

CHARTER OF THE CITY OF KETCHIKAN, ALASKA

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ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS, INTERPRETATION

Section 1-1 Incorporation

The City of Ketchikan, Alaska, shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Ketchikan, Alaska". It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the City of Ketchikan, Alaska; and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this charter goes into effect.

Section 1-2 Boundaries

The boundaries of the city as they exist at the time this charter goes into effect shall remain the boundaries of the city until they are changed in a manner authorized or permitted by the state constitution and/or law.

Section 1-3 Form of Government

The municipal government provided by this charter shall be known as the "council-manager government". All powers of the city shall be exercised in the manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe by ordinance.

Section 1-4 Powers of the City

The City of Ketchikan, Alaska, shall have all the powers, functions, rights, privileges, franchises and immunities of every name and nature whatever, which a home rule city may have under the constitution and laws of the State of Alaska. The city may exercise all legislative powers not prohibited by law or by this charter.

The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated or mentioned herein or implied hereby, the city shall have all powers which, under the state constitution and law, it would be competent for this charter specifically to enumerate or mention.

Section 1-5 Applicability of State Law

Provisions of state law relating to matters which may be regulated by home rule cities, shall be in effect in this city only insofar as they are applicable and are not superseded by this charter or by ordinance.

Section 1-6 Interpretations – Definitions

Except as otherwise clearly indicated by the context:

- (1) The singular includes the plural, the plural includes the singular, and the masculine gender extends to and includes the feminine gender and the neuter.
- (2) Words indicating the present tense are not limited to the time of adoption of this charter, but may extend to and include the time when an event or requirement occurs to which any provision is applied.
- (3) "Capital improvement" means a public improvement of a permanent nature, and may include land and

equipment necessary for the functioning of a building or other capital improvement.

(4) “City” means the City of Ketchikan.

(5) “Council” means the city council of the City of Ketchikan.

(a) “All of its members” or “all councilmen” means the total number of councilmen provided for in this charter, without regard to vacancies or absences.

(6) “Law” denotes applicable federal law, the constitution and statutes of Alaska, and applicable common law.

(7) “Local improvement” means public improvement specially beneficial to the property affected, and also includes the abatement of such unsafe, unhealthful, or unsanitary conditions as the council shall determine to be a public nuisance.

(8) “Ordinance” means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

(9) “Person” extends and applies to association, firm, corporation, governmental agency and unit of government as well as to an individual.

(10) “Public improvement” means improvements to or in connection with streets, sidewalks, parks, playgrounds, buildings, sewer systems, water systems, power systems, harbor facilities and any other real property or appurtenances thereof of the city used by the public.

(11) “Public utility” includes all common carriers in the public streets, water, sewage disposal, electric light, central heating, gas, electric power, telephone and telegraph lines and systems, and such other and different enterprises as the law or the council may determine.

(12) “Publish”, “published”, or “publication” includes the setting forth of any matter for public notice at least once in one or more newspapers of the city qualified by law for the publication of notices, or posting in at least five conspicuous public places in the city. In all such cases of publication by posting, the city clerk shall provide a copy of the ordinance, notice or document posted, on request from any person, without charge, at any time within two months after posting.

ARTICLE II. THE COUNCIL

Section 2-1 Councilmembers: Number, Qualifications

There shall be a council of seven members. Only qualified voters of the city who, at the time of their election or choice to fill a vacancy, have resided within the city at least one year, shall be qualified for the office of councilmember. No councilmember may hold other office or position with compensation in the city government. If any councilmember ceases to be a resident of this city, that councilmember shall thereupon cease to hold office. (Amended by Resolution No. 02-2039, approved by voters October 1, 2002; previously amended by Resolution 1591 §2, approved by voters October 3, 1989)

Section 2-2 Mayor and Vice Mayor

There shall be a mayor who shall have all the qualifications of a councilman, and in addition must be at least thirty (30) years of age at the time of his election or choice to fill a vacancy. The mayor shall preside at meetings of the council, and shall certify the passage of all ordinances and resolutions passed by it. He shall have no regular administrative duties except that he shall sign such written obligations of the city as the council may require. If a vacancy occurs in the office of mayor, the council shall elect a qualified person, who may or may not be a councilman at the time, to be mayor for completion of the unexpired term or until the vacancy is filled by election. If a councilman is elected mayor, his office as councilman shall be vacated upon his taking office as mayor, and then be filled as prescribed elsewhere by this charter.

At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen or as soon thereafter as practicable, the council shall elect one of its members vice mayor, who shall serve as such until the next such first meeting. The vice mayor shall act as mayor during the absence or disability of the mayor, or, if a vacancy occur in the office of mayor, until another mayor is elected by the council and qualifies. If the office of vice mayor becomes vacant, the council shall elect from its members another vice mayor for the completion of the unexpired term. The vice mayor, when acting as mayor, shall continue to have a vote as councilman; but he shall not have veto power.

Should both the mayor and vice mayor be absent from a council meeting, a temporary mayor shall be appointed by the council to serve during such absence.

Section 2-3 Councilmen: Compensation

The compensation of the mayor and councilmen shall be determined by a nonemergency or initiated ordinance; but no increase in the compensation, except when made by ordinance enacted by the qualified voters by initiative, shall become effective until after a regular city election has been held. The mayor and councilmen shall not receive any other compensation for any personal service rendered the city, but may be reimbursed for expenses incurred in the discharge of their official duties. (Amended by Resolution 1591, §2, approved by voters October 3, 1989)

Section 2-4 Council: Powers

Except as otherwise provided in this charter, all powers of the city, including the determination of all matters

of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power:

- (1) To appoint and remove the city manager as provided in this charter;
- (2) By ordinance to enact legislation relating to any or all subjects and matters not prohibited by the state constitution or by law or by this charter;
- (3) To adopt the budget, raise revenue and make appropriations, and regulate salaries and wages, and all other fiscal affairs of the city;
- (4) To inquire into the conduct of any office, department or agency of the city, and investigate municipal affairs;
- (5) To appoint or elect and remove its own subordinates, personnel in the department of law, the members of the personnel board, and other quasi-legislative, quasi-judicial or advisory officers and authorities, or prescribe the method of appointing or electing and removing them;
- (6) To create, change and abolish all offices, departments and agencies of the city government other than the offices, departments and agencies created by this charter; and to assign additional powers, duties and functions to offices, departments and agencies created by this charter.

Section 2-5 Council not to Interfere in Appointments and Removals, etc.

Neither the council, any councilman nor the mayor, may participate in any manner, except as provided in this charter, in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry, the council and the mayor shall deal with the administrative service solely through the city manager.

Section 2-6 City Clerk

There shall be a city clerk, who shall be an officer of the city appointed by the council for an indefinite term.

The city clerk shall serve as clerical officer of the council. He shall keep the journal of the proceedings of the council, and shall enroll in a book or books kept for the purpose all ordinances and resolutions passed by it. He shall be custodian of such documents, records and archives as may be provided by law or ordinance; shall be custodian of the seal of the city, and shall attest, and affix the seal to, documents when required in accordance with this charter, law or ordinance; shall keep a correct and up-to-date record of the city boundaries and changes therein; and shall supervise municipal elections and such other elections as may be required by law or ordinance, including voter registration and records; provided that the council by ordinance may vest the supervision of elections in a board.

Section 2-7 Council: Meetings

The council shall hold at least two regular meetings every month at such time and place as it may prescribe by ordinance, resolution or rules of the council. The mayor or any four councilmen may call special meetings. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection; but the council may hold executive sessions in the manner allowed by law. All actions of the

council shall be taken at public meetings. (Amended by Resolution 1591 §2, approved by voters October 3, 1989)

Section 2-8 Council: Absences to Terminate Membership

If the mayor or any member of the council shall be absent from four consecutive regular meetings of the council, the council may declare his office vacant; and his office shall be automatically vacated if he is absent from more than one-half of all regular meetings held within any six-month period.

Section 2-9 Councilmen: Removal

The mayor or any councilman may be removed from office for any cause specified by applicable state law, and in the manner prescribed thereby, or by recall as provided in this charter.

Section 2-10 Council: Vacancies

The council shall fill vacancies in its own membership, and in the office of mayor for the unexpired terms or until the vacancies are filled at elections as provided herein; provided that, if the number of vacancies is such that the council no longer has enough members to constitute a quorum, then the mayor or the remaining councilmen shall call a special election to fill the vacancies.

If a vacancy occurs before the beginning of a regular filing period for candidates for councilmen, and the unexpired term extends beyond the time when the terms of councilmen elected that year begin, then a mayor or councilman for that place shall be elected at the regular election of that year to serve the rest of the unexpired term beginning at the time the terms of councilmen elected that year begin.

Section 2-11 Council: Quorum, Rules, Yeas and Nays, Voting

A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council shall determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and shall be entered in the journal; provided that the council by rules or ordinance may require the vote on any or all questions to be by yeas and nays. A vote of at least a majority of all the councilpersons shall be required for the adoption of every motion. The mayor shall not have a vote except in the case of a tie. The mayor shall vote in the case of a tie. This amendment shall become effective on October 2, 1991. (Amended by Res. 1633, approved by voters Oct. 2, 1990)

Section 2-12 Ordinances: Enacting Clause

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Ketchikan, Alaska", and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Ketchikan, Alaska".

Section 2-13 Ordinances: Passage, When in Effect

A proposed ordinance shall be read, and a vote of a majority of all councilmen present shall be required for advancing to second reading. Before a vote on final passage, a proposed ordinance shall be read by title or in full, and a vote of a majority of all the councilmen shall be required for its final passage.

The mayor shall have the power to veto ordinances and resolutions passed by the council; provided that such

power is exercised at the meeting of the council at which the ordinance or resolution is finally passed. The mayor shall advise the council in writing no later than the beginning of the next regular meeting of his reasons for vetoing an ordinance or resolution. The council may finally pass an ordinance or resolution over the veto of the mayor at such meeting, whether or not the mayor submits his reasons. An affirmative vote of five members of the council shall be required to pass an ordinance or resolution which has been vetoed by the mayor, and the vote shall be by yeas and nays and shall be entered in the journal.

No ordinance except an emergency ordinance may be finally passed on the same day that it is introduced. Within ten days after its final passage without a veto or final passage over the veto of the mayor, as the case may be, every ordinance shall be published in full or by number and title with a brief summary. Emergency ordinances and ordinances making, repealing, transferring, or otherwise changing appropriations, shall go into effect immediately upon such final passage unless they specify a later time. All other ordinances shall go into effect one month after such final passage and publication unless they specify a later date.

Section 2-14 Ordinances: Emergency

An emergency ordinance is an ordinance which, in the judgment of the council, is necessary for the immediate preservation of the public peace, health or safety, and which should become effective before an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency. An affirmative vote of at least five members of the council shall be required for the final passage of an emergency ordinance.

Section 2-15 Ordinances: Adoption by Reference

The council by ordinance may adopt by reference, codes, ordinances, standards and regulations relating to matters which it has power to regulate otherwise. Such code, ordinance, standard or regulation so adopted need not be enrolled in the book of ordinances; but a copy shall be filed and kept in the office of the city clerk. The city clerk shall keep copies of all such codes, ordinances, standards and regulations in force for distribution or sale at their approximate cost.

Section 2-16 Ordinances: Codification

The ordinances of the city shall be codified and published in book or pamphlet form at least every ten years unless the council, by use of a loose-leaf system, provides for keeping the code up-to-date. Titles, enacting clauses and emergency sections may be omitted from the code; and temporary and special ordinances and parts of ordinances may be omitted. Permanent general ordinances and parts of ordinances which are to be repealed by the code, shall be omitted from the code. The ordinances and parts of ordinances included in the code may be revised, rearranged and reorganized; and the code may contain new matter, provisions of the state constitution and law applicable to the city, and this charter. The council by non-emergency ordinance shall adopt the code. A copy of the code shall be filed and kept in the office of the city clerk after adoption, but the code need not be enrolled in the book of ordinances.

Section 2-17 Financial Disclosures

The manager, candidates for elective city office, and elected city officers shall file statements giving income

sources and business interests under oath and on penalty of perjury. The statements shall be in a form prescribed by ordinance and shall contain substantially the same information, as may be adjusted for inflation, which the manager, candidates for elective city office, and elected city officers were required to disclose under the Alaska Public Officials' Financial Disclosure Act and regulations in 2006. Candidates for city elective office shall file the statements at the time of filing a nominating petition, declaration of candidacy, or other required filing for appointment or election to elective office. Elected city officials shall file current statements annually by a date set by ordinance. The manager shall file current statements within thirty days of taking office and annually thereafter by a date set by ordinance. All forms shall be filed with the city clerk and shall be made available to the public upon request and without deletions. City officers and candidates for city elective offices shall be exempt from the requirements of the Alaska Public Officials Financial Disclosure Law (Alaska Statutes 39.50) and any amendments thereto.

ARTICLE III. CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Section 3-1 City Manager: Appointment, Term, Qualifications, Removal

There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. He shall be chosen solely on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the city or state; but, during his tenure of office, he shall reside within the city. Neither the mayor nor any councilman may be appointed city manager during the term for which he shall have been elected. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

Section 3-2 City Manager: Powers and Duties

The city manager shall be chief administrative officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefore to the council. He shall:

- (1) Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote or remove, all directors, or heads, of administrative departments and all other administrative officers and employees of the city except personnel in the department of law; provided that the city manager or the council by ordinance may delegate this power and duty to directors, or heads, of departments and other administrative officers and agencies as regards their own subordinates;
- (2) Supervise and control all administrative departments, agencies, officers and employees, appointed by himself or by agencies and officers subordinate to him;
- (3) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which he deems desirable;
- (4) Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;
- (5) Keep the council advised of the financial condition and future needs of the city, and make recommendations on policy and other matters;
- (6) Have such other powers, duties and functions as this charter may prescribe, and such powers, duties and functions consistent with this charter as the council may prescribe.

Section 3-3 Department of Finance: Director, Duties

There shall be a director of finance, who shall be an officer of the city appointed by the city manager for an indefinite term, and who shall be director, or head, of the department of finance. Except as the council provides otherwise by ordinance, the director of finance shall collect or receive revenue and other money for the city, shall be responsible for its custody, safekeeping, deposit, investment, and disbursement, in

accordance with this charter and the ordinances of the city, and shall maintain a general accounting system for the city government. When reference is made by law or otherwise to city treasurer, it shall mean the director of finance unless the council by ordinance creates a separate office of city treasurer within the department of finance.

ARTICLE IV. OFFICERS AND EMPLOYEES

Section 4-1 Appointments, Removals, etc. – Merit System

A merit system is hereby established for personnel in the city service. Appointments and promotions in the service of the city shall be made on the basis of merit and fitness. Removals, demotions, suspensions, and lay-offs shall be made solely for the good of the service. The council, consistent with this charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration.

The council may enter into employment agreements with employee organizations. Such employment agreements may establish the terms of employment for all employees within any classification: And may provide for compulsory membership in the employee organization: And may establish a seniority system for the employees covered by the agreement, provided that the seniority system is supplemental to and not in derogation of the merit system established by this section. The council may enter into an agreement with the employee organization where disputes between the city and the employees may be submitted to binding arbitration. Nothing in this section authorizes or permits employees of the city to go on strike or engage in any other concerted cessation of work. The council by ordinance irrespective of any agreement may provide sanctions for employees on strike or engaged in any other concerted cessation of work. (Amended by Res. 977 §1, approved at a special election held November 14, 1973)

Section 4-2 Personnel Board Created

Commencing January 1, 1990, there shall be a personnel board consisting of five members appointed by the council for five year terms, provided the terms of members appointed after such date shall be such that the term of one member shall expire on January 1 in each of the succeeding five years, resulting in staggered terms for members subsequently appointed. A member may not hold any other office or position in the city government. The council, by a vote of at least five members, after adequate opportunity for a public hearing, may remove a member for the good of the service; and the vote shall be by yeas and nays and shall be entered in the journal. The council shall fill vacancies for unexpired terms.

At the time prescribed for the beginning of the term of a newly appointed member or as soon thereafter as practicable, the board shall elect a chairman, a vice chairman and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or two members may call special meetings.

The personnel board shall have power to subpoena officers and employees of the city and other persons to testify and to produce documents and other effects as evidence. (Amended by Resolution 1591 §2, approved by voters October 3, 1989)

Section 4-3 Classified and Unclassified Services

All officers and employees of the city shall be divided into the classified and unclassified service.

(1) The following shall constitute the unclassified service:

- (a) The mayor and councilmen, the municipal judge or judges if any, and one clerk or secretary of the municipal court if any;
 - (b) The city manager and all other personnel appointed, elected, approved or confirmed by the council; one principal assistant to the city manager if any; and one secretary to the city manager if any;
 - (c) Members and secretaries of boards, commissions and other plural authorities;
 - (d) All personnel who serve without compensation;
 - (e) All temporary, part-time or volunteer personnel except such as may be placed in the classified service by ordinance or personnel rules.
- (2) All other officers and employees shall be in the classified service; provided that, when the city has over 50,000 people as shown by any last preceding federal census, any of the following may be placed in the unclassified service by ordinance or personnel rules: The heads, or directors, of administrative departments; and one secretary for each such head, or director, who has a secretary.

Section 4-4 Removal, etc. – Hearing before the Personnel Board

The city manager or any other authority who lays off, suspends without pay, demotes or removes any officer or employee in the classified service after a probationary period of six months, shall, at that time or within two days thereafter, deliver, or have delivered, or mail by registered, certified or similar special mail, to the officer or employee a written statement of the cause or causes for the layoff, suspension, demotion or removal. Such officer or employee may appeal in writing to the personnel board. The appeal must be filed with the secretary of the board, or with the city clerk for transmittal to the board, within ten (10) days after receipt of notice of the layoff, suspension, demotion or removal (which appeal may thus be filed either before or after the time of effectiveness of the layoff, suspension, demotion or removal). As soon as practicable thereafter, the board shall hold a public hearing on the appeal, or give an adequate opportunity therefor, and shall report in writing its findings and recommendations, in cases of subordinates of the city manager, to the city manager, and in other cases to the respective authorities having power of removal; and the city manager or other authority having power of removal shall then make a final decision in writing regarding the appellant's layoff, suspension, demotion or removal, as the case may be; provided that, if the board finds to its satisfaction that the layoff, suspension, demotion or removal was made for a political, racial or religious reason or reasons, or for any other reason or reasons than the good of the service, it shall veto the layoff, suspension, demotion or removal, and the action of the city manager or other authority shall be nullified thereby.

Section 4-5 Qualifications of Officers and Employees

Officers and employees of the city shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for the mayor and councilmen.

Section 4-6 Nepotism, Holding More than One Office or Position

Except when chosen upon basis of competitive examination, neither the city manager, the council nor any

other authority of the city government, may appoint or elect any person related to the mayor or any councilman, to the city manager, or to himself, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government; but this shall not prohibit an officer or employee from continuing in the service of the city.

Except as may be otherwise provided by this charter or by ordinance, the same person may hold more than one office or position in the city government. The city manager may hold more than one such office or position, through appointment by himself, by the council or by other city authority having power to fill the particular office or position, subject to any regulations which the council may make by ordinance; but he may not receive compensation for service in such other offices and positions. Also the council by ordinance may provide that the city manager shall hold ex-officio any designated administrative office or offices subordinate to the city manager as well as other designated compatible city offices, notwithstanding any other provision of this charter.

Section 4-7 Official Bonds

The city manager, the director of finance, the city treasurer if separate from the director of finance, and such other officers and employees as the council may designate, before entering upon their duties, shall be bonded, by individual and/or group bonds, for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Section 4-8 Oath or Affirmation of Office

All officers of the city and such employees as the council may designate before entering upon the duties of their offices, shall take and subscribe to the oath or affirmation of office prescribed by the Alaska Constitution, Article XII, Section 5. The oath or affirmation shall be filed and kept in the city clerk's office.

Section 4-9 Who May Administer Oaths and Affirmations

All officers authorized by federal and state law, the mayor, the city clerk, the chairman of the personnel board, and such other officers as the council may authorize, may administer oaths and affirmations.

Section 4-10 Removal, etc., of Officers and Employees

The power to layoff, suspend, demote and remove officers and employees accompanies the power to appoint or elect them.

Section 4-11 Acting Officers and Employees

The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, disability or suspension of such officer or employee, or, in case of a vacancy, until a successor is appointed or elected and qualifies, unless the council provides by ordinance that a particular superior or subordinate of such officer or employee shall act.

Section 4-12 Officers to Continue until Successors are Elected or Appointed and Qualify

Every officer who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter

until his successor is elected or appointed and qualifies unless his services are sooner terminated by resignation, removal, disqualification, death, abolition of the office or other legal manner.

Section 4-13 Publicity of Records

All records and accounts of every office, department or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

ARTICLE V. BUDGET, TAXATION AND FISCAL AFFAIRS

Section 5-1 Fiscal Year

The fiscal year of the city government shall begin on the first day of January and shall end on the last day of December, unless otherwise provided by ordinance.

Section 5-2 Budget: Preparation and Submission

At least five weeks before the beginning of the fiscal year, the city manager shall prepare and submit to the council a proposed budget for the next fiscal year, which shall contain detailed estimates of anticipated revenues and proposed expenditures for the year. The total of such proposed expenditures shall not exceed the total of such anticipated revenues. The budget shall be in such form and have such contents as the council may require. The budget and any budget message accompanying it, shall be a public record in the office of the city clerk, and shall be open to public inspection. Sufficient copies of the budget and any budget message shall be made for distribution to persons on request.

Section 5-3 Same: Public Hearing

The council shall hold a public hearing on the proposed budget at least one week after a notice of the time of the hearing has been published; and any interested person shall have an opportunity to be heard thereat for or against the estimates or any item thereof. The council may continue the hearing at later meetings.

Section 5-4 Same: Amendment – Adoption – Appropriations

The council may insert, strike out, increase or decrease items in the budget, and may otherwise amend it. The council, by vote of at least a majority of its members, not later than the third day before the beginning of the fiscal year, shall adopt the budget and make the appropriations for the next fiscal year. If the council fails to adopt the budget and make the appropriations on or before that day, the budget, as submitted or as amended, as the case may be, shall go into effect and be deemed to have been finally adopted by the council; and the proposed expenditures therein shall become the appropriations for the next fiscal year. The appropriations, when made by the council by resolution or ordinance separate from the budget document, need not be in as great detail as the proposed expenditures in the budget; but appropriations shall never exceed the anticipated revenues in the budget.

Section 5-5 Same: Funds Other than the General Fund

The budget herein provided for shall include the general fund, and may also include other funds but in separate estimates. Budgets for other funds which are deemed to require formal budgeting, may also be prepared, considered, and adopted separately from the budget of the general fund.

Section 5-6 Transfer of Appropriation Balances

The council, by motion, resolution or ordinance passed by vote of a majority of all its members, may transfer unencumbered appropriation balances or parts thereof from any item of appropriation to any other item of appropriation, including new items, whether or not such other item is within the same department, office or agency.

Section 5-7 Taxation: Powers

The city shall have all powers of taxation which home rule cities may have under the state constitution and law.

Section 5-8 Same: Assessment, Levy and Collection of Property Taxes – Exemptions

The council by ordinance shall provide for the annual assessment, levy and collection of taxes on property. No exemptions from taxation except those expressly provided by law or ordinance, shall be allowed.

Section 5-9 Same: Private Leaseholds, etc., in Property Owned or Held by the United States, the State or Its Political Subdivisions

Private leaseholds, contracts, or interests in land or property owned or held by the United States, the state or its political subdivisions, shall be taxable to the extent of the interests.

Section 5-10 Same: Assessment – Equalization

The taxable status of property shall be determined as of the first day of January or such other date as may hereafter be prescribed by law or ordinance, which is called the assessment day. Values on the assessment rolls shall be determined according to the facts existing on the assessment day for the year for which the assessment is made, and no change in the status of property after that day shall be considered in determining its value. In determining such values, any standards of appraisal established by law or ordinance shall be followed. The council shall equalize valuations of property assessed; provided that the council by ordinance may delegate this power to a board created by ordinance, when not prohibited by law.

Section 5-11 Same: Lien on Real Property

The city shall have a first lien on all real property against which city taxes are assessed, for the taxes and any collection charges, penalties and interest which may accumulate thereto; and the lien shall continue until the taxes and any such charges, penalties and interest are paid.

Section 5-12 Same: Protection of Lien on Real Property

The city may protect its lien for taxes on real property by sale at tax sale, or by purchasing the real property at any tax sale or other public sale, or by direct negotiation with the owner, or in any other legal manner. Any such procedure shall be deemed to be for a public purpose. When the city has acquired an interest in real property to protect a tax lien thereon, the owner of any interest in such real property may redeem the same by paying the delinquent city taxes and all accrued charges, penalties and interest thereon, as provided by law or ordinance. After the city has held any tax-delinquent real property for such period as required by law, it may hold the same for public use or sell it. (Amended by Res. 95-1811 approved at 10/3/95 regular election)

Section 5-13 Same: Protection of Lien on Personal Property

City taxes on personal property shall be a debt to the city from the persons to whom they are assessed. If any person to whom such taxes are assessed fails or refuses to pay the taxes, such taxes, and accrued charges, penalties and interest may be collected by a personal action in the name of the city against the person to whom assessed in a court of competent jurisdiction, or by distraint and sale of any personal property of the person assessed. Neither of the remedies herein given shall be exclusive of the other or of any remedy

provided by law.

Section 5-14 Disbursements: Authority – Method

Disbursements of city funds shall be made only in accordance with appropriations made as provided in this charter, or, in case of funds which are not formally appropriated, then by authority granted by the council or by the qualified voters of the city. The council shall prescribe the method or methods of disbursing city funds.

Section 5-15 Deposit and Investment of Funds

The council shall regulate the deposit and investment of city funds, and shall determine what funds of the city may be invested. City funds may be invested only in the following: General-obligation bonds and other general-obligation evidences of indebtedness of the United States, of the State of Alaska, of other states of the United States, of this city, of other cities of this state, and of boroughs of this state; and such other securities as may be authorized by law.

Section 5-16 Purchases and Sales

The city manager, subject to any regulations which the council may prescribe, shall contract for and purchase or issue purchase authorizations for, all supplies, materials and equipment for the offices, departments and agencies of the city government. Every such contract or purchase exceeding an amount to be established by ordinance, shall require the prior approval of the council. The city manager also may transfer to or between offices, departments and agencies, or sell surplus or obsolete supplies, materials and equipment, subject to such regulations as the council may prescribe.

Before the contract for or purchase, sale, or lease of, any services, supplies, materials, equipment, or other personal property, or the sale or lease of any real property owned by the city, ample opportunity for competitive bidding, under such regulations, and with such exceptions, as the council may prescribe, shall be given; but the council shall not except a particular contract, purchase, sale, or lease from the requirement of competitive bidding unless:

- (a) It does so in the manner provided in Section 5-17(2) of this charter with the additional requirement that an affirmative vote of at least five members of the council shall be required for the final passage of an ordinance excepting a particular contract, purchase, sale, or lease: or
- (b) By emergency ordinance, as provided in Section 2-14 of this charter.

The council by ordinance may transfer some or all of the power granted to the city manager by this section to an administrative officer appointed by the city manager. (Amended by Res. 973 §1, approved at a special election held November 13, 1973)

Section 5-17 Contracts and Sales

- (a) Any contract which by its terms will not be fully executed within five years and which cannot be terminated by the city upon not more than one month's notice without penalty; and (b) the sale or lease of any city property, real or personal, or the sale or other disposal of any interest therein, the value of which property, lease, or interest is more than \$30,000.00, shall be made only:

- (1) By authority of an ordinance approved or enacted at an election by an affirmative vote of a majority of the qualified voters of the city who vote on the question of approving or enacting the ordinance (the ordinance being submitted to the voters by the council or by initiative of the voters); or
- (2) By authority of a non-emergency ordinance passed by the council, which shall be published in full within ten days after its passage, and which shall include a section reading substantially as follows:
"Section _____. If one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect one month after its passage and publication."

Provided that an entire public utility belonging to the city may be sold or leased only by authority of an ordinance approved or enacted as provided in subdivision (1) above in this section.

Section 5-18 Public Improvements

Public improvements, including local improvements, may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the city manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. Except as provided hereinafter, every contract for public improvements of more than \$50,000 shall be awarded to the lowest and best responsible bidder after such notice and opportunity for bidding as the council may prescribe. The council may, by non-emergency ordinance and upon a finding that it is in the best interests of the city, establish exceptions to the notice, bidding and award provisions of this section provided that any such exception is not based solely upon the amount of the contract. Contracts for public improvement which exceed \$5,000, but which do not exceed \$50,000 may be awarded by solicitation for written quotations made to at least three contractors. All bids may be rejected, and further notice and opportunity for competitive bidding may be given. (Amended by Resolution 93-1727 §2, approved by voters October 5, 1993)

Section 5-19 Personal Interest

Subject to all other applicable Charter provisions and city ordinances, the mayor, any councilperson, or any city employee may sell to, barter with, or buy from the city only as provided below:

- (a) Sales to the city:
 - (1) A sale to the city for \$500.00 or less is permitted if it is at a price prevailing in the community.
 - (2) A sale to the city at any price is permitted if:
 - (A) at least three (3) written quotes are presented to the council and the council selects the quote which is the most advantageous to the city; or

(B) an invitation to bid is published requesting sealed bids and the city selects the bid which is the most advantageous to the city.

(b) Purchase from the city:

(1) Purchase from, or barter exchange with, the city for \$500.00 or less or equivalent value is permitted if it is at a price or rate prevailing in the community and such purchase or exchange is offered to the public; or

(2) Purchase from or barter exchange with the city for any amount or equivalent value is permitted if an invitation to bid is published requesting sealed bids and the city selects the bid which is the most advantageous to the city. (Amended by Res. 1633, approved by voters October 2, 1990)

Section 5-20 Claims for Injuries

(a) In order to safeguard and preserve public funds and to avoid unnecessary litigation, no civil action shall be commenced against the city nor shall the city be liable for any claim until and unless the claimant shall serve or cause to be served upon an officer of the city upon whom process may be served, a written notice stating that the claimant intends to hold the city liable for such claims. Such written notice shall set forth substantially the nature and extent of the claim, the time and place it arose, the manner in which it occurred, the names, addresses, and telephone numbers of all known witnesses and persons having knowledge of any information in any way pertaining to the claim, and a description of all known evidence pertaining to the claim and location of such evidence. Such written notice of claim shall be verified by the claimant or the person submitting such written notice on behalf of the claimant, and shall be presented to the council for action except as provided in subsection (b) below.

(b) The authority to settle and compromise, or to deny, certain claims against the city which are presented in the manner provided for in subsection (a) above is hereby given and delegated to the city manager. Such claims shall be as designated by ordinance of the council. (Amended by Resolution 1591, §2, approved by voters October 3, 1989: Ord. 904 §1, 1978)

Section 5-21 Independent Annual Audit

The council shall designate a qualified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the council and to the city manager within four months. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

ARTICLE VI. BORROWING

Section 6-1 General-Obligation Bonds, etc.

The city shall have power to borrow money and to issue its general-obligation bonds or other such evidences of indebtedness therefore but only when authorized by the council for capital improvements and ratified at an election by a majority of those qualified to vote and voting on the question. General-obligation evidences of indebtedness may also be secured by revenues from a revenue-producing utility or enterprise when they are issued for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement and/or equipment of the said utility or enterprise, and/or by other designated funds or revenues specifically pledged for payment of principal and interest thereon. Capital improvements as used hereinabove may also include a part or all of the city's share of the cost of a public improvement of which a part is to be paid by benefited property. Construction warrants may be issued following bond issue approval, and pending sale of the bonds.

The restrictions of this section do not apply to borrowing money to meet appropriations for a particular fiscal year, nor to indebtedness to be paid from special assessments to be made on benefited property, nor to refunding indebtedness.

Section 6-2 Borrowing to Meet Appropriations

The city shall have power to borrow money to meet appropriations for any fiscal year in anticipation of the collection of revenues for that year, when authorized by the council, and without submitting the question to the voters. The total of such indebtedness shall never exceed 25% of anticipated revenues of that year. All debts so contracted shall be paid before the end of the next fiscal year.

Section 6-3 Revenue Bonds, etc.

The city shall have power to borrow money and to issue revenue bonds or other such evidences of indebtedness therefore the principal and interest of which are payable solely out of, and the only security of which is, the revenues of a revenue-producing utility or enterprise; but only when authorized by the council for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement, and/or equipment of the said utility or enterprise, and ratified at an election by a majority of those qualified to vote and voting on the question. Construction warrants may be issued following the ratification of a bond issue under this section and pending sale of the bonds.

Section 6-4 Use of Unexpended and Unencumbered Balances

Every bond or other evidence of indebtedness shall contain a statement of the purpose for which it is issued, and the proceeds thereof shall not be used for any other purpose, except that, whenever any proceeds of an issue remain unexpended and unencumbered for the purpose for which issued, the council shall authorize the use of such unexpended and unencumbered funds only for the following purposes, which are listed in descending order of priority:

- (1) for the retirement of such issue;
- (2) if such issue has been fully retired, then for the retirement of other bonds or obligations of the city;

(3) if there are no other bonds or obligations of the city outstanding, then for any purpose determined by the council.

Section 6-5 Voiding Authorization of Bonds, etc.

The council, by resolution or ordinance, may void the authorization of any unsold bonds or other evidences of indebtedness at any time. If any bonds or other evidences of indebtedness are not sold within ten years after authorization, such authorization shall be void as to the bonds or evidences of indebtedness which remain unsold. Nothing in this section shall be deemed to require the sale, at the same time nor in the same series, of all bonds or other evidences of indebtedness authorized.

Section 6-6 Council to Have Power to Regulate

The council shall have power to regulate the indebtedness of the city and the issuance of bonds and other evidences of indebtedness, regardless of type or purpose, including general-obligation, revenue, special-assessment, refunding and other, subject only to the limitations imposed by the state constitution and law and this charter.

ARTICLE VII. LOCAL PUBLIC IMPROVEMENTS

Section 7-1 City May Make Public Improvements – How Cost May be Paid

The city shall have the power to make public improvements, including local improvements, within the city and to the extent authorized by law, ordinance or this charter, outside the city.

The cost of a public improvement may be paid wholly by the city, or partly by the city and partly by benefited property, or wholly by benefited property, as the council may determine. Said cost or part thereof to be borne by benefited property may be assessed by special assessment upon the benefited property.

Section 7-2 Local-Improvement Procedure

The council may begin procedure for local improvements either on its own initiative or upon receipt of a petition. The council shall prescribe by ordinance complete special-assessment procedure, including re-assessment procedure, for local improvements and for agreements for furnishing capital improvements and the extension thereof in lieu of assessment.

Section 7-3 Special Assessment to Be in Proportion to Benefit-Appportioning

Any special assessment for local improvements against property benefited thereby shall be in proportion to, and shall not exceed, the value of the benefit from the local improvement. The council shall establish the method of apportioning and assessing the cost of such improvements upon benefited property.

Section 7-4 Protests

If protests as to the necessity for any local improvement are made by the owners of benefited property which will bear fifty percent or more of the estimated cost of the improvement, the improvement shall not proceed until the protests have been reduced so that the property of those still protesting shall not bear fifty percent of the said estimated cost of the improvement, except upon approval of the council by a vote of at least six members.

Section 7-5 Limitations on Suits and Actions

No special-assessment procedure shall be contested by any action at law or in equity unless commenced within the period prescribed by law after the confirmation of the special assessment roll therefore. If no such action be so commenced, the procedure for such local improvement shall be conclusively presumed to have been regular and complete. (Amended by Resolution 1591, §2, approved by voters October 3, 1989)

Section 7-6 Lien for Special Assessments

The city shall have a first lien upon all real property against which special assessments are assessed, for the special assessments and any collection charges, penalties and interest which may accumulate thereto; and the lien shall be of the same character, effect and duration, and shall be enforceable in the same manner, as the lien for city taxes.

Section 7-7 All Real Property Liable for Special Assessments

All real property, including such as is exempt from taxation in accordance with law, shall be liable for the cost

of local improvements assessed in accordance with this article unless specifically exempted from special assessments by law.

Section 7-8 All Real Property Liable for Special Assessments

If the City constructs a new public library after the effective date hereof, the library shall be located on property anywhere within the city limits of the City of Ketchikan, and the location of the library is not restricted to city-owned property or to any specific area bordered by certain streets. (Amended by Resolution No. 10-2336, §2, approved by voters on August 24, 2010)

ARTICLE VIII. PUBLIC UTILITIES AND ENTERPRISES

Section 8-1 City-Operated Utilities and Enterprises – Separate Funds – Accounting

The city-operated water system, electric system and telephone system are public utilities, and shall be operated in a businesslike manner. Notwithstanding any other provision in this charter, the council may appoint a utilities manager for an indefinite term, to manage the public utilities, and may by ordinance prescribe the powers, duties and functions of such manager, including such as would otherwise be those of the city manager. The council may suspend or remove the utilities manager at any time by a majority vote of all its members. Said public utilities and such other public utilities and enterprises as the council may require, shall be operated from a fund or funds separate from the general fund. An accounting system for each such fund shall be established within the general accounting system of the city, and shall be so set up and maintained as to reflect the financial condition of the enterprise or enterprises and its or their income and expense. A balance sheet and statement of income and expense (profit and loss) shall be made for each such fund annually and as often as the council may require.

None of the income, money, resources or property of the water system, electric system or telephone system, shall be placed in the general fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received in return; provided that this shall not prohibit payment into the general fund by such utilities of an amount in lieu of taxes reasonably estimated to be the amount which said utilities would pay in taxes if they were privately owned.

No public utility or enterprise not in existence at the time of adoption of this charter, shall be established by the city unless first approved by a majority of the qualified voters voting on the question.

The council by ordinance, after opportunity for a public hearing, shall fix, and may change, rates to be charged for public-utility services. (Amended by Resolution 1591 §2, approved by voters October 3, 1989)

Section 8-2 Franchise: Defined – Granting

A franchise is a contract between the city and a person providing for the person to furnish a public utility service to the city and its inhabitants and permitting the person to use the streets, alleys, bridges, easements and other public places of the city in the furnishing of the public-utility service.

A franchise may be granted to a person, extended, renewed or amended only by an ordinance accepted as provided hereinbelow by the person to whom the franchise is granted, passed by the council, and approved at an election by a majority of the qualified voters voting on the question. After introduction, a copy of the ordinance in its final form must be in the office of the city clerk and subject to public inspection for at least one month before it is passed. Before passage, the council shall hold a public hearing thereon, a notice of which must have been published at least one week prior to the hearing. Also before passage, the applicant must file with the city clerk his unconditional acceptance of all terms of the franchise, and if a special election is to be held for the purpose, must pay to the department of finance of the city an amount of money estimated by the city clerk to be adequate to pay all expenses of holding such election. If any balance remains after all

such expenses have been paid, it shall be repaid to the grantee.

Section 8-3 Same: Terms and Conditions

No franchise shall be granted by the city for a term exceeding thirty years, and every franchise shall contain a provision requiring the franchise to take effect within one year after the voters approve the ordinance granting it. Franchises may include provisions for fixing utility rates and charges, and may provide for readjustments thereof; but the terms of a franchise shall not limit the power of the city to regulate such rates and charges. With respect to any franchise granted after this charter goes into effect, whether or not provided in the franchise, the city may:

- (1) Terminate the franchise for the violation of any of its provisions, for the misuse or nonuse thereof, or for the violation of any regulation imposed by this charter or by ordinance;
- (2) Require proper and reasonable extension of plant and facilities and the maintenance thereof at the highest practicable standard of efficiency;
- (3) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service and rates;
- (4) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (5) Impose other regulations determined by the council to be conducive to the health, safety, welfare or convenience of the public;
- (6) Require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, easements and other public places, by the city and by other public utilities, insofar as such joint use may be reasonably practicable, and upon payment of reasonable rental therefore; and in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore;
- (7) Require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges, easements and other public places, that arises from its use thereof, and to protect and save the city harmless from all damages arising from such use; and
- (8) Require the public utility to file with any designated city officer or officers reports concerning the utility and its financial operation and status, and such drawings and maps of the proposed location or location and nature of its facilities as the council may request; and require the public utility to permit designated city officers to inspect its books and other records.

Section 8-4 Same: Sale or Assignment

The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the council gives its consent. Nothing in this section shall limit the right of the grantee to mortgage his property or

franchise, nor shall it restrict the rights of the purchaser, upon foreclosure sale, to operate the same; but such mortgagee or purchaser shall be subject to the terms of the franchise, the provisions of this charter and the ordinances of the city.

Section 8-5 Same: Sale or Assignment

The City of Ketchikan, Alaska shall have the power and authority to sell the telecommunications division of Ketchikan Public Utilities and related property, rights and interests, at a price that equals or exceeds the fair market value, as determined by Falkenberg Capital Corporation and approved by the City Council. (Amended by Resolution No. 2311, §2, approved by voters on April 6, 2010)

Section 8-6 Same: Sale or Assignment

In the event that the sale of the telecommunications division of Ketchikan Public Utilities and related property, rights and interests is approved by the voters, the net proceeds of the sale shall be placed in a separate fund called the Utility Rate Stabilization Fund. The principal of the Fund may be expended only for public electric or water utility purposes. The Council shall, by ordinance, provide for the investment of the principal, the payment of principal expended for utility purposes, and the expenditure for utility purposes of income from the investment of the principal. (Amended by Resolution No. 2312, §2, approved by voters on April 6, 2010)

ARTICLE IX. MUNICIPAL COURT

Section 9-1 Minor-Violations Bureau

The council by ordinance may create a minor-violations bureau with authority to dispose of cases arising out of designated minor violations of ordinances, such as minor traffic and parking violations, when the accused waives his right to be heard in court, pleads guilty, and pays fines and costs. (Amended by Resolution 1591, §2, approved by voters October 3, 1989)

Section 9-2 Penalties

The council by ordinance shall have the power to prescribe the punishment for violations of the charter and ordinances of the city. In addition the council may prescribe impoundment and forfeiture of property to the extent permitted by law. The council may provide for the suspension or revocation of a permit or license issued by the city when the permittee or licensee is convicted of violating any provision of law or ordinance relating to the privilege, action, business, profession, trade, other vocation or anything for which the permit or license was issued. (Amended by Resolution No. 02-2037, approved by voters October 1, 2002; previously amended by Resolution 93-1736, approved by voters October 5, 1993)

Section 9-3 Pardons, Paroles and Commutations

The mayor shall have power to pardon or to parole any person convicted of a violation of this charter or of any ordinance, and to commute sentences therefore. The council shall have power to regulate and to limit the power granted by this section.

ARTICLE X. ELECTIONS

Section 10-1 Annual Elections – Time

There shall be no primary election, but only a general election, herein also called regular election, for the election of the mayor and councilmen. Such election shall be held on the first Tuesday in October every year.

Section 10-2 Three-Year Terms – Election at Large – Nonpartisan Elections

At the regular election in 1960, two councilmen shall be elected; and at the regular election in 1963, and each three years thereafter, three councilmen shall be elected. At the regular election in 1961, and each three years thereafter, a mayor and two councilmen shall be elected. At the regular election in 1962, and each three years thereafter, two councilmen shall be elected.

The mayor and councilmen shall be elected for terms of three years, and shall serve thereafter until their respective successors are elected and qualify; provided, that if fewer councilmen are elected and qualify in any year then provided for in this section (because of failure of other candidates to file or for other cause), then lots shall be cast in a meeting of the council and under its direction to determine which of the councilmen whose terms are about to expire shall continue to serve.

The terms of office of the mayor and councilmen shall begin no later than the second Monday after their election.

The mayor and councilmen shall be elected at large, by the qualified voters of the entire city, by secret ballot. The election shall be nonpartisan, and no party designation or emblem shall be placed on the ballot. (Amended Res. 2784, approved by voters October 6, 2020)

Section 10-3 Filing

Any qualified person may have his or her name placed on the ballot for the election as a candidate for mayor or councilperson by filing a petition with the city clerk, signed by at least 10 qualified voters of the city and a sworn statement of his or her candidacy, during the filing period August 1 through August 25, at 5:00 p.m. prior to the next regular election. Should August 25 be a Saturday or a Sunday, then candidates shall have until noon on the first Monday following to file their petition. Notwithstanding any other provision in this charter, no person shall be eligible to serve more than three (3) terms consecutively as a councilmember or more than three (3) terms consecutively as mayor. Election to serve the unexpired portion of a term shall be considered a full term for purposes of such limitations, however, the period served after appointment to a vacancy prior to an election to fill such vacancy shall not be considered a term for purposes of the limitations provided in this section. If an office is to be filled for an unexpired term at a special election, nominating petitions shall be provided by the city clerk not later than 60 days prior to the special election and must be filed not later than 30 days before the special election. The petition may have been circulated and filed by the candidate or by one or more qualified voters other than the candidate. (Amended Ord. 1948, approved by voters Oct. 4, 2022; Amended Res. 2394, approved by voters Oct. 4, 2011; Amended Res. 1934, approved by voters Oct. 5, 1999; Amended Res. 1631 and Res. 1633, approved by voters Oct. 2, 1990; Ord. 783, 1973)

Section 10-4 Voting – Who Elected

Every qualified voter of the city shall be entitled to vote for one candidate for each office to be filled at an election. On the ballots between the title of the office and the names of the candidates, shall be placed the instruction “Vote for...(one, two, three)”, as the case may be. A voter may also write in the name of, and vote for, a person whose name does not appear on the ballot. The candidate for mayor receiving the greatest number of votes shall be elected. The two or three candidates for councilman, depending on the number to be elected, receiving the greatest number of votes shall be elected. In case of a tie, the election shall be determined fairly by lot from among the candidates tying, in a meeting of the council and under its direction.

Section 10-5 Filling Vacancies at Elections

When a mayor and/or councilman or councilmen are being elected to fill a vacancy or vacancies for the unexpired term or terms, the provisions of this charter shall apply as in the election of a mayor and councilmen for regular terms, insofar as applicable. The phrase “for one-year term”, “for two-year term”, and/or “for regular three-year term”, as the case may be, shall be placed after the titles of the offices on the ballots as necessary to identify the places on the council being filled at such election.

Section 10-6 Council to Be Judge of Election and Qualifications of Its Members

The council shall be the judge of the election and qualifications of its own members and the mayor, subject to judicial review as may be provided by law.

Section 10-7 Qualified Voter Defined

Every qualified voter as defined in Article V of the Alaska Constitution, who resides within this city, shall be entitled to vote in any election and on any city question thereat; provided that such qualified voter must also possess any other qualifications prescribed by or in accordance with law or ordinance for voting on bond issues before he shall be entitled to vote on bond issues.

Section 10-8 Political Activity of Officers and Employees

No officer or employee of the city except the mayor and councilmen may work for or against, or attempt to influence, the election or defeat of any candidate for mayor or councilman, or the recall of the mayor or any councilman; provided that this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote. Any person who violates this section, shall be punished, upon conviction thereof, by a fine not exceeding fifty dollars and costs. Such violation shall constitute cause for removal from office or employment; and if the regular removal authority has not already removed a person who violates this section, he shall be automatically removed by the said conviction of violating this section.

Section 10-9 Calling Special Elections – Questions Submitted at Elections – Notice

The council, by resolution or ordinance, may call, or may authorize the mayor by proclamation to call, special elections and submit questions thereat. In the same manner, other questions may be submitted to the voters at a special election or at a regular election. Questions may also be submitted at elections as provided in other sections of this charter. The city clerk shall publish in full every charter amendment and every ordinance and every other question which is to be submitted to the voters at an election for approval or enactment, except a referred ordinance which was published in full after passage, not more than six weeks

and at least three weeks before the election at which it is to be submitted.

Section 10-10 Canvassing Returns – Certificates of Election

The council shall canvass the returns of all city elections, regular and special, and shall ascertain and declare the results thereof; provided that the council may delegate this function to a board created by ordinance. The city clerk shall promptly prepare, sign and issue certificates of election, sealed with the seal of the city, to all persons elected to office.

Section 10-11 Laws to Govern Elections When

The provisions of law applicable to city elections, shall govern elections of this city insofar as they are applicable, and are not superseded by this charter or by ordinance.

ARTICLE XI. INITIATIVE, REFERENDUM AND RECALL

Section 11-1 Initiative and Referendum: Authorized – Exceptions

The qualified voters of the city, by the initiative, may propose and enact any ordinance which the council has power to enact under this charter except as otherwise provided in this section. The qualified voters of the city, by the referendum, may approve or reject any ordinance passed by the council except as otherwise provided in this section.

Ordinances dedicating revenues, ordinances making, repealing, transferring, or otherwise changing appropriations, ordinances creating courts, defining the jurisdiction of courts or prescribing their rules, and special ordinances, shall not be subject to either the initiative or the referendum. Ordinances granting, extending or renewing franchises for public utilities shall not be subject to the initiative. Ordinances necessary for the immediate preservation of the public peace, health or safety (herein called emergency ordinances), shall not be subject to the referendum.

Section 11-2 Petitions

An initiative petition or a referendum petition shall contain a copy or summary of the ordinance initiated or sought to be referred; provided that, if a summary only is included in an initiative petition, at least three copies of the proposed ordinance shall be filed in the city clerk's office and shall be open to public inspection. A copy of the petition shall be filed with the city clerk before copies are circulated for signatures. The petition shall then be signed by a number of qualified voters of the city equal at least to twenty-five percent of the total votes cast at the immediately preceding regular city election. An initiative petition with sufficient signatures must be filed within one month after the copy was originally filed as hereinabove provided. A referendum petition with sufficient signatures must be filed within one month after passage and publication of the ordinance sought to be referred. When a referendum petition with signatures is thus filed, the ordinance sought to be referred shall not go into effect until the petition is finally found to be illegal and/or insufficient, or, in case the petition is found to be legal and sufficient, until the voters approve the ordinance as provided below in this article. Each copy of an initiative or a referendum petition filed must bear an affidavit signed by the qualified voter who circulated the copy stating that each of the signers who signed the copy signed it in his presence, that he believes that each has stated his name and address correctly, and that he believes each signer is a qualified voter of the city. Within one month after the petition is filed, the city clerk, with such assistance from the city attorney as he deems necessary, shall ascertain whether the petition is legal and has sufficient signatures, and shall certify his finding. His finding shall be subject to judicial review.

Section 11-3 Ballot Title and Proposition – Submission

If an initiative or a referendum petition is found to be legal and to have sufficient signatures, the city clerk, with such assistance from the city attorney as he deems necessary, shall prepare the ballot title and proposition for the ordinance. The city clerk shall place the question on the ballot for the next regular or special city election held not less than two months after final determination of the legality and sufficiency of the petition. The council by resolution or ordinance may call, or authorize the mayor by proclamation to call, a special election for the purpose. If, in the case of an initiative petition, the council, at least one month before

the election, enacts an ordinance substantially the same as the one in the petition, the petition shall be void.

Section 11-4 Vote Required – Effect

If a majority of the votes cast on the proposition favor the enactment of an initiated ordinance, it shall be enacted; provided that, if the proposition is submitted at a special election, the number of votes cast at the election must be at least 50% of the number of the votes cast at the last regular municipal election. If at least as many votes are cast for the approval of a referred ordinance as are cast against it, it shall be approved and go into effect; otherwise it shall be rejected. The council may not, within two years after the election, repeal an initiated ordinance which has been enacted, but may at any time pass a non-emergency ordinance amending it by the same vote required for the passage of an emergency ordinance. If two or more initiated or referred ordinances which have conflicting provisions are enacted or approved at the same election, the one receiving the largest affirmative vote shall prevail.

Section 11-5 Charter Provisions Self-Executing – Further Regulation by Ordinance

The provisions of this charter relating to the initiative and referendum shall be self-executing, but the council by ordinance may further regulate the procedures for the initiative and referendum.

Section 11-6 Recall

All incumbents of elective offices of the city, including persons chosen to fill vacancies in such offices, shall be subject to recall from office by the qualified voters of the city. Procedures and grounds for recall shall be such as may be prescribed by law. The council by ordinance may further regulate the recall insofar as such regulation is not in conflict with the state constitution or law.

**ARTICLE XII.
INTERGOVERNMENTAL RELATIONS**

Section 12-1 Cooperation with Other Units of Government – Transfer of Powers and Functions

Agreements, including those for cooperative or joint administration of any function or power, may be made by the council with any other local government, with the state, or with the United States, unless otherwise provided by law or by this charter. The council may transfer to the borough in which this city is located any of the city's powers and functions unless prohibited by law or this charter, and may in a like manner revoke the transfer. Such agreement for cooperative or joint administration of any function or power, or such transfer of any power or function to the borough, or the revocation of any such transfer, shall be made only by a nonemergency ordinance or by authority of such ordinance. The ordinance shall be published in full within ten days after its passage, and shall be subject to referendum procedures as provided in this charter if a legal and sufficient referendum petition is properly filed. Procedures for making contracts prescribed in any other section of this charter shall not apply to agreements made pursuant to this section. (Amended by Resolution 1591, §2, approved by voters October 3, 1989)

**ARTICLE XIII.
AMENDMENT AND SEPARABILITY OF CHARTER**

Section 13-1 Amendment of Charter: Proposal, Approval

Proposals to amend this charter may be made in either of the following ways: (1) The qualified voters of the city, by initiative petition, may initiate amendments to this charter in the same manner, as nearly as may be, as they may initiate ordinances; and (2) the council by resolution or ordinance may propose, and submit or provide for the submission of, charter amendments to the qualified voters of the city. A charter amendment initiated by petition of the qualified voters shall be submitted to the qualified voters at a regular or special election in the same manner as an initiated ordinance and subject to the same regulations, as nearly as may be. A charter amendment proposed by the council may be submitted to the qualified voters of the city at any regular or special election held not less than two months after passage of the said resolution or ordinance. Any amendment thus submitted to the qualified voters, shall become effective upon approval by a majority of the qualified voters who vote on the question. If more than one amendment should be proposed, all of them except those which are so interrelated that they should be approved or rejected together, shall be submitted in such manner that the voters may vote on them separately. A copy or copies of every charter amendment approved by the qualified voters, shall be filed as may be required by law. A new charter may be proposed and approved in lieu of this charter in the same manner as an amendment to this charter may be proposed and approved.

It is hereby recognized that the manner of adoption, amendment and repeal of home-rule charters may be regulated by law; and any binding provision of the state constitution or law regulating such manner shall prevail over any conflicting provision of this charter or of any ordinance.

Section 13-2 Separability Clause

If a court of competent jurisdiction should hold any section or part of this charter invalid, such holding shall not affect the remainder of this charter nor the context in which such section or part so held invalid may appear, except to the extent that another part of the charter may be inseparably connected in meaning and effect with that section or part.

If a court of competent jurisdiction holds a part of this charter invalid, or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly.

ARTICLE XIV. SUCCESSION IN GOVERNMENT

Section 14-1 Charter – When in Effect

This charter shall go into effect upon approval by an affirmative vote of a majority of the qualified voters who vote on the question of approval, and the government provided by it shall be deemed a continuation of the government existing previously under law.

Section 14-2 Officers and Employees to Continue

The incumbents of the offices of mayor, councilmen, city manager, city clerk-treasurer, chief accountant of public utilities, and all other offices and positions of employment (including members of boards and commissions), under the statutory government of this city at the time this charter goes into effect, shall continue in their respective offices and positions of employment under this charter until their respective terms expire or until their services are terminated in accordance with the provisions of this charter and ordinances relating to the creation, change and abolition of offices and removal of officers and employees, as the case may be. The compensation of all officers and employees shall continue at the same rates after this charter goes into effect until changed in accordance with this charter.

As soon as practicable after this charter goes into effect, the council shall appoint the seventh councilman to serve until his successor is elected at the next regular election and qualifies, which successor shall serve for the rest of the term ending in 1963.

Section 14-3 Ordinances Continued

All ordinances, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitations.

Section 14-4 Pending Actions and Proceedings

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency or officer thereof.