



# **CITY OF UPPER KALSKAG**

## **MUNICIPAL ORDINANCE**

**COMPREHENSIVE LEGAL FRAMEWORK FOR GOVERNANCE AND COMMUNITY  
STANDARDS**

# **CITY OF UPPER KALSKAG, ALASKA**

## **Ordinance No. 2002 - 1**

**AN ORDINANCE adopting a Code of Ordinances for the City of Upper Kalskag, Alaska.  
BE IT ENACTED BY THE UPPER KALSKAG CITY COUNCIL AS FOLLOWS:**

### **Section 1. Purpose.**

We, the elected officials of the city of Upper Kalskag 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 or Ordinances for the City of Upper Kalskag.

### **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 Prior ordinances superseded.**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 this Code and not included within this Code at the time of This Code's adoption.

### **Section 4. Severability.**

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

### **Section 5. Titles and chapters adopted.**

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

## **SUMMARY OF CONTENTS**

### **Title I. GENERAL PROVISIONS**

Chapters:

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

### **Title II. ADMINISTRATION**

Chapters:

5. City Council
6. Mayor
7. Council Meetings

- 8. Council Procedures
- 9. City Clerk
- 10. City Administrator
- 11. City Attorney

### **Title III. REVENUE AND FINANCE**

Chapters:

- 12. Budget, generally
- 13. Budget procedure
- 14. Annual financial
- 15. Management of Funds
- 16. (Reserved)

### **Title IV. ACQUISITION/DISPOSAL OF CITY PROPERTY & LAND USE**

Chapters:

- 17. Real Property Acquisition, Management and Disposal
- 18. Extraterritorial Jurisdiction
- 19. (Reserved)

### **Title V. CITY DEPARTMENTS**

Chapters:

- 20. Office of the Village Public Safety Officer
- 21. Volunteer Fire Department
- 22. (Reserved)

### **Title VI. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT**

Chapters:

- 23. Sewer Department
- 24. Sewer System
- 25. (Reserved)
- 26. City Equipment
- 27. City Property; Inventory and Files

### **Title VII. GENERAL WELFARE**

Chapters:

- 28. Prohibition of Sale and Importation of Alcoholic Beverages
- 29. Excessive Noise
- 30. Dog Control
- 31. (Reserved)
- 32. Curfew

- 33. Offences By or Against Minors
- 34. (Reserved)
- 35. Garbage, Solid Waste Disposal
- 36. Motor Vehicles
- 37. Control of Firearms, Deadly Weapons, Explosives, Fireworks

### **Title VIII. ELECTIONS**

Chapters:

- 38. City Elections
  - 39. Election Equipment and Materials
  - 40. Election Procedures
  - 41. Absentee Voting
  - 42. Review of Election Returns
  - 43. Contest of Election
  - 44. (Reserved)
- APPENDIX OF ELECTION FORMS

### **Title IX. PERSONNEL**

Chapters:

- 45. Responsibility of Officers and Employees
- 47. (Revised)

#### **Section 6. Effective date.**

This ordinance becomes effective upon adoption by the Upper Kalskag City Council and signature of the Mayor.

**DATE INTRODUCED:** (see original)

**PUBLIC HEARING:**       

**PASSED and APPROVED** by the UPPER KALSKAG CITY COUNCIL this     day of    

   .

**Mayor**

**ATTEST:**

**City Clerk**

**CITY OF UPPER KALSKAG, ALASKA**

**Ordinance No. 2002 - 1**

**AN ORDINANCE adopting a Code of Ordinances for the City of Upper Kalskag, Alaska.**

**BE IT ENACTED BY THE UPPER KALSKAG CITY COUNCIL AS FOLLOWS:**

## **DETAILED CONTENTS**

### **Title I** **GENERAL PROVISIONS**

#### **CHAPTER 1. General Provisions**

Sections:

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

#### **CHAPTER 2. City Information**

Sections:

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

#### **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 Upper Kalskag City Code.
7. Emergency ordinances.
8. Ordinances confined to single subject
9. Requirements for passage
10. Signature.
11. Ordinance File.
12. Repeal shall not revive any ordinance
13. Signature.
14. Procedures for resolutions.
15. Requirements for passage of resolutions.
16. Rules and regulations.

17. Codes of regulations.

#### **CHAPTER 4. Public Records**

Sections:

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

### **TITLE II.** **ADMINISTRATION**

#### **CHAPTER 5. City Council**

Sections:

1. City Council; composition.
2. Qualification of Councilmembers
3. Election of Councilmembers; terms.
4. Oath of office.
5. Compensation of Councilmembers.
6. Conflicts of interest.
7. Financial disclosure exemption.
8. Vacancies.
9. Recall.
10. Filling a vacancy.

#### **CHAPTER 6. Mayor**

Sections:

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

#### **CHAPTER 7. Council Meetings**

Sections:

1. Meeting public.
2. Quorum.
3. Regular council meetings.
4. Special meetings.
5. Notice.

6. Executive Session.

## **CHAPTER 8. Council Procedures**

### **Sections:**

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

## **CHAPTER 9. City Clerk**

### **Sections:**

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

## **CHAPTER 10. City Administrator**

### **Sections:**

1. Appointment.
2. Duties.
3. Treasurer.
4. Personnel Officer.
5. Other Powers and Duties.
6. Temporary Administrator.

## **CHAPTER 11. City Attorney**

### **Sections:**

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

## **TITLE III.** **REVENUE AND FINANCE**

## **CHAPTER 12. Budget Generally**

### **Sections:**

1. City Obligations.
2. Scope of Budget.

3. Budgeted Revenues.
4. Budgeted Expenditures.

### **CHAPTER 13. Budget Procedure**

Sections:

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

### **CHAPTER 14. Annual Financial Statement**

Sections:

1. Annual financial statement.
2. Annual audit.

### **CHAPTER 15. MANAGEMENT OF FUNDS**

Sections:

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

### **CHAPTER 16. (Reserved)**

## **TITLE IV.** **ACQUISITION AND DISPOSAL OF CITY PROPERTY**

### **CHAPTER 17. Real Property Acquisition, Management, and Disposal**

Sections:

1. Definitions.
2. Rights and powers by the city.
3. Acquisition of land.
4. Economic development sites.
5. Temporary use of city lands.
6. Casual use of city lands.
7. Disposal of real property.



8. Methods of disposal.
9. Leases.
10. Easements.
11. Notice of disposal.

#### **CHAPTER 18. Extraterritorial Jurisdiction**

Sections:

1. Authority.
2. Procedure.

#### **CHAPTER 19. (Reserved)**

### **TITLE V. CITY DEPARTMENTS**

#### **CHAPTER 20. Office of the Village Public Safety Officer**

Sections:

1. Creation.
2. Appointment and Removal of the VPSO.
3. Powers.
4. Duties.
5. Custody of Public and Stolen Property.
6. Search and Rescue; Cost Repayment.

#### **CHAPTER 21. Volunteer Fire Department**

Sections:

1. Volunteer Fire Department; Fire Chief.
2. Powers and Duties of the Volunteer Fire Department.
3. Fire Chief.
4. Volunteer Fire Department.
5. Rules and Regulations.
6. Training and Records.
7. Conduct of Members.
8. Equipment.
9. Definitions.

#### **CHAPTER 22. (Reserved)**

### **TITLE VI.** **UTILITIES AND PUBLIC FACILITIES/EQUIPMENT**

#### **CHAPTER 23. Sewer Department**

Sections:

1. Background.
2. Establishment.
3. Upper Kalskag City Council Powers and Duties.
4. Compensation.
5. Meetings.
6. Audit.
7. Separation of Funds.
8. Rules and Regulations.

## **CHAPTER 24. Sewer System**

### **Sections:**

1. Definition of General Terms.
2. Purpose.
3. Disposal of Sewage and Liquid Waste.
4. Operation of Individual Systems.
5. Illegal Discharge.
6. Alterations of Individual Systems.
7. Easements & Rights-Of-Way.
8. Connection to City Sewer Systems.
9. Application for Sewer Service and/or Connection.
10. Approval of Application/Appeal.
11. Installation of Service Lines.
12. Permits for Construction of Individual Water and Sewer Systems.
13. Maintenance of Plumbing System/Responsibility of Consumer.
14. Authorized Inspection.
15. Administration and Enforcement.
16. Public Inspection of Rates.
17. Use of Moneys Collected.
18. Accounting and Disbursement.
19. Additional Regulations.
20. Utility Operator.
21. Annual Report.
22. Disconnection of Service/Consequences of Non-Payment of Service Charges.
23. Limitation of Liability.
24. Penalty.

## **CHAPTER 25. (Reserved)**

## **CHAPTER 26. City Equipment**

### **Sections:**

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

## **CHAPTER 27. City Property; Inventory and Files**

### **Sections:**

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

## **TITLE VII.** **GENERAL WELFARE**

## **CHAPTER 28. Prohibition of Sale and Importation of Alcoholic Beverages**

### **Sections:**

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

## **CHAPTER 29. Excessive Noise**

### **Sections:**

1. Excessive noise prohibited.
2. Penalties.

## **CHAPTER 30. Dog Control**

### **Sections:**

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

## **CHAPTER 31. (Reserved)**

## **CHAPTER 32. Curfew**

### **Sections:**

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

### **CHAPTER 33. Offenses By or Against Minors**

#### **Sections:**

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

### **CHAPTER 34. (Reserved)**

### **CHAPTER 35. Garbage/Solid Waste Disposal**

#### **Sections:**

1. Garbage dumping.
2. Waste disposal.
3. Enforcement.
4. Penalty.

### **CHAPTER 36. Motor Vehicles**

#### **Sections:**

1. Definitions.
2. Coverage.
3. Speed limit.
4. Unsafe Operation.
5. Obstructing airstrip.
6. Influence of intoxication liquor.
7. Required equipment.
8. Reporting of accidents.
9. Minors under twelve years of age.
10. Passengers in a cart/trailer.
11. Penalties.

### **CHAPTER 37. Control of Firearms, Deadly Weapons, Explosives, Fireworks**

#### **Sections:**

1. Definitions.
2. Carrying concealed weapons.
3. Unlawful for those under 16 to bear arms.
4. Loaded firearms prohibited.
5. Discharging firearms.
6. Explosives.
7. Exclusions.

## **TITLE VIII.** **ELECTIONS**

### **CHAPTER 38. City Elections**

#### **Sections:**

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

### **CHAPTER 39. Election Equipment and Materials**

#### **Sections:**

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

### **CHAPTER 40. 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 results.
12. Ballots, counting and tallying.
13. Rules for counting ballots.
14. Report of election results.
15. Posting Certificate of preliminary Election Results.

### **CHAPTER 41. 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 ballots.
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.

## **CHAPTER 42. Review of Election Returns**

### **Sections:**

1. Canvass Committee.
2. Canvass Committee, meeting, postponing canvass.
3. Canvass to be public.
4. Procedure for questioned ballot review.
5. Questioned ballots; subpoenas.
6. Absentee ballots.
7. Counting absentee and questioned ballots.
8. Defective ballots.
9. Canvass Committee, report contents.
10. Certifying Results.
11. Contest Election.
12. Certificate of Election.
13. Retention of election records.

## **CHAPTER 43. Contest of Election**

### **Sections:**

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

## **CHAPTER 44. (Reserved)**

### **FORMS:**

#### **APPENDIX OF FORMS**

- A. Oath of Election Official.
- B. Notice of Election.
- C. Declaration of Candidacy.
- D. Ballot.
- E. Oath and Affidavit of Eligibility for Challenged/Questioned ballot.
- F. Tally Sheet
- G. Report of preliminary Election Results.
- H. Application for Absentee Ballot.
- I. Absentee Ballot Return Envelope.
- J. Certificate of election (Officer).

- K. Certificate of Election - Ballot Proposition.
- L. Affidavit of Election Contest.
- M. Notice of Canvass Committee Meeting to Certify Election.
- N. Certificate of Election.

**TITLE IX.**  
**PERSONNEL**

**CHAPTER 45. RESPONSIBILITIES OF OFFICERS AND EMPLOYEES**

Sections:

1. Conduct in office; investigations.
2. Delivery of office.
3. Reports.
4. Conflict of interest.

**CHAPTER 46. (Reserved)**

**Title I**  
**GENERAL PROVISIONS**

**CHAPTER 1. General Provisions**

**CHAPTER 2. City Information**

**CHAPTER 3. Ordinances, Resolutions, Regulations**

**CHAPTER 4. Public Records**



# **CHAPTER 1**

## **GENERAL PROVISIONS**

### **Sections:**

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

### **Section 1. Code cite and designation.**

The ordinances in the following chapters and sections shall be called the "Code of Ordinances, City of Upper Kalskag, 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 Upper Kalskag, Alaska, or the area within the territorial limits of the City of Upper Kalskag, Alaska.

**CLERK:** The City Clerk;

**CODE:** The code of Ordinances, City of Upper Kalskag, Alaska; the Upper Kalskag City Code.

**COUNCIL:** The City Council of Upper Kalskag;

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

**PUBLISH:** To post a notice within the City in three 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 Upper Kalskag 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 Upper Kalskag 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 other 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. Effective 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 ordinances 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 another penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, shall be punished by a fine of not more than three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority. A "violation" is a non-conviction of 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 reenacted in the amendment ordinance.

#### **Section 7. Laws of Alaska: violations.**

No person shall violate any laws 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 Upper Kalskag, Alaska except where the State has exclusive jurisdiction over the offence.

#### **Section 8. Enforcement.**

The City Council, or duly appointed regulatory body, or the Village Public Safety Officer (VPSO) shall enforce all City Ordinances and laws of the State of Alaska. The VPSO shall serve

the person with a citation pertaining to the infraction of the city ordinance. If the fine is not paid to the City Clerk or designee within ten (10) days the person will be served a notice to personally appear before the City Council for further action.

### **Section 9. Distribution.**

This Code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this Code may be charged to anyone requesting copies provided that copies of ordinances that provided for penalties shall be available for distribution to the public at no more than cost.

### **Section 10. Ordinances included in the Upper Kalskag City Code.**

The Council shall cause each ordinance and resolution having the force and effect of law 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 Upper Kalskag 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 of ordinances, all enacting and repealing clauses, all declarations of emergency, and purpose, validity, and constructions' clauses shall be omitted from the Code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

### **Section 11. Time ordinances take effect.**

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

### **Section 12. Corrections.**

When in this code, or any amendments or additions to it, there are any errors the correction of which does not change in 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 authorized:

- A. Manifest errors which are clerical, or typographical in nature, or errors in spellings, 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 2**

### **CITY INFORMATION**

#### **Sections:**

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

#### **Section 1. Name of City and form of government.**

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

#### **Section 2. City Limits and history.**

The boundaries of the City are: Beginning at the SE corner of Section 27, Surveyed T17N, R61W, Seward Meridian, Alaska: thence north to the NE corner of Section 22, T17N, R61W; thence east to the NW corner of Section 21, T17N, R61W; thence south to the SW corner Section 28, T17N, R61W; thence east to the SE corner of Section 27, T17N, R61W, the point of beginning, containing four (4) square miles more or less. The boundaries of the City as described above were the effective city limits as of the incorporation of the City of Upper Kalskag as a February 13th, 1975, classified as a second class city by Title 29 then entitled A.S. 29.08.050(b) as enacted by the 1972 Alaska State Legislature.

#### **Section 3. City Seal.**

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

#### **Section 4. Use of seal.**

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

## **CHAPTER 3**

### **ORDINANCES; RESOLUTIONS; REGULATIONS**

#### **Sections:**

1. Acts of the Council.
2. Acts required to be by ordinance.
3. Ordinance procedure.
4. Ordinance form and content.
5. Amendments to code; effect of new ordinances; amendatory language.
6. Supplements or revisions to the Upper Kalskag 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 regulation.

#### **Section 1. Acts of the Council.**

The Council shall act only by ordinance, resolution, or motion. Laws of a general, uniform, and permanent nature shall be reduced to ordinance. When the Council expresses opinions, principles, facts, or propositions, it shall be as 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 ordinance 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. Designate the borough seat;

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

### **Section 3. Ordinance procedure.**

A proposed ordinance is introduced in writing by the Mayor or other Councilmember, 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 on the ordinance, 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 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.

### **Section 4. Ordinance Form and Content.**

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

- A. **Heading:** "City of Upper Kalskag, Alaska";
- B. **Ordinance Number:** Each ordinance shall be assigned a unique number for identification.
- C. **Title:** The title, which summarizes the ordinance's provisions and includes any penalties imposed.
- D. **Enacting Clause:** The clause shall read: "BE IT ENACTED BY THE COUNCIL OF THE CITY OF UPPER KALSAKG, ALASKA";
- E. **Provisions:** The main text of the ordinance detailing the laws, requirements, or changes being enacted.
- F. **Dates:** The dates of introduction, first reading, and public hearing.
- G. **Date of Adoption:** The date on which the ordinance was officially adopted by the Council.

### **Section 5. Amendments to Code: Effect of New Ordinances; Amendatory Language.**

All ordinances passed prior to this Code that 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. 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 Upper Kalskag, Alaska is hereby amended to read as follows:". The new chapter or section shall then be set out in full as desired.

**Section 6. Supplements or Revisions to the Upper Kalskag City Code.**

Amendments and supplements to this Code shall be typed or printed and included within this Code within ninety (90) days after adoption by the Council. The Upper Kalskag City Code shall be supplemented at regular intervals or if the Council considers that supplementation of the Code is unnecessary, the Code shall be revised and printed every five 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. An emergency ordinance may not be used to levy taxes; to grant, renew, or extend a franchise; or to regulate the rate charged by a public utility for its services. An emergency ordinance is effective for 60 days.

**Section 8. Ordinances Confined to Single Subject.**

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

**Section 9. Requirements for Passage.**

Four affirmative votes are required for the passage of an ordinance. The final vote on an ordinance is a recorded roll call vote.

**Section 10. Signature.**

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

**Section 11. Ordinance File.**

The 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 that 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 Upper Kalskag, 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 as an attestation to the signature of the Mayor.

**Section 14. Procedures for Resolutions.**

Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken. On any vote to pass a resolution, all persons interested shall be given an opportunity to be heard. After the hearing, the Council may pass the resolution with or without amendments. After adoption, every resolution shall be posted in full on the city bulletin board and in such other places as the Council may direct. Every resolution, unless it shall specify a later date, shall become effective upon adoption. If the resolution is submitted at a city election when State law requires, then after a majority of favorable votes of the city voters has been certified by the Council, the resolution may be adopted.

**Section 15. Requirements for Passage of Resolutions.**

Four affirmative votes are required for the passage of a resolution. The final vote on each resolution is a recorded roll call vote.

**Section 16. Rules and Regulations.**

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

**Section 17. Codes of Regulations.**

The Council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption of an ordinance under this section at least five copies of the code of regulations shall be made available for public inspection at a 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.



**FORMS: chapter 3 section 4**

**CITY OF UPPER KALSKAG, ALASKA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE \_\_\_\_\_**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF UPPER KALSKAG, ALASKA:**

**Sections:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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

*Details of the section go here.*

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

*Details of the section go here.*

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

*Details of the section go here.*

**FIRST READING:**

**PUBLIC HEARING:**

**PASSED AND APPROVED by the UPPER KALSKAG CITY COUNCIL this \_\_\_\_\_ day  
of \_\_\_\_\_.**

**Mayor**

*Signature of the Mayor*

**ATTEST:**

**City Clerk**

*Signature of the City Clerk*

**FORMS: chapter 3 section 13**

**CITY OF UPPER KALSKAG, ALASKA**  
**RESOLUTION NO. \_\_\_\_\_**

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

**WHEREAS,**  
*First consideration or fact leading to the resolution.*

**WHEREAS,**  
*Second consideration or fact leading to the resolution.*

**AND WHEREAS,**  
*Third consideration or fact leading to the resolution.*

**BE IT RESOLVED:**  
*Details of the action or decision resolved by the City Council.*

**PASSED AND APPROVED by the UPPER KALSKAG CITY COUNCIL this \_\_\_\_\_ day**  
**of \_\_\_\_\_.**

**Mayor**  
*Signature of the Mayor*

**ATTEST:**

**City Clerk**  
*Signature of the City Clerk*

## **CHAPTER 4**

### **PUBLIC RECORDS**

#### **Sections:**

1. Definitions
2. Ownership and Custody of Records
3. Duties of City Clerk
4. Public Records; Inspection and Copying
5. Retention and Disposal

#### **Section 1. Definition.**

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 of because of the information value in them. "Record" does not include extra copies of documents made or preserved solely for convenience of reference, or for public distribution.

#### **Section 2. Ownership and Custody of Records.**

(A) All records shall be and remain city property. Records shall be delivered by outgoing officials and employees to their successors as required by Section 3, Chapter 46 of this Code and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided by law.

(B) City records, or copies of city records that 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 their 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 re-filing records which are temporarily removed from the permanent files for use by the Clerk, other city officials, or employees, or members of the public;

(C) Develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska State Archive Program in the Department of Education as Provided by A.S40.21.090, 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 proceeding, 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 46.
5. Other records required by federal or state law or regulation or by the ordinance to be kept confidential.

#### **Section 6. Retention and Disposal.**

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

(B) The Clerk shall propose and the council shall 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 historic value and may be destroyed by the clerk. The clerk may dispose of routine records pursuant to 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 historic 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 historic 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 historic value, it may authorize their disposal and specified records in the manner approved by the Council.

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

**Title II**  
**ADMINISTRATION**

**CHAPTER 5. City Council**

**CHAPTER 6. Mayor**

**CHAPTER 7. Council Meetings**

**CHAPTER 8. Council Procedures**

**CHAPTER 9. City Clerk**

**CHAPTER 10. City Administrator**

**CHAPTER 11. City Attorney**

## **CHAPTER 5**

### **CITY COUNCIL**

#### **Sections:**

1. City Council; Composition.
2. Qualification of Councilmembers.
3. Election of Councilmembers; Terms.
4. Oath of Office.
5. Compensation of Councilmembers.
6. Conflicts of Interest.
7. Financial Disclosure Exemption.
8. Vacancies.
9. Recall.
10. Filling a Vacancy.

#### **Section 1. City Council; Composition.**

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

#### **Section 2. Qualifications of Councilmembers.**

Councilmembers must have resided in the city for one year preceding their election. Terms are as follows:

- **Seat A:** Two-year term, expires October 1998, subsequent terms renew every two years (2000, 2002, etc.).
- **Seat B:** Two-year term, expires October 1999, subsequent terms renew every two years (2001, 2003, etc.).
- **Seat C:** Two-year term, expires October 1998, subsequent terms renew every two years (2000, 2002, etc.).
- **Seat D:** Two-year term, expires October 1999, subsequent terms renew every two years (2001, 2003, etc.).
- **Seat E:** Two-year term, expires October 1998, subsequent terms renew every two years (2000, 2002, etc.).
- **Seat F:** Two-year term, expires October 1999, subsequent terms renew every two years (2001, 2003, etc.).
- **Seat G:** Two-year term, expires October 1998, subsequent terms renew every two years (2000, 2002, etc.).

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

#### **Section 3. Election of Councilmembers; Terms.**

Regular general elections are held annually on the first Tuesday in October. Councilmembers' terms begin the first Monday following certification of the election.

#### **Section 4. Oath of Office.**

All officers, before entering upon the duties of office, shall affirm the following oath: "I [name], 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 Upper Kalskag, Alaska, and that I will honestly, faithfully and impartially perform my duties as [position] to the best of my ability." This oath is filed with the City Clerk.

#### **Section 5. Compensation of Councilmembers.**

Compensation is as follows:

- Regular Meetings: \$100.00
- Special Meetings: \$75.00
- Work Sessions: \$50.00

Compensation is paid for meetings attended.

#### **Section 6. Conflicts of Interest.**

If a Councilmember has a substantial financial interest in an official action, they must declare that interest and request to be excused from voting on the matter.

#### **Section 7. Financial Disclosure Exemption.**

An election exempted incumbents from having to file financial statements with the Alaska Public Offices Commission (AS 39.50).

#### **Section 8. Vacancies.**

A city office is vacated under conditions such as failure to qualify or take office within thirty days, absence from the City for ninety consecutive days without excuse, resignation, or physical or mental incapacity, among others.

#### **Section 9. Recall.**

Officials may be recalled for reasons such as misconduct, incompetence, or failure to perform prescribed duties, following procedures set out in A.S. 29.

#### **Section 10. Filling a Vacancy.**

The Council must appoint a qualified person to fill any vacancy within 30 days. If the number of members is below the quorum, the remaining members must appoint enough qualified persons to constitute a quorum within seven days.

## **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 Councilmember, shall vote on all matters. The Mayor does not have the power to veto. The Mayor may:

- Appoint, suspend, or remove city employees and administrative officials as provided in the City's personnel policies.
- Supervise the enforcement of city law and carry out the directives of the Council.
- Prepare and submit an annual budget and capital improvement program for consideration by the Council, and execute the budget and capital improvement program adopted.
- Make monthly financial reports and other reports on city finances and operations as required by the Council.
- Exercise custody over all real and personal property of the City.
- Serve as personnel officer, unless the Council authorizes the Mayor to appoint a personnel officer.
- Perform 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 compensation at the same rate as Councilmembers.



**Section 5. Oath of Office.**

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

**Section 6. Vacancy in the office of Mayor.**

- 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 ninety (90) consecutive days.
  3. Resigns and the resignation is accepted.
  4. Is physically or mentally unable to perform the duties of office.
  5. Is convicted of a violation of A.S 15.13.
  6. No longer physically resides in the City.
  7. Misses three consecutive regular council meetings and is not excused.
- 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.
- Recall provisions of Chapter 5, Section 9 of this Code apply to the office of Mayor.

**Section 7. Mayor is ex-officio officer.**

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

## **CHAPTER 7**

### **COUNCIL MEETINGS**

#### **Sections:**

1. Meeting Public
2. Quorum
3. Regular Council Meetings
4. Special Meetings
5. Notice/Work Session
6. Executive Session

#### **Section 1. Meetings Public.**

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

#### **Section 2. Quorum.**

Four Councilmembers constitute a quorum. A member disqualified by law from voting on a question may be considered present for 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 Upper Kalskag City Office. However, if any condition renders the meeting place unfit to conduct any regular meeting of the Council, the meeting may be moved to such other places as the Council may choose, provided reasonable subsequent notice is given.

#### **Section 4. Special Meetings.**

Special meetings of the Council are those meetings that are called by the presiding officer or one-third of the members of the Council for a time different from that fixed for regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings. At least twenty-four (24) hours of oral or written notice must be given to 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 the required notice. A waiver of notice shall be made a part of the journal for the meeting.

#### **Section 5. Notice/Work Session.**

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time, and place of the meeting is posted not less than seventy-two (72) hours before the time of the meeting in at least three public places. Notwithstanding the preceding, as much notice as is practical shall be given to Councilmembers, and public notices shall be posted at the same time as notice is given to Councilmembers.

### **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 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 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 expected subjects discussed at the executive session. Excepted subjects that may be discussed at an executive session include:

- **A.** Matters 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.
- **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, preserve order among the Councilmembers, and is responsible for the conduct of all meetings according to the rules of the Council. He/she may make rules as considered 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 both 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 members. The presiding officer "pro tem" shall exercise all the powers of the Mayor during such temporary absence or disability 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 Meeting
- 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 and kept in the journal of the proceedings of the Council. The minutes are public records and are made available to anyone upon request, subject to copying charges. Minutes shall be posted publicly as soon as they are typewritten.

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

A Councilmember wishing to speak shall address the Mayor or presiding officer respectfully and shall not commence speaking until recognized. When two or more members request to speak simultaneously, the Mayor or presiding officer shall decide who is recognized first. Every member while speaking shall confine themselves to the subject under debate and shall not refer to any other member except in a respectful manner.

### **Section 5. Motions; second required.**

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

### **Section 6. Motions; disposition; withdrawal.**

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

### **Section 7. Motions; reduction to writing.**

Any motion must be put in writing if required by the Mayor or presiding officer or if demanded by any Councilmember.

### **Section 8. Motions; rescinding vote.**

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

### **Section 9. Voting; quorum.**

Four Councilmembers constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or substantive motion. All members present must vote on every question unless legally required to abstain. The final vote on each ordinance, resolution, or substantive motion shall be recorded as "yes" or "no," except when the vote is unanimous, it may be recorded as such.

### **Section 10. Duties of the Clerk at council meetings.**

The City Clerk shall notify Council meetings, attend all meetings, and keep the journal of proceedings. The Clerk shall authenticate by signature and record in full in a book or file kept for that purpose all ordinances and resolutions, properly indexed and open to public inspection. In the absence of the City Clerk, the Council may appoint a temporary clerk with all the powers, duties, and obligations of the City Clerk.

## **CHAPTER 9**

### **CITY CLERK**

#### **Sections:**

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

#### **Section 1. Appointment; term.**

The City Clerk is appointed by the Council and serves at the pleasure of the Council.

#### **Section 2. City Clerk.**

The City Clerk's duties include:

- A. Giving notice of council meetings to the Council and the public.
- B. Attending council meetings and keeping the journal.
- C. Arranging for the publication of notices, ordinances, and resolutions.
- D. Maintaining a public, indexed file of city ordinances, resolutions, rules, regulations, and codes.
- E. Attesting deeds and other documents.
- F. Recording and certifying all actions of the Council.
- G. Administering oaths required by law or city ordinances.
- H. Acting as custodian of the city seal and official records.
- I. Overseeing city elections as the election supervisor.
- J. Performing other duties as specified in Alaska Statutes or prescribed by this Code, the Mayor, or Administrator.
- K. Managing general office duties, including maintaining city files and handling mail.
- L. Ordering office supplies.
- M. Providing officials with notice of the expiration or termination of terms of office, and the conditions or requirements of all bonds, franchises, contracts, or agreements.

**Section 3. Acting Clerk.** In the event of the temporary absence of the City Clerk, the Council may appoint an acting clerk who will have all the powers, duties, and obligations of the Clerk.

**Section 4. Supervisor.** The City Clerk is supervised by both the Mayor and the Administrator.

**Section 5. Clerk's Pay.** The Council determines the pay of the City Clerk and any acting clerk.

## **CHAPTER 10**

### **CITY ADMINISTRATOR**

#### **Sections:**

1. Appointment.
2. Duties.
3. Treasurer.
4. Personnel Officer.
5. Other Powers and Duties.
6. Temporary Administrator.

#### **Section 1. Appointment.**

The Mayor, with the Council's approval, may appoint a Vice Mayor or other official to act as the Chief Administrative Officer.

#### **Section 2. Duties.**

The City Administrator's responsibilities may include:

- A. Enforcing city laws.
- B. Preparing and executing the annual budget and capital improvements program.
- C. Reporting monthly on city finances and operations to the Council.
- D. Managing payroll and accounting books.
- E. Verifying timesheets and supervising other city staff and departments.

#### **Section 3. Treasurer.**

As Treasurer, the Administrator's responsibilities include:

- A. Custody of all city funds.
- B. Maintaining detailed accounts of financial transactions.
- C. Overseeing city property.
- D. Assisting in budget compilation.
- E. Preparing financial reports.
- F. Managing city funds and property protection procedures.
- G. Filing for state and federal revenue sharing programs.

#### **Section 4. Personnel Officer.**

The Administrator may also serve as the City Personnel Officer.

#### **Section 5. Other Powers and Duties.**

The Administrator carries out additional responsibilities as specified by law or assigned by the Council.

#### **Section 6. Temporary Administrator.**

In the absence or disability of the Administrator, the Mayor may appoint a temporary Administrator. If the position becomes vacant, the Mayor will initiate a job search.

**CHAPTER 11**  
**CITY ATTORNEY**

**Sections:**

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

**Section 1. City Attorney.**

The City Attorney is appointed by the Council and serves at their pleasure.

**Section 2. Duties of City Attorney.**

Responsibilities include:

- A. Performing all legal services for the city, advising the Council, Mayor, and city departments.
- B. Arranging prosecutions for ordinance violations when requested by the Council.
- C. Representing the city in all legal matters.
- D. Drafting ordinances and other legal documents as required.
- E. Reporting legal matters to the Council and Mayor.
- F. Attending Council meetings if requested.
- G. Maintaining records of opinions and legal proceedings.



**Title III**  
**REVENUE AND FINANCE**

**CHAPTER 12. Budget, Generally**

**CHAPTER 13. Budget Procedure**

**CHAPTER 14. Annual Financial Statement**

**CHAPTER 15. Management of Funds**

**CHAPTER 16. (Reserved)**

**CHAPTER 12**  
**BUDGET, GENERALLY**

**Sections:**

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

**Section 1. City Obligations**

- A. A bond, contract, lease, or other obligation requiring the payment of funds from appropriations for a future fiscal year, or spanning more than one fiscal year, shall be made by non-code ordinance. The Council may also make supplemental and emergency appropriations.
- B. No payment may be authorized or made, and no obligation may be incurred, except in accordance with an appropriation made by non-code ordinance.
- C. The Council may authorize contracts for capital improvements, which may be financed wholly or in part through the issuance of bonds.

**Section 2. Scope of Budget**

- A. The budget shall be a complete financial plan for the operation of the city for the upcoming fiscal year, detailing dollar reserves, anticipated revenues, and proposed expenditures.
- B. The adoption of the budget, together with the appropriation of the necessary funds, constitutes the commitment of each sum identified for expenditure to the specified purchase or class of purchases and directs the Mayor and the city's appointed officials to spend the budgeted amounts for the specified purposes.
- C. Proposed expenditures shall not exceed total anticipated revenues and reserves.

**Section 3. Budgeted Revenues**

Budgeted revenues shall be itemized and may include taxes, licenses, permits, intergovernmental revenues, charges for services, fines, forfeitures, miscellaneous revenues, cash reserves, and other categories necessary for proper accounting and financial management.

**Section 4. Budgeted Expenditures**

Budgeted expenditures shall be itemized. Specific allocations shall be included in the budget for:

- A. Interest, amortization of principal, and redemption charges on the public debt for which the faith and credit of the city are pledged.
- B. Administration, operation, and maintenance of each office, department, or agency of the city.
- C. The Council's budgetary reserve.
- D. Expenditures proposed for capital projects, including provisions for down payments on capital projects.

## **CHAPTER 13**

### **BUDGET PROCEDURE**

#### **Sections:**

1. Fiscal Year
2. Public Records
3. Proposed Budget
4. Public Hearing
5. Amendment of Proposed Budget, Adoption; Appropriation of Funds
6. Amendment
7. Encumbrance
8. Effective Date of Budget Certification
9. Excess Liability; Lapses of Appropriations
10. Transfers
11. Biennial Projection - Capital Program

#### **Section 1. Fiscal Year**

The fiscal year of the city government shall begin on the first day of July each year and end on the last day of June the following year. This period also constitutes the budget and accounting year.

#### **Section 2. Public Records**

The proposed budget and budget message, once adopted, become public records open to inspection.

#### **Section 3. Proposed Budget**

**A.** The Mayor is required to prepare and submit to the Council, by no later than May 1st each year, the proposed budget for the upcoming fiscal year, accompanied by a budget message.

**B.** The proposed budget must detail all expected revenues and outline all planned expenditures, and is presented to the Council as a non-code ordinance for amendment and adoption.

#### **Section 4. Public Hearing**

The Council will set a time and place for a public hearing on the proposed budget, with appropriate notice posted at least five days but no more than ten days before the hearing. This session allows for public input.

#### **Section 5. Amendment of Proposed Budget; Adoption; Appropriation of Funds**

Following the public hearing, the Council may adjust the budget by adding new items or modifying existing ones, barring any fixed by law, and must adopt it by ordinance by June 15th.

**Section 6. Amendment**

Post-adoption, the budget can be amended any time, contingent on a public hearing similar to that required for the initial budget proposal.

**Section 7. Encumbrance**

No appropriations from the budget can be committed without ensuring that funds are unencumbered and available.

**Section 8. Effective Date of Budget Certification**

The adopted budget becomes effective for the fiscal year immediately following its certification by the Mayor and attestation by the Clerk.

**Section 9. Excess Liability; Lapse of Appropriations**

Expenditures cannot exceed appropriations without Council approval, and unspent appropriations lapse at the fiscal year's end unless legally committed.

**Section 10. Transfers**

The Mayor can transfer funds within departments up to a certain percentage, specified by the Council, but inter-departmental transfers require an amending ordinance.

**Section 11. Biennial Projection; Capital Program**

Concurrently with the budget proposal, the Mayor must present a two-year fiscal outlook and a five-year capital program, detailing anticipated projects and funding strategies.

## **CHAPTER 14**

### **ANNUAL FINANCIAL STATEMENT**

#### **Sections:**

1. Annual Financial Statement
2. Annual Audit

#### **Section 1. Annual Financial Statement**

The Treasurer is responsible for preparing and submitting an annual financial statement for the Council's review and approval, reflecting the same categories and details as those in the monthly financial reports.

#### **Section 2. Annual Audit**

- A. An independent audit of the city's accounts and financial transactions must be conducted annually, as stipulated by relevant state and federal regulations.
- B. The audit is to be performed by a designated accountant with no personal interest in the city's fiscal affairs, adhering to the professional ethics standards set by the American Institute of Certified Public Accountants. The audit report must be submitted to the Mayor and Council within ninety days after the fiscal year ends.

**CHAPTER 15**  
**MANAGEMENT OF FUNDS**

**Sections:**

1. Treasurer
2. Bond
3. Deposits and Withdrawals
4. Investments

**Section 1. Treasurer**

A. The Treasurer oversees all municipal funds and is responsible for maintaining accurate records and managing all cash and negotiable instruments.

B. Monthly financial statements must be provided to the Council, including cash flow summaries and budget comparisons.

**Section 2. Bond**

The Treasurer must provide a bond in an amount specified by the Council to safeguard the city's financial interests.

**Section 3. Deposits and Withdrawals**

A. The Treasurer is authorized to deposit city funds in approved financial institutions.

B. All withdrawals must be signed by authorized officials, including the Mayor, and require dual signatures for checks.

**Section 4. Investments**

The Treasurer is tasked with managing the city's investments, ensuring excess funds are securely invested in accordance with city policies and legal requirements. Investments should prioritize local securities and conform to stipulated financial practices.

**CHAPTER 16**

**(RESERVED)**

**Title IV**

**ACQUISITION AND DISPOSAL OF CITY PROPERTY**

**CHAPTER 17. Real Property Acquisition, Management, and Disposal**

**CHAPTER 18. Extraterritorial Jurisdiction**

**CHAPTER 19. (Reserved)**



## CHAPTER 17

### REAL PROPERTY ACQUISITION, MANAGEMENT, AND DISPOSAL

#### Sections:

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

#### Section 1. 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 property by a qualified appraiser.
- **Casual use:** Temporary, safe, non-exclusive and non-surface-disturbing use of city land and includes but is not limited to such uses as hiking, hunting, fishing, short term camping, picnicking, skiing, snow machining or berry picking.
- **City Boundaries:** The city limits, established when the city is incorporated, inside which all city ordinances are enforceable.
- **Competitive disposal:** A disposal of property wherein 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.
- **Domiciled resident:** one who has resided in the city, and intends to make the City his or her permanent residence.
- **Easement:** a right or privilege in another person's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.
- **Economic development:** to promote the growth of the local economy, increase income of residents.
- **Eminent domain:** the power of a municipality to convert private property to a public use.

- **Equitable interest:** a claim in property or other which should be recognized in the interest of fairness or equity.
- **Evaluate:** to judge the quality of.
- **Federal entity:** The federal government or an agency thereof.
- **Hazardous use:** A use involving danger; perilous; risky to human health and wellbeing.
- **Interest-in-property:** A right, claim, title, or legal share in that property; refers to "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 property.
- **Lease:** Leases are used to dispose of specific interest in real property without transferring ownership of that property; a contract for exclusive possession of lands or 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 a gift, is decided by luck or chance through some type of drawing of names.
- **Municipality:** A unity of local government organized under the laws of State of Alaska.
- **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:** A use which people may find objectionable; disagreeable; offensive; displeasing.
- **Public interest:** something in which the public, the community at large, has some pecuniary interest (having to do with money). Or some interest by which their legal rights or liabilities are affected.
- **Public outcry auction:** Sale of property to the highest bidder, at a public auction. Where each prospective buyer has the right to enter successive bids until a price is reached at which no higher subsequent bid is made.
- **Public Service:** Activities and enterprises which specially serve the needs of the general public.
- **Referendum:** A method of submitting and important measures to the direct vote of the whole people.
- **Revert:** With respect of property, title is to go back to and lodge in former owner.
- **Sealed bid:** A written offer to purchase property, placed in an envelope, and opened along with all other bids (if any) at a public bid opening.
- **State:** The state of Alaska or an agency thereof.
- **Substantial improvement:** A major change or addition to land or real property that makes it more valuable.
- **Temporary uses:** A exclusive use of city land which has duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$-0-
- **Valid Claim:** A legally enforceable claim by a third party.

**Section 2. 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.

## **Chapter 18**

### **EXTRATERRITORIAL JURISDICTION**

#### **Sections:**

1. Authority
2. Procedure

#### **Section 1. Authority.**

Alaska Statute 29.35.020. Extraterritorial jurisdiction provides: A. Necessary to provide the facility or service, the municipality may provide parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility service, airports, streets (including ice roads), trails, transportation facilities, wharves, harbors, and other marine facilities outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them. A regulation adopted under this section must state that it applies outside the municipality. B. A municipality may adopt an ordinance to protect its water supply and watershed, and may enforce the ordinance outside its boundaries. Before this power may be exercised inside the boundaries of another municipality, the approval of the other municipality must be given by ordinance.

#### **Section 2. Procedure.**

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

**CHAPTER 19**

**(RESERVED)**

**Title V**  
**CITY DEPARTMENTS**

**CHAPTER 20.** Office of the Village Public Safety Officer

**CHAPTER 21.** Volunteer Fire Department

**CHAPTER 22.** (Reserved)

## **CHAPTER 20**

### **OFFICE OF THE VILLAGE PUBLIC SAFETY OFFICER**

#### **Sections:**

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

#### **Section 1. Creation.**

There shall be an office of the Village Public Safety Officer (VPSO) for the City of Upper Kalskag.

#### **Section 2. Appointment and removal of the VPSO.**

A. The VPSO is appointed by City Council resolution pursuant to the VPSO contract between the State of Alaska and the AVCP and serves at their pleasure. The VPSO is administratively responsible to the mayor.

B. The VPSO may be removed by council resolution; AVCP; or pursuant to the VPSO contract between the State of Alaska and the AVCP.

#### **Section 3. Powers.**

The VPSO shall have the following powers:

A. To direct the operation of the Upper Kalskag Fire Department including providing general fire protection training;

B. To organize and conduct search and rescue operations;

C. To provide emergency medical services and training, upon certification by the Alaska Department of Public Safety;

D. To provide water safety training, including boating, swimming, and other related training;

E. To enforce, investigate, apprehend, arrest, and bring to justice all violators of city ordinance, federal and state laws;

F. To hire (not to exceed seven days) and discharge temporary public safety personnel as may be necessary to deal with public health or safety.

#### **Section 4. Duties.**

The duties of the VPSO shall include, but are not necessarily limited to the following:

A. Faithfully perform those duties and obligations specified in the APSO Agreement between the City, AVCP and the Alaska State Troopers;

B. Faithfully enforce the city ordinances in an impartial manner;

C. Develop and maintain a citation system for the enforcement of the city ordinances;

D. Direct the police, fire protection and emergency rescue work of the city;

- E.** Train and drill the members of the Upper Kalskag Fire Department;
- F.** Be responsible for the maintenance and care of all property used or in the custody of the office;
- G.** Maintain and staff the city holding facility and be responsible for the prisoners;
- H.** Prepare and maintain records of all fires, accidents, training programs, arrests, fines, search and rescue operations and responses to emergencies, and other information about the work and status of the office and make periodic written reports to the City Council;
- I.** Provide arrangement and equipment for reporting emergency situation and for notifying all city council members to assure prompt response to such incidents;
- J.** Supervise fire and public safety hazard inspections;
- K.** Recommend to the City Council needed fire protection;
- L.** Prepare and submit, upon request, a tentative budget for the office to the City Council;
- M.** Communicate directly with and coordinate, where possible, office activities, with those other regulatory and enforcement agencies about matters related to office business, an,
- N.** Perform such other duties as may be required by the City Council of the Alaska State Troopers.

**Section 5. Custody of public and stolen property.**

The VPSO shall have custody of all property and equipment that comes into possession of the office. The VPSO shall be responsible for an inventory (list) of all property, equipment, and supplies including their proper maintenance. No person shall use any office equipment for any private purpose, nor shall any person without proper authority remove any office property.

**Section 6. Search and rescue; cost repayment.**

Persons causing a search and rescue operation to take place because of abuse of drugs and/or alcohol shall be subject to repay the cost of the search and rescue operation up to the sum of five hundred dollars (\$500).



## **CHAPTER 21**

### **VOLUNTEER FIRE DEPARTMENT**

#### **Sections:**

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

#### **Section 1. Volunteer Fire Department: fire chief.**

There shall be a volunteer fire department, the head of which shall be the VPSO. The volunteer fire department shall consist of the Fire Chief and as many other officers and firefighters as may be necessary for the effective operation of the volunteer fire department.

#### **Section 2. Powers and duties of the volunteer fire department.**

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

#### **Section 3. Fire Chief.**

The fire chief shall be technically qualified through training and experience. The fire chief shall perform the following duties:

1. Determine the organization of the volunteer fire department and provide for its staffing;
2. Establish and enforce rules and regulations for the conduct of members of the department;
3. Train and drill the members of the department, including periodic fire drills as deemed necessary;
4. Maintain possession and custody of all fire equipment, buildings, and all other property of the department.
5. Prepare and maintain records of all fires, inspections, fire-fighting equipment, personnel, and other information about the work and status of the department and make periodic written reports to the council;
6. Provide suitable arrangements and equipment for supporting fires or other emergencies and for notifying all members of the department to assure prompt responses for such incidents;

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

#### **Section 4. Volunteer fire department.**

Volunteer firemen shall be appointed by the fire chief, and the volunteer firemen shall be organized and disciplined as a volunteer fire department by the fire chief. Members of the volunteer fire department may organize into a volunteer association with the election of their own officers and bylaws. The voluntary association shall in no manner limit the power of the fire chief, all property used by the volunteer fire department is and remains the property of the City and all expenses of the volunteer fire department upon proper voucher shall be paid by check by the regular municipal authorities. From time to time in such amount as the Council considers advisable, payments may be made to the volunteer department for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purpose that are in keeping with its functions.

#### **Section 5. Rules and Regulations.**

The fire chief shall maintain and enforce up-to-date, comprehensive sets of rules and regulations governing the discipline, training and operations of the volunteer department. The rules, regulations and any deletions, changes or additions shall be effective when approved by and filed with the council. The fire chief shall have the authority to enforce the rules and regulations and is authorized to suspend or remove from service any officer or fire fighter.

#### **Section 6. Training, records and reports.**

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

**A. Records** - The fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspection, fire and other volunteer fire department activities.

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

#### **Section 7. Conduct of members.**

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

#### **Section 8. Equipment.**

- A. The fire chief shall recommend to the Council such apparatus or other firefighting equipment as may be required to maintain volunteer fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies.
- B. No person shall use any fire apparatus or equipment for any purpose, nor shall any person willfully and without proper authority remove or conceal any article used by the volunteer fire department.
- C. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the volunteer fire department unless accompanied by, or having permission of an officer or authorized member of the volunteer fire department.
- D. Members of the volunteer fire department who drive privately owned vehicles are required to have an insignia attached to their vehicle identifying them as a member of the volunteer fire department.
- E. Members of the volunteer fire department who drive privately owned vehicles are required to have a flashing blue light attached to their vehicle and shall have the right of way over all other traffic when responding to an alarm.

#### **Section 9. Definitions.**

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

**CHAPTER 22**

**(RESERVED)**

**Title VI.**

**UTILITIES AND PUBLIC FACILITIES/EQUIPMENT**

**CHAPTER 23. Sewer Department**

**CHAPTER 24. Sewer System**

**CHAPTER 25. (Reserved)**

**CHAPTER 26. City Equipment**

**CHAPTER 27. City Property; Inventory and Files**

## **CHAPTER 23**

### **SEWER DEPARTMENT**

#### **Sections:**

1. Background.
2. Establishment.
3. Upper Kalskag City Council Powers and Duties.
4. Compensation.
5. Meetings.
6. Audit.
7. Separation of Funds.
8. Rules and Regulations.

#### **Section 1. Background.**

The Upper Kalskag City Council has acted to establish Upper Kalskag Water & Sewer Utility Department, hereafter referred to as the Utility Department, to provide for the health and welfare of the residents of Upper Kalskag. The City Council shall oversee and manage the Upper Kalskag water and sewer system.

#### **Section 2. Establishment.**

The Upper Kalskag City Council shall operate, maintain, construct, replace, and manage (collect user payments) for the Upper Kalskag Water and Sewer Utility Department in accordance with these provisions.

#### **Section 3. Upper Kalskag City Council Powers and Duties.**

The City Council shall:

- A.** Operate, maintain, construct, repair and replace the City-owned utility system.
- B.** Appoint, return, hire, promote, layoff, suspend, or remove all employees of the Upper Kalskag Water & Sewer Utilities Department.
- C.** Each year, prepare, pass and make available to the public an annual budget and capital improvement program of the utility. Make available to Alaska State Legislature and Governor a capital improvements request for the Utility Department.
- D.** Administer the Utility Department's budget and capital improvement program as enacted.
- E.** Formulate and enforce the general rules and policies for the Utilities Department practices within the City of Upper Kalskag. The Council shall generally have full and complete responsibility of all the systems and their operations and fiscal affairs. This includes the Utility Department's maintenance, operation, expansion, extension, and improvement.
- F.** Study, decide and implement public utility matters such as, but not limited to, rates, fiscal matters, personnel staffing, labor and relations, expansion or extension of services and public relations.
- G.** Purchase and sell property as needed, Real property regulations set in Title 35.05, Upper Kalskag Code of Ordinances, apply.

H. Assume such other authority and perform such other duties related to Water & Sewer Utility Department.

#### **Section 4. Compensation.**

Compensation for the City Council for conducting the Utility Department's matters shall be the same as set in Chapter 5, Section 5, and Upper Kalskag Code of Ordinances. When the utility Department's matter are part of the agenda of a regular City Council meeting, the compensation shall not be separate but shall be part of the regular council compensation.

#### **Section 5. Meetings.**

- A. The Upper Kalskag Water & Sewer Utility Department shall be part of the agenda of regular monthly council meetings.
- B. The city administrator shall report on the Utility department's monthly revenues, expenditures, payment records of customers, and other utility concerns.
- C. Special and emergency meetings concerning the Utility Department shall be held as the need arises.

#### **Section 6. Audit.**

The Upper Kalskag City Council may provide for an annual independent audit of the account and financial transaction of the Utility Department. Copies of the audit shall be available to the public upon request.

#### **Section 7. Separation of Funds.**

- A. The Utility Department shall be operated from a fund or funds separated from the general fund of the City of Upper Kalskag. Separate books, records, and accounts shall be maintained by the City to reflect the financial conditions of the utility, including income and expenses.
- B. None of the income, money, or property of the Utility Department shall be placed in the general fund of the City of Upper Kalskag or be used for the benefit of anything outside the fund to which it belongs without due value received in return.

#### **Section 8. Rules and Regulations.**

- A. The City Council shall adopt rules and regulations for the orderly and efficient operation of the Utility Department.
- B. The City Council may establish rules and regulations imposing fines or penalties for violations. Rules or regulation must be publicized in accordance with the procedures set in Paragraph C of this Section.
- C. All proposed rules or regulations, including additions, deletions, amendments, and modification of existing rules or regulations shall be considered only after public notice and hearing. Public notice shall be accomplished by posting prominently in at least three public places within the community of Upper Kalskag, Alaska. A descriptive summary of the proposed rules or regulations, including the date and time of public hearing by the City Council shall be included. As well as a statement that the full text of the proposed rules or regulations are available for public inspection at the Upper Kalskag City Office Building. The proposed rules or regulations shall take effect upon the date set in the notices as approved by the City Council.

**CHAPTER 24**  
**SEWER SYSTEM**

**Sections:**

1. Definition of general terms.
2. Purpose.
3. Disposal of sewage and liquid waste.
4. Operation of individual systems.
5. Illegal discharge.
6. Alterations of individual systems.
7. Easements & Rights-Of-Way.
8. Connection to the City sewer.
9. Applications for sewer service and/or connection.
10. Approval of application/appeal.
11. Installation of service lines.
12. Permits for construction of individual water and sewer systems.
13. Maintenance of plumbing system/Responsibility of consumer.
14. Authorized inspection.
15. Administration and enforcement.
16. Public inspection of rates.
17. Use of moneys collected.
18. Accounting and disbursement.
19. Additional regulations.
20. Utility operator.
21. Annual report.
22. Disconnection of service/Consequences for non-payment of service charges.
23. Limitation of liability.
24. Penalty.

**Section 1. Definition of general terms.**

A. **Applicant:** Whenever the word "applicant" is used, it shall mean the person or persons, firm, or corporation making application for sewer service from the City under the terms of these regulations.

B. **Customer or User:** Whenever the word "customer" or "user" is used, it shall mean an applicant who has been accepted and who receives sewer service from the City.

C. **City:** Whenever the word "City" is used, it shall mean the incorporated city of Upper Kalskag and its official representatives.

D. **City Council:** Whenever the words "City Council" or "Council" are used, it shall mean the seven-member governing body of the incorporated city of Upper Kalskag.

**Section 2. Purpose.** The purpose of this ordinance is to regulate the operation and use of the community sewer facilities; to provide for the collection of user charges; and to protect the public health. This ordinance supersedes any previous sewer ordinance adopted by the City.



### **Section 3. Disposal of Sewage and Liquid Waste.**

It shall be unlawful for any person to dispose of sewage, liquid wastes, or human waste within the City by any method other than through the use of the City Disposal system. Any resident or inhabited business building located within 200 feet of any community sewer line shall be required to connect to the City's sewer system, provided that the building is at an elevation higher than the sewer line, unless otherwise agreed to by the City Council by Resolution.

### **Section 4. Operation of individual systems.**

It shall be unlawful for any person to operate or maintain an individual sewage disposal system that may contaminate any source of drinking, public, or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Environmental Conservation (18AAC72). It shall be unlawful for any person to operate or maintain an individual sewage disposal system that may contaminate any source of drinking, public, or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Environmental Conservation (18AAC72).

### **Section 5. Illegal discharge.**

It shall be unlawful for any person to discharge sewage or other domestic wastes on the surface of the ground within the City.

### **Section 6. Alterations of individual systems.**

It shall be unlawful for any person to construct, alter, or extend an individual on-site sewage disposal system except by written authorization from the City.

### **Section 7. Easements and Rights-Of-Way.**

Each application and use gives and grants to the City an easement and right-of-way on, and across his or her property for the installation and, as necessary, the repair of sewer mains, force mains, and the necessary valves and equipment therewith. Each applicant and user gives and grants to the City an easement and right-of-way on, and across his or her property for the purpose of connecting sewer services, from a point convenient to the City, to improvements now existing or that may later be constructed upon the real property. A landowner may not deny access by means of an easement across his or her property that denies sewer service to other users. This easement is appurtenant to and for the benefit of the applicant's property, and shall be perpetual. Use of this easement by the City shall be reasonable and convenient with the purpose of the easement.

### **Section 8. Connection to the City Sewer System.**

A. All connections to the City's sewer system shall be made at the expense of the user unless otherwise agreed to by the City. Rates charged for connection and all appropriate regulations governing connection, including the use of self-help, shall be declared by ordinance or resolution of the City Council.

B. All individual sewer connections, repairs, modifications, or disconnections shall be made only under the terms and conditions as set forth by the Uniform Plumbing Code (latest edition) and such further regulations as the City may adopt.

### **Section 9. Applications for Sewer Service and/or Connection.**

Each application for sewer connection shall be in writing and shall include the following:

1. Legal name and address of the applicant.
2. Legal description and sketch of the property and building for which the sewer service is required.
3. The name and address of the person who will install the service line from the building to be served to the City's sewer system.
4. A description of the fixtures to be used in the structure or building.
5. An agreement to be responsible for and pay promptly all charges for the service in accordance with this or subsequent ordinances and resolutions.
6. Permission to allow the City to make the connection and grant of easement and right-of-way.
7. Such additional information as the City Council may require to demonstrate that the proposed connection complies with this ordinance and any applicable regulations adopted by the City Council.
8. Each applicant who is given a connection permit shall pay a sewer connection fee as established by the City Council.

#### **Section 10. Approval of Application/Appeal.**

A. If the City is satisfied that the application and the proposed connection complies with this ordinance and applicable regulations relating to the use of the community sewer system, it shall approve the application upon receipt of the established fees.

B. Any person whose application for connection has been denied or conditionally approved may appeal to the City Council at its next regularly scheduled meeting.

C. Before any customer is connected to the sewer system the owner of the property shall sign a City of Upper Kalskag- Sewer Service User Agreement. The agreement legally obligates the City to provide service to the customer provided the customer abides by the provisions of this Chapter; subsequent amendments and regulations; and, the conditions of the User Agreement.

#### **Section 11. Installation of Service Lines.**

A. All customer lines to the point of connection to the City sewer main shall be installed by the user, at his or her own expense, and remain his or her responsibility for maintenance and repair.

B. The point of connection shall be the sewer main in all cases.

C. Standards for the installation of domestic fixtures to be served by the City's sewer system and sewer line, and all related materials as needed to ensure the safe utilization of the City sewer systems shall conform to the Uniform Plumbing Code, and any other regulations as adopted by the City.

#### **Section 12. Permits for Construction of Individual Sewer Systems.**

- A. An application for a permit for the construction, alteration, or extension of an individual water system or on-site sewage disposal system shall be made in writing to the City and shall include the following:
1. Legal name and address of the applicant.
  2. Legal description and sketch of the property on which the construction, alteration, or extension is proposed.

3. A sketch of the proposed disposal facility and such additional information as the City may consider necessary to demonstrate that the proposed disposal facility shall comply with this ordinance and the standards set forth by the Alaska Department of Environmental Conservation.
  - B. If the City Council is satisfied that the proposed facility will comply with this ordinance and with State health regulations, it shall approve the application and issue a permit for the work.
  - C. Any person whose application for a permit has been denied may appeal to the City Council at the next regular meeting.

### **Section 13. Maintenance of Plumbing System/Responsibility of Consumer.**

- A. Each user of the community sewer service shall maintain their individual water and wastewater facilities in good repair at their own expense.
- B. The user's responsibility for sewer facilities shall begin at the point of connection to the City's sewer lines and shall include all facilities from that point throughout the building. In the case of individual water and on-site sewer systems, the consumer shall have complete responsibility for their own system.

### **Section 14. Authorized Inspection.**

The City, through its designated representative(s), is hereby authorized to make inspections at reasonable times between 8:00 am and 5:00 pm to determine satisfactory compliance with this ordinance and regulations issued by the City Council. Consumers by virtue of applying for connection to the City sewer or for permits to construct individual water and sewer systems are considered to have knowledge of the provisions of this Chapter and to have authorized such inspections.

### **Section 15. Administration and Enforcement.**

This ordinance shall be administered and enforced by the City Council. The City Council shall have the authority to establish and regulate monthly utility rates for sewage collection service and connection fees for all domestic and commercial consumers; but no person shall be bound by any such rate unless it shall have been posted for public inspection for five consecutive days after its adoption at the office of the United States Post Office Building in this City.

### **Section 16. Public Inspection of Rates.**

A current file of all rates adopted by the City Council under this ordinance shall be available for public inspection during regular business hours at the City office. All customers will be charged for service based upon the rate established by the City. Rates will include a late payment penalty.

### **Section 17. Use of Moneys Collected.**

All moneys collected for sewer utilities will be used strictly for maintenance, extension, repair, capital improvement, and operation of the sanitation system.

### **Section 18. Accounting and Disbursement of Funds.**

All moneys collected for sewer services shall be deposited in a separate bank account by the City Treasurer and any disbursement must be approved by the Council in their annual budget. Two or

more City Council members shall serve as check signers. A separate accounting shall be kept of these moneys and monthly financial reports provided to the City Council.

**Section 19. Additional Regulations.**

The City Council shall adopt such additional regulations, provisions, and procedures pertaining to wastewater disposal services (utility service) as it deems proper.

**Section 20. Utility Operator.** The utility system shall be operated and maintained by a state certified utility operator.

**Section 21. Annual Report.** The utility clerk and utility system operator shall develop a written annual report for the City Council. This report shall describe revenue, expenses, and physical condition of the utility. This report shall be approved by the City Council and filed in the City records.

**Section 22. Disconnection of Service/Consequences for Non-Payment of Service Charges.**

A. If payment for sewer service is not received by the City within 4 weeks of the sending of the bill for services, the account is considered delinquent. Delinquent accounts are subject to late payment fees and penalties. The City shall pursue any legal means to ensure collection of delinquent accounts including disconnection of services.

B. The City's utility operator shall disconnect service of any customer who refuses to allow inspection under Section 14 of this Chapter.

C. The City's utility operator shall disconnect service of any customer when defective fixtures or misuse of sewage facilities may affect the safe and proper operation of the City's sewer system or when continued connection would threaten public health.

D. The City's utility operator shall disconnect service to any customer who refuses to pay in full their service bill, including late payment fees, as adopted by the City Council in ordinance or resolution. Disconnection for delinquent payment shall occur in the following manner:

1. No less than four (4) weeks and no more than six (6) weeks after sending the bill and if payment has not been received by the City, the utility clerk shall give written notice, in the form shown by Attachment A of this Chapter, to the customer of the City's future intent to disconnect service. The notice shall include the amount the customer owes and the expected date of disconnection.
2. No less than two (2) weeks and no more than four (4) weeks after sending the intent to disconnect notice, the utility clerk shall give a written final notice, in the form shown by Attachment B of this Chapter, to the customer that the utility operator or designee has been instructed by the Council to disconnect service at a specific time and date identified in the notice. The utility clerk shall also give the customer a notice which describes procedures and charges for reconnection.
3. Prior to disconnection of service, the customer may appeal to the Council to delay disconnection in order to correct the violation or to make arrangements to pay the outstanding bill in installments.
4. If the Council determines that the customer is unable to pay their service bill because of financial hardship, the Council may order a delay of disconnection of service for a period not to exceed six (6) weeks. During this period, arrangements for payment of the outstanding bill must be made with the Council.

- F. Disconnection for safety, health, or emergency reasons may occur without notice to the homeowner provided the city gives notice to the homeowner as soon as practical.

**Section 23. Limitation of Liability.**

The City sewer utility will exercise reasonable diligence and care to furnish and deliver services to the customer and to avoid shortage or interruption of deliverance of same. The responsibility of the city will cease at the sewer main connection.

**Section 24. Penalty.**

Violation of the provisions of this ordinance shall be considered a misdemeanor and punishable by a fine of not more than \$1000.00 or not more than 30 days imprisonment, or both. Each act of violation and every day upon which such violation occurs constitutes a separate offence.

**ATTACHMENT A - SEWER ORDINANCE**

**Customer's Name:**

**Address:**

**City Utility Council**

**City of Upper Kalskag**

**Notice of Decision to Disconnect**

We, the members of the City Council, hereby find that you were provided a sewer service bill dated \_\_\_\_\_ with an amount of \$ \_\_\_\_\_, and that you have refused to pay the service bill by not submitting payment in full.

This action constitutes a violation of Ordinance 97-\_\_\_\_ of the Ordinance of the City of Upper Kalskag. Because you have continued to refuse to pay the full amount of your sewer service bill or contact our office to work out a payment agreement for money owed, the Council hereby gives notice that your water and sewer service will be discontinued on // \_\_\_\_\_. Disconnection will not satisfy your debt to the utility, and collection of the money owed to the City of Upper Kalskag's Sewer Utility shall be pursued. Reconnection to sewer service will occur only after you have satisfied your debt and you may be required to pay an additional fee and deposit if disconnection occurs.

You may appeal this decision to the City Council at its next regularly scheduled meeting dated \_\_\_\_\_.

Date: \_\_\_\_\_

**ATTEST:**

City Clerk \_\_\_\_\_

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

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

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

**ATTACHMENT B - SEWER ORDINANCE**  
**City Utility Council**  
**City of Upper Kalskag**

**FINAL NOTICE**  
**Notice of Decision To Disconnect Service**

**Customer's Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_

We, the members of the City Council, hereby find that you were provided a sewer service bill dated //\_\_\_\_ with an amount of \$\_\_\_\_\_, and that you have refused to pay such service bill by not submitting payment in full.

This action constitutes a violation of Ordinance 98-\_\_\_\_ of the City of Upper Kalskag. Because you have continued to refuse to pay the full amount of your sewer service bill and/or establish a payment agreement with the City, the Council hereby gives notice that your water and sewer service will be discontinued on //\_\_\_\_.

Disconnection will not satisfy your debt to the utility, and collection of the money owed to the City of Upper Kalskag's Sewer Utility shall be pursued. Reconnection to sewer service will occur only after you have satisfied your debt, and you may be required to pay an additional fee and deposit if disconnection occurs.

You may appeal this decision to the City Council at its next regularly scheduled meeting dated //\_\_\_\_.

**Date:** \_\_\_\_\_

**ATTEST:**

City Clerk \_\_\_\_\_

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

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

**CHAPTER 25**

**(RESERVED)**



## **CHAPTER 26**

### **CITY EQUIPMENT**

#### **Sections:**

1. Recognition.
2. Use of equipment.
3. Rental of equipment.
4. City Clerk.
5. In-kind of Rental Equipment.

#### **Section 1. Recognition.**

The City Council of Upper Kalskag recognizes that:

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

#### **Section 2. Use of equipment.**

Individuals, contractors, and agencies of the State of Alaska or the United States Government may make applications to the City Council of Upper Kalskag for the use of city equipment. The Council shall review their application and may grant use on such terms as the Council deems fit.

#### **Section 3. Rental of equipment.**

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

#### **Section 4. City Clerk.**

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

#### **Section 5. In-kind of Rental Equipment.**

Will be determined by the Council. Exceptions are for burial or as otherwise determined by MOA/MOU with another entity.

## **CHAPTER 27**

### **CITY PROPERTY; INVENTORY AND FILES**

#### **Sections:**

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

#### **Section 1. Inventory; files.**

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

At a minimum, these shall contain:

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

#### **Section 2. Ancillary files.**

The City Clerk shall maintain ancillary files to the inventories and listings that 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 city property may be immediately retrieved. These files shall contain information, price lists, names, addresses, and phone numbers about parts and supplies.

#### **Section 3. Register.**

The City Clerk shall maintain a register that lists the locations, costs, dates of acquisition, serial numbers, etc., of all non-expendable city properties individually valued at more than five hundred dollars (\$500.00) as of the date of acquisition. The City Clerk may provide for property control numbers or such other system of labeling city properties as the council deems appropriate.

**Title VII**  
**GENERAL WELFARE**

- CHAPTER 28. Prohibition of Sales and Importation of Alcoholic Beverages**
- CHAPTER 29. Excessive Noise**
- CHAPTER 30. Dog Control**
- CHAPTER 31. (Reserved)**
- CHAPTER 32. Curfew**
- CHAPTER 33. Offenses By or Against Minors**
- CHAPTER 34. (Reserved)**
- CHAPTER 35. Garbage, Solid Waste Disposal**
- CHAPTER 36. Motor Vehicles**
- CHAPTER 37. Control of Firearms, Deadly Weapons, Explosives, and Fireworks**

## **CHAPTER 28**

### **PROHIBITION OF SALES AND IMPORTATION OF ALCOHOLIC BEVERAGES**

#### **Sections:**

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

#### **Section 1. Classification.**

This is a permanent ordinance of the City of Upper Kalskag to be numbered and included in the City Code of Ordinances.

#### **Section 2. Prohibition.**

As a result of the alcohol local option election authorized by Alaska Statute Title 4 and held on January 30, 1993, at which 38 voters voted yes and 30 voters voted no to prohibit the sale and importation of alcoholic beverages, the sale of alcoholic beverages is prohibited in and within 5 miles of the boundaries of the City of Upper Kalskag and importation of alcohol beverages is prohibited within the boundaries of Upper Kalskag. The election was certified on February 20, 1993, and became effective on March 1, 1993.

#### **Section 3. Violation.**

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

#### **Section 4. Penalty.**

According to Alaska State law, an unlicensed person importing or selling less than 12 liters of hard liquor (gin, whiskey, rum, etc.) OR less than 24 liters of wine OR less than 45 liters of beer commits a class "A" Misdemeanor and can be sentenced up to 1 year in jail and/or fined up to \$5,000.00.

An unlicensed person importing or selling 12 liters or more of hard liquor OR 24 liters or more of wine OR 45 liters of beer commits a Class "C" felony and can be sentenced up to 5 years in jail and/or fined up to \$50,000.00. The second offense is always a Class "C" Felony. Alcoholic beverages in any amount sold to a minor is always a Class "C" Felony.

#### **Section 5. Forfeiture.**

Under Alaska State law, all alcoholic beverages; materials and equipment used in the sale or offering sale of alcoholic beverages; aircraft, vehicles, or vessels used to transport or facilitate the transportation of alcoholic beverages are subject to forfeiture.

## **Section 6. Definitions.**

The following definitions apply to this chapter:

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

"Importation" means bringing, sending, and having delivered by whatever means alcoholic beverages from one place to another place that has forbidden the sales and importation of alcoholic beverages.

"Sales" means alcoholic beverages sold, offered for sale or possessed for sale, bartered or exchanged for goods and services in the City. Sales do not mean alcoholic beverages purchased by one person for another group when there is no profit involved, but only a reimbursement of cost, when all persons involved are 21 years or older.

## **CHAPTER 29**

### **EXCESSIVE NOISE**

#### **Sections:**

1. Excessive Noise Prohibited
2. Penalties

#### **Section 1. Excessive Noise Prohibited.**

It shall be unlawful for any person:

**A.** To use or operate any motor vehicle, power shovel, pneumatic hammer, amplified sound device, or other apparatus, of which the use or operation is attended by loud or unusual noises between the hours of ten p.m. and seven a.m., except by the written permission of the mayor. The permission shall be granted only if the public benefit of the operation or use of such apparatus or vehicle during those hours outweighs the annoyance, inconvenience, or injury to the public caused by the noise.

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

Definition of "**noise**": **2.** As used in this Section, "noise" is "unreasonable" if, considering the nature and purpose of the defendant's conduct and the circumstances known to him, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. This includes the nature of the location and the time of day or night.

#### **Section 2. Penalties.**

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Persons, companies, firms, corporations, or other entities upon conviction of violation of the provisions of this chapter shall be fined not to exceed the sum of \$50.00. Such fine shall be set at the discretion of the fining authority.

## **CHAPTER 30**

### **DOG CONTROL**

#### **Sections:**

1. Coverage
2. Keeping Dogs Confined
3. Loose Ownerless Dogs
4. Loose Owned Dogs
5. Rabid Dogs
6. Disposal of Dogs

#### **Section 1. Coverage.**

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

#### **Section 2. Keeping Dogs Confined.**

All dogs four months or older shall be securely confined by either chaining or enclosing in a fenced lot so as to pose no threat to life or property or create a public nuisance within the City of Upper Kalskag.

#### **Section 3. Loose Ownerless Dogs.**

Any loose dogs posing a threat to a person or property within city limits, abandoned or ownerless, will be subject to disposal without notification to the owner.

#### **Section 4. Loose Owned Dogs.**

In the case of a loose, unattended dog, where ownership can be determined, the owner shall be notified by the dog controller of the dog being loose. The owner will have to take immediate steps to confine the dog. If the owner fails to confine the dog(s), the dog(s), now considered abandoned, stray, and homeless, will be sent to a designated animal care shelter.

#### **Section 5. Rabid Dogs.**

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

#### **Section 6. Disposal of Dogs.**

The City of Upper Kalskag disclaims any responsibility for the disposal of dogs belonging to owners in violation of any provisions of this chapter. If a dog bites someone, it will be put down immediately, and the owner will be held responsible.

**CHAPTER 31**

**(RESERVED)**



## **CHAPTER 32**

### **CURFEW**

#### **Sections:**

1. Curfew Effective
2. Area of Curfew
3. Curfew Hours
4. Vacations and Holidays
5. Exceptions
6. Parental Responsibility
7. Enforcement
8. Penalty

#### **Section 1. Curfew Effective.**

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

#### **Section 2. Area of Curfew.**

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

#### **Section 3. Curfew Hours.**

The curfew hours are as follows:

##### **A. 13 years and under:**

1. Weekdays: 9:00 p.m. to 6:00 a.m.
2. Weekends: 10:00 p.m. to 6:00 a.m.

##### **B. 14 - 17 years of age:**

3. Weekdays: 10:00 p.m. to 6:00 a.m.
4. Weekends: 11:00 p.m. to 6:00 a.m.

#### **Section 4. Vacations and Holidays.**

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

#### **Section 5. Exceptions.**

The curfew hours established by this Chapter may be suspended or altered by the Council to permit minors to attend or participate in school, group-sponsored, or community activities, or to permit individual minors at evening employment to remain at their place of employment for not more than one hour after the usual curfew. A minor must have in possession a signed statement from his parent or guardian giving the place of employment and the hours of employment.

**Section 6. Parental Responsibility.**

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

**Section 7. Enforcement.**

City Council, VPSO, and the VPO shall enforce the provisions of this Chapter.

**Section 8. Penalty.**

A. Curfew violations by a minor shall be punished according to the following schedule:

1. First violation: Verbal warning
2. Second violation: Written warning
3. Third violation: \$25.00, to be assessed to the parent or guardian

B. If a violation by a minor occurs more than three months' time from another violation, then that violation is considered the first violation.

C. The amount of the penalty assessed against a minor for a violation of this Chapter may be paid off by working for the City at not less than the minimum wage.

## **CHAPTER 33**

### **OFFENSES BY OR AGAINST MINORS**

#### **Sections:**

1. Selling Tobacco to Minors
2. Selling Intoxicating Liquor to Minors
3. Penalties

#### **Section 1. Selling Tobacco to Minors.**

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

#### **Section 2. Selling Intoxicating Liquor to Minors.**

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

#### **Section 3. Penalties.**

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Persons, companies, firms, corporations, or other entities upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of \$50. Such fine shall be set at the discretion of the fining authority.

**CHAPTER 34**

**(RESERVED)**

## **CHAPTER 35**

### **GARBAGE/SOLID WASTE DISPOSAL**

#### **Sections:**

1. Garbage Dumping
2. Waste Disposal
3. Enforcement
4. Penalty

#### **Section 1. Garbage Dumping.**

It is illegal to dump garbage anywhere but at the city dump.

#### **Section 2. Waste Disposal.**

Honey buckets or slop pails may only be disposed of in designated areas. It is illegal to dump honey buckets or slop pails in the open within the city limits.

#### **Section 3. Enforcement.**

Violations of this chapter shall be enforced by the City Council or designated city officials responsible for monitoring and maintaining public sanitation standards.

#### **Section 4. Penalty.**

Violation of this Chapter shall result in the following penalties:

- A. 1st violation: \$300.00
- B. 2nd violation: \$400.00
- C. 3rd violation: \$500.00

**CHAPTER 36**  
**MOTOR VEHICLES**

**Sections:**

1. Definitions
2. Coverage
3. Speed Limit
4. Unsafe Operation
5. Obstructing Airstrip
6. Influence of Intoxicating Liquor or Beverage
7. Required Equipment
8. Reporting of Accident
9. Minors Under Twelve Years of Age
10. Passengers in a Cart/Trailer
11. Penalties

**Section 1. Definitions.**

A. "Street" means a way used by the public for the traffic of vehicles.

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

C. "All Terrain Vehicle" or ATV includes 3- or 4-wheeled motorized vehicles, wheeled or tracked vehicles, and snow machines, and any motorized vehicle capable of traveling on non-road terrain.

**Section 2. Coverage.**

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

**Section 3. Speed Limit.**

It shall be unlawful for any vehicle to travel at a speed greater than the 30 miles per hour posted limit. It is also unlawful to drive a land-based vehicle at a speed greater than is reasonable under the existing road or weather conditions.

**Section 4. Unsafe Operation.**

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

B. It shall be unlawful for any person to disregard STOP and CAUTION signs. Any

resident who is observed to continually disregard these signs shall be served notice by the City Council or by the VPSO of a violation and fined accordingly.

#### **Section 5. Obstructing Airstri**

A. No person may place an object on the surface of the airstrip which, because of its nature or location, might cause injury or damage to an aircraft or person(s) riding in the aircraft.

B. No person may dig a hole or make any kind of excavation, or drive a sled, tractor, truck, or any kind of vehicle upon the surface of the airstrip which might make ruts or tracks, or add to an accumulation of tracks so as to cause sufficient roughness of the surface to endanger aircraft using the airstrip.

#### **Section 6. Influence of Intoxicating Liquor or Beverage.**

It shall be unlawful to operate or drive a vehicle or an ATV while under the influence of intoxicating liquor or beverage within the city limits.

#### **Section 7. Required Equipment.**

No person shall drive or operate a vehicle or an ATV unless it is equipped with the required safety features and complies with all regulations pertaining to operational safety.

#### **Section 8. Reporting of Accident.**

The operator of a vehicle involved in an accident that results in injury to or death of a person, or property damage other than to his or her own vehicle to an estimated amount of which is one hundred dollars (\$100) or more, shall immediately give notice of the accident to the nearest State Troopers or the Village Public Safety Officer.

#### **Section 9. Minor Under Twelve Years of Age.**

It shall be unlawful for any person under twelve (12) years of age to operate an All-Terrain Vehicle (ATV) within the city limits unless accompanied by a parent or any person over eighteen (18) years of age by permission of the parent.

#### **Section 10. Passengers in a Cart/Trailer.**

It shall be unlawful to carry more than four (4) passengers in a cart/trailer towed by an All-Terrain Vehicle (ATV). The cart/trailer must be equipped with a tail-gate that has a locking device. This lock must be in a locked position while people are being transported.

#### **Section 11. Penalties.**

Violations of provisions of this Chapter shall result in a fine as follows:

A. First violation: \$15.00: Second violation: \$30.00: Third violation: \$75.00

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

C. Those persons receiving citations beyond the third offense will be required to attend the general city council meeting held on the third Tuesday of the month, and a hearing will be held with further penalty imposed.

**D.** A person receiving a citation may appear before the city council at its next regularly scheduled meeting to appeal the citation. Proof of the error may be needed to successfully appeal the citation.



## **CHAPTER 37**

### **CONTROL OF FIREARMS, DEADLY WEAPONS, EXPLOSIVES**

#### **Sections:**

1. Definitions
2. Carrying Concealed Weapons
3. Unlawful for Those Under 16 to Bear Arms
4. Loaded Firearms Prohibited
5. Discharging Firearms
6. Explosives
7. Exclusions

#### **Section 1. Definitions.**

"Dangerous instrument" means any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury.

"Firearm" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury.

"Explosives" means a chemical compound, mixture, or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including dynamite, blasting powder, nitroglycerin, blasting caps, and nitro jelly, but excluding saleable fireworks as defined in AS 18.72.050, black powder, smokeless powder, small arms ammunition, and small arms ammunition primers.

#### **Section 2. Carrying Concealed Weapons.**

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

#### **Section 3. Unlawful for Those Under 16 to Bear Arms.**

It is unlawful for any person under the age of 16 years, not accompanied by a responsible adult, to bear arms inside the city limits.

#### **Section 4. Loaded Firearms Prohibited.**

**A.** It is unlawful for any person to have any firearm in their possession or control within the city limits, unless all ammunition has been removed from the chamber, cylinder, clip, or magazine.

**B.** It is unlawful for any person to have or carry a loaded firearm while operating or riding on an All-Terrain Vehicle (ATV) or a snowmobile, including a connected or pulled cart or sled, within the city limits.

**C.** A valid Alaska Driver's License is needed to operate ANY vehicles or equipment owned by the City.

**Section 5. Discharging Firearms.**

It is unlawful for any person to fire or discharge any pistol, gun, rifle, or any other firearm within the city limits; or to intentionally point or aim any firearm or other weapon, loaded or unloaded, at any person. Firearms may be discharged within the corporate limits of the city when specifically designated by the city council. The safety of person(s) will come first at all times.

**Section 6. Explosives.**

It is unlawful for any person to detonate an explosive device within the city limits without the permission of the Council.

**Section 7. Exclusions.**

**A.** Sections 2 and 4 of this Chapter do not apply to any duly authorized City, State, or Federal law enforcement officer in the performance of official duties.

**B.** Section 5 of this Chapter does not apply to duly authorized City, State, or Federal law enforcement under the following circumstances:

1. When the use of the firearm is necessary to protect oneself, a prisoner, another officer, or citizen from a dangerous and felonious assault.
2. When the use of a firearm is necessary to prevent a person who has committed a felony from escaping.
3. When the use of a firearm is necessary to dispose of unclaimed or rabid dogs as otherwise defined in this Code.

**C.** Under no circumstances shall an officer fire upon a person who is attempting to escape arrest on a misdemeanor or lesser charge.

**D.** Section 4 of this Chapter does not apply to a person who is:

1. Firing a Firearm in justifiable defense of himself or of others or of property or otherwise in accordance with law;
2. Sighting a firearm at a time and location approved by the Council.
3. Who is engaged in subsistence activities, and
4. At such time as designated by the Council such as New Year's Eve.

**Title VII**  
**ELECTIONS**

**CHAPTER 38.** City Elections

**CHAPTER 39.** Election Equipment and Materials

**CHAPTER 40.** Election Procedures

**CHAPTER 41.** Absentee Voting

**CHAPTER 42.** Review of Election Returns

**CHAPTER 43.** Contest of Election

**CHAPTER 44.** (Revised)

**APPENDIX OF ELECTION FORMS**

## **CHAPTER 38**

### **CITY ELECTIONS**

#### **Sections:**

1. Administration
2. Voter Qualifications
3. General Elections
4. Special Elections
5. Election Notices
6. Simple Majority Wins
7. Tie Votes
8. Qualifications for City Council
9. Filing for Office
10. Withdrawal; Written Notice
11. Publishing Names
12. 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 Upper Kalskag for 30 days immediately preceding the election;
- c. Is registered to vote in state elections; and;
- d. Is not disqualified under Article V of the Constitution of the State of Alaska which provides that;

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

#### **Section 3. Residence Criteria.**

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

A. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the State or 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 or military reservation; or while residing in the Alaska Pioneer's Home.

**B.** The residence of a person is that place that 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 be only 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 councilmembers and other elected city officials shall be held each year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in three (3) public places for 30 days preceding the date of election.

#### **Section 5. Special Elections.**

**(A)** If a petition submitted by voters for an initiative, referendum, or recall election is certified sufficient by the City Clerk and submitted to the City Council, the Council shall resolve that a special election be held on the question on the ninth (9th) Tuesday following submission of the petition to the Council.

**(B)** If a special election is required by an act of the City Council, the City Council shall resolve that a special election on the question proposed by the Council's ordinance or resolution be held on the sixth (6th) Tuesday following the Council's action.

**(C)** If a regular election held each year occurs within seventy-five (75) days of Council action which requires a special election, the question shall be placed on the regular election ballot.

**(D)** Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days preceding the date of election.

#### **Section 6. Election Notices.**

**(A)** Election notices shall be prepared and posted in three public places by the City Clerk for 30 days preceding the date of the general election. Election notices for special elections shall be prepared and posted 20 days preceding the date of the election. Election notices shall contain the following:

1. Whether the election is general or special;
2. Date of election;
3. Location of the 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; and,
8. A statement of any questions or propositions to be placed on the ballot.

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

**Section 7. Simple Majority Wins.** All council seats shall be filled by the candidate receiving the greatest number of votes. There shall be no runoff elections.

**Section 8. Tie Votes.**

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

**Section 9. Qualifications for City Council.**

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

1. A United States citizen who is qualified to vote in state elections;
2. A resident of the City for one month immediately preceding the election for which declaring candidacy;
3. Registered to vote in state elections;
4. Not disqualified under Article V of the Constitution of the State of Alaska which provides that:  
"No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored or unless his disability has been removed if he has been judicially determined to be of unsound mind."

**Section 10. Filing for Office.**

(A) Any qualified city voter may be nominated for office no sooner than 30 days or later than 10 days before the election by filing a Declaration of Candidacy under oath on a form provided by the city clerk.

(B) A person filing for a City Council seat must meet the qualifications outlined in Section 9 of this Chapter.

**Section 11. Withdrawal; Written Notice.**

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

**Section 12. Publishing Names.**

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

**Section 13. Election Judges.**

**A.** Each year the Council shall choose three 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 or becomes incapacitated during 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, [name], 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: [Judge's Name]

ATTEST: [City Clerk's Name]

**C.** Pay of election judges shall be determined by the Council.

**D.** The election supervisor may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint up to three election clerks to assist the judges. Persons appointed as election clerks must be qualified to serve as judges.

## **CHAPTER 39**

### **ELECTION EQUIPMENT AND MATERIALS**

#### **Sections:**

1. Election Booths
2. Furnishing Instruction Cards
3. Ballots, Printing, Sample Ballots
4. Ballots, Forms
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 make 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 place.

#### **Section 2. Furnishing Instruction Cards.**

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

- A. How to obtain a ballot;
- B. How to mark 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. The City Clerk shall print ballots equal to the number of registered voters in Upper Kalskag plus 25%. There shall be at least ten ballots printed 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 at the 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.
- 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(s) 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 number(s) as there are to be elected to that office, followed by the



names of all candidates for 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, by a blank line for write-in candidates. In regular and special elections, the number of blank lines provided for each office shall be equal to the number of persons who are to be elected to the office. No blank lines shall be provided for run-off elections.

**G.** The names of candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square no less than one-quarter of an inch on each side will be printed.

**H.** The names of candidates shall be printed as they appear upon the Declaration of Candidacy filed with the City Clerk, except that any honorary or assumed title or prefix shall be omitted.

**I.** Following the names of the offices and candidates, there shall be placed on the ballot, in the form prescribed by law, all propositions or questions with options to vote "Yes" or "No".

**J.** Somewhere on the ballots, so as to be clearly visible, will be printed words:

**a.** "OFFICIAL BALLOT"

**b.** The date of election; and

**c.** 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 election ordinances.

**CHAPTER 40**  
**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 location.**

(A) On Election Day, polls shall open for voting at eight o'clock in the morning and shall remain open continuously until eight o'clock in the evening.

(B) Fifteen minutes before the closing of the polls, an election official 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 polls are announced closed.

(C) The normal voting place shall be the City Office. If, for some reason beyond the control of the Council, the location is unusable, the Council may by resolution designate a different location. Such location shall be included in all Notice 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 Upper Kalskag is entirely within the Upper Kalskag election district.

**Section 2. Distribution of ballots.**

(A) Before the polls open on Election Day, the election supervisor shall deliver the ballots and sample ballots prepared pursuant to Election Materials and Supplies, to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package marked on the outside of the package. A receipt for the package shall be signed by the recipient, and no ballots shall be taken from the polling place before the closing of the polls.

(B) The election supervisor shall keep the following records:

- a. The number of ballots delivered to the polling place
- b. The time the ballots are delivered; and,

- c. The name of the person to whom the ballots are delivered;
- d. The receipt given for the ballots by the election board.

### **Section 3. Distribution of other election materials.**

(A) On election day, the election supervisor shall also furnish the election board judges at each polling place with voting booths and ballot boxes (with locks 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 election ordinances; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes.

(B) The election supervisor shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results.

### **Section 4. Preparation of ballot box.**

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

### **Section 5. Voting, general procedure.**

(A) A voter shall give the judges or clerks his name, and print and sign his name, and write his residence address on the first available line of the blank register. The signing of the register is a declaration by the voter that he is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to provide proof of registration. If there is a 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 the 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, verify that the number on the ballot is the same as the one given to the voter. The voter shall then, in the presence of the election judge, deposit the ballot in the ballot box. 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, who 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 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, and compared to the voting list, sealed in the materials and the ballot statement when the election board completes the tally and count of the ballots. The merits of the question shall be determined by the council acting as the canvass committee, on the first Friday following the election.

(D) A person whose qualifications to vote have been questioned on the basis of a felony conviction shall vote a questioned ballot. A person's vote shall not count where the voter has been convicted either by the state courts of Alaska, by the courts of another state or by the federal courts of a felony involving moral turpitude under Alaska law unless the person's civil rights have been restored by law or by proper authority in the jurisdiction in which the person was convicted. Felonies involving moral turpitude include, but are not limited to, crimes of murder, rape, robbery, kidnapping, burglary, incest, and other crimes, which are punishable by imprisonment in the penitentiary under Alaska law and which involve conduct contrary to justice, honesty, modesty, or good morals.

(E) 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 for assistance at any time. If any other person is requested to assist, the person shall state upon oath before the election judge that he will not divulge the vote cast by the person whom he assists or change the voting wishes of the person he assists.

### **Section 9. Prohibitions.**

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

(B) Prohibiting the identification of ballots. No voter may exhibit his ballot to an election official or any other person so as to enable any person to ascertain how the voter marked his ballot.

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

(D) Prohibiting the count of exhibited ballots. No election official may allow a ballot that 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) Prohibiting 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) Prohibiting political persuasion near election polls. During the hours that polls are open, no person who is in the polling place 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 judges 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 that 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 chairperson of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the 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 in the register. If any discrepancies in numbers of ballots received and ballots unaccounted for are found, the ballots shall be recounted until the election board finds 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, a statement and the explanation signed by the election judges.

### **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"), diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
3. If 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 marks specified in subsections (A) of this section shall be counted only if they are clearly intended to designate the particular 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 a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the write-in 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 if the office to be chosen by the voter.

**(B)** All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots," that 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.

**(B)** The election supervisor shall place all election materials received from the election board in the office safe, or other lockable container until the canvass of election returns on the Friday following the election. The election board shall immediately, upon completion of the certificate, deliver one of those two original certificates to the election supervisor.

**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.

## **CHAPTER 41**

### **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 ballots.
7. Absentee ballots; executing outside city.
8. Voting at 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; applications; filing.**

**A.** A person who seeks to vote by absentee ballot may file either in person or by mailing his/her written application to the City Clerk.

**B.** An application made by mail must be received by the clerk not more than twenty days, nor less than three days before the day of the election. An application made in person must be filed with the clerk not more than twenty days before the day of the election and no later than noon on the day preceding the election. The application must be signed by the applicant and show his/her place of residence.

**C.** Upon timely receipt of application for an absentee ballot, the clerk shall file the application and then verify the residence of the applicant by any means the clerk deems proper.

**D.** No absentee voter's ballot shall be mailed to any address in the City. Any voter present in the City who requires an absentee ballot shall personally obtain the ballot from the City Clerk.

**E.** Nothing in this section is intended to limit the City Clerk from personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City Clerk's office for an 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 and the return shall be of heavy opaque paper. The ballot envelopes shall be marked "Ballot Envelope" and have no other marks on it. 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 this ordinance together with a ballot envelope and a prepaid return envelope. The ballot provided to absentee voters shall be identical to the ballot prepared for regular voters.
- B. The clerk shall not issue an absentee ballot sooner than 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 day on which the ballot was issued. Before the opening of the polls on Election Day the Clerk shall deliver to the election judges a list of the voters who have requested to vote absentee.
- D. The clerk may deliver an absentee ballot to a disabled person living within the city at any time until the polls close on Election Day.
- E. Upon issuing an absentee ballot to a voter, either by mailing or by person delivery, the clerk shall enter in the blank register the following information: The number of the ballot issued, the name of the voter to whom it was issued, and the date on which the ballot was issued.
- F. To be counted, an absentee voter's ballot must be executed before the polls close in the City and be received by the clerk prior to the time the ballots are canvassed by the election review committee.

#### **Section 5. Absentee Ballot, delivery.**

Upon receipt of an application for an absent voters 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. This shall be done in a manner that permits the clerk to be certain that the voter personally marked the ballot, but which does not permit him to see how the voter votes. The voter shall fold the ballot, seal it in the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the council for canvassing.

#### **Section 6. Absentee voting at Clerk's office; absentee voter's ballots.**

Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear at the office of the city clerk, and there cast his ballot in the following manner: the voter first shall show the city clerk that his ballot has not been marked, then shall secretly mark the ballot with pen and ink or indelible pencil in the presence of the City Clerk, in such a manner that the City Clerk cannot see how it is marked. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. The voter shall complete and swear the affidavit printed on the face 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 the seal, and retain the envelope in custody to be delivered to the council for canvassing.

#### **Section 7. Absentee ballots; executing outside city.**

At any time on or before the day of the election, any voter issued an absentee ballot may appear

before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner he would cast it in the office of the City Clerk under his section. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the city clerk.

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

If a voter issued an absentee ballot returns to the City on election day, he shall not vote at the polling place unless he first surrenders to the election board the absentee ballot, ballot envelopes and return envelopes, which shall be returned to the election 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 until the time the council meets to canvass the election. At this time the City Clerk shall deliver all absentee ballots received to the election review committee to be counted and included in the final vote tally of the election. Absentee ballots must be received by the time of the meeting to be counted.

**Section 10. Liberal construction.**

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

## **CHAPTER 42**

### **REVIEW OF ELECTION RETURNS**

#### **Sections:**

1. Canvass Committee.
2. Canvass Committee, meeting, postponing canvass.
3. Canvass to be public.
4. Procedure for questioned ballot review.
5. Questioned ballots, subpoenas.
6. Absentee ballots.
7. Counting absentee and questioned ballots.
8. Defective ballots.
9. Canvass committee, report contents.
10. Certifying Results.
11. Contest Election.
12. Certificate of Election.
13. Retention of election records.

#### **Section 1. Canvass Committee.**

The council shall serve as the canvass committee which will canvass all votes after the election judges have completed their tally of votes. The members of the committee shall be qualified electors of the city.

#### **Section 2. Canvass Committee, meeting, postponing canvass.**

The canvass committee will meet on the following Friday after the election and canvass all absentee and challenged ballots executed in the election. The canvass may be postponed from day to day for cause by not exceeding three days in total.

#### **Section 3. Canvass to be public.**

**A.** The canvass of all absentee and challenged ballots will be made in public by opening the returned, and announcing the results thereof in front of whomever may be present.

**B.** Absentee ballots shall be counted by the city clerk and two or more assistants appointed by him/her in the following manner: all ballot envelopes shall be removed from return envelopes and placed in a ballot box; the return envelopes shall be delivered to the city clerk; the absentee ballots then shall one by one be removed from the ballot box, taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted by an election board.

**C.** The canvass shall include a review and comparison of the tallies of the paper ballots with the precinct election certificates to correct any mathematical error in the count of paper ballots.

**D.** If the city clerk finds an unexplained error in the tally of paper ballots in any precinct election tally, he may count the ballots from the precinct. The city clerk shall certify in writing to the state canvass board any changes resulting from the count.

#### **Section 4. Procedure for questioned ballot review.**

**A.** The election supervisor shall contact the State Division of Elections and the local voter registers by the Thursday their names to appear on the Master Voter Registration List were in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures established herein.

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

1. A questioned ballot may not be counted if:
  - a. The voter has failed to properly execute the certificate;
  - b. An official authorized by law to attest the certificate failed to execute the certificate;
  - c. The voter did not enclose the marked ballot inside the small envelope.
2. Any person present at the questioned ballot review may challenge the name of the questioned voter when read from the voter's certificate on the back of the large qualified envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The canvass committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (1) of this section.
3. If a questioned ballot is rejected, election supervisor shall send a copy of the statement of challenge to the questioned voter. The election supervisory shall place all rejected questioned ballots in a separate envelope with statements of challenges. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe or lockable container.
4. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots. The questioned ballots shall then one by one be removed from the ballot box, taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted.

#### **Section 5. Questioned ballots; subpoenas.**

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

#### **Section 6. Absentee ballots.**

**A.** The canvass committee shall examine each absentee ballot return envelope. Upon the committee's satisfaction that:

1. The voter is registered to vote;
2. A resident of Upper Kalskag;
3. Did so certify and cast his ballot before a person authorized by law to administer oaths, while the person did so sign and seal; and
4. The ballot was cast before the close of the polls in Upper Kalskag; the return envelope shall be opened and the ballot containing the absentee ballot shall be placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.

**B.** If the canvass committee determines that a voter voting absentee was not in fact a qualified voter or did not follow absentee voting procedures, the canvass committee by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened but rather the reasons for rejection 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 is rejected.

#### **Section 7. Counting absentee and questioned ballots.**

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

#### **Section 8. Defective ballots.**

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

#### **Section 9. Canvass committee; report contents.**

The canvass committee will submit a report of its findings the Monday following the election.

The report will show:

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

#### **Section 10. Certifying results.**

If no contest of election is begun after all absentee, defective, and questioned ballots are counted or rejected the Council shall:

**A.** Certify a report that shows:

1. The total number of ballots cast in the election;
2. The names of 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 matter which the canvass committee deems necessary to preserve a complete record of the election.

- B.** Record the results of the election in the minutes of the meeting;
- C.** Authorize the results to be certified;
- D.** Publicly declare the results of the election.

#### **Section 11. Contest of election.**

If a contest of election is declared and resolved, the procedures of section 10, A-D shall be followed at a special meeting held on the first Monday after resolution of the contest.

#### **Section 12. Certificate of election.**

**A.** Upon authorization of certification of the election results by the city council the city clerk shall prepare two certificates of Election for each office, proposition, or questioned considered. The certificates shall be signed by the Mayor and attested by the clerk. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful question or proposition named thereon, and the other original of each certificate shall be kept by the city.

**B.** The forms appearing at the end of this chapter illustrate the certification of election.

#### **Section 13. Retention of election records.**

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

## **CHAPTER 43**

### **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 to 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 council may order an investigation or a recount of the ballots or declare the election, as to one or more offices or propositions or in its entirety, invalid, and order a new election; or declare the affidavit of election contest without merit and certify the results of the election.

#### **Section 3. Ballot recount.**

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

#### **Section 4. Prohibited practices alleged.**

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

#### **Section 5. Sustained charges; recount.**

If the charges alleged by the contestant are upheld, the council shall make a recount. The council shall then certify the correct election returns.

#### **Section 6. Recount expenses; appeal.**

(A) The contestant shall pay all costs and expenses incurred in a recount of an election demanded by him if the recount fails to reverse any result of the election or the difference between the

winning and losing vote on the result contested is more than two percent. (B) A person may appeal the decision of the Council in section 2 to the Superior Court in Anchorage, however, no person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the city, has exhausted his administrative remedies before the City Council, and has commenced, within ten (10) days after the council has finally declared the election results, an action in the Superior Court. If no such action is commenced within the ten (10) day period, the election and election results shall be conclusive, final, and valid in all respects.



## **CHAPTER 44**

**(Reserved)**

## **APPENDIX OF FORMS**

### **Forms Included:**

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

**CITY OF UPPER KALSKAG, ALASKA  
OATH OF ELECTION OFFICIAL  
(FORM A)**

I, \_\_\_\_\_, do solemnly swear (affirm) that:

- I will honestly, faithfully, and impartially perform the duties of election judge (clerk) to the best of my ability;
- I am familiar with the city's election ordinances and election procedures.

**SIGNED:** \_\_\_\_\_.

Election Judge or Clerk

**Witnessed:** \_\_\_\_\_.

City Clerk

**CITY OF UPPER KALSKAG, ALASKA  
NOTICE OF ELECTION  
(Form B)**

**NOTICE:** A regular election will be held in the City of Upper Kalskag on the 4th day of October 2016, for the purpose of filling seats B, D, F, and G on the City Council, as follows:

- City Council Seat B, 3-year term
- City Council Seat D, 3-year term
- City Council Seat F, 3-year term
- City Council Seat G, 3-year term

**VOTER QUALIFICATIONS:** In order to vote, you must be:

1. A citizen of the United States and qualified in State of Alaska elections;
2. A resident of the City of Upper Kalskag for at least 30 days prior to the date of the election;
3. Registered to vote in State elections.  
You cannot vote if you have:
4. Been convicted of a felony involving moral turpitude, unless your voting rights have been restored;
5. Been judicially determined to be of unsound mind, unless this disability has been removed.

**POLLS WILL OPEN:** 8:00 A.M. October 4, 2016

**POLLS WILL CLOSE:** 8:00 P.M. October 4, 2016

**LOCATION OF POLLS:** CITY OFFICE

Candidates for office must file a Declaration of Candidacy form with the City Clerk no later than September 30, 2016. Forms may be obtained from the City Clerk at the city offices from 1:00 p.m. to 5:00 p.m., Monday through Friday.

**Date:**\_\_\_\_\_.

**City Clerk:**\_\_\_\_\_.

**[CITY SEAL]**

**CITY OF UPPER KALSKAG, ALASKA  
DECLARATION OF CANDIDACY  
(Form C)**

**City,** [insert day of filing]

I, \_\_\_\_\_, hereby declare my candidacy for the office of \_\_\_\_\_ of the City of Upper Kalskag, Alaska. I am a qualified city voter. I am a United States citizen, qualified and registered to vote in elections of the State of Alaska. I have not been convicted of a felony involving moral turpitude or been judicially determined to be of unsound mind, unless this disability has been removed. I have been, or will by the date of the election for which I am filing this Declaration, have been a resident of the City of Upper Kalskag, Alaska for more than thirty (30) days.

If elected to the above office, I will serve for the full term of \_\_\_\_\_ years, commencing on \_\_\_\_\_, and ending on \_\_\_\_\_. I request that my name be printed on the official ballot for the municipal election to be held in the City of Upper Kalskag, Alaska on \_\_\_\_\_.

**Signature:** \_\_\_\_\_

**Ballot No.:** \_\_\_\_\_

**CITY OF UPPER KALSKAG, ALASKA**  
**OFFICIAL BALLOT**  
**(Form D)**  
**Regular (Special) Election of [insert date of election]**

**AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE**

Mark your votes by marking 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 on the blank space below the list of candidates for that office.

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

**VOTE FOR NOT MORE THAN ONE PERSON PER SEAT**

**CITY COUNCIL MEMBER SEAT A: THREE YEARS**

(Vote for one only)

☐ Candidate Name

☐ Candidate Name

☐ Write-in: \_\_\_\_\_

**CITY COUNCIL MEMBER SEAT B: THREE YEARS**

(Vote for one only)

☐ Candidate Name

☐ Candidate Name

☐ Write-in: \_\_\_\_\_

**CITY COUNCIL MEMBER SEAT C: THREE YEARS**

(Vote for one only)

☐ Candidate Name

☐ Candidate Name

☐ Write-in: \_\_\_\_\_

**CITY COUNCIL MEMBER SEAT D: THREE YEARS**

(Vote for one only)

☐ Candidate Name

☐ Candidate Name

☐ Write-in: \_\_\_\_\_

**PROPOSITIONS:**

☐ YES

☐ NO

**OFFICIAL BALLOT PREPARED BY:\_\_\_\_\_.**

City Clerk

**CITY OF UPPER KALSKAG, ALASKA**

**OATH AND AFFIDAVIT OF ELIGIBILITY  
FOR CHALLENGED/QUESITONED BALLOTS  
(FORM E)**

I, \_\_\_\_\_, DO HEREBY DECLARE THAT I AM A RESIDENT OF  
THE CITY OF UPPER KALSKAG, ALASKA AND MEET ALL OF THE MINIMUM  
REQUIREMENT SET FORTH BY LOCAL ORDINANCES AND STATE LAW TO VOTE IN  
THIS SECTION.

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

SIGNED:\_\_\_\_\_.

(NAME)\_\_\_\_\_.

(ADDRESS)\_\_\_\_\_.

WITNESSED:\_\_\_\_\_.

ELECTION JUDGE

**TALLY SHEET**  
*(Form F)*

**ELECTION DATE:** \_\_\_\_\_

**TIME OF COUNT:** \_\_\_\_\_

**CANDIDATE NAMES   SEAT A   SEAT B   SEAT C   SEAT D   SEAT E   SEAT F   SEAT G**

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

**WRITE-IN VOTES**

1. _____	_____	_____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____	_____	_____
<b>TOTAL VOTES</b>	_____	_____	_____	_____	_____	_____	_____

**PROPOSITIONS:        YES        NO**



**CITY OF UPPER KALSKAG**  
**REPORT OF PRELIMINARY ELECTION RESULTS**  
*(Form G)*

The tally sheet below is a true and accurate record of all the regular votes cast in the \_\_\_\_\_ Election held in the City of Upper Kalskag, Alaska on \_\_\_\_\_.

**PART 1: ELECTIVE OFFICES**

**OFFICE: CITY COUNCIL SEAT** \_\_\_\_

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

**OFFICE: CITY COUNCIL SEAT** \_\_\_\_

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

**OFFICE: CITY COUNCIL SEAT** \_\_\_\_

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

**CITY OF UPPER KALSKAG**  
**REPORT OF PRELIMINARY ELECTION RESULTS**  
*(Form G)*

**PART II: BALLOT PROPOSITIONS AND QUESTIONS**

PROPOSITION	VOTE FOR	VOTE AGAINST
_____	_____	_____
_____	_____	_____
_____	_____	_____
QUESTION	YES	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____

**PART III: ACCOUNTING OF BALLOTS**

**Total Ballots Received From City Clerk:** \_\_\_\_\_

**Total Regular Ballots cast:** \_\_\_\_\_

**Total Questioned Ballots cast:** \_\_\_\_\_

**Total Ballots Returned to Clerk:**

- **Defective:** \_\_\_\_\_
- **Unused:** \_\_\_\_\_

The tally of ballots was completed between the hours of \_\_\_\_\_ p.m. and \_\_\_\_\_ p.m. on \_\_\_\_\_

**Respectfully submitted,**

\_\_\_\_\_, Election Board Chairperson

\_\_\_\_\_, Election Judge

\_\_\_\_\_, Election Judge

**ATTEST:**

\_\_\_\_\_.  
**City Clerk**

**[City Seal]**

**CITY OF UPPER KALSKAG, ALASKA  
APPLICATION FOR ABSENTEE BALLOT  
(Form H)**

I, \_\_\_\_\_ (A QUALIFIED VOTER AND RESIDENT OF THE  
CITY OF UPPER KALSKAG, ALASKA), HEREBY APPLY FOR AN ABSENTEE  
BALLOT FOR THE CITY ELECTION TO BE HELD ON \_\_\_\_\_.

**RESIDENCE ADDRESS:**  
**(P.O. BOX NUMBER OR STREET)**

---

---

**MAILING ADDRESS**  
**(IF OTHER THAN RESIDENCE ADDRESS)**

---

---

**REASON FOR REQUESTING ABSENTEE BALLOT:**

---

---

---

**ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:**

---

---

**DATE:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**VOTER**

**RECEIVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PLEASE MAIL THIS APPLICATION TO:**  
**Office of the City Clerk, City of Upper Kalskag,**  
**P.O. Box 80, Upper Kalskag, Alaska, 99607.**

**APPENDIX OF FORMS H. Application for Absentee Ballot**

**STATE OF ALASKA)**

**\*\* ) SS.\*\***

**FORTH JUDICIAL SERVICE AREA)**

**I, \_\_\_\_\_, state that:**

I am a resident of and a registered voter in the City of Upper Kalskag, Alaska, and I hereby enclose my ballot in compliance with the election ordinance of said city.

**Signature of Voter:** \_\_\_\_\_

**Residence Address within City:** \_\_\_\_\_.

**SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 20.**

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 Signature:** \_\_\_\_\_

**Title of Officer:** \_\_\_\_\_

**[City Seal]**

**NOTICE - after receiving this sealed envelope from the person taking your affidavit, when voting outside the office of the Upper Kalskag City Clerk, you must immediately return it by mail, postage prepaid, to:**

Office of the City Clerk, City of Upper Kalskag, P.O. Box 80, Upper Kalskag, Alaska, 99607.

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

**CITY OF UPPER KALSKAG, ALASKA  
CERTIFICATE OF ELECTION, OFFICER  
(Form J)**

**THIS IS TO CERTIFY** that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ was  
elected to the office of \_\_\_\_\_ of the City of Upper Kalskag, Alaska, as  
confirmed by the City Council of Upper Kalskag upon completion of the final canvass of  
ballots on the \_\_\_\_\_ day of \_\_\_\_\_.

**DATED** at Upper Kalskag, Alaska, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**Mayor**

**ATTEST:** \_\_\_\_\_  
**City Clerk**

**[City Seal]**

**CITY OF UPPER KALSKAG, ALASKA  
CERTIFICATE OF ELECTION - BALLOT PROPOSITION  
(Form K)**

**THIS IS TO CERTIFY** that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the ballot proposition relating to

\_\_\_\_\_

\_\_\_\_\_

**A true and correct copy of which is attached hereto, was approved by the voters of the City of Upper Kalskag, as confirmed by the City Council of the City of Upper Kalskag, upon completion of the final canvass of ballots on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.**

**DATED** at Upper Kalskag, Alaska this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**Mayor**

**ATTEST:** \_\_\_\_\_  
**City Clerk**

**[City Seal]**

**CITY OF UPPER KALSKAG, ALASKA  
AFFIDAVIT OF ELECTION CONTEST  
(Form L)**

**STATE OF ALASKA  
FOURTH JUDICIAL SERVICE AREA**

**I believe that prohibited practices occurred at the election held on \_\_\_\_\_, \_\_\_\_  
I believe that the following laws were violated:**

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

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

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

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

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

**SUBSCRIBED and SWORN TO before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_**

\_\_\_\_\_  
**Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_**

**[Notary Seal]**

**CITY OF UPPER KALSKAG, ALASKA  
NOTICE OF CANVASS COMMITTEE MEETING  
TO CERTIFY ELECTION  
(Form M)**

**TIME:** \_\_\_\_\_

**PLACE:** \_\_\_\_\_

**PURPOSE:** To certify the municipal election. The results of the election are not final until certified by the Council.

If you wish to contest the election, you may do so at this meeting.

**DATE:** \_\_\_\_\_

**CITY CLERK:** \_\_\_\_\_

[City Seal]



**CITY OF UPPER KALSKAG, ALASKA  
CERTIFICATE OF ELECTION  
(Form N)**

**Election:** \_\_\_\_\_  
**Office of Councilmember(s)**

SEAT	WINNING CANDIDATE

**Results of Proposition(s)/Question(s) Placed on the Ballot:**

QUESTION	RESULTS
	YES
	NO
	YES
	NO

**DATE:** \_\_\_\_\_

**CITY MAYOR:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_  
**CITY CLERK**

**[City Seal]**

**Title IX.**  
**PERSONNEL**

**CHAPTER 45.** Responsibilities of Officers and Employees

**CHAPTER 46.** (Reserved)

## **CHAPTER 45**

### **RESPONSIBILITIES OF OFFICERS AND EMPLOYEES**

#### **Sections:**

1. Conflict in Office; Investigation
2. Delivery of Office
3. Reports
4. Conflict of Interest

#### **Section 1. Conflict in Office; Investigation.**

The council acting as a body shall have the power to inquire into the conduct of any office, department, officer, or employee of the City as well as investigate municipal affairs and shall compel the production of books, papers, and other evidence with reasonable notice at a time mutually agreed upon with any office, department, officer, and employee of the City. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee according to the personnel policies of the City.

#### **Section 2. Delivery of Office.**

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

#### **Section 3. Reports.**

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

#### **Section 4. Conflicts of Interest.**

##### **A. Prohibited.**

1. No elected official, appointed city officer, or city employee shall use their office or official position for the purpose of obtaining financial gain for themselves or their spouse, child, mother, father, or business with which they are associated or own stock.
2. No elected official (except in the case of a Councilmember where the presiding officer or Council rule otherwise as provided in Subsection C of this section), appointed city officer, or city employee shall participate in any official action in which they have a substantial financial interest. Prohibited participation includes voting as a Councilmember, taking part in an officer to act in a certain way in regard to a subject.
3. No elected official, appointed city officer, or city employee, or any other person, money gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of their duties, or in exchange for voting or acting

in any particular way on any matter that comes before them in the course of their duties. This subsection does not preclude any person from accepting any award or bonus authorized by the Council to be given for meritorious service.

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

#### **B. Financial Interests Which May Be Conflicts of Interest.**

The following is a list of examples of financial interests substantial enough that any Council member, appointed officer, or city employee who comes under any of the categories below are not meant to be complete listing of all possible conflicts of interest. Any instances not covered below should abstain from voting or refrain from acting if:

1. They, (or a member of their immediate family) individually, jointly, or in a partnership with another has an interest in land or buildings, other than their residence that will be affected by the vote or action.
2. They, (or a member of their immediate family) are party to or beneficiary of a contract for a sum of \$100 or more with the City that will be affected by their vote or action.
3. They, (or a member of their immediate family) are individually, jointly, or in partnership with another the owner of a business, or have an interest in a business of \$100 or more that will be affected by the action or vote.
4. They, (or a member of their immediate family) are member(s) of a board of directors or governing body, or an officer of or holds a management position with an organization that has financial dealings of \$100 or more with the City that will be affected by their vote or action.

#### **C. Conflicts of Interest and Disclosure; City Councilmembers.**

1. Each Councilmember shall disclose any financial interest they may have in any matter that comes before the Council for a vote. If a member believes that the financial interest is substantial, they shall ask to be excused from voting on the matter.
2. The Mayor shall rule on the request of a Council member to be excused from voting on a matter in which the member has or believes they have a substantial financial interest. If the Mayor is the member making the request, or has the same or a similar or related financial interest in the same matter, the Council shall designate another Councilmember who has no financial interest in the matter to rule on the request.
3. The decision of the Mayor (or designated Councilmember) on the member's request to be excused from voting may be overridden by a majority vote of the Council. Neither the Councilmember making the request, nor any other Councilmember who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such ruling.
4. If any resident of the City believes that a Councilmember may have an undisclosed conflict of interest, the resident may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest the Mayor, or other Councilmember chosen by the resident requesting the meeting) and the Councilmember who may have a

conflict of interest. If, as a result of the confidential meeting, the Councilmember shall disclose the interest to the Council as provided in Subsection C, 4 above.

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

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

#### **D. Conflicts of Interest and Disclosure; City Officers and Employees.**

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

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

#### **E. Violations.**

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

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

3. Any City Councilmember or appointed city officer who willfully violates any provisions of Subsection "A" shall be deemed to have violated their oath of office and shall be subject to immediate discharge from the Council or from office by two-thirds vote of the Council. Any willful violation of any provision of Subsection "B" by any city employee shall be cause immediate dismissal from employment.

4. No Councilmember may vote on any question of their own suspension or discharge.

## **CHAPTER 46**

**(Reserved)**