

City of Edna Bay - Emergency Meeting

1 — Meeting Date, Place and Call to order:

This Emergency meeting was held on Tuesday, September 15th, 2015 at Edna Bay School. Mayor Richter called the meeting to order at 7:10 PM.

2 — Roll Call:

Heather Richter	- Mayor / Presiding Officer	(Present)
Karen Williams	- Vice Mayor / City Council	(Present)
Tyler Poelstra	- Clerk / City Council	(Present)
Myla Poelstra	- Treasurer / City Council	(Present)
Carleigh Fairchild	- City Council	(Present)
Doris Greif	- City Council	(Present)
Paul Haag	- City Council	(Present)

2.1 — Public Participants:

Sharon Wargi	Joe Wargi	Lee Greif	Mike Williams
Curtis Greif	Sue Crew		

3 — Consent Agenda:

A: Approval of Meeting Agenda:

The current agenda was read by Councilor (Mr.) Poelstra.

Consensus of the public attendants was taken in favor, and no objections were noted.

Motion:

Mayor Richter moved to pass the consent agenda as read.

- *Seconded by Councilor Greif*
- **Approved by unanimous vote of the council**

3.1 — Business:

Emergency Business:

- a: *City discussion and decision regarding candidacy filing and AS 39 APOC requirement.*

4 — **Emergency Business**

Item A – City Discussion and Decision Regarding Candidacy Filing and AS 39 APOC....:

Mayor Richter introduced the item and described that this meeting is being held for the record in order to clearly document any decision being made regarding this item.

The candidate filed the Declaration of Candidacy form and Nominating Petition, but failed to provide a copy of the required APOC filing at the time of submitting the other forms in order to meet the requirements of AS 39.20.050 (A). The candidate filed the APOC after submitting the paperwork to the Clerk, and was then rejected based on the Clerk following the AS 39.20.050 (A) requirement to ensure compliance. DCRA was in support of this decision after he sought their advice and interpretation of the statute before acting.

Mayor Richter asked Susan Crew if she was still interested in running for office, noting that it is the responsibility of the candidate to become informed of applicable laws and to follow them. However, the Mayor noted that since this is the first municipal election held by the City that she felt a one time exception could be considered by the Council for this oversight made by the candidate. She felt that to serve the best interest of the public in having more candidates to select, it may be best to make an allowance.

Susan Crew shared her feelings that the standard for her was not the same as for other candidates that were on the ballot last year. Members of the Council noted that the APOC filing requirement is very clear, and that awareness of the filing requirement has been well broadcasted and understood. Councilor Fairchild felt that the decision to be made tonight is regarding the law and whether we choose to uphold it. Mayor Richter asked how the Council would like to see the issue negotiated to ensure a precedent is not set for the future.

The Clerk explained that it is his duty to receive the submission documents from a prospective candidate, take them to his office where he can verify the signatures on the petition are from valid registered voters, verify the candidate is a voter and qualified to run for office, inspect the submission for completeness and to ensure all applicable State and local laws are complied with in the process. He shared that he had a duty to comply with the law in the process, was reinforced by DCRA, and made the appropriate decision.

Councilor Haag felt that the spirit of the law was upheld, since the candidate did submit the APOC the day of submission, even though it did not meet the terms of the specific law. It was suggested that Susan Crew could run as a write-in candidate if the decision was made to uphold the rejection of the candidacy packet. Councilor Fairchild read back the State of Alaska APOC how-to form detailing submission requirements.

Susan Crew felt that regardless of the decision that is reached, more clarity in the process is necessary in the future.

The Clerk read back a letter from DCRA confirming that rejection of the candidacy form was the appropriate action to take in order to comply with AS 39.20.050 (A). DCRA has agreed that an exception could be made since it is the first election held by the City. Mayor Richter read back the APOC submission provided by the Candidate, confirming the date of filing. Councilor (Mrs.) Poelstra felt that a very clear record should be made documenting the reason for any exception, should one be made, and that the City made a decision to change the forms and produce a check list and a "Candidacy Packet" for the future listing all requirements.

It was agreed to add "Creation of Candidacy Packet with Instruction Form(s)." to a future agenda.

Consensus of the public attendants was taken in favor of making an exception and allow Susan Crew to be put on the ballot; three (3) participants were noted in objection, four (4) abstained from the poll.

Councilor (Mrs.) Poelstra and Councilor (Mr.) Poelstra asked to be excused from the vote due to being candidates on the ballot. The Mayor upheld their requests to be excused from the vote.

Motion:

Mayor Richter moved that we accept Sue Crew's candidacy application as filed.

- *Seconded by Councilor Williams*
- *Roll Call Vote:*

<i>Councilor Greif</i>	- <i>Yea</i>
<i>Councilor Fairchild</i>	- <i>Nay</i>
<i>Councilor Williams</i>	- <i>Yea</i>
<i>Councilor (Mr.) Poelstra</i>	- <i>Excused</i>
<i>Councilor (Mrs.) Poelstra</i>	- <i>Excused</i>
<i>Councilor Haag</i>	- <i>Yea</i>
<i>Mayor Richter</i>	- <i>Yea</i>

- Approved by majority vote of the council

5 – *Persons to be Heard:*

Lee Greif wanted it noted for the record that as a signer on the candidacy petition for Susan Crew that he was personally upset at her as a prospective future representative for suggesting that a law suit could be the result of not accepting her candidacy submission, and for her blaming everyone but herself for making the choice not to be more informed about the requirements to become a candidate for the office she seeks.

Sharon Wargi wanted it noted for the record that she quested why Susan Crew did the APOC online instead of submitting the original APOC paperwork provided by the Clerk along with her candidacy documents.

Curtis Greif felt that the POFD requirement is similar to the PFD (Permanent Fund Dividend) process for ensuring that all standards have been met before you can receive the benefit.

Adjournment

Mayor Richter moved that the meeting be adjourned.

Motion seconded by Councilor Haag

Meeting adjourned at 8:30 PM.