

## TITLE I - GENERAL PROVISIONS

### Chapters:

- 1.01 General Provisions
- 1.02 Ordinances
- 1.03 Resolutions and Technical Codes
- 1.04 City Information
- 1.05 (Reserved)

## CHAPTER 1.01 GENERAL PROVISIONS

### Sections:

- 1.01.010. Code cite and designation.
- 1.01.020. Definitions.
- 1.01.030. Effect of repeal of ordinances.
- 1.01.040. Severability.
- 1.01.050. General penalty.
- 1.01.060. Violations of laws of Alaska.
- 1.01.070. Changes to code.
- 1.01.080. Distribution.
- 1.01.090. Incorporating changes into the code.
- 1.01.100. Time ordinances take effect.
- 1.01.110. Grammatical interpretation.

### **1.01.010. Code cite and designation.**

The ordinance in the following Chapters and sections shall be called the Code of Ordinances of the City of Manokotak, Alaska.

### **1.01.020. Definitions.**

The following definitions apply to the following words or terms used in this Code unless the plain meaning requires otherwise:

1. "City" means the City of Manokotak;
2. "Clerk" means the City clerk;
3. "Code" means the Code of Ordinances of the City of Manokotak, Alaska;
4. "Council" means the City Council of Manokotak;
5. "Person" means a corporation, company, partnership, firm, association, organization, business, trust, or society, as well as natural person.
6. "Publish" means appearing at least once in a newspaper of general circulation distributed within the City, or if there is none, posting in three public places in the City for at least five days;
7. "State" means the State of Alaska;
8. "Treasurer" means the City treasurer;
9. "Voter" means a United States citizen who is qualified to vote in state elections, has been a resident of the City for 30 days immediately preceding the election, is registered to vote in state elections, and has not been convicted of a felony unless that citizen's civil rights have been restored.

### **1.01.030. Effect of repeal of ordinances.**

For any ordinance, which has been repealed, a violation of that ordinance which occurred before its repeal is enforceable as if the ordinance had not been repealed, and any rights or remedies existing at the time of the ordinance's violation are preserved to anyone claiming them.

**1.01.040. Severability.**

Every ordinance or Chapter of this Code which does not contain a severability clause shall be read as though it contains the following severability clause: "If any part of this Code is invalidated, the remainder which is not invalidated is valid."

**1.01.050. General penalty.**

- A. Every act prohibited by ordinance of this City is unlawful. Unless another penalty is expressly provided, every person convicted of a violation of any provision of this Code, or by any rule or regulations adopted or issued thereby, shall be punished by a fine of not more than \$500 or thirty (30) days in jail, or both, or upon approval of the Council, persons may perform community service work at the rate of \$10.00 per hour in lieu of fines until enough hours have been served to equal the amount of the fine levied. Each act of violation and every day upon which such violation occurs constitute a separate offense.
- B. The penalty provided by this Section shall apply to any amendments to this Code, whether or not such penalty is re-enacted in the amendment ordinance, unless another penalty is expressly provided.

**1.01.060. Violations of laws of Alaska.**

Violations of state law shall be violations of this Code, except where the State has exclusive jurisdiction of the offense.

**1.01.070. Changes to code.**

- A. All ordinances passed after the adoption of this Code shall be numbered according to the numbering system of this Code.
- B. Repealed provisions of this Code shall be excluded from the Code. The provisions to be repealed must be specifically repealed by section or Chapter number.
- C. Amendments to this Code shall be made by specific reference to the section number and Chapter number so amended.
- D. If a new Chapter or section is to be added to this Code, specific reference to the new section number and new Chapter number shall be made.

**1.01.080. Distribution.**

This Code shall be made available to the public. The cost of reproducing all of parts of this Code may be charged to anyone requesting copies. A copy of this Code shall be furnished to any court as needed or upon its request.

**1.01.090. Incorporating changes into the code.**

Changes to this Code shall be typed and included within this Code within ninety (90) days after passage.

**1.01.100. Time ordinances take effect.**

Every ordinance takes effect upon adoption by the Council unless otherwise stated in the ordinance.

**1.01.110. Grammatical interpretation.**

The following grammatical rules apply to this Code:

1. Any gender includes the other gender;
2. The singular number includes the plural and the plural includes the singular;
3. The present tense includes the past and future tenses, and vice versa, unless clearly inappropriate;
4. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language;
5. Common words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

## CHAPTER 1.02 ORDINANCES

### Sections:

- 1.02.010. Acts of the council.
- 1.02.020. Acts required to be by ordinance.
- 1.02.030. Ordinance procedure.
- 1.02.040. Ordinance form and content.
- 1.02.050. Emergency ordinances.
- 1.02.060. Ordinance confined to single subject.
- 1.02.070. Requirements for passage.

### **1.02.010. Acts of the council.**

The Council shall act only by ordinance, resolution, or motion. Law of a general, uniform, and permanent nature shall be written as an ordinance.

### **1.02.020. Acts required to be by ordinance.**

- A. In addition to other actions which state law requires to be by ordinance, the Council shall use ordinances to:
  - 1. Establish, alter, or abolish City departments;
  - 2. Amend or repeal an existing ordinance;
  - 3. Fix the compensation of Council members;
  - 4. Provide for the sale of City property;
  - 5. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
  - 6. Adopt the City budget;
  - 7. Make appropriations and supplemental appropriations or to transfer appropriations;
  - 8. Grant, renew or extend a franchise;
  - 9. Regulate the rate charged by a public utility;
  - 10. Approve the transfer of a power to borough;
  - 11. Adopt, modify, or repeal the comprehensive plan, zoning, and subdivision ordinances, building and housing Codes, and the official map;
  - 12. Provide for the retention or sale of tax-foreclosed property;
  - 13. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of City public works projects within the limitations set forth in A.S. 26.25.025.
  
- B. The budget ordinance is a non-Code ordinance and need not be included in this Code.

### **1.02.030. Ordinance procedures.**

- A. A proposed ordinance is introduced in writing by the mayor or other Council member, or by a committee of Council members, at any lawful Council meeting.
- B. After the ordinance is introduced, the Council votes on whether to set the time and date for a public hearing on the ordinance. If there are at least four votes in favor of setting a public hearing, then the Council shall publish a summary of the proposed ordinance and

notice setting out the time and place for a public hearing on the proposed ordinance. The public hearing on the proposed shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful Council meeting.

- C. At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. All persons shall have an opportunity to be heard at the public hearing. After the hearing, the Council shall consider the proposed ordinance and may adopt it with or without amendment. The Council shall type and make available copies of the adopted ordinance.
- D. If the proposed ordinance is amended after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly introduced proposed ordinance.

**1.02.040. Ordinance form and content.**

- A. All ordinances enacted by the Council shall be in substantially the following form:
  - 1. The heading "City of Manokotak, Alaska";
  - 2. The ordinance number;
  - 3. The title which summarizes the ordinances provisions and includes any penalty imposed;
  - 4. The enacting clause which shall read: "BE IT ORDAINED AND ENACTED BY THE MANOKOTAK CITY COUNCIL AS FOLLOWS:";
  - 5. The provisions of the ordinance;
  - 6. The dates of introduction (first reading), public hearings(s), and adoption;
  - 7. Space for the signature of the mayor;
  - 8. Space for the clerks signature to verify the signature of the mayor;
- B. The form appearing at the end of this Chapter illustrates the form set out in this section and is suggested for use by Council members.

**1.02.050. Emergency ordinances.**

- A. The Council may adopt emergency ordinances to meet a public emergency. Every emergency ordinance must contain a statement by the Council why an emergency exists and a statement of the facts, which describes the emergency. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths (3/4) of the total Council membership, whichever is less, is required for adoption. The Council must type or print and make available copies of adopted emergency ordinances.
- B. An emergency ordinance may not be used to levy taxes; to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.
- C. Emergency ordinances are effective for sixty (60) days.

**1.02.060. Ordinances confined to a single subject.**

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

**1.02.070. Requirements for passage.**

- A. At least four affirmative votes are required for the passage of an ordinance.
- B. The final vote on an ordinance is a recorded roll call vote.

SAMPLE ORDINANCE

CITY OF MANOKOTAK

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MANOKOTAK, ALASKA, PROVIDING FOR THE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BE IT ORDAINED AND ENACTED BY THE MANOKOTAK CITY COUNCIL AS FOLLOWS:

Section 1.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 2.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 3.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE INTRODUCED: \_\_\_\_\_

DATE OF PUBLIC HEARING: \_\_\_\_\_

PASSED AND APPROVED by the Manokotak City Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:  
\_\_\_\_\_  
City Clerk



## CHAPTER 1.03 RESOLUTIONS AND TECHNICAL CODES

### Sections:

- 1.03.010. Acting by resolution.
- 1.03.020. Procedures for resolutions.
- 1.03.030. Requirements for passage.
- 1.03.040. Rules and regulations.
- 1.03.050. Codes of regulations.

#### **1.03.010. Acting by resolution.**

- A. Opinions, principles, facts, or propositions may be presented in the form of a resolution.
- B. A resolution shall be in substantially the following form:
  - 1. The heading "City of Manokotak, Alaska";
  - 2. The resolution number;
  - 3. A short title descriptive of the resolution's subject and purpose;
  - 4. "WHEREAS" clauses describing the statements of fact that show why there is a need for Council resolution;
  - 5. A resolving clause "BE IT RESOLVED," stating the opinions or course of action the Council feels should be taken;
  - 6. The date of passage;
  - 7. Space for the signature of the mayor;
  - 8. Space for the City clerk's signature verifying the signature of the mayor.
- C. Resolutions shall not be included in the Code of Ordinances, but shall be kept separately by the clerk in a file available for public inspection.
- D. The form appearing at the end of this Chapter illustrates the form set out in this section and is suggested for use by Council members.

#### **1.03.020. Procedures for resolutions.**

- A. Every resolution shall be introduced in writing and shall be read out loud before any vote for passage is taken.
- B. After adoption, every resolution shall be posted on the City bulletin board or in such other places as the Council may direct.
- C. Every resolution, unless it shall specify a later date, shall become effective upon adoption.
- D. If state law requires a resolution to be submitted to City voters, then the resolution may be adopted after the results of the election are certified.

#### **1.03.030. Requirements for passage.**

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

**1.03.040. Rules and regulations.**

Any rule or regulation made by any administrative officer or board or commission shall be posted for ten (10) days in three (3) public places following its approval by motion by the Council.

**1.03.050. Codes of regulations.**

The Council may in a single ordinance adopt or amend by reference provisions of a standard published Code of regulations. The date or edition of the standard published Code of regulations shall be included in the adopting ordinance. The regular ordinance procedure applies except that neither the Code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of fifteen (15) days before adoption of the regulations at least five (5) copies of the Code of regulations must be made available for public inspection at the time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The Council may charge a fee for copies of the adopted Code to the public.

SAMPLE RESOLUTION

CITY OF MANOKOTAK

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREAS,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREAS,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREAS,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BE IT RESOLVED,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PASSED and APPROVED by the MANOKOTAK CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

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

## CHAPTER 1.04 CITY INFORMATION

### Sections:

- 1.04.010. Name of city and form of government.
- 1.04.020. City limits.

#### **1.04.010. Name of city and form of government.**

- A. The City of Manokotak shall continue as a municipal corporation and political subdivision of the state of Alaska as a second-class City.
- B. The government of the City shall be that commonly known and designated as the Council-mayor form of government.
- C. The government of the City is a general law second class City under the laws of the State of Alaska.

#### **1.04.020. City limits.**

- A. The boundaries of the City of Manokotak are as follows:

Commencing at MC 1 of USS 4875 Manokotak Village Town site; thence North 4.0 miles, the point of beginning; thence East 5.0 miles; thence South 6.0 miles; thence West 6.0 miles; thence North 6.0 miles; thence East 1.0 mile to the beginning, containing 36 square miles, more or less.

- B. The boundaries of the City as above described were the effective City limits as of October 19, 1970.

**CHAPTER 1.05 (RESERVED)**

## TITLE II - CITY ADMINISTRATION

### Chapters:

- 2.01 Mayor
- 2.02 City Council
- 2.03 City Administrator
- 2.04 City Clerk
- 2.05 Police Department
- 2.06 Volunteer Fire Department
- 2.07 Search and Rescue Team
- 2.08 (Reserved)
- 2.09 (Reserved)
- 2.10 Council Meetings
- 2.11 Council Procedures
- 2.12 Responsibility of Officers and Employees
- 2.13 (Reserved)
- 2.14 (Reserved)

## CHAPTER 2.01 MAYOR

### Sections:

- 2.01.010. Powers and duties of mayor as executive.
- 2.01.020. Qualifications.
- 2.01.030. Compensation.
- 2.01.040. Oath of office.
- 2.01.050. Mayor's vote.
- 2.01.060. Term of office.
- 2.01.070. Vacancy.
- 2.01.080. Mayor is ex-officio officer.
- 2.01.090. Regulation of personnel.

### **2.01.010. Powers and duties of mayor as executive.**

The mayor is the chief executive officer of the City. 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.

- A. Appoint City employees and administrative officers. The mayor may hire necessary administrative assistants with concurrence of the Council.
- B. Suspend or remove by written order of the Council.
- C. Supervise enforcement of City laws.
- D. Assign, in his or her discretion or subject to Council approval, additional functions or duties to offices or department;
- E. Supervise enforcement of City laws;
- F. Assign, in his or her discretion and subject to Council approval, additional functions or duties to offices or departments.

### **2.01.020. Qualifications.**

- A. The mayor shall be a qualified City voter.
- B. If the mayor ceases to be eligible to be a City voter, he/she may no longer serve as mayor or Council member.
- C. The mayor shall have been a resident of the City for one year immediately prior to the date of the election.

### **2.01.030. Compensation.**

The mayor shall be compensated at the rate of \$1,125.00 per month for the duration of his/her term of office.

### **2.01.040. Oath of office.**

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

**2.01.050. Mayor's vote.**

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

**2.01.060. Term of office.**

The mayor is elected by and from the Council for a term of one year and until a successor is elected and has qualified. The mayor shall take office immediately at the Council meeting held on the Thursday following certification of the regular election.

**2.01.070. Vacancy.**

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

**2.01.080. Mayor is ex-officio officer.**

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

**2.01.090. Regulation of personnel.**

The mayor, subject to Council approval, shall have the power to make rules and regulations relating to the hiring and firing, retirement program, job classification, and salaries of all City employees. These rules and regulations shall be published from time to time as the Council may direct, and shall be on file in the office of the City clerk. All appointments and promotions of City employees shall be made on basis of merit.



## CHAPTER 2.02 CITY COUNCIL

### Sections:

- 2.02.010. City council composition.
- 2.02.020. Qualifications of council members.
- 2.02.030. Election of council members.
- 2.02.040. Terms of council members.
- 2.02.050. Oath of office.
- 2.02.060. Compensation of council members.
- 2.02.070. Salaries of elected officers not to be varied.
- 2.02.080. Conflicts of interest.
- 2.02.090. Vacancies.
- 2.02.100. Filling a vacancy.
- 2.02.110. Standing committees.

### **2.02.010. City council composition.**

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

### **2.02.020. 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/her office.
- C. In order to serve as a Council member, a person must be a resident of the City for a period of one year immediately prior to the date of the election.

### **2.02.030. Election of council members.**

An election will be held annually on the first Tuesday following the first Monday in October to choose Council members according to the schedule provided in this Chapter.

### **2.02.040. Terms of council members.**

Council Members shall be elected as follows:

- Seat A: 3 years
- Seat B: 3 years
- Seat C: 3 years
- Seat D: 2 years
- Seat E: 2 years
- Seat F: 1 year
- Seat G: 1 year

**2.02.050. 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 Manokotak, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of (Council Member or Mayor) to the best of my ability.”

- B. The oath is signed and filed with the clerk.

**2.02.060. Compensation of council members.**

- A. Regular Meetings: Attending Council members shall receive \$125.00 per regular meeting.
- B. Special Meetings: Attending Council members shall receive \$100.00 per special meeting pending administrative fees.
- C. Work Sessions: Attending Council members may receive \$75.00 per session pending funding available from specific department that calls for work sessions.

**2.02.070. Salaries of elected officers not to be varied.**

**2.02.080. Conflict of Interest.**

A Council member, the mayor, or other officer or employee of the City shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest.

**2.02.090. 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 (90) day 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; or
- E. Is removed from office; or
- F. Misses three consecutive regular meetings unless excused by the Council; or
- G. Is convicted of a felony as defined in AS Sec. 11.41-11.66 or of an offense involving a violation of his/her oath.

**2.02.100. Filling a vacancy.**

If a vacancy occurs on the City Council, the remaining members shall, within thirty (30) days, appoint a qualified person to fill the vacancy. If less than thirty days remain in the term, a

vacancy may not be filled. Notwithstanding the less than 30 days remaining in a term provision, if the membership of the Council is reduced to fewer than the number required to constitute a quorum, the remaining member shall within seven days appoint a number of qualified persons to constitute a quorum. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

**2.02.110. Standing committees.**

Standing committees of the City Council shall be budget and finance, ordinance and resolution, public works, and community planning committee. Members shall be appointed by the mayor and confirmed by the Council, except for the community planning committee, three (3) Council members to each committee after each municipal election has been certified. The authority of these committees shall be advisory and chairpersons or designated spokespersons shall report regularly to the Council regarding matters within their purview and performing any other such duties as the City Council may refer to them from time to time. The committees shall meet as necessary, and a notice of the date, time and place of all meetings shall be prepared and posted in at least three (3) public places within the City limit. The City clerk shall attend the meetings and prepare a record of the meeting. The compensation for attending a committee meeting shall be consistent with 2.02.060 for work sessions.

The community planning committee members shall be appointed by their respected entity comprised of two (2) members from the City Council, one (1) member each from Manokotak Village Council (MVC), and Manokotak Natives Limited (MNL), and one (1) member at-large. The at-large member shall be appointed by the community planning committee.

The authority of the community planning committee shall be advisory and chairpersons or designated spokespersons shall report regularly to the Council, MVC, and MNL regarding matters within their purview and performing any other such duties as the City Council, MVC, and MNL may refer to them from time to time.

The duties for each committee shall be as follows but not limited to:

The budget and finance committee shall:

1. Work on budget and finance policies, policy statements and plans;
2. Work on budget and finance ordinances, as assigned;
3. Work with the mayor and City administrator on drafting a budget each fiscal year;
4. Perform other duties as referred.

The ordinance and resolution committee shall:

1. Review City ordinances and resolutions, as assigned;
2. Make recommendations for ordinance and resolution revisions, and submit to Council for action;
3. Recommend ordinances and resolutions to be assigned.
4. Perform other duties as referred.

The public works committee shall:

1. Work on public works policies, policy statements and plans;
2. Work on public works ordinances, as assigned;
3. Perform other duties as referred.

The community planning committee shall:

1. Work on community comprehensive plan every 5 years;
2. Work on community projects and make recommendations;
3. Perform other duties as referred.

## CHAPTER 2.03 CITY ADMINISTRATOR

### Sections:

- 2.03.010. Appointment; compensation.
- 2.03.020. Term removal.
- 2.03.030. Qualifications.
- 2.03.040. Powers and duties.
- 2.03.050. Participation at council meetings.
- 2.03.060. Interference with city administrator prohibited.
- 2.03.070. Regulation of personnel.
- 2.03.080. Acting administrator.
- 2.03.090. Regulation of personnel.

### **2.03.010. Appointment; compensation.**

A City administrator shall be appointed by a majority vote of the Council. The administrator shall receive compensation as the Council may determine.

### **2.03.020. Term removal.**

Subject to the contract of employment, the City administrator shall hold office at the pleasure of the Council and may be removed for cause by a vote of the majority of all members of the Council.

### **2.03.030. Qualifications.**

The City administrator shall be appointed solely on the basis of his or her executive and administrative qualifications. The Council may set forth specific qualifications by ordinance.

### **2.03.040. Powers and duties.**

The City administrator is the chief administrative office and shall:

- A. Appoint City employees and administrative officers. The administrator may hire necessary administrative assistants with concurrence of the Council.
- B. Upon approval of mayor and Council, suspend or remove by written order City employees;
- C. Act as City treasurer and such shall;
  - 1. Keep custody of all City funds;
  - 2. Keep an itemized account of money received and disbursed;
  - 3. Maintain an inventory of all property used by the City;
  - 4. Assist the mayor to compile the annual budget of the City;
  - 5. Prepare and submit to the mayor such financial reports and other data as may be required;
  - 6. Prescribe and control such procedures as are necessary to protect City funds and property;

- D. Serve as City personnel officer unless the Council authorizes the manager to appoint a personnel officer;
- E. Direct the care and custody of all municipal property;
- F. Direct and supervise the construction, maintenance and operation of municipal public works;
- G. Make such recommendations to the Council as he or she may deem necessary.

**2.03.050. Participation at council meetings.**

The administrator shall have the right to take part in the discussion of all matters coming before the Council.

**2.03.060. Interference with city administrator prohibited.**

Except for the purposes of inquiry, the Council and its members and mayor shall deal with the City administration and employees solely through the City administrator, and neither Council members nor mayor shall give orders to any subordinate of the City administrator, either publicly or privately. Neither the City Council nor mayor shall dictate the appointment of any person to employment by the City in any manner, which interferes with the City administrator, or prevent him/her from exercising his/her judgment in the selection of employees in the City.

**2.03.070. Regulation of personnel.**

The City administrator shall assist the mayor, subject to Council approval, shall have the power to make rules and regulations to the hiring and firing, retirement program, job classification, and salaries of all City employees. These rules and regulations shall be published from time to time as the Council may direct, and shall be on file in the office of the City clerk. All appointments and promotions of City employees shall be made on basis of merit.

**2.03.080. Acting administrator.**

If the City administrator is absent from the City or is unable to perform his or her duties, if the Council suspends the administrator, or if there is a vacancy in the office of the manager, the Council may appoint an acting administrator to serve until the administrator returns or until his or her disability or suspension ceases, or until another administrator is appointed. The Council shall replace the acting administrator with a permanent administrator within a reasonable time, and in no case may anyone serve as acting administrator for more than one year.

**2.03.090. Regulation of personnel.**

- A. Assist the mayor in appointing City employees and administrative officers. The administrator may hire necessary administrative assistants with concurrence of the mayor and Council.

## CHAPTER 2.04 CITY CLERK

### Sections:

- 2.04.010. Appointment and term.
- 2.04.020. Duties of clerk.
- 2.04.030. Acting clerk.

#### **2.04.010. Appointment of clerk.**

- A. The clerk shall be appointed by the Council.
- B. The clerk shall hold office at the pleasure of the Council.

#### **2.04.020. 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 official records of the City;
- I. Be the City election registrar and be responsible for calling and supervising all City elections;
- J. Perform all other duties specified by this Code, state law, or the Council.

#### **2.04.030. Acting clerk.**

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

## CHAPTER 2.05 POLICE DEPARTMENT

### Sections:

- 2.05.010. Creation.
- 2.05.020. Appointment of police chief.
- 2.05.030. Power and duties of the police department.
- 2.05.040. Duties of the police chief.
- 2.05.050. Rules and regulations.
- 2.05.060. Conduct of members.
- 2.05.070. Custody of stolen property.
- 2.05.080. Policemen.
- 2.05.090. Police officer requirements.

#### **2.05.010. Creation.**

There may be a police department for the City.

#### **2.05.020. Appointment of police.**

The police are appointed by the Council and serves at its pleasure. The Village Public Safety Officer may be appointed as the chief of the department. He is administratively responsible to the mayor.

#### **2.05.030. Power and duties of the police department.**

Under the power of law enforcement, it is the duty of the police department to apprehend, arrest, and bring to justice all violators of City ordinances; to keep the peace; to serve all warrants, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as may be provided by law, and turn these violators over to the proper authorities; and to perform all duties in the Memorandum of Agreement between Bristol Bay Native Association and the City of Manokotak.

#### **2.05.040. Duties of the police.**

The police are the commanding officer of the department. His/her duty shall include but are not necessarily limited to the following:

- A. Be responsible for the enforcement of law and order;
- B. Direct the police department, emergency medical, and search and rescue work of the City;
- C. Be responsible for the maintenance and care of all property and equipment used by the department;
- D. Maintain and staff the City jail or other holding facility and be responsible for the prisoners;
- E. Determine the organization of the department;
- F. Establish and enforce rules and regulations for the conduct of department;
- G. Train and drill the members of the department including emergency response drills if necessary;



- H. Prepare and maintain records of all arrests, fines, search and rescue operations, and responses to emergencies, and other information about the work and status of the department and make periodic written reports to the City Council;
- I. Make arrangements and procure equipment for reporting emergency situations for notifying all members of the department to assure prompt response to such incidents;
- J. Recommend to the City Council needed police, emergency medical, and search and rescue equipment;
- K. Prepare and submit, upon request, a tentative department budget for the department to the mayor;
- L. Communicate directly with, and coordinate where possible, department activities with those of other regulatory and enforcement agencies about matters relative to department business;
- M. Perform other such duties as may be required by the mayor or City Council.

**2.05.050. Rules and regulations.**

- A. The police are responsible for prescribing the rules and regulations for the conduct of members of the department. The Council shall approve any rules and regulations before they become effective. Once effective, the rules and regulations are binding on all department employees or officers.
- B. The rules and regulations adopted for the department may include, in addition to those concerning the conduct of its members, requirements for uniforms and equipment to be worn or carried, protocol and/or procedures, hours of service, vacations, and all other relevant matters necessary or desirable for the efficient operations of the department.

**2.05.060. Conduct of members.**

It shall be the duty of every member of the department to conduct him/her in a professional manner and to avoid the use of unnecessary force in carrying out his/her duties. Each member of the department shall obey the orders and directions of the police chief or those acting under his/her authority and command. Every member shall refrain from conduct which would bring discredit to any department member or to the City.

**2.05.070. Property, equipment and supplies.**

- A. The police shall have custody of all department property and equipment, and also property and equipment which comes into possession of the department. The chief shall be responsible for an inventory (list) of all such property, equipment, and supplies and the proper maintenance of it.
- B. Under direction of the Council, the chief shall establish rules and regulations for the storage of department property, including schedules for charges and fees for storage.
- C. No person shall use department property, equipment, or supplies for any private purpose, nor shall any person without proper authority take away any department property.
- D. This section includes all lost, stolen, abandoned, or otherwise unclaimed property which comes into possession of the department, except vehicles, which are otherwise provided for by state law.

**2.05.080. Policemen.**

- A. Regular members shall be appointed by the City Council unless this power to appoint, suspend or remove is delegated to the chief.
- B. Regular members of the department are salaried City employees and are subject to all benefits, which may apply.
- C. Special members of the department may include special purpose or special response teams such as:
  - 1. Search and Rescue Teams; and
  - 2. First responders

Such special members shall, however, serve only on an "incident only" basis and only when called upon to respond to a particular situation. They shall function only under the direction of the chief or his designee. They shall be compensated for services rendered as provided by the City Council. From time to time, as the Council deems advisable, payments may be made to reimburse members for clothing damage. For purposes of this section, temporary jail guards are considered special members of the department.

**2.05.090. Police officer requirements.**

- A. All police officers shall be at least 21 years of age, possess a high school diploma or its equivalent and be in good physical condition.
- B. For good cause shown, the Council may waive any or all of the requirements in Subsection A above by resolution.
- C. Basic standards of Village Public Safety Officer program.

## CHAPTER 2.06 VOLUNTEER FIRE DEPARTMENT

### Sections:

- 2.06.010. Fire department established.
- 2.06.020. Fire chief.
- 2.06.030. Powers and duties.
- 2.06.040. Rules and regulations.
- 2.06.050. Training, records, and reports.
- 2.06.060. Equipment.

### **2.06.010. Fire department established.**

There shall be a fire department for the City to be known as the Manokotak Volunteer Fire Department. It shall consist of a fire chief and assistant chief (or chiefs), and as many other officers and firefighters as may be deemed necessary for the effective operation of the department.

### **2.06.020. Fire Chief.**

- A. The fire chief shall be appointed by the Mayor subject to Council approval, and shall be responsible to that body. The fire chief's appointment shall be for a term of one year. A fire chief may serve more than one term.
- B. For good cause shown, the Council may remove the fire chief at any time, provided that a public hearing before the Council is provided.
- C. The fire chief shall be technically qualified through training and experience and shall have the ability to command. The fire chief may be the Village Public Safety Officer.

### **2.06.030. Powers and duties.**

The fire chief shall:

- A. Annually submit a tentative budget for the department upon request of the mayor;
- B. Assist the proper authorities in suppressing the crime of arson investigating or causing to be investigated the cause, origin, and circumstances of all fires;
- C. Have possession and custody of all fire apparatus, equipment, buildings, and all other property of the fire department;
- D. Report in writing or orally at such times as directed by the mayor or Council, the names of all volunteer firemen; the condition of fire apparatus and equipment and repairs or improvements needed; the number and places of all fires attended by the fire department; and in general, covering any matter required for the information of the Council;
- E. Prepare and maintain records of all fires, inspections, firefighting equipment, personnel which are required by state law, and other information about the work and status of the department and make periodic written reports to the mayor or Council;
- F. Provide suitable arrangements and equipment for reporting fires or other emergencies and for notifying all members of the department to assure prompt response to such incidents;
- G. Supervise fire inspections;
- H. Perform such other duties as may be required by the mayor or the Council.

**2.06.040. Rules and regulations.**

The fire chief shall maintain and enforce an up-to-date, comprehensive set of rules and regulations governing the discipline, training, and operations of the fire department. Such rules, regulations and any deletions, changes, or additions shall be effective when approved and filed with the mayor. Once effective, the rules and regulations are binding on all members. The fire chief shall strictly carry out the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or firefighter as provided in the rules and regulations or in this Chapter.

**2.06.050. Training, records, and reports.**

- A. The fire chief or his/her representative shall, at least once a month, provide for suitable drills covering the operations and handling of all equipment essential for efficient department operations. In addition, he/she shall provide, at least four times per year, sessions of instruction to include such subjects as first aid, water supplies, and other subjects related to fire suppression and prevention.
- B. The fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, and other department activities.
- C. Current records and comparative data for previous years and recommendations for improving the effectiveness of the department shall be included in an annual report. Such other reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the department shall also be prepared.

**2.06.060. Equipment.**

- A. The fire chief shall be responsible to the mayor and Council for recommending such apparatus or other firefighting equipment as may be required to maintain fire department efficiency and effectiveness.
- B. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.
- C. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

## CHAPTER 2.07 SEARCH AND RESCUE TEAM

### Sections:

- 2.07.010. Creation.
- 2.07.020. Appointment of team leaders.
- 2.07.030. Powers, duties, and responsibilities of the team.
- 2.07.040. Search and rescue coordinator.
- 2.07.050. Rules and regulations.
- 2.07.060. Conduct of members.
- 2.07.070. Maintenance of search and rescue equipment.
- 2.07.080. Members, regular and special.

#### **2.07.010. Creation.**

There may be a search and rescue team for the City and the surrounding area villages. The Village Public Safety Officer is the Coordinator of the search and rescue team.

#### **2.07.020. Appointment of team leaders.**

Team leaders are appointed by the members of the search and rescue team. The team leaders are responsible to the coordinator.

#### **2.07.030. Powers, duties, and responsibilities of the team.**

The search and rescue team shall have broad powers in the areas of emergency medical response and search and rescue operations.

- A. Emergency medical response. The authority and duties contained in this section are only to be assumed by individuals who have successfully completed Emergency Medical Training I. It is the duty of the emergency medical technicians to undertake immediate response in traumatic accident situations; where qualified, stabilize the conditions of the victim(s) in preparation for transportation; transport the victim(s) to the nearest primary health care facility (i.e., local clinic), and resuscitate and/or administer first aid to the injured person(s). A response to an emergency medical situation will be under the general direction of the local primary health care provider (health aide, etc.). In the absence of or unavailability of any recognized primary health care provider, the VPSO or his designee will exercise that authority. The VPSO, search and rescue team leaders, and the primary health aide will cooperate in devising protocol for dealing with emergency medical situations.
- B. Search and Rescue. It is the duty of the search and rescue team to develop and direct a search and rescue team, direct local search and rescue operations, coordinate local and/or regional search and rescue programs with the State Troopers to ensure protocol, coordination and funding for local search and rescue operations.

**2.07.040. Search and rescue coordinator.**

The search and rescue coordinator is the commanding officer of the search and rescue team and will be the VPSO as stated in Section 1. His/her duties shall include but not be limited to the following:

- A. Determine the organization of the search and rescue team and provide for its staffing;
- B. Establish and enforce rules and regulations for the conduct of search and rescue team members;
- C. Direct the emergency rescue work of the City;
- D. Train and drill the members of the search and rescue team, including emergency response drills, if necessary;
- E. Be responsible for the maintenance and care of all property used in search and rescue operations
- F. Prepare and maintain records of all search and rescue operations and responses to emergencies, and other information about the work and status of the search and rescue team;
- G. Provide arrangements and equipment for reporting emergency situations and for notifying all members of the search and rescue team to assure prompt response;
- H. Recommend to the search and rescue team or the City Council needed emergency medical and search and rescue equipment;
- I. Prepare and submit to the City Council, upon request, a tentative budget for the search and rescue team;
- J. Communicate directly with, and coordinate where possible, team activities with the activities of other regulatory and enforcement agencies in matters related to search and rescue team business;
- K. Perform such other duties as may be required by the search and rescue team members.

**2.07.050. Rules and regulations.**

The search and rescue coordinator (VPSO) is responsible for developing the rules and regulations for conduct of members of the search and rescue team. The City Council shall approve any rules and regulations before they become effective. Once effective, the rules and regulations are binding on all search and rescue team members.

**2.07.060. Conduct of members.**

It shall be the duty of every member of the search and rescue team to conduct him/her in a professional manner and to refrain from conduct, which brings discredit to any member of the search and rescue team. Each member of the search and rescue team shall obey the directions of his/her team leader or the coordinator.

**2.07.070. Maintenance of search and rescue equipment.**

- A. The coordinator shall have custody of all search and rescue property and equipment which comes into possession of the team. The coordinator shall be responsible for an inventory (list) of all such property, equipment and supplies and the proper maintenance of same.

- B. No person shall use search and rescue equipment for any private purpose, nor shall any person without proper authority take away any search and rescue property.
- C. The above section excludes all lost, stolen, abandoned or otherwise unclaimed property which comes in to the possession of the search and rescue team. Said property will be handed over to the proper authorities.

**2.07.080. Members.**

The number of search and rescue members shall be decided by the City Council and members appointed by the City Council unless this power to appoint, suspend or remove is delegated to team leaders and/or the coordinator. Each member is a volunteer member of the search and rescue team and is entitled to any benefits, which may apply thereto.

**CHAPTER 2.08 (RESERVED)**



**CHAPTER 2.09 (RESERVED)**

## CHAPTER 2.10 COUNCIL MEETINGS

### Sections:

- 2.10.010. Meetings public.
- 2.10.020. Regular meetings.
- 2.10.030. Special meetings.
- 2.10.040. Emergency meetings.
- 2.10.050. Notice.
- 2.10.060. Executive session.

#### **2.10.010. Meetings public.**

Meetings of all municipal bodies shall be public. The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

#### **2.10.020. Regular meetings.**

- A. All regular meetings of the Council shall be held on the first or third Thursday of each month at 1:00 p.m. or otherwise specified by the mayor or Council.
- B. The usual place of Council meetings shall be at the City office building, provided, however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the Council, the meeting may be moved to another location specified by management.

#### **2.10.030. Special meetings.**

- A. Special meetings of the Council are those that are called by the mayor or any two Council members for a time different than that fixed for the regular Council meetings. The location of all special Council meetings shall be the same as that authorized for regular meetings.
- B. Advance oral or written notice of at least twenty-four hours preceding a special meeting shall be given to each Council member. The notice shall specify the time, place and subject matter of the meeting. No business shall be transacted at the meeting that is not mentioned in the notice. Notice shall be served personally on each Council member or left at the member's usual place of business or residence by the City clerk or the clerk's designee.
- C. All special meetings of the Council shall be public and the public shall have a reasonable opportunity to be heard.

#### **2.10.040. Emergency meetings.**

Any emergency meetings called on less than 24 hours' notice shall be a legal meeting if all Council members are present, or if there is a quorum present and all absent members have waived in writing the required notice. Waivers may be made before or after the time of the meeting, and any waivers shall be made a part of the meeting records. If Council members are absent and waivers from all have not been obtained in advance of the meeting, then the quorum present may, based on the nature of the emergency, determine at the meeting whether reasonable efforts to notice were made. An affirmative vote of all members present, or the affirmative vote of a quorum of the Council, whichever is less, is required to declare a public emergency. Public notice that is reasonable under the circumstances shall be given.

**2.10.050. Notice.**

Public Notice of regular meetings shall be posted in three (3) public places at least 72 hours prior to the scheduled meeting. The notice shall at a minimum include the date, the time and place of meeting. Notice may include agenda item or items that are significant to the public.

**2.10.060. Executive session.**

- A. The following subjects may be discussed in an executive session, from which the public is excluded:
  - 1. Matters that immediate knowledge of which would clearly have an adverse effect upon the finances of the City;
  - 2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
  - 3. Matters which by law are required to be confidential.
  
- B. The following shall be discussed in executive session when the best interests of the City so require:
  - 1. Negotiations with labor organizations representing City employees;
  - 2. Discussions of pending or threatened lawsuits in which the City has an interest.
  
- C. If the above subjects are to be discussed, the Council may go into an executive session by a motion of any members taken in open session. In executive session, only those subjects shall be considered that were mentioned in the motion to go into executive session. No ordinance or resolutions shall be passed or action taken in an executive session.

## CHAPTER 2.11 COUNCIL PROCEDURES

### Sections:

- 2.11.010. Mayor presides at council meetings.
- 2.11.020. Meetings; order of business.
- 2.11.030. Minutes.
- 2.11.040. Speaking; rules of conduct.
- 2.11.050. Second required for motions.
- 2.11.060. Disposition of motions.
- 2.11.070. Reducing motions to writing.
- 2.11.080. Changing vote on motion.
- 2.11.090. Additional procedure.
- 2.11.100. Voting requirements.

### **2.11.010. Mayor presides at council meetings.**

- A. The mayor shall preside at all meetings of the Council. He/she 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. In the temporary absence or disability of the 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.

### **2.11.020. Meetings; order of business.**

The order of business at every regular meeting of the Council shall be as follows:

- A. Call to order
- B. Roll call
- C. Minutes of previous meeting
- D. Reports
- E. Communications and public appearance requests
- F. Hearings, ordinances, and resolutions
- G. Old Business
- H. New Business
- I. Public Participation
- J. Council Comments
- K. Adjournment

### **2.11.030. Minutes.**

Minutes of all regular, special and emergency meetings shall be taken. All minutes shall be kept in the Council meeting journal. The minutes will be available to the public for inspection and copies may be sold at cost.

**2.11.040. Speaking; rules of conduct.**

- A. Before speaking, a Council member must first respectfully address the presiding officer for permission to speak. A Council member must then be recognized by the presiding officer must then recognize a Council member before speaking. When two or more members request to speak at the same time, the presiding officer shall determine which one is recognized.
- B. When speaking, a Council member shall address only the subject under discussion. A Council member shall not refer to any other Council member except in a respectful matter.

**2.11.050. Second required for motions.**

All motions require a second, unless otherwise provided by special rule.

**2.11.060. Disposition of motions.**

After a motion is seconded and stated or read by the presiding officer, it shall 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, if the member who made the second agrees.

**2.11.070. Reducing motions to writing.**

A motion must be made in writing if any Council member demands.

**2.11.080. Changing vote on motion.**

Any previous vote on a motion may be changed by majority vote of the Council.

**2.11.090. Additional procedures.**

Robert's Rules of Order Revised governs the conduct of Council meetings to the extent this Chapter does not provide otherwise.

**2.11.100. Voting requirements.**

- A. Four Council members constitute a quorum. A quorum is necessary for the Council to conduct any business.
- B. At least four affirmative 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. Except when a conflict of interest requires that a person not vote, all Council members present shall vote unless the Council, for special reasons, permits a member to abstain. To allow a person to abstain, the Council must decide the question without discussion and before the final vote is taken.
- D. The presiding officer shall declare all votes and the result.

## CHAPTER 2.12 RESPONSIBILITY OF OFFICERS AND EMPLOYEES

### Sections:

- 2.12.010. Conduct in office.
- 2.12.020. Records open.
- 2.12.030. Municipal officers exempt; Public Official Financial Disclosure.

#### **2.12.010. Conduct in office.**

The Council or the mayor shall have power to inquire into the conduct of any 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 the immediate discharge of any officer or employee of the City.

#### **2.12.020. Records open.**

All records and accounts of every office and department of the City may 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. No public records, reports, correspondence, or other data relative to the business of the City shall be destroyed or removed permanently from the files without the knowledge and approval of the clerk.

#### **2.12.030 Municipal officers exempt; Public Official Financial Disclosure.**

City officials of the City of Manokotak are exempt from the requirements of AS 39.50 laws requiring a statement of income and business interests. The qualified voters of the City duly approved this exemption by referendum on November 8, 2016.

**CHAPTER 2.13 (RESERVED)**

**CHAPTER 2.14 (RESERVED)**



## TITLE III - BUDGET AND FINANCE

### Chapters:

- 3.01 Fiscal Policies
- 3.02 Budget Form and Scope
- 3.03 Budget Procedures
- 3.04 Sales Tax
- 3.05 (Reserved)
- 3.06 (Reserved)

## CHAPTER 3.01 FISCAL POLICIES

### Sections:

- 3.01.010. Budget.
- 3.01.020. City obligations.
- 3.01.030. Fiscal year.
- 3.01.040. Statement of annual income and expenditures.
- 3.01.050. Check writing policy.

### **3.01.010. Budget.**

- A. The mayor, with the assistance of the administrator, shall prepare the City's budget for the Council. The budget shall be submitted as an ordinance.
- B. After public hearing, the Council may approve the budget with or without amendments and shall appropriate the funds required.

### **3.01.020. City obligations.**

The Council may make supplemental and emergency appropriations. No payment may be authorized or made and no obligation incurred unless an appropriation has been made by ordinance.

### **3.01.030. Fiscal year.**

The fiscal year of the City shall begin on the first day of July and end on the last day of June in the following calendar year. If an amendment is required within the fiscal year appropriate steps will be taken to reflect to the budget

### **3.01.040. Statement of annual income and expenditures.**

The mayor is responsible for overseeing the preparation of the certified financial statement of annual income and expenditures and delivering the statement to the Council before the end of the next fiscal year.

### **3.01.050. Check writing policy.**

The mayor will appoint four Council members to be check signers. All checks written against City funds shall be prepared by the administrator and signed by two of the authorized check signers. If the administrator is not available, City clerk may prepare a check for the signature of any two of the authorized check signers. The administrator shall be notified of any check so prepared.

## CHAPTER 3.02 BUDGET FORM AND SCOPE

### Sections:

- 3.02.010. Scope of budget.
- 3.02.020. Anticipated revenues.
- 3.02.030. Proposed expenditures.
- 3.02.040. Budget summary.

#### **3.02.010. Scope of budget.**

- A. The budget shall be a complete financial plan for all of the operations of the City, showing anticipated revenues, proposed expenditures, and reserves.
- B. The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year.
- C. Proposed expenditures may sometimes exceed anticipated revenues and reserves and may need an amendment to cover expenditures.

#### **3.02.020. Anticipated revenues.**

Anticipated revenues shall be composed of all sources of income to the City and itemized as to individual source.

#### **3.02.030. Proposed expenditures.**

Proposed expenditures shall be itemized. Separate provisions shall be included in the budget for at least:

- A. Interest, amortization of principal, and redemption charges on the public debt for which the faith and credit of the City are pledged;
- B. Administration, operation, and maintenance of each office, department, or agency of the City;
- C. The Council's budgetary reserve;
- D. Expenditures proposed for capital improvements;
- E. Others as required by acceptable accounting procedures and which will fairly and adequately inform the public as to the contents of the budget.

#### **3.02.040. Budget summary.**

A budget summary shall appear at the beginning of the budget. Sources of revenues and general expenditures shall be listed.

## CHAPTER 3.03 BUDGET PROCEDURES

### Sections:

- 3.03.010. Budget public record.
- 3.03.020. Publication of notice of public hearing.
- 3.03.030. Public hearing on budget.
- 3.03.040. Further consideration of budget.
- 3.03.050. Adoption of budget, vote required.
- 3.03.060. Effective date of budget certification.

#### **3.03.010. Budget public record.**

The budget and all supporting documents shall be open to public inspection. Copies shall be available for a fee for distribution to interested persons.

#### **3.03.020. Publication of notice of public hearing.**

The Council shall determine the place and time of the public hearing on the budget and shall post such notice in three places in the City at least two weeks prior to the hearing. The Council shall include in the notice a summary of the budget and a statement setting out the time and place for the public hearing.

#### **3.03.030. Public hearing on budget.**

At the time and place so advertised, the Council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard.

#### **3.03.040. Further consideration of budget.**

After the conclusion of the public hearing on the budget, the Council may insert new items or may increase or decrease items of the budget, except items in proposed expenditures fixed by law. The Council shall then appropriate the funds required after the budget is approved.

#### **3.03.050. Adoption of budget; vote required.**

The budget shall be adopted by majority vote of the Council by June 30 of each year.

#### **3.03.060. Effective date of budget certification.**

The adopted budget shall be in effect for the fiscal year. A copy of the adopted budget shall be certified by the mayor, attested to by the clerk, and filed with the clerk. The certified budget shall be available in its entirety to the public for a fee.

## CHAPTER 3.04 SALES TAX

### Sections:

- 3.04.010. Tax levied.
- 3.04.020. Obligation to pay tax.
- 3.04.030. Custody, reporting, and remittance.
- 3.04.040. Exemptions.
- 3.04.050. Definitions.
- 3.04.060. Rules and regulations.
- 3.04.070. Seller not to assume tax.
- 3.04.080. Tax schedule.
- 3.04.090. Confidential material.
- 3.04.100. Duty to keep books.
- 3.04.110. Omissions and civil penalties.
- 3.04.120. Lien.
- 3.04.130. Extensions.

### **3.04.010. Tax levied.**

A sales tax of two percent (2%) is levied on all sales, rents and services made or provided within the City, measured by the total sale price.

### **3.04.020. Obligation to pay tax.**

The buyer pays the sales tax, and the seller shall collect the tax at the time of sale. Collection is enforceable by the seller.

### **3.04.030. Custody; reporting and remittance.**

- A. All sales taxes collected are City monies, and the seller is at all times accountable to the City for such monies.
- B. Taxes collected by a seller shall be paid on the last day of every month unless an agreement has been issued by local seller. Every seller liable for collection of taxes shall file a tax return with the City, upon forms furnished by the City. The return will show:
  - 1. Gross sales;
  - 2. Taxes collected;
  - 3. Any other information required by the City.
- C. The complete return, together with the amount of the taxes due, must be submitted on or before the last day of every month.
- D. Any person who filed or should have filed a sales tax return for the prior month shall file a return, even though no tax may be due. This return shall show the amount of tax due and if the business is sold, the name of the person to whom it was sold.
- E. If any person sells, leases, or otherwise disposes of his/her business, they shall file a final sales tax return within fifteen (15) days after the date of the sale. The buyer or successor shall withhold enough of the purchase money to safely cover the amount of any sales tax, penalties and interest that may be due and unpaid to the City until the former owner has produced a receipt from the City showing that all taxes due have been

paid. Further, if any purchaser of a business fails to withhold from the purchase money as described above they shall personally owe the taxes, penalties and interest which have not been paid on account of the operation of the business by any former owner, owners or assigns.

**3.04.040. Exemptions.**

The following classes of sale, services and rental are exempt:

- A. The rental of personal or real property not in the regular course of business of the seller. In addition, all rentals of private residences are exempt, except that the sale of business or commercial properties shall not be considered a sale.
- B. Hospital and medical services performed by licensed medical doctors, dentists, optometrists and chiropractors; and sales of medicines or medical appliances under a written prescription from one of the foregoing.
- C. Sales, services and rentals to religious and charitable organizations in the conduct of their regular religious and charitable functions and activities as defined by the revenue laws of the United States.
- D. Sales of food in the school which are operated primarily for extracurricular activities.
- E. Sales of Native Arts and crafts.
- F. Subscriptions to newspapers and periodicals.
- G. Sales, services and rentals to the United States, the State of Alaska, or any instrumentality or political subdivision of either.
- H. Dues or fees to clubs, labor unions and fraternal organizations.
- I. Sales or rent which the City is prohibited from taxing by the Constitution or laws of the United States or the State of Alaska.

**3.04.050. Definitions.**

When not clearly otherwise indicated, the following words and phrases used in this Chapter have the following meanings:

- A. "Sale" shall include:
  - 1. Every sale of services;
  - 2. Every rental of real or personal property;
  - 3. Every sale of the use of a coin-operated machine; and
  - 4. Every sale of tangible personal property, regardless of quantity or price, whether sold by coin-operated machine or otherwise, except the sale of personal property as raw material to a person engaged in manufacturing for sale.
- B. "Buyer" includes persons who are purchasers of goods.
- C. "Seller" includes persons who are vendors of property, persons furnishing services, lessors of rental space or goods, and all persons making sales.
- D. "Coin-operated machine" means a slot machine, juke box, merchandise vending machine, laundry, dry cleaning and any other service-dispensing machine or amusement device of any kind which requires the insertion of a coin to make it operate.
- E. "Services" includes services of any kind which are performed or furnished for pay, except services rendered to an employer by an employee, including but not limited to:

1. Professional services;
2. Services in which a product or sale of property may be involved, including personal property made to order;
3. Utilities and utility services not constituting a sale of personal property, including sewer, water, electrical and telephone services and repair;
4. The sale of transportation services;
5. Services provided for compensation by any person who furnishes the services in the course of his/her business or occupation;
6. Services using labor and materials to accomplish a specified result; and
7. Any other services including advertising, maintenance, recreation, and amusement.

F. "Person" includes individuals and every person recognized in law and every group of persons who act as an organization.

**3.04.060. Rulings and regulations.**

- A. The mayor may take any action necessary or appropriate to implement this Chapter by developing regulations, which may include the adoption of forms. Such regulations or procedures adopted by the mayor are effective at the time indicated by him/her, but are subject to revision or repeal by the City Council at the next meeting following their effective date or at any time that the Council acts thereon.
- B. Should a taxpayer or a seller be in doubt as to the application of this Chapter, he may apply to the mayor for an informal ruling on this issue. Rulings having general application may, at the discretion of the mayor, be promulgated as regulations.

**3.04.070. Seller not to assume tax.**

A seller shall not advertise or state to the public or to any buyer that any tax imposed by this Chapter does not have to be paid for any reason or that the tax will be refunded. The seller shall, whenever possible, separately state the tax to the buyer on each taxable transaction. When not possible to state separately, the seller shall prominently display a sign provided by the City indicating the imposition of the tax.

**3.04.080. Tax schedule.**

The tax to be added to the sale price, charge or rental shall be in accordance with the following schedule:

Price	Tax
\$0.00 - \$1.00	\$.02
\$1.00 - \$2.00	\$.04

**3.04.090. Confidential material.**

- A. Returns filed with the City for the purpose of complying with the terms of this Chapter and all information obtained from such returns are confidential, and such returns and data

obtained from them shall be kept from inspection by all private persons except as necessary to investigate and prosecute violations of the Chapter.-remove?

- B. Nothing contained in this section shall be construed to prohibit the delivery to a person, or his/her authorized representative, of a copy of any return or report filed by him/her, nor to prohibit the publication of statistics so classified as to prevent the identification of particular buyers or sellers, nor to prohibit the furnishing of information on reciprocal basis to other agencies of the state or the United States concerned with the enforcement of tax laws.

**3.04.100. Duty to keep books.**

- A. Every seller engaged in activity subject to this Chapter shall keep suitable records of all sales made by him/her and any other books or accounts that may be necessary to determine the amount of taxes he/she must collect. Every seller shall keep records of sales for a period of three years from the date of the return reporting such sales, and shall keep for three years all invoices of goods and merchandise purchased for resale, and all other books, invoices and records necessary to accurately determine the amount of taxes the seller was obligated to collect under this Chapter.
- B. For the purposes of determining the accuracy of a return, or for the purpose of determining the amount of tax collected or which should have been collected by any seller, the City administrator may conduct investigations and hold hearings on any matters covered by this Chapter and may examine any relevant books, papers, records or memoranda of any seller and may require the attendance of any seller, or any officer or employee of a seller, at a hearing.

**3.04.110. Omissions and civil penalties.**

- A. Failure to file a return. A seller who fails to file a return as required by this Chapter or who fails to pay taxes collected or which should have been collected, is subject to a fine of five percent (5%) per month of the taxes collected, whichever is higher. The filing of an incomplete return is the same filing no return.
- B. Falsification of any required record subjects the person making such falsification to a penalty of 100 times any tax due or lost because of such falsification to a maximum of \$1,000.00.
- C. Failure to separately, state the tax. A seller who fails to separately state the tax due on any sale shall be subject to a penalty equal to the amount collected as a tax.
- D. Inspection. If a seller fails to allow the inspection of required records at reasonable times the seller will be subject to a penalty of three times any deficiency found or estimated to have occurred by the City in the tax accounting of the seller.
- E. Estimation. If the City is unable to ascertain the amount of tax due because the seller fails to keep accurate books, allow inspection, file a return, or falsifies record, the City may make an estimate of the tax due based on available information. A notice of the estimate of taxes due shall be given to the seller and shall become final for the purposes of determining liability of the seller to the City in thirty (30) days unless the seller files an accurate return supported by satisfactory records earlier than thirty (30) days, indicating that he/she owes less than the City has estimated.
- F. Loss of records. A seller shall immediately notify the City of fire, theft, or other casualty which would prevent his complying with this Chapter. Such casualty constitutes a defense to any penalty provided in this Chapter, but does not excuse the seller from



liability for taxes due. Accidental loss of funds or records does not mean the taxes are not due and owing.

- G. Maintenance of suits. Nothing in this section shall prevent the City from filing and maintaining a lawsuit to collect any taxes collected or which should have been collected in addition to any penalty assessed.
- H. Severability clause. If any provision or provisions of this ordinance are declared invalid including, but not limited to, any provisions imposing a tax on a particular transaction, or exempting a particular transaction from a tax, the remainder of the ordinance shall continue in effect.

**3.04.120. Lien.**

The tax, penalty and interest imposed by this Chapter shall constitute a lien in favor of the City upon the entire seller's property within the City. The lien arises upon non-payment of taxes due and continues until the debt is paid or the property is sold at a foreclosure sale. The lien is not valid as against a mortgagee, pledgee, purchaser or judgment creditor until notice of the lien is filed in the office of the Recorder for the district in which the property is located in the manner provided in the A.S.40.19.for federal tax liens.

**3.04.130. Extensions.**

For good cause shown, the City may grant extensions on any deadline described in this Chapter. Any application for an extension must be filed before the date specified as the original deadline.

MANOKOTAK SALES TAX SCHEDULE

BASED ON 5% RATE

PURCHASE	TAX	PURCHASE	TAX
.25 - .49	.01	20.00	.40
.50 - .99	.02	30.00	.60
1.00 - 1.49	.03	40.00	.80
1.50 - 1.99	.04	50.00	1.00
2.00 - 2.49	.05	60.00	1.20
2.50 - 2.99	.06	70.00	1.40
3.00 - 3.49	.07	80.00	1.60
3.50 - 3.99	.08	90.00	1.80
4.00 - 4.49	.09	100.00	2.00
4.50 - 4.99	.10	200.00	4.00
5.00 - 5.49	.11	300.00	6.00
5.50 - 5.99	.12	400.00	8.00
6.00 - 6.49	.13	500.00	10.00
6.50 - 6.99	.14	600.00	12.00
7.00 - 7.49	.15	700.00	14.00
7.50 - 7.99	.16	800.00	16.00
8.00 - 8.49	.17	900.00	18.00
8.50 - 8.99	.18	1000.00	20.00
9.00 - 9.49	.19		
9.50 - 10.00	.20		

## CHAPTER 3.05 SEVERANCE TAX

### Sections:

- 3.05.010. Levy and rate of tax.
- 3.05.020. Definitions.
- 3.05.030. Exemptions.
- 3.05.040. Registration.
- 3.05.050. Collection and remittance of tax.
- 3.05.060. Liability for tax.
- 3.05.070. Delinquencies and penalties.
- 3.05.080. Confidentiality of records.
- 3.05.090. Severance tax return verification.
- 3.05.100. Protest and appeal.

### **3.05.010. Levy and rate of tax.**

- A. There is levied within the City, on any severer or harvester harvesting or processing seafood product for sale, profit or commercial use, an excise tax, denominated as a severance tax.
- B. The tax rate shall be two percent (2%) of the market value of the seafood product harvested or processed.

### **3.05.020. Definitions.**

- A. "Calendar quarter" means any one of the following three (3) month periods beginning on January 1<sup>st</sup>. January 1 through March 30; April 1 through June 30; July 1 through September 30; and October 1 through December 31.
- B. "City" means the City of Manokotak.
- C. "Market value" means the gross purchase price, including bonus amounts, whether paid at the time of sale or as a deferred or delayed payment.
- D. "Point of severance" means the point at which seafood product was harvested (removed or captured from the water) within the City.
- E. "Seafood product" means any raw finfish or bottom fish, shellfish, mollusks and all other commercial products of the sea.
- F. "Severer" or "Harvester" means a person, company, corporation or other entity engaged in the business of severing or harvesting seafood product. This includes onshore or offshore processors of seafood product who process, deliver, catch or receive seafood product within the boundaries of the City provided that those activities are not already subject to the City's Sales Tax. It also includes persons who sever or harvest seafood product within the boundaries of the City and transport the seafood product to location(s) outside the City for sale and/or processing, provided that the sale made by such severer or harvester is not already subject to the City Sales Tax. It does not include persons who sever or harvest seafood product for subsistence or sport uses.

### **3.05.030. Exemptions.**

A severer or harvester shall be exempt from taxation under this Chapter:

- A. If the market value of seafood product severed or harvested within the City within a calendar year does not equal or exceed the amount of ten thousand dollars (\$10,000); or
- B. If the seafood product severed or harvested is already subject to the City Sales Tax.

**3.05.040. Registration.**

- A. A purchaser of seafood product from a severer or harvester subject to tax under this Chapter shall register with the City prior to beginning any purchasing activity. Registration shall take place on forms provided by the City.
- B. A certification of registration shall not be granted by the City if the purchaser is delinquent in the filing of previous returns, or the payment of tax or other amounts due under this Chapter. The City's refusal to issue a requested certification of registration is subject to appeal by the purchaser, under procedures to be established by the City Manager.

**3.05.050. Collection and remittance of tax.**

- A. Every severer or harvester subject to taxation under this Chapter shall accrue the taxes imposed by this Chapter at the time of sale. A purchaser of seafood product from a severer or harvester shall collect and transmit the tax to the City on the severer or harvester's behalf. The purchaser shall hold the tax collected in trust for the City until paid. The tax imposed shall be shown on the purchase and sale documents as a separate and distinct item.
- B. Every purchaser who makes payment for a seafood product subject to severance tax in a calendar quarter shall submit to the City a severance tax return, under oath and upon forms furnished by the City, containing the following information:
  - 1. A description of the waters from which the seafood product was severed or harvested by commercial fishing district, by longitude and latitude, or such other description of location as may be approved by the City;
  - 2. The gross amount of seafood product purchased from each severer or harvester during the calendar quarter; and
  - 3. The market value of seafood product severed or harvested during the calendar quarter. The market value for the calendar quarter shall include the amount paid to any severer or harvester for seafood product purchased, but not paid for or fully paid for, by the purchaser during any prior calendar quarter.
- C. The return, along with all taxes due the City for the calendar quarter, shall be submitted quarterly, due on or before the last day of the month succeeding the end of the calendar quarter for which the return is required. In the event the last day of the month falls on a legal holiday, the return may be filed and payment made on the first business day following.
- D. For purposes of this section, taxes and returns are timely transmitted and/or filed only when the taxes and returns are actually received in the offices of the City, or placed in the U.S. mail property addressed to the City, with proper postage affixed, and postmarked on or before the due date.
- E. Taxes due for a given quarter which are not transmitted to the City on or before the due date of the return for that quarter are delinquent.
- F. Amounts received with the return shall be applied in the following order:

1. Penalties due, beginning with the oldest penalty;
  2. Interest due, beginning with the interest due on the oldest quarter; and
  3. Tax due, beginning with the tax due from the oldest quarter.
- G. A purchaser who timely and correctly files a properly completed return, along with full payment of all taxes due under this Chapter for the calendar quarter, shall be entitled to a discount, equal to five percent (5%) of the tax collected or the sum of three hundred dollars (\$300), whichever is less, in the form of a deduction from the amount of the tax due, provided that the purchaser:
1. Is not presently delinquent in the filing of previous tax returns or payment of tax due under this Chapter, and
  2. Does not exhibit a manifest failure to maintain proper records or cooperate with the City under section .090 of this Chapter.

**3.05.060. Liability for tax.**

- A. The severer or harvester, and the purchaser of the seafood product subject to tax under this Chapter is liable for the taxes, interest and penalties due. The tax, together with penalties and interest, may be collected in a personal action brought in the name of the City. The City may also request injunctive or declaratory relief, seeking compliance with the provisions of this Chapter.
- B. If a business entity becomes delinquent in the collection or transmittal of tax due under this Chapter, any officer or other person having control, responsibility or supervision of collection or payment of the tax, or submittal of tax returns, shall be personally liable for any unpaid taxes, interest and penalties. The provisions of this paragraph do not relieve the entity from its liability for payment of the tax, interest or penalty due under this Chapter, or otherwise impair other tax collection remedies afforded by law.

**3.05.070. Delinquencies, penalties and interest; accelerated returns.**

- A. All delinquent taxes are subject to a penalty equal to ten percent (10%) of the tax due, with a minimum penalty of One Hundred Dollars (\$100).
- B. In addition to the penalty provided above, interest shall accrue at the rate of ten percent (10%) per annum on the delinquent tax from the date of delinquency until paid in full.
- C. Knowingly failing to pay or collect tax due under this Chapter, knowingly failing to file a tax return required under this Chapter, knowingly making a false statement on a tax return relative to the amount, location, kind or value of activities subject to taxation, or knowingly failing to pay over to the City taxes collected and held in trust for the City shall constitute a violation of the City Code and shall be punishable by a civil penalty of not more than One Thousand Dollars (\$1,000), which may be imposed in addition to injunctive and compensatory relief. Each day that a violation continues constitutes a separate violation.
- D. A purchaser's failure to register as required under this Chapter shall constitute a violation of the City Code, and the purchaser shall pay a penalty of five hundred dollars (\$500). Each day that the purchaser conducts business without registering shall constitute a separate violation.
- E. A purchaser who fails to collect taxes due, timely file a return, or pay taxes when due, on at least two occasions within a twelve-month period, may be required by the City

Manager to thereafter file and pay on a monthly or other basis, until the purchaser demonstrates, to the satisfaction of the City Manager, that future compliance is ensured. The determinations of the City Manager hereunder are subject to appeal, under procedures to be established by the City Manager.

**3.05.080. Confidentiality of records.**

All information and materials in the possession of the City which disclose the particulars of the business or affairs of the payer or collector of taxes under this Chapter shall be kept confidential by the City except in connection with an official investigation by the City or other agency enforcing the laws of the City or other jurisdiction, or upon court order. The City publish at any time the names of delinquent taxpayers or collectors, and the amounts and periods of delinquency, and may publish statistics in a manner which prevents identification of particular returns.

**3.05.090. Severance tax return verification; estimated return.**

- A. All severers and harvesters, and purchasers of seafood product from a severer or harvester, shall retain for a period of six years any and all books and records relating to severance and purchasing activities conducted within the City.
- B. The City Manager, or the Manager's designee, may:
  - 1. Require a severer or harvester, any agent or employee of a severer or harvester, or a purchaser of seafood product subject to taxation under this Chapter, to furnish any additional information reasonably necessary to compute the amount of the tax or to determine if a tax is due;
  - 2. Examine the books, records and files of any such person or entity, or any person or entity conducting or believed to be conducting severance activities within the City;
  - 3. Conduct hearings and compel the attendance of witnesses and the production of books, records and papers of any person or entity; and
  - 4. Make an investigation or hold any inquiry reasonably necessary to a disclosure of facts as to: a) the amount of harvest of any seafood product by a severer or harvester, b) the purchase of the seafood products, c) the market value of any seafood product, and d) transportation of seafood product.
- C. Upon written notification and request by the City, mailed to the last known address, the person or entity shall present at a specified date and time and deliver to the City the books, records and any other documentation of the activities as requested. Said documents may include, but are not limited to, the following: Sales journals, production reports, general ledgers, bank statements, income statements, balance sheets, charts of account, fish tickets and federal and/or state income tax returns.
- D. Failure by the person or entity to comply with the provisions of paragraph C above shall constitute a violation of the City Code and shall be punishable by a penalty of not more than One Thousand Dollars (\$1,000) which may be imposed in addition to injunctive and compensatory relief. Each day that a violation continues constitutes a separate violation.
- E. In the event that the City is unable to ascertain the amount of tax due under this Chapter by reason of the failure of a severer, harvester or purchaser to keep accurate and complete books or records or to allow inspection, or due to a failure to file a return or due

to falsification of books or records, the City may make an estimate of the tax due based upon any reasonable information available to it. Notice of the estimate of tax due, along with interest and penalty, shall be deemed final for the purposes of determining liability hereunder, thirty (30) days from the date of notice unless the party files an accurate return, supported by satisfactory records, indicating a lesser liability.

**3.05.100. Protest and appeal.**

- A. If a severer or harvester believes that a transaction is exempt or otherwise not subject to the tax imposed under this Chapter or believes that a penalty or interest is not owing, but has been informed by the City that such transaction is subject to the tax imposed under this Chapter or such penalty or interest is owing, the person may protest the tax, penalty or interest by paying the sums the City states are owed and filing with the City at the time of such payment a statement of protest setting out all relevant facts and clearly explaining why the severer or harvester believes the transaction is not subject to this Chapter or the penalty or interest should not be imposed. The payment and statement of protest must be received by the City on or by the date the tax or charge is otherwise due under section 3.05.050. Failure to file a statement of protest and to pay the amount claimed by the City as owing within the time permitted under this provision constitutes a waiver of the right to protest the tax or charge under this Chapter and is a waiver of the right to appeal the protest, or to appeal or otherwise challenge the tax or charge in any judicial or other proceedings.
- B. The City Manager shall issue a written ruling on each protest within thirty (30) days of receipt of the protest by the City. The person from whom the tax, penalty or interest is due had the burden of proof. The City Manager may permit or require the protestor to provide additional information relevant to the protest. The ruling will be sent to the protestor at the address given on the protest, and shall be effective upon mailing.
- C. If a protest is granted, the City Manager shall cause to be refunded to the person the tax or other charge paid to the City that was not subject to the tax or charge levied.
- D. If a protest is denied, the protestor may, within thirty (30) days of the date of the notice of denial, request that the protest be referred to the City Council. The City shall receive such additional information, whether written or oral, as the protestor may desire to present. The Council shall render a decision in writing to the protestor. A protestor who is dissatisfied with the Council's decision may appeal that decision to the superior court within thirty (30) days of issuance of that decision, and otherwise in accordance with the Alaska Appellate Rules of Procedure. The protestor's failure to timely appeal in accordance with those rules constitutes a waiver of appeal rights and the Council's decision becomes final.

**CHAPTER 3.06 (RESERVED)**



## TITLE IV - ELECTIONS

### Chapters:

- 4.01 City Elections
- 4.02 Election Equipment and Materials
- 4.03 Election Procedures
- 4.04 Absentee Voting
- 4.05 Review of Election Returns
- 4.06 Contest of Election
- 4.07 Special Elections
- 4.08 (Reserved)

## CHAPTER 4.01 CITY ELECTIONS

### Sections:

- 4.01.010. Administration.
- 4.01.020. Voter qualification.
- 4.01.030. Residence criteria.
- 4.01.040. General elections.
- 4.01.050. Special elections.
- 4.01.060. Election notices.
- 4.01.070. Forty percent of votes cast required.
- 4.01.080. Run-off elections.
- 4.01.090. Tie votes.
- 4.01.100. Qualification for city council.
- 4.01.110. Filing for office.
- 4.01.120. Withdrawal; written notice.
- 4.01.130. Publishing names.
- 4.01.140. Election judges.

### **4.01.010. Administration.**

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

### **4.01.020. Voter qualifications.**

A person shall be qualified to vote in the City election who:

- A. Is a United States citizen who is qualified to vote in state elections;
- B. Has been a resident of Manokotak for thirty (30) days immediately preceding the election;
- C. Is registered to vote in state elections; and
- D. Is not disqualified under Article V of the Constitution of the State of Alaska which provides that:

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

### **4.01.030. Residence criteria.**

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

- A. No person may be considered to have gained a residence solely by reason of his/her presence, nor may he/she lose it solely by reason of his/her absence while in the civil or military service of the state or of the United States, or of his/her absence because of

marriage to a person engaged in civil or military service of the state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in navigation of waters of Alaska, of the United States, or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in an Alaska Pioneers' Home.

- B. The residence of a person is that place in which he/she permanently lives, and to which, whenever he/she is absent, he/she intends to return. If a person resides in one place but does business in another, the former is his/her place of residence. Temporary construction camps do not constitute a dwelling place.
- C. A change of residence is made only by the act of moving with the intent to remain in another place. A person can have only one residence.
- D. A person does not lose his/her residence if he leaves his/her home and goes to another country, state or place in Alaska for temporary purposes only and with the intention of returning.
- E. A person does not gain residency by coming to the City without the present intention to establish his/her permanent dwelling in the City.
- F. A person loses his/her residence in the City if he/she votes in an election of another City or state, either in person or by absentee ballot, and will not be eligible to vote in this City's municipal elections until he/she again qualifies under this Chapter.
- G. The term residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of a voter as it appears on his/her official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form and prepared by the supervisor of elections setting out his/her new voting residence.

**4.01.040. General elections.**

The regular general election for Council members and other elected City officials shall be held each year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in three (3) public places for thirty (30) days preceding the date of the election.

**4.01.050. Special elections.**

- A. If a petition submitted by voters for an initiative, referendum or recall election is certified by the City clerk and submitted to the City Council, the Council shall resolve that a special election be held on the question on the ninth (9<sup>th</sup>) Tuesday following submission of the petition to the Council.
- B. If a special election is required by act of the City Council, the City Council shall resolve that a special election on the question proposed by the Council's ordinance or resolution be held on the sixth (6<sup>th</sup>) Tuesday following the Council's action.
- C. If the regular general election held each year on the first Tuesday of October occurs within seventy-five (75) days of the date of submission of a petition by voters for an initiative, referendum or recall election, or if the regular general election occurs within seventy-five (75) days of Council action which requires an election then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.

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

**4.01.060. Election notices.**

- A. Election notices shall be prepared and posted in three public places by the City clerk for 30 days before the date of the general election and for 20 days before the date of a special election, and shall contain the following, as appropriate:

1. Whether the election is general, special or run-off;
2. Date of the election;
3. Location of the City polling place;  
Time the polling place will open and close;
4. Offices to be filled;
5. A statement describing voter qualifications;
6. Time for filing declarations of candidacy;
7. A statement of any questions or propositions to be placed on the ballot.

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

**4.01.070. Forty percent of votes cast required.**

A candidate must receive greater than forty percent (40%) of the votes cast for his/her respective office in order to win the election.

**4.01.080. Run-off elections.**

If no candidate receives greater than forty percent 40% of the votes cast, the Council shall hold a run-off election between the two (2) candidates receiving the greatest number of votes for the office; the candidate who receives the most votes wins. Run-off elections shall be held on the second Tuesday following the date the Council certifies the election. Notice of the run-off election shall be posted in three (3) public places for at least five (5) days before the election.

**4.01.090. Tie votes.**

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

**4.01.100. Qualifications for city council.**

A person filing for election to a City Council seat must be:

1. a United States citizen who is qualified to vote in state elections;
2. a resident of the City for one year immediately preceding the election for which he/she is declaring candidacy;
3. registered to vote in state elections;

4. not disqualified under Article V of the Constitution of the State of Alaska which provides that:

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

**4.01.110. Filing for office.**

- A. A person who wishes to become a candidate for an elective office shall file a declaration of candidacy with the City clerk. This shall be filed no sooner than thirty (30) days and no later than ten (10) days before the election.
- B. A person filing for a City Council seat must meet the qualifications of this Chapter.
- C. The form appearing at the end of this Chapter illustrates the form to be used for the declaration of candidacy.
- D. Candidates for office of the City of Manokotak Council are exempt from the requirements of AS 39.50 laws requiring a statement of income and business interests. The qualified voters of the City duly approved this exemption by referendum on November 8, 2016.

**4.01.120. Withdrawal; written notice.**

Any candidate who has filed to run for office may withdraw his/her candidacy no later than the last day of filing a declaration of candidacy by filing a written notice of withdrawal with the City clerk.

**4.01.130. Publishing name.**

Five (5) days before the date of election, the City clerk shall post in three (3) public places the names of all candidates who have filed and designate the office for which such persons have declared candidacy.

**4.01.140. Election judges.**

- A. Each year the Council chooses three City voters to be election judges and select one of those judges to be chairperson. If an appointed election judge fails to appear and take the oath on Election Day or becomes incapacitated during the time of the election or counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.
- B. The City clerk shall give the following written oath to all election judges on or before Election Day:

“I, \_\_\_\_\_, do solemnly swear that I will honestly, faithfully and promptly perform the duties of election judge to the best of my ability and that I am familiar with the City’s election ordinances.”

Signed: \_\_\_\_\_

Attest: \_\_\_\_\_

City Clerk

- C. The rate of pay for the election judges shall be determined by the Council.
- D. At least one of the judges shall be fluent in the Yup'ik language in order to assist voters who may have difficulty with the ballot.
- E. The election supervisor may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint an election clerk to assist the judges. Any person appointed as election clerk must be qualified to serve as an election judge.

SAMPLE DECLARATION OF CANDIDACY FORM

DECLARATION OF CANDIDACY

I, \_\_\_\_\_, declare that I am a United States citizen qualified to vote in State of Alaska elections and registered to vote therein and I have been, or will have been by the date of the election for which I am filing this declaration, a resident of the City of Manokotak for at least one year.

I declare myself a candidate for the office of City Council Member for Seat \_\_\_\_ for a term of \_\_\_\_ years. I request that my name be printed upon the official ballot for the City election to be held in Manokotak, Alaska on the \_\_\_\_\_ day of October, and 20 \_\_\_\_.

Signed: \_\_\_\_\_

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

SAMPLE NOTICE OF ELECTION

NOTICE OF GENERAL MUNICIPAL ELECTION CITY OF MANOKOTAK, ALASKA

TO BE HELD: October \_\_\_\_\_, 20\_\_\_\_\_.

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

SEAT \_\_\_\_\_: \_\_\_\_\_YEAR TERM

SEAT \_\_\_\_\_: \_\_\_\_\_YEAR TERM

SEAT \_\_\_\_\_: \_\_\_\_\_YEAR TERM

Voter Qualifications:

- 1.) UNITED STATES CITIZEN
- 2.) QUALIFIED TO VOTE IN STATE ELECTIONS
- 3.) REGISTERED TO VOTE IN STATE ELECTIONS
- 4.) RESIDENT OF MANOKOTAK 30 days IMMEDIATELY PRECEDING THE ELECTION
- 5.) NOT DISQUALIFIED UNDER ARTICLE V OF THE ALASKA CONSTITUTION

Polls Will Open: 8:00 A.M., OCTOBER \_\_\_\_\_, 20\_\_\_\_\_.

Polls Will Close:8:00 P.M., OCTOBER \_\_\_\_\_, 20\_\_\_\_\_.

Location of Polls: CITY OFFICE

Candidates for office must file a declaration of candidacy with the City clerk no later than 5:00 p.m., September \_\_\_\_\_, 20\_\_\_\_. Sample declaration of candidacy forms may be obtained from the City clerk at the City office.

\_\_\_\_\_

DATE

ATTEST: \_\_\_\_\_

CITY CLERK



## CHAPTER 4.02 ELECTION EQUIPMENT AND MATERIALS

### Sections:

- 4.02.010. Election booths.
- 4.02.020. Instruction cards.
- 4.02.030. Ballots, printing, sample ballots.
- 4.02.040. Ballots form.
- 4.02.050. Other materials.

#### **4.02.010. Election booths.**

The election supervisor shall provide booths at the polling place, with enough supplies and materials to enable each voter to mark his/her ballot in privacy. Booths shall be enclosed and shall be placed within plain view of the election judges, voters, and other persons at the polling place.

#### **4.02.020. Instruction cards.**

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

- A. How to obtain a ballot;
- B. How to mark a ballot;
- C. How to obtain additional information; and
- D. How to obtain a new ballot to replace any ballot destroyed or spoiled.

The election supervisor shall provide election judges with a sufficient number of these instruction sheets to be made available in the voting place.

#### **4.02.030. Ballots, printing, sample ballots.**

In the City elections, the City clerk as election supervisor will be responsible for the printing of ballots. The ballots will be printed and in the possession of the City clerk at least five (5) days before the date set for a general or special election and three (3) days before the date set for a run-off election. There shall be at least ten ballots printed on colored paper with the words "SAMPLE BALLOT" printed on them, to be posted in the clerk's office until Election Day and then given to the judges at the polling place.

#### **4.02.040. Ballots form.**

- A. The ballots shall state at the top whether the election is regular, special or run-off election.
- B. The ballots shall include instructions on how to mark them.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The clerk shall assure that there are one-third more ballots printed and numbered than there are registered voters in Manokotak, in order to provide replacements for ballots spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the master voter registration list.

- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be placed the words, "Vote for not more than three," or, "Vote for not more than one," or such other number of seats to be filled.
- F. Under the title of each office and before the printed names of the candidates, there shall be printed, "Vote for one" or such other number as is to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in random order, and by a blank line or lines for write-in candidates. In regular and special elections the number of blank lines provided for write-in candidates for each office shall be equal to the number of persons who are to be elected to the office. No blank lines shall be provided for run-off elections.
- G. The names of the candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
- H. The names of candidates shall be printed as they appear upon the declarations of candidacy filed with the City clerk, except that any honorary or assumed title or prefix shall be omitted.
- I. Following the names of the offices and candidates, there shall be placed on the ballot, in the format prescribed by law, all propositions and questions to be voted upon, if any. Provision shall be made for marking the propositions or questions "Yes" or "No."
- J. Somewhere on the ballots, clearly visible, will be printed the words:
  - 1. "OFFICIAL BALLOT"
  - 2. Date of the election
  - 3. An example of the signature of the clerk who had the ballots printed.
- K. The sample ballot appearing at the end of this Chapter illustrates the ballot format.

**4.02.050. Other materials.**

At least ten (10) days before the day of the election, the clerk shall prepare the following materials:

- A. An updated master voter registration list containing the names, in alphabetical order, of all registered voters eligible to vote in the election;
- B. a blank register on which the voters may print and sign their names and print their residence addresses, and on which the election judge may write the number of the ballot issued to the voter;
- C. tally sheets;
- D. a form for the report of preliminary election results;
- E. envelopes bearing the oath and affidavit of eligibility for questioned ballots;
- F. two large envelopes for the polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballots";
- G. Copies of the Notice of Election and the City's election ordinance.

SAMPLE BALLOT

NO. \_\_\_\_\_

\_\_\_\_\_

AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE

CITY OF MANOKOTAK, ALASKA  
REGULAR ELECTION OF \_\_\_\_\_ (DATE) \_\_\_\_\_

Mark your votes by making an "X" mark in the space next to each candidate or choice you wish to write in. If you make a mistake or change your mind DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the election judge or clerk. You will be given another ballot.

DO NOT vote for more than one person for each office or make more than one choice for each proposition. If you do so, none of your votes for that office or proposition can be counted.

To vote for a person whose name is not printed on the ballot, write his or her name in the blank spaces below the list of candidates.

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

\_\_\_\_\_ VOTE FOR NOT MORE THAN THREE \_\_\_\_\_

CITY COUNCIL MEMBER  
Seat \_\_\_\_: Three years

CITY COUNCIL MEMBER  
Seat \_\_\_\_: Three years

(VOTE FOR ONE ONLY)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CITY COUNCIL MEMBER

Seat\_\_\_: Two years

(VOTE FOR ONE ONLY)

---

---

---



PROPOSITION

\_\_\_ YES                      \_\_\_ NO

OFFICIAL BALLOT

Prepared by: \_\_\_\_\_

City Clerk

## CHAPTER 4.03 ELECTION PROCEDURES

### Sections:

- 4.03.010. Time for opening and closing polls and location.
- 4.03.020. Distribution of ballots.
- 4.03.030. Distribution of other election materials.
- 4.03.040. Preparation of ballot box.
- 4.03.050. Voting; general procedure.
- 4.03.060. Voting; spoiled ballots.
- 4.03.070. Voting; questioned ballots.
- 4.03.080. Assisting voter by judge.
- 4.03.090. Prohibitions.
- 4.03.100. Administration of oaths.
- 4.03.110. Majority decision of election board.
- 4.03.120. Ballots; counting and tallying.
- 4.03.130. Rules for counting ballots.
- 4.03.140. Report of election results.
- 4.03.150. Posting certificate of preliminary election results.

#### **4.03.010. Time for opening and closing polls and location.**

- A. On the day of any election, the election board shall open the polls for voting at 8:00 a.m. and close the polls at 8:00 p.m., and shall keep the polls open at all times during these hours. The election board members shall report to the polling place at 7:00 a.m. on Election Day.
- B. Fifteen minutes before the closing of the polls, an election judge shall announce to all present the time remaining before the polls close. A judge shall announce the time when the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.
- C. The normal voting place shall be the City office. If for some reason beyond the control of the Council this location is unusable, the Council may by resolution designate a different location. Such location shall be included on all notices of election.

#### **4.03.020. Distribution of ballots.**

- A. Before the polls open on Election Day, the election supervisor shall deliver the ballots and sample ballots to an election board member at the polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board member to whom the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.
- B. The election supervisor shall keep the following records:
  - 1. The number of ballots delivered to the polling place;
  - 2. The time the ballots are delivered;
  - 3. The name of the person to whom the ballots are delivered;
  - 4. The receipt given for the ballots by the election board.

C. When the ballots are returned, the election supervisor shall record the following:

1. The number of ballots returned;
2. The time the ballots are returned;
3. The name of the person returning the ballots; and
4. The condition of the ballots.

**4.03.030. Distribution of other election materials.**

- A. On election day, the election supervisor shall also furnish the election board judges at the polling place with voting booths and a ballot box (with lock), and the following materials: the updated master voter registration list; a blank register; envelopes bearing the oath and affidavit of eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election, the City's elections ordinance; a sufficient number of instruction sheets; and a sufficient supply of pens, pencils, and envelopes.
- B. The election supervisor shall supply the election board chairperson with tally sheets and forms for the report of preliminary election results.

**4.03.040. Preparation of ballot box.**

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

**4.03.050. Voting; general procedures.**

- A. A voter shall give the judges or clerk his/her name, and print and sign his/her name, and write his/her residence address on the first available line of the blank register. The signing of the register is a declaration by the voter that he/she is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce a state voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt as to whether the person is registered to vote, he shall immediately question the voter.
- B. If the voter is not questioned, the judge or clerk shall give the voter a single ballot and note its number on the register next to the voter's name. The voter shall then go alone to a voting booth. There, the voter without delay shall prepare his/her ballot by marking the boxes opposite the names of candidates of his/her choice, whether printed on the ballot or written in by him/her on the blank lines provided for that purpose. The voter also marks the boxes to indicate his/her vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold his/her ballot in a manner displaying the number on the ballot and deliver it to one of the judges who shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the judges. The voter shall then him/herself in the presence of the election judge

deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his/her behalf. Separate ballot boxes may be used for separate ballots.

- C. If a voter is questioned, the voter may cast a questioned ballot pursuant to Section 7 of this Chapter.

**4.03.060. Voting; spoiled ballots.**

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

**4.03.070. Voting; questioned ballots.**

- A. Every election judge shall question, and any other person qualified to vote in the City may question, a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding persons' qualifications to vote shall be made in writing, setting out the reason the person has been questioned.
- B. If a voter's name is not on the master voter registration list or a voter's eligibility to vote is questioned, or there is some other question regarding a voter's eligibility, and the voter believes that he/she is registered and eligible to vote, the voter shall sign an envelope bearing the oath and affidavit of eligibility attesting to the fact that the person meets all the qualifications of a voter, is not disqualified, and has not already voted at the same election. After the questioned person has executed the oath and affidavit of eligibility the person may cast a questioned ballot. If the questioned person refuses to execute the oath and affidavit of eligibility, the person may not vote.
- C. A voter who casts a questioned ballot shall vote his/her ballot in the same manner as prescribed for other voters. After the election judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement the voter previously signed is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, sealed in the questioned ballots envelope and delivered to the election supervisor along with other election materials and the ballot statement when the election board completes the tally and account of ballots. The merits of the question shall be determined by the City Council, meeting as the election review committee on the first Monday following the election.
- D. A sample oath and affidavit of eligibility form is included at the end of this Chapter.

**4.03.080. Assisting voter by judge.**

A qualified voter who cannot read, mark the ballot, or sign his/her name, or who because of unfamiliarity with the system of voting needs assistance, may request an election judge, a person, or not more than two persons of his/her choice to assist him/her. If the election judge is asked, he/she shall assist the voter. If any other person is asked, the person shall state upon oath

before the election judge that he/she will not divulge the vote cast by the person whom he/she assists or change the voting wishes of the person he/she assists.

**4.03.090. Prohibitions.**

- A. No voter may leave the polling place with the official ballot that he/she received to mark.
- B. No voter may exhibit his/her ballot to an election official or any other person so as to enable any person to ascertain how the voter marked his/her ballot.
- C. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or in any way attempt to learn how a voter marked his/her ballot, or allow the same to be done by another person.
- D. No election official may allow a ballot which he/she knows to have been unlawfully exhibited a voter to be placed in the ballot box. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.
- E. During the hours that the polls are open, no judge may discuss any political party, candidate or issue while on duty.
- F. During the hours that polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

**4.03.100. Administration of oaths.**

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

**4.03.110. Majority decision of election board.**

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

**4.03.120. Ballots; counting and tallying.**

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. Ballots may not be counted before 8:00 p.m. on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of anyone present. The public may not be excluded from the area in which the ballots are counted. However, the chairperson of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall continue the vote tally without adjournment until the count is complete.
- B. The election board shall account for all ballots by completing a ballot statement containing (1) the number of ballots received; (2) the number of ballots voted, (3) the



number of ballots spoiled, and (4) the number of ballots unused. The board shall count the number of questioned ballots and shall compare that number with the number of questioned voters on the register. If any discrepancies in members of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for is the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist between the ballots received and those accounted for, it shall be explained in detail on the ballot statement and the explanation signed by the election judges.

- C. The forms at the end of this Chapter provide examples of tally sheets and ballot statements that may be used.

#### **4.03.130. Rules for counting ballots.**

- A. The election board shall count ballots according to the following rules:

1. A voter may mark his/her ballot only by the use of cross marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter chooses.
2. Failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
3. If a voter marks fewer names than there are persons to be elected to an office, a vote shall be counted for each candidate properly marked.
4. If a voter marks more names than there are persons to be elected to an office, the votes for candidates for that office shall not be counted on that ballot.
5. An acceptable mark specified in subsection A of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended that particular square to be designated.
6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
7. An erasure or correction invalidates only that section of the ballot in which it appears.
8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was marked for the purpose of identifying the ballot.
9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written in as a write-in vote.
10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.

- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
- C. The chairperson of the election board shall write the word "Defective" on the back of each ballot the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection A of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairperson shall specify on the back of the ballot exactly which portion or portions have not been counted.

- D. If a particular objection is made to counting all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairperson of the election board shall write the words "Objected to" on the back of the ballot and specify the portion or portions of the ballot to which the objection applies.
- E. All defective ballots and all ballots objected to should be sealed in a single envelope marked "Defective Ballots", which shall be delivered to the election supervisor.

**4.03.140. Report of election results.**

- A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the report of preliminary election results form. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information the election board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the master voter registration list, register of voters, tallies, oaths of judges, oaths and affidavits of eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package and, in a separate sealed package, all ballots properly cast. The chairperson of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee on the Monday following the election when the committee meets.
- B. The election supervisor shall place all election materials received from the election board in the office safe until the canvass of election returns on the Monday following the election. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates.

**4.03.150. Posting certificate of preliminary election results.**

The clerk shall post copies of the certificate of preliminary election results in three public places the day after the preliminary election results are known. The notice shall include:

- A. The time and place of the Council meeting to be convened to consider the election results.
- B. A statement that the results do not reflect the votes of absentee and questioned ballots and are not final until the Council formally certifies the election; and
- C. That anyone will have the opportunity to contest the election at the meeting.

SAMPLE FORM

CITY OF MANOKOTAK, ALASKA OATH AND AFFIDAVIT OF ELIGIBILITY

I, \_\_\_\_\_, do hereby declare that I am a resident of the City of Manokotak, Alaska, and meet all of the minimum requirements set forth by local ordinances and state law to vote in this election.

I am not disqualified, and have not already voted in this election.

Signed: \_\_\_\_\_

Name

\_\_\_\_\_

Address

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

Election Judge

SAMPLE FORM

CITY OF MANOKOTAK, ALASKA REPORT OF PRELIMINARY ELECTION RESULTS

The tally below is a true and accurate record of all regular votes cast in the \_\_\_\_\_ election cast in the \_\_\_\_\_ election held in the City of Manokotak, Alaska on \_\_\_\_\_, 20\_\_.

PART I: ELECTIVE OFFICES

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

Candidate	Vote	Candidate	Vote
1. _____	_____	4. _____	_____
2. _____	_____	5. _____	_____
3. _____	_____	6. _____	_____

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

Candidate	Vote	Candidate	Vote
1. _____	_____	4. _____	_____
2. _____	_____	5. _____	_____
3. _____	_____	6. _____	_____

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

Candidate	Vote	Candidate	Vote
1. _____	_____	4. _____	_____
2. _____	_____	5. _____	_____
3. _____	_____	6. _____	_____

PART II. BALLOT PROPOSITIONS AND QUESTIONS

Proposition \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_

Proposition \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_

Question \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_

Question \_\_\_\_\_: For \_\_\_\_\_ Against \_\_\_\_\_

PART III. ACCOUNTING OF BALLOTS

Total ballots received from election supervisor: \_\_\_\_\_

Total regular ballots cast: \_\_\_\_\_

Total questioned ballots cast: \_\_\_\_\_

Total ballots returned to clerk:

Defective: \_\_\_\_\_

Spoiled: \_\_\_\_\_

Unused: \_\_\_\_\_

The tally of votes was completed between the hours of \_\_\_\_\_ p.m. and \_\_\_\_\_ p.m. on \_\_\_\_\_, 20\_\_\_\_.

Respectfully submitted:

\_\_\_\_\_, Election Board Chairperson

\_\_\_\_\_, Election Judge

\_\_\_\_\_, Election Judge

ATTEST:

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

## CHAPTER 4.04 ABSENTEE VOTING

### Sections:

- 4.04.010. Absentee voting; eligible persons.
- 4.04.020. Absentee ballots; application, filing.
- 4.04.030. Ballot and envelope form.
- 4.04.040. Absentee voting procedures.
- 4.04.050. Absentee ballots; delivery.
- 4.04.060. Absentee voting at clerk's office; absentee voter's ballot.
- 4.04.070. Absentee ballots; executing outside city.
- 4.04.080. Voting at the polls; absentee voters; surrender of materials.
- 4.04.090. Retention of absentee ballots; delivery.
- 4.04.100. Liberal construction.

#### **4.04.010. Absentee voting; eligible persons.**

Any qualified voter who expects to be absent from the City or who will be unable to vote by reason of physical disability on the day of any election, may cast an absentee ballot.

#### **4.04.020. Absentee ballots; application, filing.**

- A. A person who seeks to vote by absentee ballot may file either in person or by mailing his/her written application to the City clerk.
- B. An application made by mail must be received by the City clerk no more than twenty (20) days and no less than three (3) days before a City election. An application made in person must be filed with the City clerk not more than twenty (20) days before the City election, and no later than noon on the day before a City election.
- C. The application must be signed by the applicant and show his/her place of residence.
- D. No absentee voter's ballot shall be mailed to any address in the City. Any voter present in the City who requires an absentee ballot shall personally obtain the ballot from the City clerk.
- E. Nothing in this section is intended to prevent the City clerk from personally delivering a ballot to a person who because of physical incapacitated is unable to make application in person at the City office for an absent voter's ballot. The City clerk may deliver an absentee ballot to a disabled person living within the City at any time until the polls close on Election Day.
- F. The form appearing at the end of this Chapter is an example of this application.

#### **4.04.030. Ballot and envelope form.**

The ballot provided to absentee voters shall be identical to the ballots prepared for regular voters. The ballot envelope shall be smaller than the return envelope so it may easily be enclosed in the return envelope. The ballot envelope shall be marked "Ballot Envelope" and have no other marks upon it. The ballot envelope and the return envelope shall be of heavy opaque paper. The return envelope shall have printed upon its back the affidavit and certification shown at the end of this Chapter.

**4.04.040. Absentee voting procedures.**

- A. The clerk shall provide each eligible absentee voter with an official ballot, together with a ballot envelope and a prepaid return envelope.
- B. The clerk shall not issue an absentee ballot sooner than ten (10) days before the election.
- C. Upon issuing an absentee ballot to a voter, either by mail or by personal delivery, the clerk shall enter on the blank register the following information: the number of the ballot issued the name of the voter to whom it was issued, and the date on which the ballot was issued. Before the opening of the polls on Election Day the clerk shall deliver to the election judges a list of the voters who have requested to vote absentee.
- D. To be counted, an absentee voter's ballot must be executed before the polls close and be received by the clerk prior to the time the ballots are canvassed by the election review committee.
- E. All supplies necessary for the voter to cast and return his/her ballot will be furnished by the clerk. No City official may make any charge for services rendered to any voter under the provisions of this Chapter.

**4.04.050. Absentee ballots; delivery.**

Upon receipt of an application for an absent voter's ballot, the clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with Alaska Statutes, Chapter 15.07. If the applicant is properly registered, the clerk shall deliver to the applicant, personally or by mail to the address given by the applicant, an official ballot for the election, a ballot envelope and return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the clerk, in a manner, which permits the clerk to be certain that the voter personally marked the ballot but which does not permit the clerk to see how the voter voted. The voter shall fold the ballot and seal it in the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the back of the return envelope and deliver it to the clerk. The clerk shall certify the affidavit on the return envelope, write or stamp his/her name across its seal, and retain the envelope in his/her custody to be delivered to the Council for canvassing.

**4.04.060. Absentee voting at clerk's office; absentee voter's ballot.**

Any voter issued an absentee ballot may, at any time prior to election day, appear at the office of the City clerk and cast his/her ballot there in the following manner: The voter shall first show the City clerk that his/her ballot has not been marked, then shall secretly mark the ballot in the presence of the clerk in a manner which permits the clerk to be certain that the voter personally marked the ballot but which does not permit the clerk to see how he/she voted. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the back of the return envelope and deliver it, properly sealed, to the City clerk. The City clerk shall certify to the affidavit printed on the return envelope, write or stamp his/her name across its seal, and retain the envelope in his/her custody to be delivered to the Council for canvassing.

**4.04.070. Absentee ballots; executing outside city.**

Any voter issued an absentee ballot may, at any time prior to closing of the polls on Election Day, appear before any person authorized by law to administer oaths, and in the presence of such officer cast his/her ballot in the same manner as he/she would cast it in the office of the City clerk under this Chapter. After writing or stamping his/her name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the City clerk.

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

If a voter who has been issued an absentee ballot returns to the City on Election Day, he/she shall not vote at the polling place unless he/she first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to him/her. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the election supervisor by the election board with other ballots not used at the polling place.

**4.04.090. Retention of absentee ballots; delivery**

The City clerk as election supervisor shall retain in the office safe all absentee ballots received until the City Council meets as the election review committee to canvass the election. At that time the clerk shall deliver all absentee ballots received to the election review committee to be counted and included in the final vote tally. Absentee ballots must be received by the time of the meeting in order to be counted.

**4.04.100. Liberal construction.**

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



SAMPLE FORM

CITY OF MANOKOTAK, ALASKA APPLICATION FOR ABSENTEE BALLOT

I, \_\_\_\_\_, a qualified voter and resident of the City of Manokotak, Alaska, do hereby make application for an absentee ballot for the \_\_\_\_\_ election to be held on \_\_\_\_\_, 20\_\_.

Residence address: \_\_\_\_\_  
(P.O. Box Number or Street)

Mailing address: \_\_\_\_\_  
(If other than residence address)

Reason for requesting absentee ballot:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address to which absentee ballot should be mailed:  
  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: An absentee ballot may not be mailed to an address in Manokotak.

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

Signed: \_\_\_\_\_

Received by: \_\_\_\_\_

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

PLEASE MAIL APPLICATION TO:

City Clerk,  
City of Manokotak  
Manokotak, Alaska 99628

SAMPLE FORM

STATE OF ALASKA ) ABSENTEE BALLOT RETURN ENVELOPE  
 ) SS.  
UNITED STATES OF AMERICA )

I \_\_\_\_\_, state that I am a resident of and a registered voter in the City of Manokotak, Alaska, and I hereby enclose my ballot.

\_\_\_\_\_  
(Signature of Voter)

\_\_\_\_\_  
(Manokotak Residence Address)

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. I hereby certify that the above-named affiant appeared before me, displayed to me an unmarked absentee ballot, marked the ballot in my presence without allowing me or any other person to see how the ballot was marked, enclosed and sealed said ballot in a ballot envelope, and then enclosed and sealed the ballot envelope in this return envelope, handed me the return envelope sealed, and signed the foregoing affidavit.

\_\_\_\_\_  
(Official's Signature) (Title of Official)

(OFFICIAL SEAL)

NOTE: Immediately mail this ballot to City Clerk, City of Manokotak, Alaska 99628.

MARKED BALLOT ENCLOSED, TO BE OPENED ONLY BY ELECTION REVIEW COMMITTEE

## CHAPTER 4.05 REVIEW OF ELECTION RETURNS

### Sections:

- 4.05.010. Election review committee meeting.
- 4.05.020. Review to be public.
- 4.05.030. Procedure for questioned ballot review.
- 4.05.040. Questioned ballots-subpoenas.
- 4.05.050. Absentee ballots.
- 4.05.060. Counting absentee and questioned ballots.
- 4.05.070. Defective ballots.
- 4.05.080. Certifying results.
- 4.05.090. Contest of election.
- 4.05.100. Certificate of election.
- 4.05.110. Retention of election records.

#### **4.05.010. Election review committee meeting.**

- A. The City Council acting as the election review committee shall meet on the first Thursday after the election and canvass all absentee, questioned and defective ballots executed in the election. If the Council is unable to obtain a quorum or complete the count on the Thursday after the election, the canvass will be continued the following day and each day thereafter until completed.
- B. The City clerk shall submit to the Council the election board's report of preliminary election results, the master voter registration list, the register, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective and objected-to ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

#### **4.05.020. Review to be public.**

- A. The review of all absentee and questioned and defective ballots shall be made in public by opening the returns, and announcing the results thereof in front of everyone present.
- B. The review shall include a review and comparison of the tallies of ballots with the election reports to correct any mathematical error in the count of ballots.
- C. If the election supervisor finds an unexplained error in the tally of ballots, he/she may count the ballots from the ballot box.

#### **4.05.030. Procedure for questioned ballot review.**

- A. The election supervisor shall contact the State Division of Elections and the local voter registrars by the Thursday following the election to determine if persons casting questioned ballots because their names failed to appear on the master voter registration list were in fact registered to vote in state elections. The election supervisor shall record the names of these questioned voters who were in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to procedures in subsection B4 of this section.
- B. The Council, meeting as the election review committee, shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the Council may request the assistance of the clerk, and shall hear the testimony of the voter who cast the

questioned ballot and of any other City resident who has information useful to the Council's decision. If the Council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the Council upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.

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

**4.05.040. Questioned ballots; subpoenas.**

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

**4.05.050. Absentee ballots.**

- A. The Council shall examine each absentee ballot return envelope. Upon the Council's satisfaction that:
  - 1. The voter is registered to vote;
  - 2. A resident of Manokotak;
  - 3. Did certify and cast her/his ballot before a person authorized by law to administer oaths, which person did sign and seal; and
  - 4. The ballot was cast before the close of the polls in Manokotak; the return envelope shall be opened and the blank envelope containing the absentee ballot shall be

placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.

- B. If the Council determines that a voter voting absentee was not in fact a qualified voter or did not follow absentee voting procedures, the Council by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened but rather the reasons for rejection shall be noted on the envelope. The election supervisor shall place all such rejected absentee ballots in an envelope marked "Rejected Absentee Ballots" to be saved with other election materials. The election supervisor shall notify the voter in writing why his/her absentee ballot was rejected.

**4.05.060. Counting absentee and questioned ballots.**

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

**4.05.070. Defective ballots.**

Council members shall examine the defective ballots to see whether each one should be counted.

**4.05.080. Certifying results.**

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

- A. Certify a report that shows:
  - 1. The total number of ballots cast in the election;
  - 2. The names of the persons voted for (including write-ins) and the propositions voted upon;
  - 3. The offices voted for;
  - 4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
  - 5. The disposition of all absentee, questioned, and defective ballots; and
  - 6. Any other matters which the Council deems necessary to preserve a complete record of the election.

**4.05.090. Contest of election.**

If a contest of election is declared and resolved, the procedures of this Chapter shall be followed at a special meeting held on the first Monday after resolution of the contest.

**4.05.100. Certification of election.**

- A. Upon authorization of certification of election results by the City Council, the City clerk shall prepare two certificates of election for each office, proposition, or question considered. The certificates shall be signed by the mayor and attested by the clerk. One original of each certificate of election shall be given to the successful candidate or the sponsor of the successful question or propositions named thereon, and the other original of each certificate shall be kept by the City.
- B. The forms appearing at the end of this Chapter serve as an example of the certificates of election.

**4.05.110. Retention of election records.**

The City clerk shall preserve all election certificates, tallies and registers for four (4) years after the election. All ballots and stubs may be destroyed thirty (30) days after certification of the election unless an appeal of the election has been filed in the Superior Court, in which case the ballots and stubs may be destroyed thirty (30) days after conclusion of the appeal unless stayed by an order of the court.

SAMPLE FORM

CITY OF MANOKOTAK, ALASKA REPORT OF ELECTION RESULTS

The tally below is a true and accurate record of all votes cast in the \_\_\_\_\_ election held in the City of Manokotak, Alaska on \_\_\_\_\_, 20\_\_\_\_.

PART I: ELECTION OFFICE

OFFICE: City Council Seat \_\_\_\_\_

Candidate	Vote	Candidate	Vote
1. _____	_____	4. _____	_____
2. _____	_____	5. _____	_____
3. _____	_____	6. _____	_____

OFFICE: City Council Seat \_\_\_\_\_

Candidate	Vote	Candidate	Vote
1. _____	_____	4. _____	_____
2. _____	_____	5. _____	_____
3. _____	_____	6. _____	_____

OFFICE: City Council Seat \_\_\_\_\_

Candidate	Vote	Candidate	Vote
1. _____	_____	4. _____	_____
2. _____	_____	5. _____	_____
3. _____	_____	6. _____	_____

PART II. BALLOT PROPOSITIONS AND QUESTIONS

Proposition _____:	For _____	Against _____
Proposition _____:	For _____	Against _____
Question _____:	For _____	Against _____
Question _____:	For _____	Against _____

PART III. ACCOUNTING OF BALLOTS

Total ballots cast: \_\_\_\_\_

Total regular ballots cast: \_\_\_\_\_

Total questioned ballots cast: \_\_\_\_\_

Disposition:

Accepted: \_\_\_\_\_

Rejected: \_\_\_\_\_

Total absentee ballots cast: \_\_\_\_\_

Disposition:

Accepted: \_\_\_\_\_

Rejected: \_\_\_\_\_

Total defective ballots cast: \_\_\_\_\_

Disposition:

Accepted: \_\_\_\_\_

Rejected: \_\_\_\_\_

The canvass of the election was completed between the hours of \_\_\_\_\_ .m. and \_\_\_\_\_ .m. on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Mayor

ATTEST:

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



SAMPLE FORM

CITY OF MANOKOTAK, ALASKA CERTIFICATE OF ELECTION

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
\_\_\_\_\_ was elected to the office of \_\_\_\_\_ the City of  
Manokotak, Alaska, as confirmed by the Manokotak City Council upon completion of the final  
canvass of the ballots on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DATED at Manokotak, Alaska, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Mayor

ATTEST:

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

SAMPLE FORM

CITY OF MANOKOTAK, ALASKA CERTIFICATE OF ELECTION BALLOT PROPOSITION

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the ballot proposition relating to \_\_\_\_\_, a true and correct copy of which is attached hereto, was approved by the voters of the City of Manokotak as confirmed by Manokotak City Council upon completion of the final canvass of ballots on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DATED at Manokotak, Alaska, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

## CHAPTER 4.06 CONTEST OF ELECTION

### Sections:

- 4.06.010. Contest of election; contestant.
- 4.06.020. Contest of election; council.
- 4.06.030. Ballot recount.
- 4.06.040. Prohibited practices alleged.
- 4.06.050. Sustained charges; recount.
- 4.06.060. Recount expenses; appeal.

#### **4.06.010. Contest of election; contestant.**

- A. Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.
- B. Any qualified voter who believes that prohibited practices occurred at an election may contest the election by:
  - 1. Filing a written affidavit with the City clerk specifying with particularity the provisions of the law which he/she believes were violated and the specific acts he/she believes to be misconduct;
  - 2. This affidavit must be filed with the City clerk before or during the first review of the ballots on the Thursday following the election. The City clerk shall acknowledge the date and times the affidavit is received on its face and make a photocopy of the affidavit which shall be given the contestant.
  - 3. A sample affidavit at the end of this Chapter shows the form this affidavit should take.

#### **4.06.020. Contest of election; council.**

The City Council may order an investigation or a recount of the ballots or declare the election invalid and order a new election, or declare the affidavit of election contest without merit and certify the results of the election.

#### **4.06.030. Ballot recount.**

If only a recount of ballots is demanded, the election board shall recount the ballots.

#### **4.06.040. Prohibited practices alleged.**

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

#### **4.06.050. Sustained charges; recount.**

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

**4.06.060. Recount expenses; appeal.**

- A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any results of the election or the difference between the winning and losing vote on the result contested is more than two percent.
- B. A person may appeal the decision of the Council in this Chapter to the Superior Court. However, no person may appeal or seek judicial review of a City election for any cause or reason unless the person is qualified to vote in the City, has exhausted his/her administrative remedies before the City Council, and has commenced, within ten (10) days after the Council has finally declared the election results, an action in the Superior Court. If no such action is commenced within the 10 day period, the election and election results shall be conclusive, final, and valid in all respects.

SAMPLE FORM

AFFIDAVIT OF ELECTION CONTEST

The undersigned believes that prohibited practices occurred at the municipal election held on \_\_\_\_\_, 20\_\_\_\_, at Manokotak, Alaska.

The undersigned states that the following laws were violated:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned states that the above provisions of the law were violated in the following manner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Person Contesting

Received: \_\_\_\_\_

Date

\_\_\_\_\_

Time

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

Signature

## CHAPTER 4.07 SPECIAL ELECTIONS

### Sections:

- 4.07.010. Time for elections.
- 4.07.020. Calling of elections.
- 4.07.030. Date of elections.
- 4.07.040. Notice of elections.
- 4.07.050. Qualifications of voters.
- 4.07060. Conduct of elections.

#### **4.07.010. Time for elections.**

There may be special elections called by the Council at its discretion at any time or times subject only to the requirement of notice and the applicable laws and ordinances governing the subject of the proposition or question submitted at the election.

#### **4.07.020. Calling of elections.**

The Council may, by resolution or ordinance, call a special election.

#### **4.07.030. Date of elections.**

The resolution or ordinance calling a special election shall fix the date of the election, and shall allow sufficient time for notice in accordance with Section 4.

#### **4.07.040. Notice of elections.**

Notice shall be given by publication or posting at least twenty days' notice in three conspicuous places within the City limits. The notice shall be substantially the same form as for general elections.

#### **4.07.050. Qualifications of voters.**

Each voter must have the qualifications needed to vote in a general election. There shall be no additional requirement.

#### **4.07.060. Conduct of elections.**

A special election shall be conducted in the same manner as a general election.

**CHAPTER 4.08 (RESERVED)**

## TITLE V - GENERAL WELFARE

### Chapters:

- 5.01 Intoxicating Liquors and Beverages
- 5.02 Protective Custody Reimbursement
- 5.03 Dog Control
- 5.04 Disposal of Garbage and Trash
- 5.05 Motor Vehicles
- 5.06 (Reserved)
- 5.07 Marijuana Regulation
- 5.08 (Reserved)
- 5.09 (Reserved)



## CHAPTER 5.01 INTOXICATING LIQUORS AND BEVERAGES

### Sections:

- 5.01.010. Prohibition of sale; importation and possession of intoxicating beverages.
- 5.01.020. Fines and penalties.

### **5.01.010. Prohibition of sale; importation and possession of intoxicating beverages.**

In accordance with the alcohol local option election held under A.S. 04.11.496 and A.S. 04.11.502, on January 29, 1988, the residents of Manokotak voted to prohibit the sale, importation, and possession of intoxicating liquors and beverages within the municipal boundaries of Manokotak, Alaska.

### **5.01.020. Fines and penalties.**

Fines and penalties for violation of this ordinance shall be those established under the laws of the State of Alaska.

## CHAPTER 5.02 PROTECTIVE CUSTODY REIMBURSEMENT

### Section:

- 5.02.010. Protection of public inebriates.
- 5.02.020. Financial responsibility.

#### **5.02.010. Protection of public inebriates.**

The City of Manokotak believes it is in the public interest and consistent within Alaska Statutes, Title 47, to protect public inebriates from potential harm to themselves and others.

#### **5.02.020. Financial responsibility.**

All persons taken into protective custody under the provisions of Title 47 of Alaska Statutes shall be financially responsible to the City for the cost of their custody. The rate shall be \$250.00 for each time a person is placed in protective custody under Title 47 by the City of Manokotak. Clause needs to be added where a collection system will be utilized to collect monies from the person.

## CHAPTER 5.03 DOG CONTROL

### Sections:

- 5.03.010. Restraint required.
- 5.03.020. Care of pens and dog yards.
- 5.03.030. Vaccinations.
- 5.03.040. Vicious dogs; warnings; destructions.
- 5.03.050. Fines.

#### **5.03.010. Restraint required.**

- A. All dogs allowed outside the confines of their owners' or keepers' homes or property and not under the direct physical control or command of their owners or keepers shall be securely restrained by means of a chain, harness, or leash.
- B. All dogs shall be restrained at a safe distance from public streets, paths and playground areas.

#### **5.03.020. Care of pens and dog yards.**

No person/s shall allow his/her dog yard or pens to become littered, soiled, or in a state of disrepair which is injurious to the health of the animals or which is hazard to good public health and sanitation.

#### **5.03.030. Vaccinations.**

All dogs must be vaccinated by their owners or health care professional to prevent contagious diseases which might be transmitted to other animals or humans.

#### **5.03.040. Vicious dogs; warnings; destructions.**

Any dog which has proved to be vicious shall be controlled by leash, chain or muzzle. If a dog or pack of dogs is reported as vicious, the owners will receive from the VPSO written warning to control their dogs. If after the second warning, the dog (or dogs) is still uncontrolled, it shall be destroyed by the VPSO. If ownership of uncontrolled dogs cannot be determined, the VPSO will notify the community that on the day following his/her notification, those unrestrained dogs will be destroyed. For the purposes of this Chapter, any dog shall be deemed vicious which has bitten a person or domestic animal without molestation; or which, by its actions, gives indication that it is able to bite any person or domestic animal without molestation; or which is found causing damage to property.

#### **5.03.050. Fines.**

Owners not complying with the terms and conditions of this ordinance shall be issued a written warning. If after the second warning, the situation has still not been remedied, the owner will be fined no less than \$10.00. For second and subsequent offenses, owners will be fined a sum of not less than \$20.00. Owners of dogs that must be destroyed will be charged \$20.00 per dog. All fines will be according to SPCA.

## CHAPTER 5.04 DISPOSAL OF GARBAGE AND TRASH

### Sections:

- 5.04.010. Storage of trash in containers.
- 5.04.020. Dumping of trash.
- 5.04.030. Penalties.

#### **5.04.010. Storage of trash in containers.**

All garbage shall be kept in covered containers and, when they are full, removed to the City's designated dumpsite.

#### **5.04.020. Dumping of trash.**

- A. No person shall dump, throw, place or allow to remain on his/her property, either private or public, any garbage, trash, rubbish of any nature that may be offensive and a hazard to public health and sanitation.
- B. Dumping of trash, rubbish, cans, previous seasons dried fish or any other refuse into the river is prohibited.

#### **5.04.030. Penalties.**

Violation of this ordinance will result in a fine of not less than \$1.00 for the first offense, and for the second and subsequent offenses, not less than \$5.00.

## CHAPTER 5.05 MOTOR VEHICLES

### Sections:

- 5.05.010. Definitions.
- 5.05.020. Coverage.
- 5.05.030. Age limit.
- 5.05.040. Excessive speed.
- 5.05.050. Unsafe operation.
- 5.05.060. Obstructing airstrip.
- 5.05.070. Influence of intoxicating liquor or beverages.
- 5.05.080. Required equipment; all vehicles.
- 5.05.090. Reporting of accidents.
- 5.05.100. Penalties.
- 5.05.110. Enforcement.

### **5.05.010. Definitions.**

- A. "Street" means a way used by the public or vehicle traffic.
- B. "Vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power unaided by internal combustion engines or other such mechanical devices for the generation of energy. Devices designed primarily for travel over snow or ice by means of skis, belts, cleats, or low-pressure tires are deemed "vehicles".

### **5.05.020. Coverage.**

This Chapter is effective within the City limits of Manokotak including the airport and applies to all roads and trails over which the City exercises control, whether inside or outside the City limits of Manokotak.

### **5.05.030. Age limit.**

No vehicle shall be operated by a person under sixteen (16) years of age on City controlled streets or roads.

### **5.05.040. Excessive speed.**

It shall be unlawful for any motor vehicle, including motor scooters, motorcycles, motor driven bicycles, and tracked vehicles to travel at an excessive speed within the City limits of Manokotak. A snow machine is considered a motor vehicle. Regardless of any posted limit, it is also unlawful to drive a land-based vehicle at a speed greater than is reasonable under the existing road and/or weather conditions.

**5.05.050. Unsafe operation.**

- A. Persons operating snow machines, three-wheelers and four-wheelers shall carry no more than one passenger per trip.
- B. No person shall drive, operate, stop or move any vehicle in a careless, reckless or negligent manner so as to endanger, or be likely to endanger, the safety of any person or the property of any person.

**5.05.060. Obstructing airstrip.**

- A. No person may place an object on the surface of the airstrip, which because of its nature or location might cause injury or damage to an aircraft or person(s) riding in the aircraft.
- B. No person may dig a hole or make any kind of excavation, or drive a sled, tractor, truck or any kind of vehicle upon the surface of the airstrip, which might make ruts or tracks or add to an accumulation of tracks so as to cause sufficient roughness of the surface to endanger aircraft using the airstrip.

**5.05.070. Influence of intoxicating liquor or beverage.**

No driver of any vehicle shall be under the influence of intoxicating liquor or beverages.

**5.05.080. Required equipment; all vehicles.**

- A. It shall be unlawful to operate any vehicle without operating lights, either from or back.
- B. It shall be unlawful to operate any vehicle without a throttle in operating condition which when released by hand or foot will return the engine speed to idle.
- C. It shall be unlawful to operate any vehicle without brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions.

**5.05.090. Reporting of accidents.**

The operator of a vehicle involved in an accident resulting in injury or death of a person, or property damage other than to his or her own vehicle the estimated amount of which is \$100 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest State Trooper or the Village Public Safety Officer.

**5.05.100. Penalties.**

- A. Persons found to be in violation of traffic safety provisions of this ordinance will be fined \$20.00 for the first offense, \$30.00 for the second offense and \$40.00 for the third offense.
- B. Any vehicle found to be in non-compliance with safety requirements of this ordinance may be impounded, to be released to the owner for a fee not to exceed \$100.00.

**5.05.110. Enforcement.**

Provisions of this ordinance shall be enforced by the Village Public Safety Officer and members of the City Police Department.

**CHAPTER 5.06 (RESERVED)**

## CHAPTER 5.07 MARIJUANA REGULATION

### Sections:

- 5.07.010. Prohibition on operation of marijuana establishments.
- 5.07.020. Prohibition on sale, or importation for sale of marijuana and marijuana products.
- 5.07.030. Prohibition on use of marijuana in public.
- 5.07.040. Prohibition on use of marijuana by persons under the age of 21.
- 5.07.050. Penalties.
- 5.07.060. Definitions.

#### **5.07.010. Prohibition on operation of marijuana establishments.**

The operation of marijuana establishments within the City limit is prohibited. This includes the operation of a retail marijuana store, marijuana cultivation facility, marijuana product manufacturing facility, and marijuana testing facility.

#### **5.07.020. Prohibition on sale, or importation for sale of marijuana and marijuana products.**

The sale of marijuana and marijuana products, or the importation for sale of marijuana and marijuana products within the City limit is prohibited.

#### **5.07.030. Prohibition on use of marijuana in public.**

Use of consumption of marijuana in public is prohibited.

#### **5.07.040. Prohibition on use of marijuana by persons under the age of 21.**

Use, possession, or consumption of marijuana by persons under the age of 21 is prohibited.

#### **5.07.050. Penalties.**

Fines and penalties for violation of this ordinance shall be those established under the laws of the State of Alaska.

#### **5.07.060. Definitions.**

“Consumer” means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by persons 21 years of age or older, but not for resale to others.

“Consumption” means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.

“In public” means in a place to which the public or a substantial group of persons has access, including but not limited to City-owned or operated property, any place that members of the public are able to congregate regardless of whether they property is privately or publically owned, streets, highways, transportation facilities, schools, places of amusement or business, parks, playground, correctional facilities, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence, bars, or restaurants.



“Marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; “marijuana” does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

“Marijuana cultivation facility” means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana establishment” means a marijuana cultivation facility, marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

“Marijuana product manufacturing facility” means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

“Marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

“Marijuana testing facility” means an entity registered to analyze and certify the safety and potency of marijuana.

“Retail marijuana store” means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana, and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

**CHAPTER 5.08 (RESERVED)**

**CHAPTER 5.09 (RESERVED)**

## TITLE VI - ACQUISITION, MANAGEMENT AND DISPOSAL OF LAND

### Chapters:

- 6.01 Real Property Acquisition
- 6.02 Eminent Domain; Adverse Possession
- 6.03 Real Property Sales by City
- 6.04 Lease of City Lands
- 6.05 Disposition of City-owned Personal Property
- 6.06 Extraterritorial Jurisdiction
- 6.07 (Reserved)
- 6.08 (Reserved)
- 6.09 (Reserved)

Note: Addressed with BBNA, BBNC, BIA & DNR

## CHAPTER 6.01 REAL PROPERTY ACQUISITION

### Sections:

- 6.01.010. Acquisition and ownership.
- 6.01.020. Real property defined.
- 6.01.030. Procedural requirements.
- 6.01.040. Ownership.
- 6.01.050. Rights and powers of city.
- 6.01.060. Dedication by plat.
- 6.01.070. Industrial sites.
- 6.01.080. Federal and state aid.
- 6.01.090. Real property as security.

### **6.01.010. Acquisition and ownership.**

The City may acquire, own and hold real property inside or outside the City boundaries by purchase, gift, devise, grant, dedication, exchange, redemption, purchase of equity of redemption, operation of law, tax or lien foreclosure, adverse possession, condemnation or declaration of foreclosure, adverse possession, condemnation or declaration of taking, annexation, or by any other lawful means or conveyance.

### **6.02.020. Real property defined.**

As used in this Chapter, “real property” includes any estate in land, easement, right-of-way, lease, permit, license, franchise, future interest, building, fixture, or any other right, title or interest in land or a building.

### **6.02.030. Procedural requirements.**

The City may acquire, own, and hold real property by warranty or quit claim deed, easement, grant, permit, licenses, deed of trust, mortgage, and contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant. Real property shall behold in the name of “City of Manokotak”.

Any instrument requiring execution by the City shall be signed by the mayor and attested by the clerk. The form of any conveyance may be approved by an attorney hired by the City.

Upon a specific resolution of the Council, the mayor may act on its behalf in the acquisition of real property or an interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grants acreage. The resolution shall set forth the terms, conditions and manner of acquisition.

No Council approval is necessary to acquire any easement, right-of-way, permit, license, or other interest in real property necessary for a utility or public improvement has been authorized and approved by the Council.

Prior to approval, the mayor is to furnish the Council with an abstract of title, an appraisal of the real property, and a review of any problem in acquisition, but the failure to furnish the

Council any such materials shall not affect the validity of any acquisition or purchase of real property by the City.

Unless otherwise provided by the Council, the City shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon Council approval of a purchase, the mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purpose and acquisition of the real property.

**6.02.040. Ownership.**

The City may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any person or government body for any public purpose. The City may hold real property in trust for any public purpose.

The Council may approve and authorize the purchase of real property by contract of sale, deed of trust, or mortgage.

**6.02.050. Rights and powers of city.**

The City shall have and may exercise all rights and powers in the acquisition, ownership, and holding of real property as if the City were a private person.

**6.02.060. Dedication by plat.**

The City may not acquire any real property by means of dedication by plat unless the dedication of real property is accepted in writing and signed by the mayor and approved by the Council.

**6.02.070. Industrial sites.**

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

**6.02.080. Federal and state aid.**

The City may apply for, contact with and do all things necessary to cooperate with the United States government and the State of Alaska for the acquisition, holding, improvement, or development of real property inside and outside the City boundaries.

**6.02.090. Real property as security.**

The Council may pledge, mortgage or otherwise secure real property of the City for the payment of City bonded or other indebtedness when required as authorization by law.

## CHAPTER 6.02 EMINENT DOMAIN, ADVERSE POSSESSION

### Sections:

- 6.02.010. Eminent domain.
- 6.02.020. Ordinance and vote required.
- 6.02.030. Adverse possession.

#### **6.02.010. Eminent domain.**

The City may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the City under the procedures set out on Alaska Statutes, Title 9.

#### **6.02.020. Ordinance vote required.**

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

#### **6.02.030. Adverse possession.**

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

## CHAPTER 6.03 REAL PROPERTY SALES BY CITY

### Sections:

- 6.03.010. Power to dispose of real property.
- 6.03.020. Sale or disposal.
- 6.03.030. Rights and powers.
- 6.03.040. Property exchanges.
- 6.03.050. Grants for federal and state programs.
- 6.03.060. Beneficial new industries.
- 6.03.070. Change of use.
- 6.03.080. Utilities.
- 6.03.090. Release of easements.
- 6.03.100. Public sale requirements.
- 6.03.110. Sale procedure; land value under \$25,000.
- 6.03.120. Sale procedure; land value \$25,000 or more.
- 6.03.130. Sales; preference rights.
- 6.03.140. Future interests and after-acquired title.
- 6.03.150. Minimum acceptable offer.
- 6.03.160. Exceptions to minimum acceptable offer.
- 6.03.170. Conditions of sale.
- 6.03.180. Council action.
- 6.03.190. Purchase agreement.
- 6.03.200. Employment of broker.
- 6.03.210. Reservation of easements and rights-of-way.
- 6.03.220. Mayor's regulations.

### **6.03.010. Power to dispose of real property.**

The City may, sell, convey exchange, transfer, donate, dedicate, or assign to use, or otherwise dispose of City-owned property by any lawful means or conveyance.

### **6.03.020. Sale or disposal.**

The City may sell or dispose of real property by warranty or quit claim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful method or mode of conveyance or grant.

Any instrument requiring execution of the City shall be signed by the mayor and attested by the clerk. The form of any instrument may be approved by an attorney hired by the City.

### **6.03.030. Rights and powers.**

The City shall have and may exercise all rights and powers in the sale and disposal of real property as if the City were a private person.

The City may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when in the judgment of the Council it is no longer required for municipal purposes.



**6.03.040. Property exchanges.**

The Council may approve after public notice the conveyance and exchange of a parcel of City property for an equivalent parcel of property owned by another person subject to such conditions as the Council may impose on the exchange, whenever in the judgment of the Council it is advantageous to the City to make such property exchange.

**6.03.050. Grants for federal and state programs.**

The Council may grant or devote real property no longer held for public purpose to the United States, the State of Alaska, a political subdivision, or an agency of any of these governments, for a consideration agreed upon between the City and grantee without a public sale if the grant or devotion is advantageous to the City. Any approval of a federal or state program providing for a participation or cooperation of the City by grant or devotion of the real property is a sale of that real property for the consideration stated in the program.

**6.03.060. Beneficial new industries.**

The City may sell, lease, or dispose of sites acquired for new industries benefiting the City, upon such terms and conditions as the Council considers advantageous to the City, to a person who agrees to install, maintain, and operate a beneficial new industry.

**6.03.070. Change of use.**

Real property acquired or purchased for one City purpose may be appropriated, transferred, assigned, or directed without public sale to another City purpose, whenever the Council determines that the purpose for which the property was acquired or purchased no longer exists, or the property is no longer used or useful for the purpose. No formal conveyance is necessary to dispose of real property to another City purpose, and the disposition may be made to another purpose with or without legal consideration for the disposition.

**6.03.080. Utilities.**

The City may sell, convey, or otherwise dispose of real property no longer used or useful in the operation of a City-owned utility. Real property no longer needed for the purpose for which the real property was acquired or purchased, or utility property no longer useful or used in the operation of the City-owned utility, is no longer property owned, held for or devoted to public use, and thus may be sold or disposed of as provided in the Code if the Council determines the real property is not useful to the City for any other purpose.

**6.03.090. Release of easements.**

The mayor at any time, subject to the provisions of Sections 11 and 12 of this Chapter, convey, quit claim, release, cancel or otherwise relinquish any real property easement, right-of-way, permit or license the City may have or hold for the purpose of installing, constructing, or maintaining a public improvement, whenever the interest is no longer used or useful for that purpose.

**6.03.100. Public sale requirements.**

Unless otherwise provided in this Chapter, sale of real property no longer used or useful for a public use or purpose shall be to the highest responsible bidder at a public sale. Public sale is defined as public outcry auction, sealed bid auction or lottery, whichever is determined by the Council to be most advantageous to the City for a particular sale. Public sale shall not be required where the real property of the City is subject to any term or condition restricting or limiting the ability of the City to obtain the fair market value of the property or where the Council determines the public interest requires a negotiated sale.

**6.03.110. Sale procedure; land value under \$25,000.**

Real property of the City valued under twenty-five thousand dollars (\$25,000), except as provided otherwise in this Chapter, shall be sold or otherwise permanently disposed of as provided below:

- A. An estimated value of the property shall be made by a qualified appraiser;
- B. the parcels of land to be sold shall be reviewed by the Council which shall then make recommendations to the mayor concerning desirable uses of the property, including projected need, if any, of the land for present or future recreational or other public use;
- C. After review, the Council may by resolution direct the sale or lease of such lands under such terms and conditions as it requires;
- D. Notice also shall be posted in at least three (3) public places within the City for at least thirty (30) days prior to the disposal;
- E. Notice may be given by other means considered reasonable by the mayor or Council;
- F. The notice must contain a brief description of the land, its area and general location, proposed use, term, computed annual minimum rentals or minimum offer, limitations if any, and time and place set for the auction or bid opening, if applicable; and
- G. The procedure for disposal shall be in a manner provided by resolution or the Council.

**6.03.120. Sale procedure; land value \$25,000 or more.**

Sale or other permanent disposition of land valued at twenty-five thousand dollars (\$25,000) or more shall be in the manner described in this Chapter with two exceptions as provided below:

- A. Council action under this Chapter, shall be by ordinance instead of by resolution;
- B. No disposition of land valued at twenty-five thousand dollars and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted.

At least twenty (20) days' notice shall be given of the election; the notice shall state the time of the election, the place of voting, a description of the property to be sold, leased or disposed of; a brief statement of the terms and conditions of the sale; the consideration, if any; and the title and date of passage of the ordinance. Notice shall be given by posting a copy of the notice in at least three public places in the City at least twenty (20) days before the election.

**6.03.130. Sales; preference rights.**

- A. When the Council adopts a resolution for sale of residential lots, the Council shall provide that the City shall offer to sell lots included in the lands to be sold to persons with preference rights as provided in this section.
- B. The bona fide occupant(s) of a parcel of City land who have built a residence on the parcel have a preference right to purchase the parcel under either of the following circumstances:
  - 1. The residence was built before the land was conveyed to the City, and the circumstances under which the residence was built do not make it inequitable to grant a preference right to the occupant(s), or
  - 2. The residence was built after the land was conveyed to the City, with the express consent of the Council, or based upon assurance by the mayor or Council that the land would be conveyed to the occupant(s) after improvements were constructed.
- C. When residential lots are to be sold by sealed bid or outcry auction, a preference right entitles the bona fide occupant(s) of a sale parcel to purchase the parcel by matching the highest bid. If no bids are received, the preference right holder may purchase the parcel at its appraised value.
- D. When residential lots are to be sold by lottery or by negotiated sale, a preference right entitles the bona fide occupant(s) of a sale parcel to purchase the parcel for its appraised value before it is offered for sale to others.
- E. For any specific sale, the Council may prescribe additional terms and conditions regarding the exercise of preference rights.

**6.03.140. Future interests and after acquired title.**

Upon recommendation of the mayor, the Council may authorize the sale of after-acquired title or future interests in real property to which the City is or may in the future become entitled. In exercising this power, the Council resolution must contain a specific disclaimer or any warranty of title.

**6.03.150. Minimum acceptable offer.**

The minimum acceptable offer for any land sold or leased under the provisions of this Chapter shall be appraised value determine under subsections of this Chapter. If there are no acceptable offers, the mayor may negotiate for the sale or lease of the land but the Council must, by resolution, approve the terms and price of any such negotiated sale or lease before such sale or lease shall be binding upon the City.

**6.03.160. Exceptions to minimum acceptable offer.**

Exceptions to the requirement for a minimum acceptable offer of market value may be made as provided below:

- A. The Council finds that a particular disposition will be in the public interest, as public interest is defined below as follows:

1. Public interest for the purposes of this section shall include a public or quasi-public purpose and use and shall also include exchanges of property to facilitate the solution of problems involving the boundary lines of public property. Public interest shall not include a purpose to return property to private ownership, or to make property available for desirable private enterprise or development, or other private purposes.

Upon Council determination of a public interest, a negotiated bid may be accepted by the Council by resolution in lieu of public bidding.

**6.03.170. Conditions of sale.**

The Council shall set forth the terms and conditions of the public sale in the resolution or ordinance authorizing the sale of real property. The Council may reserve the right to reject any and all bids received at the public sale, if the highest bid is below the fair market value and cost of the sale or if it is not made by a responsible bidder. The resolution or ordinance shall provide if the sale is for cash or cash deposit and purchase agreement.

The mayor shall prescribe the form of the purchase agreement. The Council shall approve all public sales of real property and shall approve any purchase agreement prior to its execution by the City. The approval of any public sale by the Council authorizes the mayor to take all steps and execute all instruments to complete and close the sale. The mayor or his designee shall conduct the sale and shall give the buyer a receipt for all monies received by the City. A purchaser at a public sale who fails to make such other cash payments within the times required by the resolution or ordinance shall forfeit any cash deposit paid to the City.

**6.03.180. Council action.**

No action of the Council to dispose of any City interest in real property dedicated to public use shall be final until the resolution or ordinance to do so has been on file in the office of the clerk for thirty (30) days. Prior to any Council action on the sale of real property, the mayor shall make his or her recommendation to the Council as to any change of use or merits of the sale or disposition of the real property.

**6.03.190. Purchase agreement.**

A purchaser of real property from the City may purchase the real property by purchase agreement if provided in the resolution or ordinance for the sale. Unless otherwise provided in the resolution or ordinance for the sale, a purchase agreement shall be in the form of a deed of trust. The purchase agreement shall be executed by the mayor and attested by the clerk, and may be approved as to form by the City attorney.

**6.03.200. Employment of broker.**

The City may employ a broker for the sale of real property and may pay the broker a commission for the sale. The employment shall be in the resolution for the sale of the real property and any contract of employment shall first be approved by the Council unless the Council authorizes the mayor to execute the contract without the approval.

**6.03.210.        Reservation of easements and rights-of-way.**

The City may reserve any easement and right-of-way to be used for public improvements and purposes before selling or disposition of City-owned real property. The Council may make such restrictions, limitations, reservation, reversions, or other covenants the Council may find advantageous to the City even if the fair market value of the property is affected. The effect of these reservations may be considered in determining the fair market value of the property.

**6.03.220.        Mayor's regulations.**

The mayor may provide by regulations for the procedures and forms as to applications, surveys, appraisals, auction, bidding, form, and substance of purchase agreement, or any other matter involving the sale or disposition of City property no inconsistent with and to implement the intent and purpose of this title. The absence of a regulation or an inconsistent regulation shall not invalidate any public sale procedure, or conveyance executed or to be executed by the City, where the requirements of this title have been otherwise satisfied.

## CHAPTER 6.04 LEASE OF CITY LANDS

### Sections:

- 6.04.010. Property available for leasing.
- 6.04.020. Term of lease.
- 6.04.030. Appraisals.
- 6.04.040. Lease auction.
- 6.04.050. Lease procedures.
- 6.04.060. Fair rental value.
- 6.04.070. Adjustment of rental.
- 6.04.080. Transfer of lessee's interest.
- 6.04.090. Renewal of lease.
- 6.04.100. Improvements and chattels.
- 6.04.110. Inspection of leased premises.
- 6.04.120. Easements and rights-of-way.
- 6.04.130. Condemnation premises; lease termination.
- 6.04.140. Lease rental credit.
- 6.04.150. Conditional lease.
- 6.04.160. Mayor's regulations.

#### **6.04.010. Property available for leasing.**

All real property, including tide, submerged, or shore lands, which the City owns or in which the City has right, title and interest, or to which the City may become entitled, may be leased as provided in this Chapter. The term property as used in this Chapter includes any and all interest in real property.

#### **6.04.020. Term of lease.**

No lease shall be for a term of more than twenty-one (21) years unless the Council shall determine from the purpose, use of the premises, and nature of improvements which may be placed on the premises that a longer term would benefit the City and would be consistent with City planning. A lease having a term greater than five years shall first be approved by the Council. Any renewal period or option to renew the lease period shall be included in the term of the lease in computing the five-year period of time.

#### **6.04.030. Appraisals.**

No property shall be leased or a renewal lease issued unless the property to be leased has been appraised by the City within one year prior to the date contemplated for the beginning of the lease.

No appraisal is required if the fair rental value of the property does not exceed two hundred fifty dollars (\$250) per year and the term of the lease is one year or less, or if the property has been assessed by a tax assessor during the year in which the property is to be leased.

An independent appraisal shall not be required unless directed by the Council, or otherwise required by this Chapter.

**6.04.040. Lease auction.**

Unless otherwise provided in this Chapter, property shall be leased to the highest responsible bidder at a lease auction. Lease auction may be by sealed bid or public outcry auction.

**6.04.050. Lease procedure.**

The provisions of this chapter of this Code on the method of disposition of City-owned property shall apply to all leases of City land authorized by this Chapter.

**6.04.060. Fair rental value.**

Property shall be leased for a fair rental value. Fair rental value is the rental computed from the appraised fair rental value of the property and means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market, for the use permitted by the City.

With approval by the Council the lease of property may be made for a rental less than the fair rental value to a state or federal agency, state political subdivision, or nonprofit organization as may be determined by the mayor to be fair and proper. The mayor shall consider the public interest and the nature of the public use or function of the leased premises.

Fair rental value shall not be required where the property interest of the City is subject to any term or condition restricting or limiting the ability of the City to obtain the fair rental value of the property.

**6.04.070. Adjustment of rental.**

A lease having a term of more than two years shall provide for adjustment of rentals at specified intervals during the term of the lease, and the intervals shall be every two years unless the lease provides for a longer interval, not to exceed six years. This section shall be incorporated in each lease by reference and enforceable.

**6.04.080. Transfer of lessee's interest.**

A lessee may sublease or assign the lease only upon approval by the City in writing.

**6.04.090. Renewal of lease.**

The renewal or extension of a lease shall be considered as a new lease unless renewal or extension is provided for in the lease. Upon a showing of hardship or for good cause the mayor may, at his or her option, renew or extend a lease for a period of not to exceed one year without notice, auction, or Council approval.

**6.04.100. Improvements and chattels.**

The lease shall provide the terms, conditions and limitations of the removal or reversion of the improvements or chattels upon the lease premises after termination of the lease. The

retiring lessee may with the consent of the mayor, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at public sale as provided by regulations of the mayor.

Proceeds of the sale shall be first applied to the City's costs and expenses of maintaining, removing, and selling the improvements and chattels and to rentals for the period of non-removal. The City may bid at the sale and may be credited with the value of the City's cost, expenses, and rentals due resulting from the non-removal of the improvements and chattels and to rentals for the period of non-removal. The City shall have all other rights, both legal and equitable, any other purchaser would have acquired by reason of sale.

**6.04.110. Inspection of leased premises.**

The lessee shall allow an authorized representative of the City to enter the leased premises for inspection at any reasonable time.

**6.04.120. Easements and rights-of-way.**

The City expressly reserves the right, without compensation or adjustment in rentals to the lessee, to grant surface, underground or overhead utility easements or rights-of-way in or upon the leased property, if the exercise of the right will not unreasonably interfere with the lessee's improvements placed upon the property and with the lessee's use of the property.

**6.04.130. Condemnation of premises; lease termination.**

Upon condemnation of the premises or any part of the premises, including condemnation, by any agency of the state, borough, or federal government, the lease shall terminate without any liability to the City. The City shall not be liable in damages or pay any compensation to the lessee as a result of the condemnation terminating the lease.

**6.04.140. Lease rental credit.**

When authorized in writing by the mayor prior to the beginning of work, the lessee may be granted credit against current or future rent provided the work, accomplished on or off the leased premises, results in increased valuation of the leased premises or of other City-owned property. The authorization may stipulate the type of work, standards of construction and maximum allowable credit for the specific project.

**6.04.150. Conditional lease.**

The City may issue a conditional lease on property it reasonably expects it will own or will acquire title to prior to the actual receipt of title. Leases issued on a conditional basis may be terminated in whole or in part in the event that the City is denied title to the property under lease. Prepaid lease rentals on property to which title is denied the City shall be refunded.

The City shall not be liable for any claim for damages that may be done to the property by the lessee, or liable for any claims of any third party or the lessee, or for any claims that may arise from ownership. In the event the City does receive title to the property under lease, the



conditional lease shall then have the same standing, force, and effect as a no conditional lease issued under this Chapter.

**6.04.160. Mayor's regulation.**

The mayor may provide regulations for the procedures and forms as to applications, surveys, appraisals, auction, bidding, form, and substance of lease, termination, forfeiture or any other matter involving the leasing of City property to implement the intent and purpose of this Chapter. The absence of a regulation or an inconsistent regulation shall not invalidate any auction procedure or lease executed or to be executed by the City, where the requirements of this Chapter have been otherwise satisfied.

## CHAPTER 6.05 DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

### Sections:

- 6.05.010. Personal property disposition by value.
- 6.05.020. Sale of surplus or obsolete goods.
- 6.05.030. Surplus stock.
- 6.05.040. Declaration of obsolescence.

### **6.05.010. Personal property disposition by value.**

Personal property, other than surplus stock, that is valued at less than one thousand dollars (\$1,000) may be disposed of upon such notice and terms considered reasonable by the mayor with approval of the Council. The mayor shall take into consideration the value of the article, the reasons for disposal, and the general preference for competitive bid. The mayor shall report disposals to the Council.

Personal property valued at more than one thousand dollars (\$1,000) but less than twenty-five thousand dollars (\$25,000), shall be disposed of in the manner provided for land valued under twenty-five thousand dollars (\$25,000) as provided in this Code.

Personal property valued at more than twenty-five thousand (\$25,000) shall be disposed of in the manner provided for land valued over twenty-five thousand dollars (\$25,000) as provided in this Code.

### **6.05.020. Sale of surplus or obsolete goods.**

The mayor and Council may sell the following without giving an opportunity for competitive bidding:

- A. Surplus or obsolete supplies, materials or equipment whose total value does not exceed one thousand dollars (\$1,000) in a single transaction.
- B. Supplies, materials or equipment when sold at a price at least as great as that paid by the City for the same.

### **6.05.030. Surplus stock.**

Departments shall submit to the mayor, at such times and in such form as he or she shall prescribe, reports showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

The mayor shall have the authority to transfer surplus stock to other agencies and provide for its proper fiscal transfer.

The mayor, with Council approval, shall may sell supplies or equipment which has become unsuitable for City use, or to exchange the same for, or trade in the same on, new supplies or equipment.

**6.05.040. Declaration of obsolescence.**

No surplus or obsolete supplies, materials or equipment of a value of more than one thousand dollars (\$1,000) may be sold until the Council has declared them obsolete or surplus.

## CHAPTER 6.06 EXTRATERRITORIAL JURISDICTION

### Sections:

- 6.06.010. Authority.
- 6.06.020. Procedure.

### **6.06.010. Authority.**

Alaska Statute 29.35.020., Extraterritorial Jurisdiction, provides:

(a) To the extent a municipality is otherwise authorized by law to exercise the power necessary to provide the ability or service, the municipality may provide parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them. A regulation adopted under this section must state that it applies outside the municipality.

(b) A municipality may adopt an ordinance to protect its water supply and watershed, and may enforce the ordinance outside its boundaries. Before this power may be exercised inside the boundaries of another municipality, the approval of the other municipality must be given by ordinance.

(c) This section applies to home rule and general law municipalities.

### **6.06.020. Procedures.**

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

## CHAPTER 6.07 ACQUISITION, MANAGEMENT AND DISPOSAL OF MUNICIPAL LAND

### Sections:

- 6.07.010. Rights and powers of City.
- 6.07.020. Acquisition of land.
- 6.07.030. Economic development sites.
- 6.07.040. Temporary use of City lands.
- 6.07.050. Casual use of City lands.
- 6.07.060. Disposal of real property.
- 6.07.070. Methods of disposal.
- 6.07.080. Leases.
- 6.07.090. Easements.
- 6.07.100. Notice of disposal.
- 6.07.110. Definitions.

### **6.07.010. Rights and powers of City.**

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

### **6.07.020. Acquisition of land.**

- A. The City may acquire, own and hold real property or any interest in real property inside or outside the City boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of taking under the City's power of eminent domain, or any other legal method. Unless otherwise directed by the City Council, the mayor has authority to negotiate the terms of acquisitions, subject to Council approval. Except as provided in sub-sections B and C of this section, and unless otherwise provided by law, all acquisitions shall be resolution approved by a majority vote of the total membership of the City Council. Real property shall be held in the name of "City of Manokotak".
- B. Upon passage of a resolution approved by a majority vote of the total membership of the City Council, the mayor may act upon behalf of the City to execute those documents required in the acquisition of real property or interest in real property when that property to be acquired is conveyed from the Native Village Cooperation in partial satisfaction of the requirements of Section 14 (c) (3) of the Alaska Native Claims Settlement Act (ANCSA). When the conveyance is for full and complete satisfaction of the requirements of ANCSA Section 14 (c) (3), a non-Code ordinance shall be passed which shall include: a statement identifying the amount of land to be acquired; a legal description; a statement that the conveyance, in conjunction with any previous partial re-conveyances, is in complete satisfaction of the ANCSA 14 (c) (3) obligation; a finding that the lands are sufficient for existing and foreseeable community needs; and a statement of facts supporting that finding.
- C. The City may exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the City in accordance with AS 09.55.24 - 09.55.460. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.

- D. The City Council may approve and authorize the purchase of real property or interest in real property by contract of sale, deed of trust or lease.
- E. Prior to approval of the purchase of property under sub-section D of this section, the mayor shall furnish the City Council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition. The validity of any acquisition or purchase of real property by the City is not affected by the failure to furnish the City Council with such materials.

**6.07.030. Economic development sites.**

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

**6.07.040. Temporary use of City lands.**

The mayor has the authority to issue special land use permits for the exclusive temporary use of City lands. A special land use permit does not convey an interest in the land and may be revoked for cause with 30 days' notice. Unless otherwise agreed to in writing, the land will be restored to its original condition upon expiration or revocation of the permit. Easements will not be granted under a special land use permit.

Public comment shall be sought before the issuing of a special land use permit in those situations where, in the opinion of the mayor, a hazardous or obnoxious use might significantly affect the surrounding area. Notice of the proposed action shall be published and a period for public comment shall be provided. When significant adverse comment is received, a public hearing shall be held.

A special land use permit shall not be granted for a term exceeding one year. Special land use permits are not transferable or renewable. Upon expiration, a special land use permit may be re-issued for a term not exceeding one year.

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

**6.07.050. Casual use of City land.**

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

**6.07.060. Disposal of real property.**

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

1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such a finding is based;
2. A legal description of the property;
3. Type of interest in property to be disposed of as defined in this Chapter;
4. The purpose of the disposal;
5. The method of disposal as identified in this Chapter;
6. The value of the property or the value of the interest in property as determined under subsection B of this section;
7. The procedure for conducting the disposal and the time, place and manner in which the proposed disposal shall occur.

B. The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor, or the City Council may determine the fair market value by any other means it deems appropriate.

**6.07.070. Methods of disposal.**

- A. All disposals shall be conducted in fair and impartial manner. Procedures for conducting all disposals shall be set out in the non-Code ordinance authorizing each disposal.
- B. Competitive disposal. The City may conduct the following types of competitive disposal:
1. Sealed bid auction. The minimum bid for a sealed bid auction shall be the fair market value of the property or interest in property as determined under section 6 B.
  2. Public outcry auction. The minimum bid for a public outcry auction shall be the fair market value of the property or interest in property as determined under section 6 B.
  3. Lottery. In the case of a lottery, the price of the property or interest in property may be established by the City Council.
- C. Disposal for public services. The City Council may dispose of real property or an interest in real property to a municipality, state or federal entity or to a non-profit corporation or association, or a Native Tribal Council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than the fair market value of the real property or interest in real property. If a disposal is made under this sub-section, the non-Code ordinance authorizing the disposal must include in addition to the requirements in section 6:
1. A finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based;
  2. A requirement that the conveyance of the property or property interest disposed include a condition that the title will revert to the municipality in the event the property is no longer used for the necessary public service justifying the disposal; and
  3. In the event that the entity receiving the property or interest in real property is a Native Tribal Council, a requirement that the Native Tribal Council waive any immunity from suit for the purpose of enforcing the reversion provision.

- D. Disposal for economic development. The City Council may dispose of real property or an interest in real property to any person or entity to furtherance of local trade or industry without seeking bids and for less than the fair market value of that real property or interest in real property as determined under Section 6 B. If a disposal is made to further economic development, the non-Code ordinance authorizing the disposal must include in addition to the requirements in Section 6.
1. A finding that the property or property interest which is the subject of the disposal will be used in furtherance of local trade or industry; and
  2. A requirement that the conveyance of the property or property interest disposed include a condition that title will revert to the municipality in the event the property is no longer used for the local trade or industry justifying the disposal.
- E. Miscellaneous disposals. The City Council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.
- F. Disposal to settle claims of equitable interest. Upon a finding by the City Council that it is in the public interest, the City may convey real property or an interest in real property for less than fair market value to a person who has a valid claim of equitable interest in the property or in a substantial improvement located upon the property. That finding shall be incorporated in and made a part of the non-Code ordinance that accomplishes the conveyance.
- G. Disposal for residential purposes. Upon a finding by the City Council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public interest, the City may convey real property or an interest in real property for less than fair market value to a domiciled City resident who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made a part of the non-Code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this subsection, the deed or lease must contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of \_\_\_\_ years after the disposal, title will revert to the City. In addition, disposals under this subsection shall include a requirement for the construction of a habitable dwelling within \_\_\_\_ years after the disposal or title will revert to the City.

**6.07.080. Leases.**

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

**6.07.090. Easements.**

The disposals of interest in real property by grant of easement shall follow the requirements of sections 7 and 8. The terms and conditions of easements shall be established by the City Council for each such disposal.



**6.07.100. Notice of disposal.**

A. A notice of disposal shall be posted in three conspicuous public places within the City not less than \_\_\_\_ before:

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

B. The notice shall include:

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

**6.07.110. Definitions.**

As used in this Chapter:

**Abstract of title:** A condensed history of the title to land together with a statement of all liens, charges, or liabilities to which the land may be subject.

**Appraisal:** An estimation of value of property by a qualified appraiser.

**Casual Use:** The temporary, safe, non-exclusive and non-surface-disturbing use of City land and includes but is not limited to such uses as: hiking, hunting, fishing, short-term camping, picnicking, skiing, snow machining or berry picking.

**City boundaries:** The City limits, established when the City is incorporated, inside which all City ordinances are enforceable.

**Competitive disposal:** A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.

**Condition subsequent:** An event that occurs after transfer of title, which will act to restore title to the maker of the condition.

**Contract of sale:** A contract between a willing seller and a willing buyer to transfer title or property.

**Deed of trust:** An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.

**Disposal:** The act of giving away or selling; the transfer of interest in property.

Disputed claims: Claim for property that is protested by another, or for property, which is also claimed by another.

Domiciled resident: One who has resided in the City for a least the thirty days previous, maintains an address in the City, and intends to make the City his or her permanent residence.

Easement: A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.

Economic development: To promote the growth of the local economy; increase income of residents.

Eminent domain: The power of a municipality to convert private property to a public use.

Equitable interest: A claim (in property or other), which should be recognized in the interest of fairness or equity.

Evaluate: To judge the quality of.

Federal entity: The Federal Government or an agency thereof.

Hazardous use: A use involving danger; perilous; risky to human health and well-being.

Interest: In property: A right, claim, title, or legal share in that property. Refers to the "bundle of rights", which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.

Inventory: A list of property, containing a description of each article of property.

Lease: Leases are used to dispose of specific interests in real property without transferring ownership of that property; A contract for exclusive possession of lands or tenements for a determinate period.

Legal description: That part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.

Litigation: Contest in a court of justice for the purpose of establishing a right.

Lottery: A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.

Municipality: A unit of local government organized under the laws of the State of Alaska.

Non-Code ordinance: An ordinance that is not part of the permanent City Code.

Nonprofit Corporation: An organization formed under the laws of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.

Obnoxious use: A use which people may find objectionable; disagreeable; offensive; displeasing.

Public interest: Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.

Public outcry auction: Sale of property to the highest bidder, at a public auction, where each prospective buyer has the right to enter successive bids until a price is reached at which no higher subsequent bid is made.

Public service: Activities and enterprises, which specially serve the needs of the general public.

Referendum: A method of submitting an important measure to the direct vote of the whole people.

Revert: With respect to property, title to go back to and lodge in former owner.

Sealed bid: A written offer to purchase property, placed in an envelope and opened along with all other bids (if any) at a public bid opening.

State: The State of Alaska or an agency thereof.

Substantial Improvement: A major change or addition to land or real property that makes it more valuable.

Temporary uses: An exclusive use of City land which has a duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$\_\_\_\_\_.

Valid claim: A legally enforceable claim by a third party.

**CHAPTER 6.08 (RESERVED)**

**CHAPTER 6.09 (RESERVED)**

**TITLE VII - WATER AND SEWER**

**Chapters:**

7.01 Organization and Regulations

## CHAPTER 7.01 ORGANIZATION AND REGULATIONS

### Sections:

- 7.01.010. Definitions.
- 7.01.020. General provision.
- 7.01.030. Service area.
- 7.01.040. Description of service.
- 7.01.050. Service irregularities and limitations of liability.
- 7.01.060. Ownership of utility system.
- 7.01.070. Resale of utility service.
- 7.01.080. Classification of service.
- 7.01.090. Customers.
- 7.01.100. Main extensions.
- 7.01.110. Services.
- 7.01.120. Water meters.
- 7.01.130. Utility rates.
- 7.01.140. Notices.
- 7.01.150. Security deposit.
- 7.01.160. Billing and payment.
- 7.01.170. Administration and enforcement.
- 7.01.180. Discontinuance.
- 7.01.190. Restoration of services.
- 7.01.200. Unusual demands.
- 7.01.210. Access to property.
- 7.01.220. Responsibility for equipment.
- 7.01.230. Fire hydrants.
- 7.01.240. Manholes and main lines
- 7.01.250. Individual waste disposal responsibilities.
- 7.01.260. Penalties.
- 7.01.270. Suspension of rules.
- 7.01.280. Constitutionality and saving clause.
- 7.01.290. Schedule "A" utility rates and fees.

### **7.01.010. Definitions.**

As used in this Chapter:

**APPLICANT:** The person or persons, firm or corporation making application for utility service firm the City of Manokotak under the terms of these rules and regulations.

**CROSS CONNECTION:** Any physical connection through which a supply of potable water could be contaminated may include any actual or potential connection between a drinking water system and an unimproved water supply or other source of contamination.

**CUSTOMER or USER:** An applicant who has been accepted and who receives utility services from the City. By receiving services, a customer or user thereby agrees to abide by the terms set forth in these regulations.

**CUSTOMER SERVICE LINE:** The customer service line shall be that part of the piping from the main line to the dwelling or point of use for water and sewer utilities.

**DELINQUENT:** Past due amounts and associated finance and late charges that are not received by the Utility within 40 days after the date the bill that is past due was rendered.

**DEPOSIT:** Money paid to be the Utility by a customer and held by the Utility for a certain time and later returned to the customer if all the requirements for refund are met.

**HONEY BUCKET WASTE:** Human waste products from a non-flushing toilet.

**PAST DUE:** Payment that has not been received by the Utility within 25 days from the date the bill is met.

**POTABLE WATER:** Water that meets current standards set by Alaska Department of Environmental Conservation (ADEC) for public drinking water.

**SEPTIC LAGOON:** An open containment cell, or cells, for the disposal and treatment of septic waste.

**SEPTIC WASTE:** Waste material from a septic disposal system.

**SERVICE CONNECTION:** Physically separated customer locations that are connected to the plant by a distribution or collection system.

**SOLID WASTE:** Garbage, rubbish, paper and waste material including all animal and vegetable refuse from food or food preparation, and dead animals.

**7.01.020. General provision.**

The basic water and sewer charge will be in Schedule "A" and may be revised by the City Council periodically.

**7.01.030. Service area.**

City of Manokotak Water and Wastewater Utility Description of Service Area:

T12SR59W	Sections:	The S3/4 of 23 and 24 and all of 25, 26, 35, and 36
T13SR58W	Sections:	The S3/4 of 20, 21, and 22 and all of 27 through 34
T14SR59W	Sections:	1, 2, 11 through 14, and the N ¼ of 23 and 24
T14SR58W	Sections:	3 through 10, 15 through 18, and the N ¼ of 19 through 22

All of the above in reference to the Seward Meridian



**7.01.040. Description of service.**

The City of Manokotak, hereinafter referred as the “City”, shall use its best efforts to provide the following services:

- A. Water System: A water system that provides a continuous and sufficient supply of water that meets current ADEC drinking water standards.
- B. Sewer Collection System: A safe and fully operational sewer collection system to users. The sewer collection system shall be able to handle normal sanitary wastes discharged to it without plugging or otherwise affecting building drain lines under normal operating conditions.
- C. Septic Disposal: A septic lagoon for disposal and treatment of septic waste material.
- D. Priority of Service: In the event of an emergency water shortage, the City will notify customers to curtail water usage. The City will notify customers of the nature and duration of the required curtailment. The City will place a priority on the availability of water for drinking and sanitation purposes. Priority customers are assigned at the discretion of the City.

**7.01.050. Service irregularities and limitations of liability.**

- A. Irregularity or Failure of Service: The City will exercise reasonable diligence to furnish and deliver adequate sewer service and a continuous supply of potable water to the customer under constant pressure. However, the City will not be liable for damage resulting from interruptions, shortages, irregularities or failures due to accidents, interference by third parties, acts of nature, or other conditions beyond the control of the utility. Whenever possible, and whenever time permits, all customers to be potentially affected by an interruption or irregularity in service will be notified prior to shut down by direct notification, through local notice posted in the Post Office, by local radio transmission, or other method commonly used in the community.
- B. Interruptions for Repairs or Modifications: The City reserves the right to temporarily suspend the delivery of service when necessary for the purpose of making repairs, modifications, inspections or improvements to the system. The City will make reasonable attempts to provide customer notice through the use of public media or by direct customer contact. Repair work will be completed expeditiously, and as far as possible, the work will be completed at a time of least inconvenience the customer.
- C. Credit for Interruptions: The City will provide a prorated credit of flat monthly usage charges or flat minimum charges for non-metered service for service interruptions extending longer than 48 hours, provided the interruptions is not caused by customer damage to Utility facilities. No credit will be given for metered usage charges.

**7.01.060. Ownership of utility systems.**

All utility system components including water and sewer mains, valves, fittings, equipment, and other appurtenances, except customer’s service lines are the property of the City of Manokotak.

**7.01.070. Resale of utility services.**

Resale of a utility service by a customer is expressly prohibited except through special contract between the City and the customer, as described in this Chapter.

**7.01.080. Classification of services.**

The Classes of Services shall be as follows:

- A. Residential Service: Residential Service shall consist of all services for domestic purposes supplied to a single-family dwelling unit.
- B. School Service: School service shall consist of services provided to the school, its administrative offices, and other facilities owned/operated by the school that are not classified under a different class of service.
- C. Commercial Service: Commercial Services shall consist of all office, commercial or business establishments, multiple family dwelling units, tribal facilities, community facilities, and City owned buildings. If a customer is located in both a single family dwelling unit and a business establishment, the higher rate shall apply.
- D. Contract Service: Contract Services shall consist of those services for industrial or Independent uses under contracts authorized by the City.

Where the requirements for services is large or unusual, or necessitates special services, equipment, or capacity, the City reserves the right to require a special contract, the provisions of which are different from and an exception to the regularly published utility rates and regulations. All similarly situated customers will be offered the same rates and provisions. All special contracts shall be in writing, signed by the applicants, and approved by the City, attached to the tariff, listed in Schedule B, and filed with the Regulatory Commission of Alaska.

**7.01.090. Customers.**

- A. New Customers: A person or organization becomes a customer by first applying for service to the City. Each applicant for service shall sign an application form provided by the City giving the date of application, type of service requested, location of the premises to be served, the date the applicant desires services to begin, the purpose for which the service is to be used, and the address which bills are to be sent. By signing the application, the customer agrees to abide by the rules and regulations of the City, and to pay the fees established by the City for the service requested. The Agreement for Service is a request for service and does not bind the City to furnish the service. The Application for Connection is a request for connection to the City's system and may result in costs to the customer.
- B. Customers desiring a Change in Service: Customers desiring a material change in the size, type, character, or extent of equipment or operation which would result in a material change in the service provided, shall give the City notice of such change prior to the change taking place. An amended application must be filed with the City and any changes to the rate or deposit amount will occur prior to the change in service. All customers desiring a change in size, location, or the number of services shall fill out an amended application. The request for amended service may be denied if the applicant has an outstanding bill due to the City.

- C. Customer Complaints: The City wants to resolve customer complaints as quickly as possible. The City will respond to the substance of each service complaint or other customer complaints within 10 working days of its receipt. If the City does not resolve a complaint to the customer's satisfaction, the customer may refer the matter to the Regulatory Commission of Alaska, 701 West Eight Avenue, Suite 300, Anchorage, Alaska 99501. The Commission's telephone number is (907) 276-6222, toll-free at 1-800-390-2782, or TDD (907) 276-4533

**7.01.100. Main extensions.**

Main extensions, to areas or houses not currently being served, shall be installed only after application to and authorization by the City. City main extensions may require advance payment by the applicant or group of applicants of the cost of the extension before the City can provide them. The City will determine the proper location of main extensions. Easements or permits secured for main extensions across property not owned by the City shall be obtained in the name of the City along with all rights and title to the main at the time of installation.

**7.01.110. Services.**

- A. The customer shall own and maintain the customer service line.
- B. Service Installation Charge: At the time of the applicant files for service, where no service previously existed, or for a change in service size or location, or if he or she applies for a re-connection of an existing service, the applicant shall submit a service connection fee with the application. In the case of a new service, this fee will include all costs from the main to the dwelling, including the costs of materials needed to make the connection at the dwelling, if necessary. The service line may be installed, by either the customer or the City.
- C. Service Installation Procedures: All connections to the City water and sewer system shall be made at the expense of the customer. Costs of the connection and the terms of the work governing the installation, including the use of self-help and use of City equipment, shall be established by the City. The City will not accept a service connection installed by a customer unless the connection meets the applicable installation Codes. The City may require proof of Code compliance in either physical inspection by the City or a written statement from a qualified inspector. The Policy Board reserves the right to bill the customer for additional work and inspections incurred by the City to verify correct installation, correct inappropriate, deficient, or inadequate connections.
- D. Service Installation Codes: All individual water and sewer connections, repairs, and modifications shall be made only under the terms and conditions of the Uniform Plumbing Code currently in effect within the State of Alaska, as well as any further regulations the City may require. Any electrical improvements shall be made in accordance with applicable Electrical Codes and Regulations.
- E. Customer Plumbing
  - 1. The customer's plumbing, which shall include all plumbing, piping, fixtures, and other appurtenances intended to carry water, sewage, wastewater, and drainage, shall comply with the Uniform Plumbing Code (UPC).
  - 2. Special attention shall be given to the elimination of any possible cross connections. All water users will be required to install and maintain a backflow prevention device between service connection and the first plumbing fixture or

drain. The minimum requirement shall be a dual check valve assembly or as required by the UPC.

3. Customer freeze-ups, or other leaks that affect the efficiency of the City system or the public health, are to be immediately repaired by the customer. The City reserves the right to make the repairs and bill the customer for repairs and for any excess water usage that might have resulted from the situation, should the customer be unable to make the repairs; or should the customer have abandoned the service location without proper notification to the City; or should the customer be away from the service location temporarily. It is the responsibility of the customer to notify the City immediately of any problem with the customer's plumbing that could have an adverse effect up the City's system.
4. It shall be a violation of these rules and regulations for the customer to operate, cause, or permit unauthorized operations or appurtenances on the service connections.
5. It shall be a violation of these rules and regulations for any customer to make, or remake a service connection without the prior knowledge and approval of the City as detailed by this ordinance.
6. It shall be a violation of this ordinance for any individual to take bulk water from the City without prior arrangements having been made.

**7.01.120. Water meters.**

- A. Meter Requirement: The City is authorized to require installation of a water meter upon the customer's line and to charge for such service at the established meter rate set out in Schedule B. The City will provide the meter and the customer must pay the actual cost of installation.
- B. Location of Meters: Meters shall be placed either inside or under a heated building at suitable convenient places approved by the City. The meter will not be placed where freezing or damage to the meter or its related parts is likely to occur; nor where damage to the meter could result in a loss of water from the system.
- C. Joint use of Meters: The joining of several customers to take advantage of single minimum charges and/or large quantity rates is prohibited except under special contract, in writing, from the City.

**7.01.130. Utility rates.**

Utility rates to be charged for various classifications of services are published in a separate "Schedule A". On a periodic basis, Schedule A will be revised and approved by a resolution of the City Council.

**7.01.140. Notices.**

- A. Notices to Customers: Notices to the customers from the City will normally be in writing and will be mailed or delivered to the customer at his or her last known address. Where conditions warrant, and in an emergency, the City may notify customers by telephone, messenger, or radio.
- B. Notices from Customers: Notices from the customers to the City may be given in writing, or verbally by the customer or his authorized representative at the City office. However, notices that result in a change in service or in work being performed by the City for the

customer must be accompanied by the appropriate application required by this Chapter or a signed repair order or work order.

**7.01.150. Security deposit.**

- A. Deposit Requirements and Amount: The City will require a separate deposit for every service connection. The amount of the deposit required is the higher of the two month's service charges at the flat rate, or the higher of the metered charges times the estimated average consumption or a two month period at the location. The City will issue the applicant a written receipt for the deposit and provide the applicant with a copy of this section of its tariff.
- B. Adjustment of Deposit Amounts: The City will institute or adjust a deposit for an established customer who becomes delinquent in payment. The amount of any new deposit required will be consistent with the above provisions. If an account becomes delinquent and it is necessary to discontinue the service, the deposit amount shall be applied to the unpaid balance of the account. Service will not be restored to the premises until such time as the deposit is replaced, along with all delinquent amounts due, and payment for labor and materials expended by the City to reconnect service.
- C. Interest on Deposits: The City will not pay interest on the deposits totaling less than \$100.00. The City will pay interest on deposits of over \$100.00 at or before the time it is returned. Interest paid under this section shall be at the legal rate of interest at the time of deposit is made. However, if the deposit is placed in an interest bearing account, the City shall pay the interest rate of interest bearing account.
- D. General Provision for refund of the Deposit: The City will not require a customer to produce a deposit receipt in order to receive a refund of the deposit that is reflected on the City's books. The City will refund deposits within 25 days after the earlier of the date the customer completes 12 months of continuous service during which the customer was not past due in payment more than twice, has not been delinquent in the last six months, and is not past due at the end of the 12 months; or the customer terminates service. In this case the deposit amount refunded including any interest due will be the amount, which exceeds any balance due the City.

**7.01.160. Billing and payment.**

- A. Monthly Bills: All bills will be mailed on or before the end of each month. The bill will contain a statement of present charges due. All bills are due and 25 days from the date the bill was rendered.
- B. All bills sent to a customer will include the following statement:
- C. "You should contact us first if you have a complaint about your water or wastewater service. If you are not satisfied after contacting us, you may then file a complaint with the Regulatory Commission of Alaska. The Regulatory Commission of Alaska may be contacted toll-free at 1-800-390-2782, or TDD (907) 276-4533."
- D. Delinquent Bills: All bills not paid within 40 days of the bill being rendered will be considered delinquent. The City may charge a late payment penalty fee on delinquent sums due to the City in accordance with Schedule A. At the discretion of the Policy Board, a notice of delinquency shall be mailed to each delinquent account on the date the account becomes delinquent.
- E. Service Disconnection Notice: If a utility bill has not been paid a week after the Delinquent Notice is rendered, the City will notify the customer of the City's intention to

disconnect service. The notice of disconnection will be mailed at least 30 days before the scheduled date of disconnection. The notice shall be sent to the customer by mail. If there is no response by the customer within 5 working days of the notice, the City may terminate the service at any time without further notification, unless deferred payment arrangements are made by the customer and approved by the City

- F. Deferred Payment Agreements: If a residential customer demonstrates that economic hardship prevents payment in full of a delinquent bill that is not already covered by a deferred payment agreement, the City will restore or continue service to the customer if the customer agrees to a deferred payment contract, signed by both the City and customer.
- G. The City will not require any deferred payment agreement to have duration of less than 3 months. The City will offer comparable terms and conditions to customers with similar payment problems. In determining a reasonable deferred payment schedule, the City will discuss with the customer and consider the following conditions:
  - 1. Size of the delinquent account;
  - 2. Customer's ability to pay;
  - 3. Customer's payment history;
  - 4. Length of time the debt has been outstanding;
  - 5. Circumstances that resulted in the outstanding debt;
  - 6. Any other relevant factors related to the circumstances of the customer.
- H. If a customer fails to fulfill the terms of a deferred payment agreement, the City is not required to provide the customer with all the notices described in this Chapter prior to disconnection; however, at least three working days before disconnection the City will attempt to give written or telephone notice of the disconnection to the customer.
- I. Deposit for Reconnection: In all cases where service has been disconnected due to delinquency, the customer must meet the security deposit requirements set forth in this Chapter before service will be reconnected.
- J. Responsibility of Payment of Utility Bills: In all cases the person signing the utility application form is responsible for the utility bills regardless of who owns the property served. However, in the case of multi-family housing or business complexes with more than one unit the City reserves the right to bill the owner of the facility for all of the services provided by the utility.

**7.01.170. Administration and enforcement.**

- A. These rules and regulations shall be administered and enforced by the City Council, or the person designated by the City Council to manage the utility. The City Council shall have the authority to establish and regulate rates for the water and sewer system and collection services for all customers.
- B. The City Council may adopt such additional regulations, provisions, and procedures pertaining to water, sewer, and waste disposal services, as the Council deems proper.

**7.01.180. Discontinuance or termination of service.**

- A. Discontinuance by Customer Order: Each customer about to vacate any premises supplied with water, sewer, or waste disposal services by the City shall give at least one month written notice of his or her intentions and state the date the services is to be

- discontinued. Otherwise, a customer will be responsible for all services supplied to the premises until a written notice is received.
- B. Within one week of the date stated in the notice to discontinue service, a total bill (minus any deposits to the customer) will be prepared and delivered which is due and payable immediately. The amount of the bill for the current billing period will be determined by prorating the number of days of service received in the given month (including the date of disconnect) divided by the total number of days in the month, times the usual monthly charge for the customer. There will be no charge for disconnection of the utility.
  - C. Discontinuance for Non-payment of Bills: A customer's water, sewer, or waste disposal services may be discontinued if their bill is not paid in accordance with the procedures listed in this Chapter.
  - D. Discontinuance for Unsafe Customer Facilities:
    - 1. Unsafe Facilities or Unsanitary Facilities: The City may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment, using water or discharging waste water, are dangerous, unsafe, or not in conformance with standard plumbing practice.
    - 2. Cross Connections: A cross connection as defined in this Chapter is unlawful. The City will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection eliminated.
  - E. Discontinuance for Water Waste: Where water is wastefully or negligently used on a customer's premises seriously affecting the general service, the City may discontinue service if such conditions are not corrected after notice by the City. Allowing water to run continuously rather than providing reasonable and proper insulation is considered wasting water. At the option of the Policy Board, a customer may be allowed to continue service if a meter is installed at the customer's expense (as prescribed in this Chapter) and he or she pays a rate based on consumption.
  - F. Discontinuance for Service Detrimental to Others: The City may refuse to furnish service, restrict service, or immediately terminate service to any premises where excessive demands by a customer will result, or have resulted, in inadequate service to other customers. The determination of excessive demand may vary depending on current City water or sewer resources and system equipment conditions.
  - G. Discontinuance for Fraud or Abuse: The City will refuse or discontinue service to any customer or premises where it is deemed necessary to protect the City from fraud or abuse of service. Discontinuance of service for or both of these causes will be made immediately upon receipt of knowledge by the City that such condition or conditions exist. The City any additional legal remedies in such cases, including the imposition of penalties as provided in this Chapter of this Code.
  - H. Discontinuance for Unauthorized Turn-on: Where water and sewer services has been discontinued for any reason and the water or sewer is turned on by the customer or another unauthorized person, the water or sewer may be then turned-off at the main, without notice to the customer. The charges for shut-off at the main will billed at the actual cost for labor and materials plus 50% billed to the offending customer. The charges for use of service through such illegal connection will be at 150% of the regular

rate for the period of time, as estimated by the City Council, that such illegal or unauthorized connection existed.

- I. Discontinuance for Non-compliance: Unless otherwise specified by specific sections of these rules and regulation, a customer may have service discontinued for violation any provision of these rules and regulations following ten days notification of such impending termination of service. Proper notice is specified in this Chapter of this Code.
- J. Limitations on Reasons for Disconnection: The City will not disconnect service to a customer in the following circumstances:
  1. For delinquency in payment for services rendered to a prior customer at the premises where service is being provided.
  2. If the customer is unable to pay the full delinquent amount due, and is in compliance with a signed, or is in the process of timely negotiating a, deferred payment agreement with the City.
  3. For nonpayment of a bill related to another class of service at a different service location.
  4. For failure to pay a disputed amount due on a delinquent account if the customer complies with the rules on a customer bill disputes and the dispute remains under investigation by the City or the Regulatory Commission of Alaska. However, the City may proceed to disconnect service in accordance with the above provisions if a customer fails to pay any undisputed amounts.

#### **7.01.190. Restoration of service.**

Restoration of service following discontinuance by customer order shall not require a reconnection fee if the voluntary discontinuance was for more than 45 days. Restoration of service for any other reason shall require a reconnection fee. Restoration of service following discontinuance for non-payment of bills shall be made only after payment of current and past due charges, the reconnection fee, and a security deposit as herein provided.

Restoration following discontinuance because of unsafe facilities, water waste, fraud, abuse, or non-compliance with these rules and regulations will be made only after: a) the irregularity has been corrected; b) any associated charges for disconnection or repairs undertaken by the City have been paid; c) any penalties that were levied have been paid; d) the City has received written assurance that the irregularity will not occur again; e) a new application for service has been received with the appropriate deposits.

The property owner shall provide access to arctic boxes for connection or reconnection of services including the removal of all snowdrifts around the box.

The customer is responsible for insuring that services are in good condition prior to restoration of services. The customer shall pay any costs for cleaning or thawing a service line prior to reconnection.

#### **7.01.200. Unusual demands.**

Whenever an abnormally large quantity of water is desired for filling a water storage tank, or for any other purpose, arrangements must be made with the City prior to taking the water, The Policy Board shall have the power to determine what constitutes an abnormally large quantity of



water based on normal or average use. Permission to take water in large quantities will be given only if other customers are not unduly inconvenienced and measures have been taken to minimize any such inconvenience. Purchase of large quantities of water, even if to an existing customer, may be billed under a separate category and for a separate amount from the customer's usual rate.

**7.01.210. Access to property.**

All duly appointed employees or agents of the City shall have free access to all reasonable hours of the day to exterior parts of a customer's building related to utility service (i.e. arctic box, electric meter, etc.) for the purposes of inspecting connections piping, and fixtures, discontinuing service under the provisions of this Chapter, and to determine the manner and extent to which the utility is being used. When it is necessary to enter a customer's building for the same purposes, the customer will be given a notice in accordance with this Chapter. The City does not assume the duty of inspecting the customer's service line, plumbing or equipment and shall not be responsible for these services.

In the event that a customer refuses to provide access to the City in a reasonable period of time, the service may be discontinued for non-compliance with these Regulations in accordance with the Chapter.

**7.01.220. Responsibility for equipment.**

- A. Responsibility for Customer Equipment: The City shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's service line, plumbing, or equipment, nor the City be liable for loss or damage due to interruption of service or temporary changes in water pressure.
- B. The customer shall be responsible for the condition of the plumbing system on his or her premises when water service is turned on. All drain valves should be closed to prevent cross contamination.
- C. The customer shall be responsible for maintaining proper heat within his or her property to insure that pipes do not freeze-up, causing harm or damage to the City water or sewer system as well as to the customer's premises. Electrical heat tape shall be energized as necessary to prevent utility lines from freezing. The customer shall pay for all costs associated with keeping service lines from freezing. The City reserves the right to seek any lawful remedy to recover costs for damages and repairs to City's facilities.

**7.01.230. Fire hydrants.**

- A. Operation: No person or persons other than those designated and authorized by the City shall attempt to draw water from a hydrant belonging to the City or in any manner damage or tamper with the hydrant. Any violation of this regulation will be penalized according to these Regulations. In cases where temporary service has been granted from a fire hydrant, an auxiliary external valve will be used to control the flow of water.
- B. Damage to Fire Hydrants: Any person who damages a fire hydrant shall be responsible for the cost of its complete repair and return of service.

**7.01.240. Manholes and main lines.**

- A. Operation: No person or persons other than those designated and authorized by the City shall place a substance including, but not limited to, animal and fish carcasses, refuse or trash, rocks or gravel, or honey bucket wastes in any manhole or main line, or in manner damage or tamper with the manhole or main line.
- B. Damage to Manholes and Main Lines: Any person who damages a manhole or main line or any of the attachments or appurtenances thereof, shall be responsible for the cost of its complete repair and return to service.
- C. Dumping Refuse, Chemicals, or Trash into Sewer Lines: Any person who damages a sewer main or interrupts sewer service through placing trash, refuse, animal carcasses, rocks or other matter not intended to be placed in a sewer will be responsible for all damages and repairs to the sewer lines and treatment works that are a consequence of his or her act.

**7.01.250. Individual waste disposal responsibilities.**

In the event that the City does not provide a solid waste service, the users are responsible to see that waste material is stored in a secured covered container with a tight fitting lid and is hauled to the designated disposal area and deposited at the location as directed by the City Council.

**7.01.260. Penalties.**

Any person violating these rules and regulations shall, upon adjudication by the City and after notice and opportunity to be heard, be subject to civil penalties.

**7.01.270. Suspension of rules.**

No employee of the City is authorized to suspend or alter any of the provisions herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which put the water and sewer system operation in jeopardy.

**7.01.280.        Constitutionality and saving clause.**

If any clause, sentence, paragraph, section, or portion of these rules and regulations for any reason is judged to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this document but shall not be confined in its operation to the clause, sentence paragraph, or portion of these rules and regulations directly involved in the controversy in which the judgment is rendered.



Water and Sewer Utility Agreement for Service

Date \_\_\_\_\_

Application Received: \_\_\_\_\_ in person \_\_\_\_\_ by mail

Deposit paid: \$ \_\_\_\_\_

Customer:

\_\_\_\_\_  
First Name                      Last Name                      Social Security #

\_\_\_\_\_  
Mailing Address                      Phone #

Emergency Contact: \_\_\_\_\_  
Name                      Phone #

\_\_\_\_\_  
Address

\_\_\_\_\_  
City                      State/Zip Code

Signature of person receiving application: \_\_\_\_\_

In signing this agreement the applicant agrees to:

1. Be jointly and severally obligated along with all utility customers receiving service at the location noted in the attached application;
2. Pay for services received according to the attached rate schedule and billing schedule;
3. Abide by all the rules and regulations of the Utility as the now exist or as they may be changed from time to time, including but not limited to;
  - a) Notifying the Utility of any change in the billing address, phone number or other customer information.
  - b) Maintaining the plumbing on the property and within the building and other improvements, including all water and sewer plumbing and the water and wastewater service connection box, in accordance with the Uniform Plumbing Code.
  - c) Notifying the Utility if there is a freeze-up or any other problem with the plumbing that might affect the Utility or other customers.
  - d) Granting the Utility or its agents the right to enter the property to inspect the plumbing when necessary. Entry shall be at reasonable times and with advanced notice possible.
  - e) Not tampering with or abusing Utility property in any way including the flushing down the toilet anything but human waste and toilet paper.
  - f) Not extending the connection to any other property or party not interconnecting to any other water source.



- e) In the event the City determines that customer has failed or refused to comply with the provisions of this Right-of-Entry, the City, by written or oral order, may suspend or terminate any or all of the customer's activities insofar as they apply to this Right-of-Entry. The customer shall not resume such suspended or terminated activities until given written authorization to do so by the City.

5. This Agreement is effective on the date signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement.

\_\_\_\_\_  
Authorized City Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Customers Signature

\_\_\_\_\_  
Date

**SCHEDULE A**

CITY OF MANOKOTAK  
UTILITY RATE & FEES  
AS OF \_\_\_\_\_

Water & Sewer Rates

- |  |   |
|--|---|
| 1. Residential Service Water                   | \$40.00 a month   |
| 2. Residential Service Sewer                   | \$40.00 a month   |
| 3. Commercial Service (School) – Water & Sewer | \$850.00 a month  |
| 4. Commercial Service (Water & Sewer)          | \$80.00 a month   |
| 5. Contract Service                            | As determined by contract   |
| 6. Special Rates                               | If a customer pays 11 months ahead,<br>they will get the 12 <sup>th</sup> month free. |



**SCHEDULE B**

CITY OF MANOKOTAK  
UTILITY RATES AND FEES  
AS OF \_\_\_\_\_

Non Recurring Water & Sewer Fees

- |   |   |
|---|---|
| 1. Water Service Connect or Reconnect   | \$40.00 each occurrence                           |
| 2. Water Service Disconnect   | \$40.00 each occurrence                           |
| 3. Service Installation Fee (Water or Sewer)  | Usually determined at estimated construction cost |
| 4. Unscheduled Service Work from the connection to home (2D vision) (Thawing, repair, cleaning, etc.) | \$20.00 per hour                                  |

## TITLE VIII - SOLID WASTE DISPOSAL

### Chapters:

8.01 Organization and Regulations

## CHAPTER 8.01 ORGANIZATION AND REGULATIONS

### Sections:

- 8.01.010. Establishment.
- 8.01.020. Fees; use by subscribers only.
- 8.01.030. Regulations.
- 8.01.040. Fines and penalties.
- 8.01.050. Use by non-residents.
- 8.01.060. Enforcement.
- 8.01.070. Exemptions.
- 8.01.080. Definitions.

#### **8.01.010. Establishment.**

The City Council shall designate land to be used for solid waste disposal. All such waste shall be deposited in facility and nowhere else.

#### **8.01.020. Fees; use by subscribers only.**

Residents will be charged a monthly fee for the use of the Dumpster's in amount to be set by the City Council. Arranging for monthly payments containing monthly charge, may be made with the City Clerk. The assessment and or any cost to collect it after 90 days of delinquency shall become the amount owed, and the City shall use all legal methods granted by law to collect it.

#### **8.01.030. Regulations.**

All garbage and waste will be securely tied and bagged during transport. No toxic wastes or hazardous materials, nor bulk large materials will be accepted, and those possessing such materials are required to transport them to a suitable facility at their own expense.

##### A. Violations:

1. Any person, organization, corporation, profit or nonprofit which deposits trash, garbage, debris, dilapidated vehicles, on public or private property in which the City considers to be there too long and not a reasonable delay in depositing such items in the City's solid waste facility.
2. Dumping refuse of any kind in a City owned Solid waste Facility without paying or making arrangement for paying the appropriate fees.
3. Littering on any public right-of-way, body of water, or on property not owned or controlled by that entity.

#### **8.01.040. Fines and penalties.**

Specific verbal or written instruction shall be given to those entities and Residents as a warning to help comply with the intent of this Chapter; such shall be served by an authorized representative of the City. After reasonable time has elapsed without compliance, fines shall be issued.

##### A. Minimum fines shall be:

1. Unauthorized dumping--\$100.00 or as determined by the City.
2. Non-authorized private waste areas--\$100.00 plus costs for City removal and dumping
3. Non-compliance to size, types and method of dumping--\$100.00 per occurrence plus all costs incurred by the City to gain compliance.
4. Littering--\$500.00 per occurrence.

**8.01.050. Use by non-residents.**

Depositing anything at the solid waste facility by non-residents is prohibited, except that such persons may be granted permits good for one pick up load each upon payment of a per load fee to be set by the Council.

A. Fees.

1. \$50.00 per-one cubic yards dump.
2. Long term agreements and fees can be established by the City Council.

**8.01.060. Enforcement.**

Enforcement of this ordinance shall be the responsibility of the Mayor and or his designee. The VPSO and or other law enforcement persons hired by the City or Village shall have the primary responsibility to inform the Mayor of violations. VPSO and or other law enforcement persons shall administer the intent of this ordinance to its full application, as part of the daily duties.

**8.01.070. Exemptions.**

Homes, cabins or shacks used in temporary periodic occupancy for subsistence or other purposes by resident families already assessed by the other Sections of the Chapter.

**8.01.080. Definitions.**

“Assessment” means the monetary amount due and payable to the City for its Solid waste management program.

“Occupancy” means abiding in or upon the real property for the purpose of sleeping, or eating, or gaining shelter for a period of six (6) months and one (1) day or more,

“Temporary Occupancy” means abiding in or upon the real property for the purpose of sleeping, or eating, or gaining shelter for a periodic period of 30 days or more, but less than six (6) months.

“Commercial Rate” applies to all businesses, apartments, lodges, and multiple dwellings on undivided properties, including daily rentals, and temporary occupancy of such dwellings.

“Periodic” means a random, unscheduled, not consecutive, unable to determine, event or action.

**TITLE IX - GAMING**

**Chapters:**

9.01 Gaming Department

## CHAPTER 9.01 GAMING DEPARTMENT

### Sections:

- 9.01.010. Establishment of gaming department.
- 9.01.020. Function of department.
- 9.01.030. Gaming manager/primary member in charge; alternative member in charge.
- 9.01.040. Business hours.
- 9.01.050. Compliance with state laws and regulations.
- 9.01.060. Separate bank account; monthly financial statements and reports.
- 9.01.070. Limitation on use of proceed; authorized expenses.
- 9.01.080. Dissolution of net proceeds.
- 9.01.090. Definitions.

### **9.01.010. Establishment of gaming department.**

There shall be a gaming department for the City of Manokotak.

### **9.01.020. Function of department.**

The gaming department shall handle all of the City's permitted games of chance and contests of skill allowable by state law.

### **9.01.030. Gaming manager/primary member in charge; alternative member in charge.**

The City Council shall hire a gaming manager to coordinate activities of the gaming department, and be responsible for the conduct of gaming by the permittee. The gaming manager shall also serve as the primary member in charge allowed under state law. The Council shall set the rate of pay and work schedule for the gaming manager.

The primary duties of the gaming manager/primary member in charge shall include, but not limited to:

1. Responsible for following all State of Alaska laws and regulations associated with pull-tab games, bingo games, raffles, lotteries and other gaming activities, annual permit and fees, operators and vendors; suspension and revocation of a permit, conflicts of interests, and gambling offenses;
2. Responsible for following all State of Alaska laws and regulations associated with accounting and recordkeeping including, but not limited to, advertising, depreciation, promotional items, net proceeds, bank account, unauthorized expenses, quarterly and annual reports, and retention of records;
3. Pass a test formulated by the State of Alaska department in charge of games of chance and contests of skill;
4. Prepare and review the annual permit application with the Council before submitting it to the appropriate state agency;
5. Amend the existing permit, if necessary, and review the changes with the Council before submitting it to the appropriate state agency;
6. Responsible for posting the permit at the location of the gaming activity in a manner that is clearly visible to the public, and follow broadcast and airway limitations associated with the State of Alaska gaming laws and regulations;

7. Responsible for posting the house rules, state statutes and regulations in a manner that is clearly visible to the public;
8. Responsible for the bank account;
9. Establish accounting controls and measures associated with the bank account;
10. Prepare and submit a monthly report and financial statement to the Council;
11. Supervise helpers hired to run the gaming activities;
12. Order supplies and equipment, as needed; and
13. Other duties associated with state laws and regulations.

The City Council shall designate at least one alternate member in charge. The alternate member in charge must be a City employee. The alternate member in charge is responsible for the duties of the primary member in charge in his or her absence. The alternate member in charge must pass a test formulated by the State of Alaska department in charge of games of chance and contests of skill.

The charitable gaming manager/primary member in charge and alternate member in charge must submit to and pass a criminal history check performed by the State of Alaska department in charge of games of chance and contests of skill.

**9.01.040. Business hours.**

The City Council shall set the time and date for gaming activities to occur.

**9.01.050. Compliance with state laws and regulations.**

The City shall comply in full with the State of Alaska laws and regulations concerning games of chance and contests of skill. A failure to comply with state laws and regulations may result in the revocation of the gaming permit.

**9.01.060. Separate bank account; monthly financial statements and reports.**

The City shall establish a separate bank account for charitable gaming activities, and comply in full with the State of Alaska laws and regulations associated with the account. Monthly financial statements and reports reflecting the earnings and expenses from the gaming activities shall be prepared and submitted to the Council at regular Council meetings.

**9.01.070. Limitation on use of proceed; authorized expenses.**

The City shall comply in full with the State of Alaska laws and regulations associated with the limitation on the use of proceeds and authorized expenses.

**9.01.080. Dissolution of net proceeds.**

Upon dissolution, any remaining net proceeds from gaming activity under State of Alaska law will be distributed to one or more already existing permittees, other than a multiple-beneficiary permittee, in accordance with state regulations.

**9.01.090. Definitions.**

“Net Proceeds” means the gross receipts from an authorized activity less the fee described and authorized expenses allowed in state laws and regulations.