

**CITY OF EDNA BAY, ALASKA
ORDINANCE NO. 15-07CO**

**AN ORDINANCE OF THE COUNCIL TO ADOPT AN
ADMINISTRATION ORDINANCE FOR THE CITY OF EDNA BAY,
ALASKA.**

BE IT ENACTED BY THE EDNA BAY CITY COUNCIL AS FOLLOWS:

Section 1. Classification: This is a **Code Ordinance**

Section 2. Severability: If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons shall not be affected thereby.


Section 3. The City is adopting an Administration Ordinance as outlined in the attachment – Title 2 “Administration”, which includes Chapter 2.10 - 2.70.030.

Section 4. Effective Date: This ordinance becomes effective upon its adoption by the Edna Bay City Council.

DATE INTRODUCED: *September 14, 2015*

DATE OF PUBLIC HEARING: *November 16, 2015*

Passed and approved by the Edna Bay City Council this 15th day of November 16, 2015.


Heather Richter, Mayor

ATTEST:


Tyler Poelstra, City Clerk



TITLE 2

ADMINISTRATION

Chapters:

- 2.10 Mayor**
- 2.20 City Council**
- 2.30 City Council Meetings**
- 2.40 City Council Procedures**
- 2.50 City Clerk**
- 2.55 City Treasurer**
- 2.60 Responsibility of Officers and Employees**
- 2.70 Documents and Records**

CHAPTER 2.10

MAYOR

Sections:

Section 2.10.010	Duties of mayor as executive
Section 2.10.020	Qualifications
Section 2.10.030	Compensation of the mayor
Section 2.10.040	Oath of office
Section 2.10.050	Mayor's vote
Section 2.10.060	Term of office
Section 2.10.070	Vacancy
Section 2.10.080	Vice-mayor
Section 2.10.090	Provisions of employment for the mayor

Section 2.10.010 – Duties of mayor as executive.

- a) The Mayor is the Chief Executive Officer of the City of Edna Bay. The mayor shall preside at council meetings, act as ceremonial head of the city, and sign documents on behalf of the city upon council authorization.
- b) The Mayor is the Chief Administrative Officer of the City of Edna Bay. The mayor shall perform the administrative duties listed below:
 - 1) Appoint city employees and administrative officers, unless otherwise provided in this Code; hire necessary administrative assistants; and authorize an appointed administrative officer to appoint, suspend, or remove subordinates in his or her department;
 - 2) Suspend or remove by written order city employees and administrative officers, unless otherwise provided in this Code;
 - 3) Supervise enforcement of city law;
 - 4) Prepare annual budget and capital improvements program for the council;
 - 5) Execute the budget and capital improvement program as adopted;
 - 6) Make monthly financial reports to the council on city finances and operations;
 - 7) Report to the council at the end of the fiscal year on the finances and administrative activities of the city;

- 8) Serve as city personnel officer unless the council authorizes the mayor by motion to appoint a personnel officer;
- 9) Execute other powers and duties specified in Title 29 or lawfully prescribed by the council;

Section 2.10.020 – Qualifications.

- a) The mayor shall be a qualified city voter and a Council member.
- b) If the mayor ceases to be eligible to be a city voter, he or she is no longer eligible to act as mayor or a council member.

Section 2.10.030 – Compensation of the mayor.

No compensation shall be paid for attending any regular or special meeting of the council.

Section 2.10.040 – Oath of office.

The mayor, as a council member, shall affirm in writing the oath of office required of other council members in Section 2.20.050 of this Code.

Section 2.10.050 – Mayor's vote.

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

Section 2.10.060 – Term of office.

The mayor is elected by and from the city council for a term of one (1) year and until a successor is elected and has qualified. The mayor shall be elected and take office immediately at the at the first Monday after certification of the Regular Election. There is no limit on total number of terms or number of consecutive terms the mayor may serve.

Section 2.10.070 – Vacancy.

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

Section 2.10.080 – Vice-mayor.

The council shall elect a vice-mayor from among its membership to serve in the temporary absence of the mayor. The vice-mayor is elected by and from the council for a term of one (1) year and until a successor is elected and has qualified. The vice-mayor shall take office immediately at the next council meeting held after certification of the regular election.

Section 2.10.090 – Provisions of employment for the mayor.

The mayor may be employed by the City of Edna Bay. The vice-mayor shall act as the supervising authority of the mayor in regards to the mayor's position as a city employee.

CHAPTER 2.20

CITY COUNCIL

Sections:

Section 2.20.010	Composition of council
Section 2.20.020	Qualifications of council members
Section 2.20.025	Alaska Public Official Financial Disclosure
Section 2.20.030	Election of council members
Section 2.20.040	Terms of council members
Section 2.20.050	Oath of office
Section 2.20.060	Compensation of council members
Section 2.20.080	Provisions of employment for city council members
Section 2.20.090	Conflicts of interest purpose
Section 2.20.100	Vacancies
Section 2.20.110	Filling a vacancy

Section 2.20.010 – Composition of council.

- (a) The council shall consist of seven (7) members elected by the registered voters of the City of Edna Bay at large.
- (b) Each city council seat shall be designated by letters A, B, C, D, E, F, G. Council members will be elected according to the seat designation and corresponding expiration of terms of office provided in section 2.20.040 of this chapter.

Section 2.20.020 – Qualifications of council members.

- (a) Council members shall be qualified city voters.
- (b) A council member who ceases to be eligible to be a city voter immediately forfeits his or her office.
- (c) In order to serve as a council member, a person must be a resident of the City of Edna Bay for one (1) year immediately prior to the date of the election.

Section 2.20.025 – Alaska Public Official Financial Disclosure.

City of Edna Bay Council Members shall be held to the financial disclosure reporting requirements of the State of Alaska Public Official Financial Disclosure Law (AS 39.50).

Section 2.20.030 – Election of council members.

An election will be held annually on the first Tuesday of October to choose council members according to the schedule provided in Section 2.20.040 of this Code.

Section 2.20.040 – Terms of council members.

- (a) Council members shall be elected to three-year terms on a repeating three-year cycle unless to fill the remaining term of a vacancy.
- (b) Council seats are designated and terms expire as follows:
 - (1) Seat A – term expires 2015, 2018, 2021, 2024, 2027, 2030, and so on...
 - (2) Seat B – term expires 2015, 2018, 2021, 2024, 2027, 2030, and so on...
 - (3) Seat C – term expires 2016, 2019, 2022, 2025, 2028, 2031, and so on...
 - (4) Seat D – term expires 2016, 2019, 2022, 2025, 2028, 2031, and so on...
 - (5) Seat E – term expires 2017, 2020, 2023, 2026, 2029, 2032, and so on...
 - (6) Seat F – term expires 2017, 2020, 2023, 2026, 2029, 2032, and so on...
 - (7) Seat G – term expires 2017, 2020, 2023, 2026, 2029, 2032, and so on...
- (c) The regular term of office begins on the first Monday following the certification of election.

Section 2.20.050 – Oath of office.

- a) All council members before entering upon the duties of office shall affirm in writing the following oath and affirmation: "I, _____, do solemnly swear that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the ordinances of the City of Edna Bay, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of council member to the best of my ability."
- b) The oath is filed by the clerk.

Section 2.20.060 – Compensation of council members.

No compensation shall be paid for attending any regular or special meetings of the council.

Section 2.20.080 – Provisions of employment for city council members.

City council members may be employed by the City of Edna Bay, but only as provided:

- (a) Applications for city employment shall be reviewed and employees hired by the city council solely on the basis of merit.
- (b) When a city council member applies for city employment, all applications for the position shall be reviewed by the city council at a regular or special city council meeting.

- (c) The city council meeting authorized under section (b) above shall be open to comment from the public.

Section 2.20.090 – Conflicts of interest purpose.

The City of Edna Bay shall follow the AS 29.20.010 regarding Conflict of Interest.

Section 2.20.100 – Vacancies.

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

- a) Fails to qualify or take office within thirty (30) days after election or appointment; or
- b) Is physically absent from the city for a ninety-day (90) period, unless excused by the council; or
- c) Resigns and the resignation is accepted; or
- d) Is physically or mentally unable to perform the duties of office as determined by 2/3rds vote of the governing body; or
- e) Is removed from office by recall as prescribed by AS 29.26.240—29.26.360; or
- f) Is unexcused from any three (3) consecutive regular meetings.
- g) Is convicted of a felony or of an offense involving a violation of his or her oath of office.
- h) If a vacancy occurs on the city council, the remaining members within ninety (90) days of the vacancy, and subject to AS 29.20.180, appoint a qualified candidate to fill the vacancy. The person appointed to fill the vacancy shall serve until the next regular election and until a successor is elected and has qualified for the vacated council seat. The elected successor shall serve the remainder of the term of the vacated council seat.

Section 2.20.110 – Filling a vacancy.

- a) The council shall meet in a regular or special meeting to appoint a qualified person to fill a vacancy. The council may request that persons interested in filling the vacant seat write a letter of interest to be submitted to the city clerk by the specified deadline, not earlier than ten (10) days after notification of the intent to vacate, in a public notice of a council vacancy. The person submitting a letter of interest to fill a vacant council seat may attach any relevant information such as a resume to his or her letter of interest.
- 1) The council may nominate a qualified person to fill the vacant seat. If there is not a person qualified out of those persons who submitted a letter of interest to fill the

vacant council seat, the council may nominate a qualified person who has not applied for the vacant council seat.

- 2) Nominations for the vacant seat shall be made by a motion and a second and approved by the council.
 - 3) Once all nominations are made, council members shall cast votes for their candidate of choice.
 - 4) The presiding officer will accept a motion to appoint the person with the highest vote count. The motion to appoint will require a minimum of four (4) affirmative votes to pass.
 - 5) The person selected to fill the vacant council seat will be sworn into office at the next regularly scheduled monthly city council meeting.
- b) If none of the persons nominated receives a majority of votes in the first round of balloting, the procedure provided for in subsection (a) of this section shall be repeated no more than twice.
 - c) If none of the persons nominated receives a majority of votes in the third round of balloting, the vacancy shall be filled by a drawing of straws by the nominees who received the highest and second highest number of votes. The nominee who draws the longest straw shall fill the vacant council seat.

CHAPTER 2.30

CITY COUNCIL MEETINGS

Sections:

Section 2.30.010	Meetings public
Section 2.30.020	Notice of Regular Meetings
Section 2.30.030	Regular (general) council meetings
Section 2.30.040	City council member attendance policy for regular meetings
Section 2.30.050	Special meetings, work sessions and emergency meetings
Section 2.30.060	Executive session

Section 2.30.010 – Meetings public.

- a) Meetings of the council shall be public. The only exception to this requirement is when an executive session is lawfully justified, as provided in (Section 2.30.060) of this chapter.
- b) The council shall provide reasonable opportunity for the public to be heard on each agenda item at all regular and special meetings.
- c) The council must poll all voters (as defined in Section 5.10.020) and council members in attendance at all regular or special meetings and consider the results before action is taken by the council on an agenda item.
 - 1) If the council has a majority difference of opinion from the results of the poll of voters present (as defined in Section 5.10.020), the council may elect to postpone the decision to a future agenda to ensure time for further council and public consideration.
 - 2) The council is reserved the right to waive consideration for the results of the poll if the matter in question, for example:
 - (i) Puts the city or council in a direct risk of legal action;
 - (ii) Violates Federal, Alaska, or Municipal law;
 - (iii) Is in conflict with financial gain of public assets, or;
 - (iv) Is an ordinance placing a question on the next municipal election.
- d) The contents of Section 2.30.010 may only be removed from this Title or substantially altered by referendum vote of the people.

Section 2.30.020 – Notice of Regular Meetings.

For the purpose of giving notice of regular council meetings, reasonable public notice is given if a statement containing the date, time, and place of the meeting is posted in three (3) public places not less than five (5) days before the time of the meeting. This section does not alter or supersede any other notice requirements which may be provided by Alaska Statute.

Section 2.30.030 – Regular (general) council meetings.

- a) The city council shall meet for a regular meeting at 6:00 p.m. on the second Monday of each month. If a regular city council meeting so scheduled is to take place on a holiday established by AS 44.12.010, that meeting shall be rescheduled to take place at 6:00 p.m. on the third Monday of that month. If both the second and third Mondays of a month are holidays (as defined above), the regular city council meeting shall be rescheduled to 6:00 p.m. on the fourth Monday of that month.
- b) The place of council meetings shall be noticed on the agenda. In the event of any condition which renders the meeting place unfit to conduct meetings of the council, the meeting may be moved to such other place as the council may choose, provided reasonable notice is given.
- c) Time of adjournment. Meetings will adjourn by 10:00 p.m. unless extended by a vote of at least four (4) city council members.

Section 2.30.040 – City council member attendance policy for regular meetings.

- a) Council members shall announce any anticipated absence from one or more regular council meetings during persons to be heard at a preceding meeting.
- b) A council member is deemed to be excused if he or she is absent from the meeting as a result of attending to official business on behalf of the City of Edna Bay, for extenuating medical reasons, or for other significant cause as determined by the city council.

Section 2.30.050 – Special meetings, work sessions and emergency meetings.

- a) Work sessions, when called, will convene at the place noticed on the posted agenda. Work sessions shall be informal meetings in which no formal action is taken. Work sessions shall be open to the public.
- b) Special meetings of the council are those meetings which are called by the mayor or any two (2) members of the council for a time different than that fixed for regular council meetings or work sessions. The location of all special council meetings shall be noticed on the posted agenda. Special meetings shall be open to the public.

- c) Oral or written notice of at least twenty-four (24) hours shall be given each council member before a special meeting is held. The posted notice shall specify the time, place, and the business of the meeting. No business shall be transacted at the meeting, which is not mentioned in the notice.
- d) In an emergency, a special meeting called with less than twenty-four (24) hours notice is a legal meeting if there is a quorum. The location of any emergency council meeting shall be noticed on the posted agenda.

Section 2.30.060 – Executive session.

Executive session shall be held in compliance with AS 44.62.310 (b)(c). Subjects that qualify for executive session:

- a) Matters, the immediate knowledge of which would clearly have an adverse effect on the finances of the city;
- b) Matters that would tend to prejudice the reputation or character of any person, but that person may demand and get a public discussion;
- c) Matters that are required to be confidential by law;
- d) Matters involving consideration of government records, that by law are not subject to public disclosure.

CHAPTER 2.40

CITY COUNCIL PROCEDURES

Sections:

Section 2.40.010	Mayor presides at council meetings
Section 2.40.020	Sessions
Section 2.40.030	Order of business
Section 2.40.040	Parliamentarian
Section 2.40.050	Minutes
Section 2.40.070	Motion
Section 2.40.090	Voting requirements
Section 2.40.110	Vote required
Section 2.40.150	Committees
Section 2.40.160	Clerical errors

Section 2.40.010 – Mayor presides at council meetings.

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

Section 2.40.020 – Sessions.

Each regular or special meeting of the city council constitutes a session for purposes of these rules.

Section 2.40.030 – Order of business.

- a) At all regular meetings the order of business shall be:
 - (1) Call to order;
 - (2) Roll call;

- (3) Consent agenda:
 - (i) Approval of meeting agenda;
 - (ii) Approval of minutes;
- (4) Mayor's report;
- (5) Clerk's report;
- (6) Treasurer's report;
- (7) Committee reports;
- (8) Old Business;
- (9) New Business;
- (10) Persons To Be Heard;
- (11) Adjournment;

- b) The agenda shall be prepared by the Clerk.

Section 2.40.040 – Parliamentarian.

The clerk shall act as the parliamentarian, following Robert's Rules of Order for procedure as necessary where generally applicable.

Section 2.40.050 – Minutes.

Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the council meeting journal. Minutes shall be made available for public inspection upon request.

Section 2.40.070 – Motions.

- a) Seconds to motions are required.
- b) After a motion is made and stated by council member, it must be recorded and read by the clerk, it shall then be considered to be in the possession of the council and shall be disposed of by vote. However, the council member making the motion may withdraw it at any time before a vote is taken.
- c) A motion shall be made in writing if any council member requests.

Section 2.40.090 – Voting requirements.

- a) Four (4) council members constitute a quorum. A quorum is necessary for the council to conduct any business.
 - 1) Council members may attend by teleconference (if available), and telephonic presence shall count towards the quorum.
 - 2) No council member shall attend by teleconference if physically available to attend, unless excused by the Mayor.

- b) A least four (4) affirmative votes or "Yes" votes are required for passage of an ordinance, resolution, or motion.
- c) The final vote on each ordinance, resolution, or substantive motion, is a recorded roll call vote. A unanimous result may be recorded as unanimous. Except when a conflict of interest requires that a person not vote, all council members present shall vote as stated in AS 29.20.160(d).
- d) The clerk or mayor shall declare all votes and the result.

Section 2.40.110 – Vote required.

The affirmative vote of four (4) members of the city council shall be sufficient to take any action except as otherwise provided by ordinance.

Section 2.40.150 – Committees.

- a) Standing committees shall be created and dissolved by resolution.
- b) Special committees shall be created by resolution. The city council shall have such special committees as may be considered necessary. Special committees automatically terminate upon completion of the committee's assignment as defined in the resolution.
- c) Selection, process, and duties of committees of the city council.
- d) There shall be no less than one (1) city council member participating in each standing committee of the city council.
- e) Nominations for standing committee appointments and for the position of chair of each such committee shall be made by the mayor, and shall be subject to ratification by the city council.
- f) Standing committees shall report their activities during the monthly council meeting.

Section 2.40.160 – Clerical errors.

Clerical errors that do not affect the substance of an ordinance or resolution, such as errors in numbering or errors in spelling may be corrected by the clerk upon discovery of the error.

CHAPTER 2.50

CITY CLERK

Sections:

Section 2.50.010	Appointment
Section 2.50.020	Duties of clerk
Section 2.50.030	Acting clerk
Section 2.50.040	Deputy clerk

Section 2.50.010 – Appointment.

- a) The clerk shall be appointed by the council and serve in accordance with the personnel policies of the city.
- b) The clerk shall hold office at the pleasure of the council.

Section 2.50.020 – Duties of clerk.

The clerk shall:

- a) Give and post notice of the time and place of council meetings both to the council and to the public;
- b) Attend council meetings and keep the minutes in the journal;
- c) Arrange publication and posting of notices, ordinances, and resolutions;
- d) Maintain and make available for public inspection city ordinances, resolutions, rules, regulations, and codes;
- e) Attest deeds, ordinances, resolutions, and other documents;
- f) Record and certify actions of the council;
- g) Have the power to administer oaths;
- h) Be custodian of the city seal and the official records of the city;
- i) Be the city election registrar and be responsible for calling and supervising all city elections; and
- j) Perform other duties specified by this Code, state law, or the council.

Section 2.50.030 – Acting clerk.

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

Section 2.50.040 – Deputy clerk.

The council may appoint a deputy clerk to operate as an assistant to the clerk and serve in accordance with the personnel policies of the city. The deputy clerk assumes all the powers, duties, and obligations of the clerk in his or her absence.

CHAPTER 2.55

CITY TREASURER

Sections:

Section 2.55.010	Appointment
Section 2.55.020	Duties of treasurer
Section 2.55.030	Acting treasurer

Section 2.55.010 – Appointment.

- a) The treasurer shall be appointed by the council and serve in accordance with the personnel policies of the city.
- b) The treasurer shall hold office at the pleasure of the council.

Section 2.55.020 – Duties of treasurer.

The treasurer shall:

- a) Keep custody of all city funds;
- b) Keep an itemized account of money received and disbursed;
- c) Maintain care of all property used by the city;
- d) Assist the mayor to compile the annual budget of the city;
- e) Prepare and submit to the mayor such financial reports and other data as may be required;
- f) Prescribe and control such procedures as are necessary to protect city funds and property;
- g) Be responsible for filing state and federal applications for shared revenue programs; and
- h) Perform such other duties as the mayor, council, or state law may lawfully require.

Section 2.55.030 – Acting treasurer.

The council may appoint an acting treasurer in case of temporary absence of the treasurer. The acting treasurer has all the powers, duties and obligations as the treasurer. The acting treasurer should possess the knowledge, skills, and abilities to perform the duties as are required for this position.

CHAPTER 2.60

RESPONSIBILITY OF OFFICERS AND EMPLOYEES

Sections:

Section 2.60.010	Conduct in office
Section 2.60.020	Oath of office
Section 2.60.030	Records open

Section 2.60.010 – Conduct in office.

The council or the mayor shall have power to inquire into the conduct of any office, department, officer, or employee of the city, make investigations into city affairs, and compel the production of books, papers, and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for immediate discharge of any officer or employee of the city.

Section 2.60.020 – Oath of office.

Every officer of the city shall, before entering upon the duties of office, take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his or her office. This oath is provided in Section 2.20.050 of this Code.

Section 2.60.030 – Records open.

All records and accounts of every office and department of the city shall be open to inspection by any person, except that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended may be withheld from inspection. Such records as are required by state law or ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the safe-keeping of all public records under his or her responsibility. No public records, reports, correspondence, or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the clerk.

CHAPTER 2.70

DOCUMENTS AND RECORDS

Sections:

Section 2.70.010	Document approval
Section 2.70.020	Documents to file with the state
Section 2.70.030	Retention, disposal of public records

Section 2.70.010 – Document approval.

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

- a) Approved by the council;
- b) Signed by the mayor on behalf of the city; and
- c) Attested by the clerk.

Section 2.70.020 – Documents to file with the state.

The city shall file the following documents with the Alaska Department of Commerce and Community and Economic Development:

- a) Maps and descriptions of all annexed or excluded territory;
- b) A copy of an audit or statement of annual income and expenditures;
- c) Tax assessment and tax levy figures as requested; and
- d) Any other reports as required.

Section 2.70.030 – Retention, disposal of public records.

The City of Edna Bay shall follow the most recent State of Alaska Local Government Model General Administrative Records Retention Schedule.