

*Approved  
7/10  
No amendments*

**CITY OF GUSTAVUS, ALASKA  
ORDINANCE 2009-15**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS AMENDING  
TITLE 2.20.100, 2.20.110 AND ADDING 2.20.111**

**BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:**

- Section 1. Classification This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.
- Section 2. Severability If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.
- Section 3. Enactment Now therefore, be it enacted by the Gustavus City Council that Title 2.20.100 and 2.20.110 be amended, and 2.20.111 be added as follows. **Bolded** items are additions, and ~~strikethroughs~~ are deletions.

Section 2.20.100 Vacancies

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

- (a) fails to qualify or take office within thirty (30) days after election or appointment; or
- (b) is physically absent from the City for a ninety (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 by recall as prescribed by AS 29.26.240-29.26.360; or

- (f) misses three (3) consecutive regular meetings unless excused by the Council; or
- (g) is convicted of a felony or of an offense involving a violation of his or her oath of office.
- (h) **If a vacancy occurs on the City Council, the remaining members within ninety (90) days of the vacancy, and subject to AS 29.20.180, appoint a qualified candidate (CoG 5.10.090) to fill the vacancy in accordance with the procedures established in Section 2.20.110. The person appointed to fill the vacancy shall serve until the next regular election and until a successor is elected and has qualified for the vacated council seat. The elected successor shall serve the remainder of the term of the vacated council seat.**

#### Section 2.20.110 Filling a Vacancy

~~If a vacancy occurs in the Council, the Council by vote of a majority of its remaining members shall designate a person to fill the vacant Council seat. The person appointed serves until the next regular City election and until his or her successor has qualified.~~

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

**1. The council may nominate a qualified person to fill the vacant seat. If there is not a person qualified out of those persons who submitted a letter of interest to fill the vacant council seat, the council may nominate a qualified person who has not applied for the vacant council seat.**

**2. Nominations for the vacant seat shall be made by a motion and a second and approved by the council.**

**3. Once all nominations are made, council members shall cast votes simultaneously by written ballot upon which**

all nominated applicants' names shall have been printed. All of the ballots will be collected by the city clerk who shall then prepare a tally sheet and publicly announce the vote for each applicant.

4. The Presiding Officer will accept a motion to appoint the person with the highest vote count. The motion to appoint will require a minimum of four affirmative votes to pass.

5. The person selected to fill the vacant council seat will be sworn into Office at the next regularly scheduled monthly City Council Meeting.

(b) If none of the persons nominated receives a majority of votes in the first round of balloting, the procedure provided for in subsection (a) of this section shall be repeated no more than twice.

(c) If none of the persons nominated receives a majority of votes in the third round of balloting, the vacancy shall be filled by a drawing of straws by the nominees who received the highest and second highest number of votes. The nominee who draws the longest straw shall fill the vacant council seat.

#### **Section 2.20.111 Nepotism**

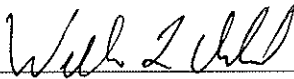
Neither the mayor nor the council may appoint or elect any person related to the mayor or any other current council member by affinity or lineal consanguinity to the third degree, to the city council but this shall not prohibit an officer or employee from continuing in the service of the city. This section does not prohibit the election of any candidate to any elective office in Gustavus.

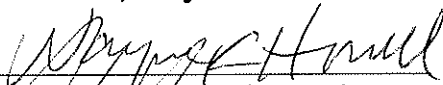
Section 4. Effective Date This ordinance becomes effective upon adoption by the Gustavus City Council.

**Date of Introduction and Publication: April 9, 2009**

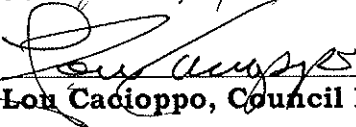
**Date of Public Hearing & Adoption: May 14, 2009**


Passed and Approved by the Gustavus City Council this 14<sup>th</sup> day of May, 2009.

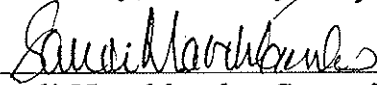
  
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**William Unkel, Mayor**

  
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**Wayne Howell, Council Member**

  
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**John Nixon, Council Member**

  
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**Lon Cacioppo, Council Member**

  
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**Paul Berry, Vice Mayor**

  
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**Sandi Marchbanks, Council Member**

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**Paul Berry, Council Member**

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**Attest: Kapryce Manchester  
City Clerk**