

**CITY OF GUSTAVUS, ALASKA**  
**Ordinance No. 2005-08**

**AN ORDINANCE OF THE CITY OF GUSTAVUS AMMENDING SECTION**  
**2.40.150 (E) Committees**

**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 provision 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 Section 20.40.150 (E) be amended and adopted as amended. All items in brackets are additions to existing code and all items bolded and underlined are deletions.

**Section 2.40.150 Committees**

(E) The schedule will be made available in the office of the Clerk and posted in at least three (3) public locations throughout the City of Gustavus five (5) days prior to meeting. All committees will prepare and present **an annual report at the March** (quarterly reports at) City Council meeting(s) (as scheduled by the council) or at the request of the City Council.

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


**DATE INTRODUCED:** Aug 11, 2005

**DATE OF PUBLIC HEARING:** September 8, 2005

PASSED and APPROVED by the Gustavus City Council this 9<sup>th</sup>  
day of September, 2005.

  
Sandi Marchbanks, Mayor

ATTEST:

  
Lexa Meyer, Clerk

**Title 2**

**ADMINISTRATION**

**Chapters:**

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

**Chapter 2.10**

**Mayor**

**Sections:**

- 2.10.010 Duties of Mayor as Executive
- 2.10.020 Qualifications
- 2.10.030 Compensation of Mayor
- 2.10.040 Oath of Office
- 2.10.050 Mayor's Vote
- 2.10.060 Term of Office
- 2.10.070 Vacancy
- 2.10.080 Vice-Mayor

**Section 2.10.010 Duties of Mayor as Executive**

(a) The Mayor is the chief executive officer of the City of Gustavus. The Mayor shall preside at Council meetings, act as ceremonial head of the City, and sign documents on behalf of the City upon Council authorization.

(b) The Mayor is the chief administrative officer of the City of Gustavus. The Mayor shall perform the administrative duties listed below:

(1) appoint City employees and administrative officers, unless otherwise provided in this Code; hire necessary administrative assistants, if so desired; and authorize an appointed administrative officer to appoint, suspend, or remove subordinates in his or her department, if so desired;

(2) suspend or remove by written order City employees and administrative officers, unless otherwise provided in this Code;

- (3) supervise enforcement of City law;
- (4) prepare annual budget and capital improvements program for the Council;
- (5) execute the budget and capital improvement program as adopted;
- (6) make monthly financial reports to the Council on City finances and operations;
- (7) report to the Council at the end of the fiscal year on the finances and administrative activities of the City;
- (8) prepare and make available for public distribution an annual report on City affairs;
- (9) serve as City personnel officer unless the Council authorizes the Mayor by motion to appoint a personnel officer;
- (10) execute other powers and duties specified in Title 29 or lawfully prescribed by the Council;
- (11) designate any City Council member whatever duties so specified by the Mayor.

**Section 2.10.020 Qualifications**

- (a) The Mayor shall be a qualified City voter.
- (b) If the Mayor ceases to be eligible to be a City voter, he or she is no longer Mayor or Council member.

**Section 2.10.030 Compensation of the Mayor**

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

**Section 2.10.040 Oath of Office**

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

**Section 2.10.050 Mayor's Vote**

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

**Section 2.10.060 Term of Office**

The Mayor is elected by and from the City Council for a term of one (1) year and until a successor is elected and has qualified. The Mayor shall take office immediately at the Council meeting held on the first Thursday after certification of the regular election. There is no limit on total number of terms or number of consecutive terms the Mayor may serve.

**Section 2.10.070 Vacancy**

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

**Section 2.10.080 Vice-Mayor**

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

**Section 2.10.090 Provisions of Employment for the Mayor**

The Mayor may be employed by the City of Gustavus, but only as provided:

- a. The Vice-Mayor shall act as the supervising authority of the Mayor in regards to the Mayor's position as a city employee.

**Chapter 2.20**

**City Council**

**Sections:**

2.20.010	Composition of the Council
2.20.020	Qualifications of Council Members
2.20.030	Election of Council Members
2.20.040	Terms of Council Members
2.20.050	Oath of Office
2.20.060	Compensation of Council Members
2.20.070	Reserved
2.20.080	Provisions of Employment for City Council Members
02.20.090	Purpose
02.20.091	Definitions
02.20.092	City Official and Employee Responsibilities
02.20.093	Prohibited Acts
02.20.094	Contract Inducements
02.20.095	Post-Public Service Restrictions
02.20.096	Sanctions for Violations
02.20.097	Invalid Actions

- 02.20.098 Other Remedies
- 02.20.099 Relationship to Other Laws
- 2.20.100 Vacancies
- 2.20.110 Filling a Vacancy

**Section 2.20.010 Composition of Council**

The Council shall consist of seven (7) members elected by the registered voters of the City of Gustavus at large.

**Section 2.20.020 Qualifications of Council Members**

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

**Section 02.20.25 Alaska Public Official Financial Disclosure Exemption**

City of Gustavus Council Members shall be exempt from the financial disclosure reporting requirements of the State of Alaska Public Official Financial Disclosure Law (Alaska Statute 39.50).

**Section 2.20.030 Election of Council Members**

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

**Section 2.20.040 Terms of Council Members**

Council members shall be elected to three (3) year terms on a repeating three year cycle.

**Section 2.20.050 Oath of Office**

(a) All Council members before entering upon the duties of office shall affirm in writing the following oath and affirmation: "I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the ordinances of the City of Gustavus, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of Council member to the best of my ability."

- (b) The oath is filed by the Clerk.

**Section 2.20.060 Compensation of Council Members**

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

**Section 2.20.070 Reserved**

**Section 2.20.080 Provisions of Employment for City Council Members**

City Council members may be employed by the City of Gustavus, but only as provided:

(a) Applications for City employment shall be reviewed and employees hired by the City Council solely on the basis of merit. A City Council member shall be hired for City employment only if the qualifications of the City Council member are better than the qualifications of all other applicants.

(b) When a City Council member applies for City employment, all applications for the position shall be reviewed by the City Council at a regular or special City Council meeting.

(c) The City Council meeting authorized under section (b) above shall be open to comment from the public.

(d) If and when a City Council member is hired to work for the City, the City Council shall post in the City offices a list of all applicants for the position, together with the reasons why the City Council member was hired over other applicants.

**Section 02.20.090 Conflicts of Interest Purpose**

The purpose of this chapter is to set reasonable standards of conduct for elected and appointed public officials and for city employees, so that the public may be assured that its trust in such persons is well-placed and that the elected officials, volunteers and employees themselves are aware of the high standards of conduct demanded of persons in like office and position.

**Section 02.20.091 Definitions**

- a. Definitions. As used in this chapter, the following words have the following meanings:
  - 1. City. The City of Gustavus, its council, employees, administration, committee chairpersons and committee members and boards.
  - 2. City Employee. Any person employed by the City, whether full-time or part-time, temporarily or permanently. The City Clerk is a city employee.
  - 3. City Official. A person who holds elected office under the ordinance of the City, who is appointed to fill a vacancy in an elective office, is appointed by the City as an employee, such as the City Clerk, or who is a member of a City board or committee whose appointment is subject to

confirmation by the City Council. A person can be both a city employee, and a City official.

4. Contractors are any business, individual, corporation, sole proprietorship, or any other entity with who the City establishes contracts for purposes of executing City business.

5. Confidential Information. Any information exempt from disclosure under Section of City of Gustavus code.

6. Engaging in business. Submitting a written or oral proposal to supply goods, services or other things of value, or furnish goods, services or other things of value, for consideration.

7. Substantial Financial Interest. An expectation of receiving a pecuniary benefit. A financial interest of a person includes any financial interest of a member of that person's immediate family. A person has a financial interest in an organization in which that person has an ownership interest or is a director, officer or an employee. A person has a financial interest in a decision if a financial interest of that person will vary with the outcome of the decision. A substantial financial interest does not include the following: A personal or financial interest which is not of the magnitude that would exert an influence on an average, reasonable person; a personal or financial interest of a type which is generally possessed by the public or a large class of persons to which that official or employee belongs; or an action or influence which would have an insignificant or conjectural effect on the matter in question.

8. Gratuity. A thing having value given voluntarily or beyond lawful obligation in return for, or in anticipation of, any service or consideration in connection with the official's performance of duties.

9. Immediate Family. A person's relation to another by blood to the second degree of kinship, marriage or adoption or who lives in that person's household.

10. Organization. Any corporation, partnership, sole proprietorship, firm or association, whether organized for profit or nonprofit.

b. Construction. This chapter shall be liberally construed to protect the public interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for city officials and employees.

#### **02.20.092 City Official and Employee Responsibilities**

a. A city official or employee may not participate in any official action on a City contract or financial appropriation, except for the circumstances listed below, in which he/she or a member of his/her family, household, business, colleague or associate, has a substantial financial interest.

b. A City employee who is also a City official may participate fully in any action before the city council, board or committee pertaining to basic city operations, including the department for which that employee works, or which oversees the employees position, provided;

1. The employee first declares their position with the City; and

2. The action does not involve a substantial increase or decrease in any operating budget, salary or hourly wage that is outside the normal and established operational budgets, procedures or parameters set by the City if the action is for the department for in which the city official is employed.

c. A City official may not participate in formulation of, or discussion about any plan, contract or financial action before the City in which that City official might ultimately derive substantial financial benefit given the nature of that City official's profession or business interests, without first declaring the conflict to the City Council, board or committee directly responsible for that plan, contract or financial action.

d. No City official or employee, nor any entity in which he or she may have a substantial financial interest, may contract with the city to provide supplies, services or professional services except:

1. Prior to executing the contract or award, a notice of intent to do business with the City is provided in a written disclosure statement submitted to the City Clerk and to the City board or committee with whom the City official intends to do business. It is the responsibility of both the City Clerk and the committee or board presiding officer to advise the City Council of this stated intent; and

2. The City official neither participated in the decision to award the contract nor attempts to influence such decision; and

3. The City board or committee charged with responsibility for award of any contract or financial action has fully and properly addressed this issue at the board or committee level under terms outlined in this section, and has referred this matter to the City Council for final determination. Only the City Council can make a final determination as to the existence of conflict of interest, and the contract or financial transaction can be awarded only when the City Council has determined that the City official can accept the contract or financial transaction without conflict of interest, or unduly eroding the public trust, or under whatever terms the City Council determines are most appropriate.

4. Performance of the contract is compatible with the ability of the City official or employee to discharge his or her official duties and to exercise his or her independent judgment.

e. Newly elected or appointed members of the City Council, boards or committees who have prior contracts with the City, or are affiliated with entities or organizations which may have a substantial financial interest with the City, may fulfill the terms and conditions of such contracts without penalty.

f. Use of Office for Personal Gain. No person shall seek or hold office for the purpose of obtaining anything of value for himself/herself, his/her family, or a business that he/she owns or in which he/she holds an interest, and to avoid any such appearance, the pre-existing conditions described herein should be declared at a public meeting at the earliest opportunity after taking office.

g. Representing Private Interests. No elected official shall formally represent private business or personal interests before the council, or other City boards or committees.

h. The mayor and council members may serve on non-city boards, commissions, committees or on the boards of non-profit organizations only as ex-officio (non-voting) members if the board, commission, committee or non-profit organization has received or will request funding from the city.

i. Nothing herein shall prevent a member of the council or a board or committee from making verbal or written inquiries on behalf of constituents or the general public to elements of City government, or from representing



explanations or additional information on behalf of such constituents. No elected official may solicit a benefit or anything of value or accept same from any person for having performed this service other than permitted in subsection 02.20.093.f of this section.

**02.20.093 Prohibited Acts - City Officials and Employees.**

No city official or employee may engage intentionally in conduct that conflicts with that officer's or employee's official duties, including but not limited to conduct violating the following standards:

a. Engage in business with the city (including but not limited to submitting a written or oral bid or proposal), before all issues that might be perceived as conflict of interest have been fully and properly addressed by the boards or committees with responsibility for developing plans, contracts or financial actions, or the City Council, as provided in subsection 02.20.092.b, c and d above.

b. Acquire a financial interest in any organization with whom the city currently does business without disclosing that acquisition. Such disclosure shall be the same method as for a contract under subsection 02.20.092.d above.

c. No city official or employee may reject, ignore or defy the decision of the presiding officer of the city council on matters of conflict of interest. Only the City Council may overturn the decision of the presiding officer by majority vote of the council, per Section 2.40.090(d) of Gustavus municipal code. Lacking an overturn by the City Council, the ruling of the presiding officer is the ruling of the council. Any action by a City official to reject, ignore or defy the decision of the city council on matters of conflict of interest is grounds to disqualify that city official for consideration for awarding of the contract or financial award, and is grounds for removal from office (Section 2.60.010).

d. No city official or employee may disclose confidential information held by the city unless authorized or required by law to do so, or use that information to advance the official's or employee's financial interest or the financial interest of others.

e. A city official or employee may not engage in business or accept employment with, or render services for, a person other than the City where the activity will conflict with the official's or employee's duties to the City or impair the official's or employee's independence of judgment in performing those duties.

f. No City official or employee may accept a gratuity from any person engaging in business with the city or having a financial interest in a decision pending with the city. Any City official who receives a gratuity shall report the receipt to the committee chair or the employee's supervisor, who shall report the receipt to the City attorney. This subsection does not prohibit accepting:

1. A meal offered as a courtesy
2. Discounts or prizes which are generally available to the public or to a large business category to which the official or employee belongs;
3. Gifts presented by the employing agency in recognition of meritorious service to the city or other civic or public awards of whatever nature; or
4. Campaign contributions as candidate for public office.

**2.20.094 Contract Inducements**

No payment, gratuity or offer of employment shall be made to City officials or employees in connection with any contract, by or on behalf of the subcontractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontractor or order.

**2.20.095 Post-Public Service Restrictions and Conditions**

a. No former City official or employee shall, for a period of six months after the termination of the term of office or employment, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the City and in which the official or employee participated personally and substantially through the exercise of official action.

b. No former elected or appointed City official may be employed by the City in a new position that was created during the period of service of that City official, and in which that City official participated in the creation thereof, for a period of six months after leaving office.

c. The council may, by majority vote as specified in Section 2.40.090, authorize a waiver from the requirements of subsections 2.20.095 (a) and (b) of this section.

d. Any city official who was employed by the City prior to beginning a period of public service, or was employed by the City during the period of public service, can continue as an employee of the City following their period of public service, without restrictions or interruption of employment.

e. For purposes of this section, voting on an appropriation as a City official to fund City operations in the future shall not in and of itself constitute substantial participation in a matter that would automatically disqualify a City employee from continuing in as a City employee when they leave public service, provided:

1. The City operation being funded is an annual appropriation for an established program; and

2. The City employee will not benefit directly from an appropriation that is over and above the established operational budget, adjusted for inflation or reasonable increase, established during the preceding fiscal year.

f. This section does not prohibit the City from contracting with a former official or employee to act on a matter on behalf of the city.

g. When a former City official or employee conducts business or intends to conduct business with the City, the former official or employee shall file an affidavit with the City Clerk stating:

1. The name and office of the City official or employee, and the position they previously held with the City; and

2. The name of any organization in which the official or employee has a financial interest, whose activities are the subject of the disclosure, and a description of that financial interest; and

3. A description of the transaction that is the subject of the disclosure.

**2.01.096 Sanctions and Violations**

a. Any City official found by the City Council to have violated any of the provisions of this chapter shall be subject to appropriate sanctions. The

mayor may nominate a special committee, to be ratified by the City Council according to terms in 2.40.150(d)(2), to review the allegations and provide recommendations.

b. Sanctions for any current and former City officials or employees found to have violated any of the provisions of this

chapter can consist of dismissal from office, or sacrifice of a contract or financial award, but shall not be legal in nature.

c. Sanctions for City employees found by to have violated any of the provisions of this chapter, or to have furnished false or misleading information shall be subject to employment sanctions up to and including discharge, as determined by the council.

#### **2.20.097 Invalid actions**

a. Any contract negotiated, entered into, or performed in violation of any of the provisions of this chapter shall be voidable as to the City, but only by action of the council.

b. Any permit, license, ruling, determination, or other official action of an agency applied for, or in any other manner sought, obtained or undertaken where the beneficiary knew or should have known of a violation of any of the provisions of this chapter may be invalidated by the council, if applicable.

#### **2.20.098 Other Remedies**

Nothing in this chapter shall preclude the City from maintaining an action to achieve an accounting for any pecuniary benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.

#### **2.20.099 Relationship to Other Laws**

a. The procedures and disciplines provided by this chapter are supplemental and do not limit the power of any agency to otherwise discipline officials or employees or to take appropriate administrative action to adopt more restrictive rules. This chapter is intended to replace the common law regarding conflicts of interest with respect to City elected and appointed officials and employees. Other than superseding the common law, nothing in this chapter is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance.

b. The invalidity of any section, subsection, provision, clause or portion of this chapter or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.

#### **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**

- (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.

### **Chapter 2.30**

### **City Council Meetings**

Sections:

2.30.010	Meetings Public
2.30.020	Notice
2.30.030	Regular Council Meetings
2.30.040	City Council Member Attendance Policy for Regular Meetings
2.30.050	Special meetings, Work Sessions, and Emergency Meetings
2.30.060	Executive Session

**Section 2.30.010 Meetings Public**

(a) Meetings of the Council shall be public. The only exception to this requirement of public Council meetings is when an executive session is lawfully justified, as provided in Section 2.30.060 of this Chapter.

(b) The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

**Section 2.30.020 Notice**

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

**Section 2.30.030 Regular Council Meetings**

(a) The City Council shall meet on the second Thursday of each month at 7:00 pm. If the meeting so scheduled would occur on a holiday established by Alaska Statute 44.12.010, it shall be rescheduled to the following Thursday. If both would occur on holidays, each shall be rescheduled to the following Thursday. The City Council may by motion or otherwise change the date of a meeting as may be necessary or convenient.

(b) The usual place of Council meetings shall be City Hall. In the event of any condition which renders the meeting place unfit to conduct meetings of the Council, the meeting may be moved to such other place as the Council may choose, provided reasonable notice is given.

(c) Time of adjournment. Meetings will adjourn by 10:00pm unless extended by a vote of at least four (4) City Council members.

**Section 2.30.040 City Council Member Attendance Policy for Regular Meetings**

(a) Any absence of a City Council member from a regular meeting of the City Council shall be deemed to be unexcused unless the City Council member is absent from the meeting as a result of attending to official business on behalf of the City of Gustavus, for extenuating medical reasons, or for other

significant cause as determined by the City Council, in which case the absence shall be deemed to be excused.

(b) The Mayor shall direct the Clerk to provide to the City Council quarterly reports on the regular City Council meeting attendance.

**Section 2.30.050 Special Meetings, Work Sessions and Emergency Meetings**

(a) Work sessions, when called, will convene at the place authorized for regular meetings. Work sessions shall be informal meetings in which no formal action is taken. Work sessions shall be open to the public.

(b) Special meetings of the Council are those meetings which are called by the Mayor or any two members of the Council for a time different than that fixed for regular Council meetings or work sessions. The location of all special Council meetings shall be the same as that authorized for regular meetings. Special meetings shall be open to the public.

(c) Advance notice of at least 24 hours shall be given each Council member before a special meeting is held. The notice shall specify the time, place, and the business of the meeting. No business shall be transacted at the meeting, which is not mentioned in the notice. Such notice shall be given personally to each member of the Council or left at his or her usual place of business or residence by the Clerk or the Clerk's designee.

(d) In an emergency, a special meeting called with less than 24 hours notice is a legal meeting if there is a quorum. The location of all emergency Council meetings shall be the same as that authorized for regular meetings.

**Section 2.30.060 Executive Session**

(a) Only the following subjects may be discussed in an executive session:

(1) matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the City; or

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(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; or

(3) matters required by federal or state law or by City ordinance to be confidential.

(c) If any of the above subjects are to be discussed in executive session, the session must first be convened as a public meeting. During the public meeting, the Council shall vote on a motion whether to hold an executive session. No subjects may be considered at the executive session except those mentioned in the adopted motion calling for the executive session and which concern subsections (a) and (b) above unless relating to the main question. No action may be taken at the executive session. Only after the executive session is over and the meeting is once again before the public may the Council take action on what was discussed in the executive session.

## **Chapter 2.40**

### **City Council Procedures**

#### **Sections:**

2.40.010	Mayor Presides at Council Meetings
2.40.020	Sessions
2.40.030	Order of Business
2.40.040	Parliamentarian
2.40.050	Minutes
2.40.060	Debate
2.40.070	Motions
2.40.080	Reconsideration
2.40.090	Voting Requirements
2.40.100	Legislation
2.40.110	Vote Required
2.40.120	Rules of Public Participation
2.40.130	Public Participation Confined To That Agenda Item
2.40.140	Telephonic Participation
2.40.150	Committees
2.40.160	Clerical Errors
2.40.170	Adoption of Robert's Rules of Order

#### **Section 2.40.010 Mayor Presides at Council Meetings**

(a) The Mayor shall preside at all meetings of the Council. The Mayor shall preserve order among Council members and is responsible for the efficient conduct of all meetings according to the rules of the Council. The Mayor may at any time make such other rules as are considered reasonable and proper to preserve order among the attending public during sessions of the Council.

(b) The Council shall select a vice-Mayor from among the Council who will preside in the Mayor's absence or disability.



(c) In the temporary absence or disability of the Mayor or vice-Mayor, any member of the Council may call the Council to order at any properly-called meeting to elect an acting Mayor from among its members. The acting Mayor shall exercise all the powers of Mayor only during such temporary absence or disability of the Mayor or vice-Mayor.

#### **Section 2.40.020 Sessions**

Each regular or special meeting of the City Council constitutes a session for purposes of these rules.

#### **Section 2.40.030 Order of Business**

- (a) At all regular meetings the order of business shall be:
- (1) Call to Order
  - (2) Roll Call
  - (3) Approval of Minutes
  - (4) Mayor's Request For Agenda Changes
  - (5) Committee Reports
  - (6) Public Comment on Non-Agenda Items
  - (7) Consent Agenda
    - (A) Public requests for consent agenda changes, other than ordinances for introduction
    - (B) City Council requests for consent agenda changes
    - (C) City Council action
  - (8) Ordinances for Public Hearing
    - (A) Administrative or committee reports
    - (B) Public hearing
    - (C) City Council action
  - (9) Unfinished Business
    - (A) Administrative or committee reports
    - (B) Public hearing
    - (C) City Council action
  - (10) New Business
    - (A) Administrative or committee reports
    - (B) Public hearing
    - (C) City Council action
  - (11) Staff Reports
  - (12) City Council reports
    - (A) Mayor's report
    - (B) City Clerk reports

- (13) City Council Questions and Comments
- (14) Public Comment on Non-Agenda Items
- (15) Executive Session
- (16) Adjournment

(b) The agenda shall be prepared by the Mayor. The Mayor shall brief the City Council as to any revisions. Other matters may be considered under administrative reports, unfinished business, or new business as applicable.

(c) The Mayor shall include under the consent agenda:

- (1) Ordinances for introduction
- (2) Resolutions
- (3) Bid awards requiring City Council concurrence; and
- (4) Other items requiring City Council action which do not involve substantial public policy questions.

(d) The Mayor shall include with the agenda such supplemental material or reports as may be necessary to explain each item on the consent agenda and shall include a specific recommendation for City Council action on each item. Material, reports, and recommendations submitted in writing to each member present and which are available for public inspection prior to the City Council meeting need not be read aloud, but the minutes shall reflect the Mayor's recommendation on each consent agenda item adopted. Upon adoption of a motion to adopt the consent agenda, all consent agenda items subject to the motion are adopted as recommended by the Mayor. The motion to adopt may not be amended; provided, upon the request of any member, an item on the consent agenda shall be removed from the consent agenda and placed under the appropriate regular agenda item for City Council action. A notice or motion for reconsideration or a motion to rescind a consent agenda item which is the subject of the notice or motion and only that item shall be affected by the notice or motion.

#### **Section 2.40.040 Parliamentarian**

The Clerk shall act as the parliamentarian.

#### **Section 2.04.050 Minutes**

Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the Council meeting journal. The minutes are available to the public for inspection via website, or at City offices.

#### **Section 2.40.060 Debate**

(a) Speaking on the question. A Council member or the Mayor may speak more than once to the same question at the same stage of proceedings provided that priority to access to the floor shall be given to Council members

who have not spoken on the question. Council members shall endeavor to provide the body with relevant facts and arguments and shall strive to avoid redundancy.

(b) Asking questions. After obtaining recognition from the Chair, a Council member may ask direct questions of another member of the City Council or to a person appearing before the City Council. The questions may not be argumentative.

(c) Decorum. Council members shall not question the motives, competency or integrity of any person except as necessary to decide an appeal, personal evaluation, contract award, or other matter in which such issues are clearly relevant. The Chair shall admonish any member violating this rule and if violations are severe or repeated, may without a vote declare a recess not to exceed ten (10) minutes.

### **Section 2.40.070 Motions**

(a) Seconds to motions are required.

(Amended December 14, 2006)

(b) Defeated motions may be renewed only under suspension of the rules.

(c) Privileged motions shall have the following priority:

- (1) Fix time to adjourn
- (2) Give notice of reconsideration
- (3) Adjourn
- (4) Recess
- (5) Question of privilege of the body
- (6) Question of personal privilege

(d) After a motion is made and stated or read by the Mayor or other 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.

(e) A motion must be made in writing if any Council member requests.

(f) A non-controversial motion can be processed without a vote through unanimous consent.

### **Section 2.40.080 Reconsideration**

(a) Main motions, amendments to main motions, privileged motions involving substantive questions and appeals are subject to reconsideration. Procedural motions may not be reconsidered.

(b) Any Council member, whether or not that member voted on the prevailing side, may give notice or move for reconsideration.

(c) The effect of giving notice of reconsideration is to suspend all action on the subject of the notice until a motion for reconsideration is made and acted upon or until the time within which the motion for reconsideration may be made and acted upon has expired.

(d) A notice of reconsideration expires unless a motion for reconsideration is made and acted upon prior to adjournment of the next regular meeting succeeding the meeting at which the action to be reconsidered occurred.

(e) There may be only one (1) reconsideration even though the action of the City Council after reconsideration is opposite from the action of the City Council before reconsideration.

(f) A motion for reconsideration has precedence over every main motion and may be taken up at any time during the meeting when there is no other motion on the floor.

(g) A motion for reconsideration completely cancels the previous vote on the question to be reconsidered as though the previous vote had never been taken.

#### **Section 2.40.090 Voting Requirements**

(a) Four (4) Council members constitute a quorum. A quorum is necessary for the Council to conduct any business. Meetings may be conducted by teleconference.

(b) If a Council member recuses himself or herself because of a conflict of interest on any given ordinance, resolution, or substantive motion that Council member shall count toward a quorum as stated in Alaska Statute 29.20.160 (c).

(c) A least four (4) affirmative votes or “Yes” votes are required for passage of an ordinance, resolution, or motion.

(d) 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 as stated in Alaska Statute 29.20.160 (d).

(e) The Mayor or Chair shall declare all votes and the result.

#### **Section 2.40.100 Legislation**

(a) City Council members shall draft ordinances and resolutions:

(1) For presentation to the City Council only;

(A) by vote or consensus of the City Council.

(B) by vote of a standing or ad hoc City Council committee.

(C) by request of the Mayor.

(2) For the presentation to a standing or ad hoc City Council committee only by vote of the committee or request of its Chair.

(b) Upon presentation of an ordinance, any member may move that it be introduced and set for public hearing, referred to committee, deferred, or rejected. If the motion is for referral to committee, the Mayor shall refer the ordinance to the appropriate committee. The Mayor's referral may be changed by a majority vote of the members of the City Council. If the motion is for introduction, the motion shall set a date for a public hearing. All such motions may be amended.

#### **Section 2.40.110 Vote Required**

The affirmative vote of four (4) members of the City Council shall be sufficient to take any action except as otherwise provided by ordinance and except in the following instances, which require a two-thirds vote;

- (a) Limiting, extending, or closing debates
- (b) Suspension of the rules
- (c) Setting of postponement of special orders
- (d) Objection to consideration of question
- (e) Motion for immediate vote (previous question)
- (f) Rescind
- (g) To take up a motion for reconsideration at the meeting at which the action to be reconsidered was taken

#### **Section 2.40.120 Rules of Public Participation**

Public participation during hearings on ordinances and matters other than appeals will be conducted according to the following rules, which will be posted at City Hall.

- (a) The hearing will be conducted by the Mayor or the designated Chair.
- (b) The Mayor will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.
- (c) The Mayor may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time, and may for the same reason disallow questions from the City Council to the public. The time limit may be extended by a majority of the City Council. The time limit for individual speakers shall be uniform for all speakers, and shall be strictly enforced. Speakers shall not have the right to transfer their unused time to other speakers, but the Mayor may grant additional time to a person speaking on the behalf of a group present in the chambers.
- (d) Citizens will be encouraged to submit written presentations and exhibits. Material submitted to the Clerk more than three (3) business days before a meeting and comprising ten (10) pages or less will be eligible for

copying for that meeting. Material submitted less than three (3) days will be distributed by the Clerk provided that the submission includes at least ten (10) copies.

(e) The Mayor will set forth the item or subject and will rule non germane comments out of order.

(f) All speakers, public, and members of the City Council will be recognized by the Chair.

(g) Members of the public will precede their remarks by stating their name.

(h) Members of the City Council will not direct questions to each other or the Chair during public participation except as to the conduct of the hearing.

(i) Members of the City Council may direct questions to members of the public only to obtain clarification of material presented. The questions may not be argumentative, nor may they have the purpose or effect of unreasonably extending any time limit applicable to public speakers.

(j) The public may direct questions to the City Council or the Clerk.

#### **Section 2.40.130 Public Participation Confined To That Agenda Item**

No person except a Council member or the Mayor may participate in City Council proceedings except as provided in the agenda item for public participation and except that the Clerk may comment on professional or procedural aspects. Public participation shall be permitted on a motion to recess into executive session prior to the vote on such a motion. Public participation shall be permitted on all items on the agenda, except for meetings advertised as work sessions only, but shall not be permitted on items before the body for information or scheduling purposes except to the extent such public participation concerns scheduling only.

#### **Section 2.40.140 Telephonic Participation**

(a) Any member of the City Council may participate via telephone in a City Council meeting, if the member declares that circumstances prevent physical attendance at the meeting.

(b) No more than the first two (2) members to contact the Clerk regarding telephonic participation in a particular meeting may participate via telephone at any one (1) meeting. No member may participate telephonically at more than three (3) general meetings in any twelve (12) month period, October to October. There shall be no limit to the number of special or emergency meetings that a member may participate in telephonically. A member may participate telephonically only from locations within the United States, unless the member agrees to pay the costs of international telephone service.

(c) The member shall notify the Clerk and presiding officer, if reasonably practicable, at least four hours in advance of a meeting which the member proposes to attend by telephone and shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service.

(d) At the meeting, the Clerk shall establish the telephone connection when the call to order is imminent.

(e) A member participating by telephone shall be counted as present for purposes of quorum, discussion, and voting.

(f) The member participating by telephone shall make every effort to participate in the entire meeting. From time to time during the meeting the Chair shall confirm the connection.

(g) The member participating by telephone may ask to be recognized by the Mayor to the same extent as any other member.

(h) To the extent reasonably practicable, the Clerk shall provide backup materials to members participating by telephone.

(i) If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the Clerk shall attempt to establish or restore the connection, provided that if the member participating by telephone is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the telephone connection is established or restored.

(j) Meeting times shall be expressed in Alaska Time regardless of the time at the location of any member participating by telephone.

(k) Remarks by members participating by telephone shall be transmitted so as to be audible by all members and the public in attendance at the meeting, provided that in executive session the remarks shall be audible only to those included in the executive session.

(l) As used in this ordinance, "telephone" means any system for synchronous two-way voice communication.

#### **Section 2.40.150 Committees**

(a) Standing Committees shall be created and dissolved by resolution.

(b) Special Committees shall be created by resolution. The City Council shall have such special committees as may be considered necessary. Special committees automatically terminate upon completion of the committee's assignment as defined in the resolution.

(c) Any member of the City Council may sit with any committee at all times; such member shall have the right to participate in

committee discussion except that members of the committee have priority in obtaining the floor and only committee members may vote. Reasonable opportunity for the public to be heard shall be allowed at committee meetings other than those designated as work sessions.

(d) Selection, process, and duties of Committees of the City Council.

(1) Standing Committees.

(A) There shall be not more than two (2) City Council members appointed to each standing committee of the City Council.

(B) Nominations for standing committee appointments and for the position of Chair of each such committee shall be made by the Mayor, and shall be subject to ratification by the City Council.

(C) A standing committee may at the call of its Chair or the vote of its membership take up any matter within the scope of its charge established by these rules and not pending as legislation authorized by the City Council. Matters not within the scope of any standing committee or within the scope of more than one standing committee shall be assigned by the Mayor.

(D) Each committee shall refer information to and coordinate activities with other appropriate committees. Issues referred to another committee and any directions to the Mayor must have the concurrence of a majority of the committee members.

(2) Special committees. Nominations for special committee appointments and the Chair position of each special committee shall be made by the Mayor and shall be subject to ratification by the City Council.

(E) The schedule will be made available in the office of the Clerk and posted in at least three (3) public locations throughout the City of Gustavus five (5) days prior to meeting. All committees will prepare and present quarterly reports at City Council meetings as scheduled by the council or at the request of the City Council.

(F) Quorum of committees. For committees with seven (7) or eight (8) members, four (4) of the membership shall constitute a quorum; for committees with five (5) or six (6) members, three (3) of the membership shall constitute a quorum. For committees with four (4) or fewer members, two (2) of the membership shall constitute a quorum for the transaction of business.

(G) Voting. The minimum vote required to take official action shall be the same as that constituting a quorum.  
*(Section 2.40.150 (E) Committees amended at by ordinance on September 8, 2005; Ordinance No. 2005-04)*

## **Section 2.40.160 Clerical Errors**



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

### **Section 2.40.170 Adoption of Robert's Rules of Order**

The conduct of the meetings of City Council shall be governed by the Mayor according to the Robert's Rules of Order, Modern Edition, except as otherwise provided by law.

## **Chapter 2.50**

### **City Clerk**

#### Sections:

2.50.010	Appointment and term
2.50.020	Duties of Clerk
2.50.030	Acting Clerk
2.50.040	Treasurer
2.50.050	Internal Control
2.50.060	Acting Treasurer

### **Section 2.50.010 Appointment and term**

- (a) The Clerk shall be appointed by the Council.
- (b) The Clerk shall hold office at the pleasure of the Council.

### **Section 2.50.020 Duties of Clerk**

- (a) The Clerk shall:
  - (1) give and post notice of the time and place of Council meetings both to the Council and to the public;
  - (2) attend Council meetings and keep the minutes in the journal;
  - (3) arrange publication and posting of notices, ordinances, and resolutions;
  - (4) maintain and make available for public inspection City ordinances, resolutions, rules, regulations, and codes;

- documents;
- (5) attest deeds, ordinances, resolutions, and other
  - (6) record and certify actions of the Council;
  - (7) have the power to administer oaths;
  - (8) be custodian of the City seal and the official records of the City;
  - (9) be the City election registrar and be responsible for calling and supervising all City elections; and
  - (10) perform other duties specified by this Code, state law, or the Council.

### **Section 2.50.030 Acting Clerk**

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

### **Section 2.50.040 Treasurer**

- (a) The Clerk is the City Treasurer.
- (b) As Treasurer, the Clerk shall:
  - (1) keep custody of all City funds;
  - (2) keep an itemized account of money received and disbursed;
  - (3) maintain care 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;
  - (7) be responsible for filing state and federal applications for shared revenue programs; and
  - (8) perform such other duties as the Mayor, Council, or state law may lawfully require.

### **Section 2.50.050 Internal Control**

The following internal controls are procedures used in financial transactions and

record keeping that protect the City's assets and ensure the accuracy of its record keeping and the integrity of the Clerk:

(1) The City Clerk or acting Clerk shall receive all cash and checks, either by mail or in person. The Clerk shall then prepare receipts for all incoming cash, reserving a copy for the City records and providing the customer with the original. The Clerk shall enter all incoming checks or money orders onto a deposit ticket and shall retain a copy for City records.

(2) Any and all purchases the Clerk/Treasurer needs to make, for the City, must be authorized by the Mayor or City Council member. A purchase order is required for all purchases.

(3) Checks written by the Clerk/Treasurer must have two signatures. Those authorized to sign are all City Council members and the Mayor, who have a current signature on the bank's signature card.

### **Section 2.50.060 Acting Treasurer**

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

## **Chapter 2.60**

### **Responsibility of Officers and Employees**

#### **Sections:**

- 2.60.010 Conduct in Office
- 2.60.020 Oath of Office
- 2.60.030 Records Open

### **Section 2.60.010 Conduct in Office**

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

### **Section 2.60.020 Oath of Office**

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

### **Section 2.60.030 Records Open**

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

## **Chapter 2.70**

### **Documents and Records**

#### Sections:

- 2.70.010 Document Approval
- 2.70.020 Documents to File with the State
- 2.70.030 Retention, Disposal of Public Records

### **Section 2.70.010 Document Approval**

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

- (1) approved by the Council;
- (2) signed by the Mayor on behalf of the City; and
- (3) attested by the Clerk.

### **Section 2.70.020 Documents to File with the State**

The City shall file the following documents with the Alaska Department of Community and Economic Affairs:

- (1) maps and descriptions of all annexed or excluded territory;
- (2) a copy of an audit or statement of annual income and expenditures;
- (3) tax assessment and tax levy figures as requested; and
- (4) reports relating to long-term debt.

### **Section 2.70.030 Retention, Disposal of Public Records**

The Mayor shall approve a records retention and disposal schedule which indicates how long City records, documents, correspondence, and other papers shall be kept before disposal.