which the proposed disposal shall occur.
- B. The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor, or the city council may determine the fair market value by any other means it deems appropriate.

Section 7. Methods of disposal.

- A. All disposals shall be conducted in a fair and impartial manner. Procedures for conducting all disposals shall be set out in the non-code ordinance authorizing each disposal.
- B. Competitive disposal. The city may conduct the following types of competitive disposal:
1. Sealed bid auction. The minimum bid for a sealed bid auction shall be the fair market value of the property or interest in property as determined under Section 6 B.
 2. Public outcry auction. The minimum bid for a public outcry auction shall be the fair market value of the property or interest in property as determined under Section 6 B.
 3. Lottery. In the case of a lottery, the price of the property or interest in property may be established by the city council.
- C. Disposal for public services.

The city council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a non-profit corporation or association, or a Native Tribal council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than the fair market value of the real property or interest in real property. If a disposal is made under this

Sub-Section, the non-code ordinance authorizing the disposal must include in addition to the requirements in Section 6:

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

D. Disposal for economic development.

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

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

E. Miscellaneous disposals.

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

F. Disposal to settle claims of equitable interest.

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

G. Disposal for residential purposes.

Upon a finding by the city council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a domiciled city resident who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this Subsection, the deed or lease must contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of 20 years after the disposal, title will revert to the city. In addition, disposals under this Sub-Section shall include a requirement for the construction of a habitable dwelling within 2 years after the disposal or title will revert to the city.

Section 8. Leases.

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

Section 9. Easements.

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

Section 10. Notice of disposal.

A. A notice of the disposal shall be posted in three conspicuous public places within the city not less than 30 days before:

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

B. The notice shall include:

1. A legal description of the property and the type of interest to be disposed;
2. The method of disposal as identified in Section 7;
3. The assessed or estimated value of the property or interest in property;
4. The date of the proposed disposal and the time, place, and manner in which the proposed disposal shall occur.

SECTION 11. Definitions.

As used in this Chapter:

- Abstract of title: A condensed history of the title to land together with a statement of all liens, charges, or liabilities to which the land may be subject.
- Appraisal: An estimation of value of property by a qualified appraiser.
- Casual use: The temporary, safe, non-exclusive and non-surface-disturbing use of city land and includes but is not limited to such uses as: hiking, hunting, fishing, short-term camping, picnicking, skiing, snowmachining or berry picking.
- City boundaries: The city limits, established when the city is incorporated, inside which all city ordinances are enforceable.
- Competitive disposal: A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.
- Condition subsequent: An event that occurs after transfer of title which will act to restore title to the maker of the condition.
- Contract of sale: A contract between a willing seller and a willing buyer to transfer title to property.
- Deed of trust: An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.
- Disposal: The act of giving away or selling; the transfer of interest in property.
- Disputed claims: Claim for property that is protested by another, or for property which is also claimed by another.
- Domiciled resident: One who has resided in the city for at least the thirty days previous, maintains an address in the city, and intends to make the City his/her permanent residence.
- Easement: A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.

Economic development: of residents.	To promote the growth of the local economy; increase income
Eminent domain: public use.	The power of a municipality to convert private property to a
Equitable interest: the interest of fairness or equity.	A claim (in property or other) which should be recognized in
Evaluate:	To judge the quality of.
Federal entity:	The Federal government or an agency thereof.
Hazardous use: well-being.	A use involving danger; perilous; risky to human health and
Interest:	In property: A right, claim, title, or legal share in that property. Refers to the "bundle of rights", which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.
Inventory:	A list of property, containing a description of each article of property.
Lease:	Leases are used to dispose of specific interests in real property without transferring ownership of that property; A contract for exclusive possession of lands or tenements for a determinate period.
Legal description:	That part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.
Litigation:	Contest in a court of justice for the purpose of establishing a right.
Lottery:	A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.
Municipality: State of Alaska.	A unit of local government organized under the laws of the
Non-code ordinance:	An ordinance that is not part of the permanent city code.
Nonprofit corporation:	An organization formed under the laws of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.

Obnoxious use: displeasing.	A use which people may find objectionable; disagreeable; offensive;
Public interest:	Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.
Public outcry auction:	Sale of property to the highest bidder, at a public auction, where each prospective buyer has the right to enter successive bids until a price is reached at which no higher subsequent bid is made.
Public service: general public.	Activities and enterprises which specially serve the needs of the
Referendum:	A method of submitting an important measure to the direct
Revert:	With respect to property, title to go back to and lodge in
Sealed bid:	A written offer to purchase property, placed in an envelope, and opened along with all other bids (if any) at a public bid opening.
State:	The State of Alaska or an agency thereof.
Substantial Improvement:	A major change or addition to land or real property that makes
Temporary uses:	An exclusive use of city land which has a duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$ 1,000.
Valid Claim:	A legally enforceable claim by a third party.

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 in accordance with Title 09.

Section 2. Ordinance and vote required.

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

Section 3. Adverse possession.

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

CHAPTER 25

(RESERVED)

CHAPTER 26

(RESERVED)

CHAPTER 27

DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

Sections:

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

Section 1. Personal property disposition by value.

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

Personal property valued at more than one-thousand dollars, but less than twenty-five thousand dollars, shall be disposed of by sealed bid or public outcry auction. An estimated value of the property shall be made. The items to be disposed of shall be reviewed by the Council. After review, the Council may, by resolution, direct the sale of the property under such terms and conditions as it requires. Notice shall be posted in at least three public places in the City for at least 30 days prior to the disposal. The notice must contain a description of the property, its location, minimum acceptable bid, limitations if any, time and place set for the disposal. The procedure for disposal shall be in a manner provided by resolution of the Council.

Personal property valued at more than twenty-five thousand dollars shall be disposed of in the same manner just described, but shall be by ordinance rather than resolution. No disposition of personal property 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.

Section 2. Sale of surplus or obsolete goods.

The Mayor may, when directed by the Council, 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 Mayor, at such times and in such forms as he or she shall prescribe, reports, showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

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

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

Section 4. Declaration of obsolescence.

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

CHAPTER 28

(RESERVED)

CHAPTER 29

(Reserved)

Title V. CITY DEPARTMENTS

CHAPTER 36

WATER & SEWER SYSTEM

CHAPTER 38

(RESERVED)

CHAPTER 39

CITY EQUIPMENT

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 and personal 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 Safewater 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 quotations 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 labelling city properties as the Council deems appropriate.

Title VII. GENERAL WELFARE

Title VIII. ELECTIONS

- | | | |
|---------|-----|----------------------------------|
| Chapter | 66. | City Elections |
| | 67. | Election Equipment and Materials |
| | 68. | Election Procedures |
| | 69. | Absentee Voting |
| | 70. | Review of Election Returns |
| | 71. | Contest of Election |
| | 72. | (Reserved) |
| | 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. Simple majority of votes cast required.
8. Tie votes.
9. Qualifications for City Council.
10. Filing for office.
11. Withdrawal; written notice.
12. Publishing names.
13. Election judges.

Section 1. Administration.

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

Section 2. Voter qualifications.

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

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

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

Section 3. Residence criteria.

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

- A. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the state or 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 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 residence. Temporary construction camps do not constitute a dwelling place.
- C. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
- D. A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.
- E. A person does not gain residency by coming to the City without the present intention to establish his permanent dwelling in the City.
- F. A person loses his residence in the City if he votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he again qualifies under this Chapter.
- G. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his new voting residence.

Section 4. General elections.

The regular general election for Council members and other elected city officials shall be held each year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in 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 no less than 45 days nor more than 75 days 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 no less than 20 days nor more than 75 days 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 at least 30 days preceding the date of the general election and for at least 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 runoff;
 - 2. date of the election;
 - 3. location of the city polling place(s);
 - 4. time the polling place(s) will open and close;
 - 5. offices to be filled;
 - 6. a statement describing voter qualifications;
 - 7. time for filing declarations of candidacy and nominating petitions;
 - 8. a statement of any questions or propositions to be placed on the ballot.

- B. A sample election notice that may be used is shown at the end of this chapter.

Section 7. A simple majority of votes cast required.

That candidate receiving the greatest number of the votes cast for his or her respective office shall be the winner.

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. Those candidates wishing to withdraw may do so by submitting in writing a declination of candidacy to the council at this meeting.

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 or submit a nominating petition with the City Clerk. This shall be filed no later than 10 working days before the election. A nominating petition must carry the signatures of at least 10 registered voters.
- B. A person filing for a City Council seat must meet the qualifications of Section 10 of this Chapter.
- C. The forms appearing at the end of this chapter illustrate the forms to be used for the declaration of candidacy and nominating petition.

Section 11. Withdrawal, written notice.

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

Section 12. Publishing names.

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

Section 13. Election judges.

- A. The Council shall each year choose three 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 NEW STUYAHOK Native dialect 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.

NOTICE OF GENERAL MUNICIPAL ELECTION
CITY OF NEW STUYAHOK, ALASKA

TO BE HELD: OCTOBER ___, 19__

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

SEAT :	3-YEAR TERM
SEAT :	3-YEAR TERM
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 ART. V OF THE
STATE CONSTITUTION.

POLLS WILL OPEN: 8:00 A.M., OCTOBER ___, 19__

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

LOCATION OF POLLS: CITY OFFICES

VOTING BOUNDARY (PRECINCT)

CITY OF NEW STUYAHOK

Candidates for office must file a declaration of candidacy or a nominating petition carrying the signatures of at least 10 qualified voters with the City Clerk no later than 5:00 p.m. September 22, 1995. 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.

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 NEW STUYAHOK 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 of _____ 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 NEW STUYAHOK, Alaska on the ____ day of _____, 19__.

Signature: _____

NOMINATING PETITION

THE UNDERSIGNED, AS QUALIFIED VOTERS IN THE CITY OF NEW STUYAHOK, 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, WHOSE ADDRESS IS _____ ALASKA, IS A QUALIFIED VOTER RESIDENT OF NEW STUYAHOK 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 three ballots printed on colored paper, with the words "SAMPLE BALLOT" printed on them, to be posted in the clerk's office until election day and then given to the judges of each polling place.

Section 4. Ballots; form.

- A. The ballots shall state at the top whether the election is a regular or special election.
- B. The ballots shall include instructions on how to mark the ballots. .
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The Clerk shall assure that there are one-third more ballots printed and numbered than there are registered voters in NEW STUYAHOK, in order to provide replacement ballots for ballots that may be spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be placed the words "vote for not more than three," or "vote for not more than one", or such other number 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 persons who are to be elected to the office.
- G. The names of the candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
- H. The names of candidates shall be printed as they appear upon the declarations of candidacy or 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 ordinance.

AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE

CITY OF NEW STUYAHOK, ALASKA
REGULAR ELECTION OF _____

Mark your votes by making an "X" mark in the space next to each candidate or choice you wish to vote for. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the election judge or Clerk. You will be given another ballot. DO NOT vote for more than one person for each office or mark more than one choice for each proposition. If you do so, none of your votes for that office or proposition can be counted. To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below the list of candidates. 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

Council member
THREE YEARS

CITY Council member
(VOTE FOR ONE ONLY)

SEAT : THREE YEARS
(VOTE FOR ONE ONLY)

SEAT : _____

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 procedure.
6. Voting; spoiled ballots.
7. Voting; questioned ballots.
8. Assisting voter by judge.
9. Prohibitions.
10. Administration of oaths.
11. Majority decision of election board.
12. Ballots; counting and tallying.
13. Rules for counting ballots.
14. Report of election results.
15. Posting certificate of preliminary election results.

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

- A. On the day of any election, the election board shall open the polls for voting at eight in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 in the morning 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 NEW STUYAHOK is entirely within the NEW STUYAHOK 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.

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 the Notice of Election, the City's elections ordinances; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes. 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 and Clerks. The voter shall then himself in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his behalf. Separate ballot boxes may be used for separate ballots.
- C. If a voter is questioned, the voter may cast a questioned ballot pursuant to Section 7 of this Chapter.

Section 6. Voting; spoiled ballots.

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

Section 7. Voting; questioned ballots.

- A. Every election judge and election clerk shall question, and any other person qualified to vote in the City may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned.
- B. If a voter's name is not on the Master Voter Registration List or a voter's eligibility to vote is questioned or there is some other question regarding a voter's eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. After the questioned person has executed the Oath and Affidavit of Eligibility the person may cast a questioned ballot. If the questioned person refuses to execute the Oath 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 election 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 persons 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 spoiled ballot and destroyed.
- E. Prohibition of political discussion by election board. During the hours that the polls are open, no judge or clerk may discuss any political party, candidate or issue while on duty.
- F. Prohibition of political persuasion near election polls. During the hours that polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

Section 10. Administration of oaths.

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

Section 11. Majority decision of election board.

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

Section 12. Ballots; counting and tallying.

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. Ballots may not be counted before 8:00 P.M. on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.
- B. The election board shall account for all ballots by completing a ballot statement containing (1) the number of ballots received; (2) the number of ballots voted; (3) the number of ballots spoiled; (4) the number of ballots unused. The board shall count the number of questioned ballots 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 the explanation signed by the election judges.
- C. The forms at the end of this chapter illustrate Tally Sheets and Ballot Statement forms that may be used.

Section 13. Rules for counting ballots.

- A. The election board shall count ballots according to the following rules.
 - 1. A voter may mark his ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate 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 subsection A of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.
 6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
 7. An erasure or correction invalidates only that section of the ballot in which it appears.
 8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.
 9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written-in as a write-in vote.
 10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.
- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
- C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection (A) of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion 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 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 no on each question and any additional information the election

board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, 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 meet.

- 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 NEW STUYAHOK, ALASKA
OATH AND AFFIDAVIT OF ELIGIBILITY

I, _____, DO HEREBY DECLARE THAT I AM A RESIDENT OF THE CITY OF NEW STUYAHOK, 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

TALLY SHEET

CITY OF NEW STUYAHOK, ALASKA

(DATE OF ELECTION)

& TIME OF VOTE COUNT)

(DATE

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

Write-In

1. _____ 2. _____

Propositions Yes No

CITY OF NEW STUYAHOK, 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 NEW STUYAHOK, 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 ____

Report of Preliminary Election Results

Page 1 of 2

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 Ballots 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 __

Respectfully submitted,

____, Election Board Chairman

____, Election Judge

____, Election Judge

ATTEST:

City Clerk

[City Seal]

Report of Preliminary Election Results

Page 2 of 2

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 making written application to the City Clerk.
- B. Written application must be received by the City Clerk no more 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, show his/her place of residence, and if to be mailed, his/her mailing address.
- 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 deliver 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 absentee voter's ballot, the Clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with Alaska Statutes Chapter 15.07. If the applicant is properly registered, the Clerk shall deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, a ballot envelope and a return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall

secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter 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/her name across its seal, and retain the envelope in his/her 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 return it to the City Clerk.

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

If a voter issued an absentee ballot returns to the City on election day, he shall not vote at the polling place unless he first surrenders to the election board the absentee ballot, ballot 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.

CITY OF NEW STUYAHOK, ALASKA

APPLICATION FOR ABSENTEE BALLOT:

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

MAILING ADDRESS: _____
STREET)

(P.O. BOX NUMBER OR

RESIDENCE ADDRESS: _____
MAILING ADDRESS)

(IF DIFFERENT FROM

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 NEW STUYAHOK.

DATE: _____ SIGNED: _____

(VOTER)

RECEIVED BY: _____ DATE: _____

PLEASE MAIL THIS APPLICATION TO: CITY CLERK

CITY OF NEW STUYAHOK
NEW STUYAHOK, ALASKA
99762

STATE OF ALASKA

)ss.

STATES OF AMERICA)

CHAPTER 69, SECTION 3

ABSENTEE BALLOT RETURN ENVELOPE UNITED

I _____ state that: I am a resident of and a registered voter in the City of NEW STUYAHOK, Alaska, and I hereby enclose my ballot.

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

SUBSCRIBED and SWORN to before me, this ____ day of _____, 19____. I hereby certify that the above-named affiant appeared before me, displayed to me an unmarked Absentee Ballot, marked that ballot in my presence and, without allowing me or any other person to see how the ballot was marked, enclosed and sealed said ballot in a ballot envelope, and then enclosed and sealed that ballot envelope in this return envelope, handed me this return envelope sealed, and signed the foregoing affidavit.

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

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the City Clerk of the City of NEW STUYAHOK, you must immediately return it by mail, postage prepaid, to Office of the City Clerk, City of NEW STUYAHOK, NEW STUYAHOK, Alaska 99659. MARKED: BALLOT ENCLOSED, TO BE OPENED ONLY BY ELECTION REVIEW COMMITTEE.

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 and 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 mixed with other small envelopes containing questioned ballots.

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 NEW STUYAHOK;
 - 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 NEW STUYAHOK; 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 the 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 election supervisor shall place all such rejected absentee ballots in an envelope marked "rejected absentee ballots" to be saved with other election materials. The election supervisor shall notify the voter in writing why his absentee ballot was rejected.

Section 6. 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. If council determines for whom the voter intended to vote and that the ballot should be counted, the ballot shall be placed in the ballot box along with absentee and questioned ballots.

Section 7. Counting absentee defective 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 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 election;
 - 2. the names of the persons voted for (including write-ins) and the propositions voted upon;
 - 3. the offices voted for;
 - 4. the number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
 - 5. the disposition of all absentee, questioned, and defective ballots; and
 - 6. any other matters which the 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 question considered. The certificates shall be signed by the Mayor and attested by the Clerk. One original of each Certificate of Election shall be given 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 II. 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 Anchorage 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 NEW STUYAHOK, 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 NEW STUYAHOK, 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 ____

Report of Election Results

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PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION ____: FOR ____ AGAINST ____

PROPOSITION ____: FOR ____ AGAINST ____

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

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City of NEW STUYAHOK, Alaska

CERTIFICATE OF ELECTION

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

DATED at NEW STUYAHOK, Alaska this ____ day of _____, 19 ____.

Mayor

ATTEST:

City Clerk

[City
Seal]

City of NEW STUYAHOK, 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 NEW STUYAHOK as confirmed by the City Council of the City of NEW STUYAHOK upon
completion of the final canvass of ballots on the ____ day of _____, 19__.
DATED at NEW STUYAHOK, Alaska this ____day of _____, 19__.

Mayor

ATTEST:
[City
Seal]

City Clerk

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 time 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, 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 Anchorage. 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.

AFFIDAVIT OF ELECTION CONTEST

The undersigned believes that prohibited practices occurred at the _____ municipal election held on _____, 19 __, at NEW STUYAHOK, 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 & Time: _____

City Clerk: _____

[City
Seal]

Title IX. PERSONNEL