

AGENDA
FOR THE SPECIAL MEETING OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY, ALASKA
COUNCIL CHAMBERS OF CITY HALL
120 FREEMAN DRIVE
Tuesday, December 3, 2019
6:30 p.m.

There will be a Workshop of the City Council beginning at 6:15 p.m.

-
1. CALL TO ORDER:
 2. PLEDGE TO FLAG:
 3. ROLL CALL:
 4. APPROVAL OF AGENDA:
 5. MAYOR'S REPORT:
 6. ADMINISTRATIVE REPORTS:
 - a) Administrator Report
 - b) City Clerk Report
 7. PUBLIC COMMENTS:
 8. COUNCIL COMMENTS:
 9. CONSENT AGENDA:
 - a) November 5, 2019, Special City Council Meeting Minutes, discussion and action item:
 10. NEW BUSINESS:
 - a) Authorizing the donation of \$500 , to the Alaska Peace Officers Association, discussion and action item:
 - b) Authorizing a donation to the of the Prince of Wales Vocational Technical Center to support continued operations for the benefit of all residents on Prince of Wales Island, discussion and action item:
 - c) Appointing Jim Nieland to the Thorne Bay Planning Commission, discussion and action item:
 - d) Authorizing Davidson Landing Fire Hall to be used as an audio teleconference center for City Council Meetings, discussion and action item:
 - e) Vacancies within the office of the City Council Per Thorne Bay Municipal Code 2.04.100 (c) 2.04.100 Vacancies, discussion only item:
 11. ORDINANCE FOR INTRODUCTION:
 - A. Ordinance 19-12-17-01, amending Title 2-Administration & Personnel, Chapters 2.08-Mayor & Chapter 2.28-Elections, adopting procedures for Mayoral Elections; discussion and action item:
 - B. Ordinance 19-12-17-02, amending Title 2, Chapter 2.24, Section 2.24.060 Annual Leave; & Section 2.24.070, Sick Leave, providing for transfer of leave upon extenuating circumstances, discussion and action item:

12. ORDINANCE FOR PUBLIC HEARING
13. EXPENDITURES EXCEEDING \$2,000.00:
14. EXECUTIVE SESSION: The Council May adjourn to executive session
15. CONTINUATION OF PUBLIC COMMENT:
16. CONTINUATION OF COUNCIL COMMENT:
17. ADJOURNMENT:

Posted: November 29, 2019

City Hall (2), Post Office, Riptide, AP Market, USFS, Thorne Bay School
SISD, Davidson Landing

Website: www.thornebay-ak.gov

MINUTES
FOR THE SPECIAL MEETING OF
THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA
COUNCIL CHAMBERS OF CITY HALL 120 FREEMAN DRIVE
Tuesday, November 5, 2019
Beginning @ 6:30 p.m.

There was a Workshop of the City Council beginning at 6:00 p.m.

1. CALL TO ORDER:

Vice Mayor Burger Called the meeting to order at 6:30 p.m.

2. PLEDGE TO FLAG:

The council and audience stood for the pledge to the flag.

3. ROLL CALL:

Those present were: Edenfield, Burger, Rhodes, Longbotham, Hert, Williams

Attendance by phone: McDonald

4. APPROVAL OF AGENDA:

Burger moved to approve the agenda. Longbotham seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: Burger/Edenfield

YEAS: Edenfield, Longbotham, Hert, Rhodes, Williams, Burger & McDonald

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Vice Mayor Burger invited Robert Hartwell to provide a Code Enforcement Report.

Robert Hartwell provided the following report:

- 3 complaints
- 1 was a violation
- 2 being investigated

Hartwell explained that the process followed when a complaint is received:

- a. Complete an investigation of the complaint within 14 days of receipt
- b. Contact respondent for site inspection to determine if a violation exists
- c. If violation does exist, I work with the individual to correct it within reasonable amount of time. If there is further action needed the Planning Commission would review. If necessary, the City Council may also review the violation and action required.

Vice Mayor Burger reported on the following:

- APT Generator was rumored to be toast, so Councilwoman Hert was tasked with leading a committee to research what it would take to get a generator in South Thorne Bay.
- Eric Rhodes offered to join the committee.

6. ADMINISTRATIVE REPORTS:

a) Administrator Report

Wayne Benner provided the following administrator report.

Meetings Attended and Updates:

- A. The Forest Service will hold its 2nd public workshop Saturday November 9 at the VOTEC center in Klawock from 9 to 4. This is a workshop for the public to help the Forest Service with evaluation of proposed projects
- B. There will be a public meeting Wed, November 13 at the Thorne Bay Ranger District, 5 pm to 6:30 pm to hear the Roadless rule update and a Subsistence Hearing from 7 to 9 pm.
- C. POWCAC meeting on Nov 26. Location yet to be determined.

Tasks and Projects:

- A. Continuing daily inspections of the work in progress at the water and sewer facilities. Construction at the Water Treatment Plant is down to completing the final punch list. The Nano filter is in place and being plumbed into the system. There is a maze of electrical conduit and control boxes for all the new equipment and automated valves. The focus for CDC crews has switched to the Sewer Treatment plant where work is underway to modify the old chlorine contact chamber for the UV system. As of the last meeting startup is now scheduled for in January. There will be a time that water to town will be shut off while two main control valves are replaced. This may be some of the last work so it can be scheduled to create a minimal impact to users.
- B. AP&T has removed the power from the mainline pole and power connected to the new pole allowing the reader board sign to be energized. Now to get the sign activated.

Continuing Business:

- A. No hunting signs with the City Code on them have been ordered. Location of where signs are posted will need to be per code, as code is specific as to areas.

Harbors and Parks: Working on final parts of winterizing. The cucumber harvest has brought a few late guests to the harbor.

Streets and Roads: RFP for a used backhoe have been completed and will be advertised as soon as all employees finish reviewing. Both NC Machinery and Western States Equipment, when visited last month, suggested the city consider a used machine that is a lease return. This way you can get a reconditioned machine with possibly some warranties.

Water and Sewer: Water production continues despite the chaos at the water treatment plant. Sam is taking advantage of contractors to check out equipment not covered in the project to make sure it is working properly.

Solid Waste: looks like we are getting closer to having an operating baler as the parts have been shipped. We hope to have them by latter part of November with installation to follow ASAP. Our dilemma is finding and storing enough waste. 30 to 40 tons is necessary to allow testing and training as this is a whole new system of operation. Since we collect 5 to 7 tons per week and can only store 20 tons, I have reached out to Klawock to see if we could get one of their container loads.

Law Enforcement: As of last Friday, Jonathon Bates no longer works for Haida Tlingit, so the search is on for a new VPSO. VPSO program has money for some office upgrades so we are trying to get numbers to Mr. Wilson on light upgrades, new flooring, hot water heater and bathroom window. Chris from CBC is going to provide a cost estimate for Mr. Wilson. Recommended to remove all carpet and linoleum and put down a commercial wood flooring. Also recommended to do away with the on-demand heater and replace with a small gallon heater as it is only for washing hands.

Library: Since the volunteers for doing the library skirting and south wall replacement are no longer available, Chris from CBC is going to provide an estimate. The library also needs a new toilet as the current one has a crack, and no one noticed when the flooring work was done.

b) City Clerk Report

- Newly Elected Officials Training (NEO) – Training November 18-22
- Closed Monday November 11th, for Veterans Day
- Recruiting for Emergency Services Volunteers. IF you know anyone interested in signing up, please point them our direction. Working on getting training organized.

WELLS FARGO INVESTMENT ACCOUNTS		Available Balance
•	Money Market Account	\$ 615,431.18
•	Bonds	\$505,019.00
TOTAL WELLS FARGO INVESTMENT		\$1,120,648.56
FIRST BANK FIRST BANK CHECKING		Available Balance
•	FIRST BANK CHECKING	21,686.72
TOTAL FIRST BANK CHECKING		\$21,686.72
TFCU- SALES TAX		Available Balance
•	40% SALES TAX	\$ 108,091.02
•	60% SALES TAX	\$ 215,741.88
TOTAL SALES TAX SAVING		\$ 323,832.90

TFCU	TFCU- SALES TAX	Available Balance
•	WATER UTL R&R	\$ 16,281.33
•	SEWER UTL R&R	\$ 14,639.44
•	SOLIDWASTE R&R	\$ 13,973.04
•	HARBOR	\$ 79,915.00
•	HEALTH PREMIUM	\$ 35,021.55
•		
TOTAL CITY UTILITY REPLACEMENT FUNDS		\$159,830.36

•	CHECKING	\$ 104,761.99
TOTAL CITY OPERATING		\$104,761.99

1	OCCUPANCY GEN.	\$ 5,016.65
3	OCC TAX EMS/FIR	\$ 9,656.18
4	OCC TAX TOURISM	\$ 15,727.57
5	OCC TAX PARKS	\$ 8,268.47
6	OCC TAX HARBOR	\$ 16,332.64
TOTAL OCCUPANCY		\$ 55,001.51

SUBTOTAL CITY ACCOUNTS		\$ 643,426.76
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QUICKBOOKS		SUBTOTAL
QB OPERATING INCOME/EXPENSE		
•	INCOME	\$ 712,676.26
•	EXPENSE	\$ 616,022.78
NET OPERATING INCOME		\$ 96,653.48

Williams commented on the following:

- Inquired about the total amount of revenue the City received annually from the State of Alaska, and what would happen if that revenue ceased.

Teri Feibel, City Clerk:

Feibel stated that two hundred and seventy-five dollars (\$275,000) was the total revenue received from the State of Alaska annually. Each year that amount has decreased, and when the funds cease all together, the City will have to use the funds from the Wells Fargo Investment Accounts and the City would be dissolved within 5 years.

7. PUBLIC COMMENTS:

Robert Hartwell commented on the following:

- New subdivisions- It was his recollection that in the past the City had refused to sign a plat for a State subdivision unless the State added language on there that required the State to Maintain the roads.

8. COUNCIL COMMENTS:

Edenfield commented on the following:

- Wanted everyone to take time and show appreciation to Teri Feibel, City Clerk. Edenfield stated she appreciated the Clerk and all of the work she does.
- Baler-Is there any way the City will be able to save the amount of trash that is required for getting the new baler tuned in?
- Stated that there would be a Thanksgiving Dinner at the Anderson Lodge on November 28th at 2pm. Edenfield stated everyone was welcomed and encouraged people to stop in and bring a friend.

Williams commented on the following:

- The City Council must approval all subdivisions within the city. Williams stated he agreed with growing the Community and providing opportunities for new housing, but the City needed to make sure that new subdivisions are done correctly.
- Williams stated he did not want the City taking on more burden of maintenance as this effect all of us. We need to take care of what we have and not take on another responsibility.

Longbotham commented on the following:

- Inquired why Councilman Williams did not attend the EMS Committee meeting held Monday November 4th.

Williams commented on the following:

- Williams stated he was out of town and unable to attend the November 4th EMS Meeting.

McDonald commented on the following:

- Stated he did not want the City to forget about the need to repair or replace the Bay Chalet.

9. CONSENT AGENDA:

a) October 14, 2019, Special City Council Meeting Minutes, discussion and action item:

Burger moved to approve the October 14th, 2019, City Council Minutes. Edenfield seconded the motion.

MOTION: Move to approve the October 14th, 2019, City Council Minutes.
F/S: Burger/Edenfield
YEAS: Edenfield, Longbotham, Hert, Rhodes, Williams, Burger & McDonald
NAYS: None
STATUS: Motion Passed.

10. NEW BUSINESS:

a) Review and award of bid proposals for the recruitment of a City Administrator for Thorne Bay, discussion and action item:

Burger moved to award the bid proposal for recruitment of City Administrator to Prothman. Edenfield seconded the motion. Longbotham stated the City is looking to spend approximately \$18k or more but have not yet put notice out to the public to seek local interest. Burger stated there was no restrictions on local people applying or being selected as the Administrator. McDonald stated he was involved in the hiring for the City Administrator and they come up and ask what the City wants. The City has always encouraged that locals apply. Rhodes stated that the proposal Prothman provided shows an opening period for applications for 30 days, and the City has more lead time than that between now and January. Rhodes commented that the IFA did not use a headhunter and they were able to find someone, so why would Thorne Bay not do the same? Rhodes commented that although their rate is reasonable compared to other headhunters, he would request an 18 month guarantee rather than the 12 months as Thorne Bay has a higher washout rate than usual. Hert stated that she understands the company is a good company, but inquired where the City would get the money to pay this substantial amount of money? Williams stated he had used headhunters in the past and there are no guarantees. The headhunters will provide us the top three finalist and the City Council hires. Williams stated the decision must be in the best interest of the community. Williams stated it is ultimately up to the City Council to hire the administrator. Longbotham stated that he felt that the expense to Prothman was a lot, potentially 4-6 thousand dollars per candidate, when the City Council could do the recruitment themselves. Edenfield stated that with Prothman doing the hiring and recruitment, it will be up to them to make sure that all of the background checks are completed, there is no favoritism in the process, and the hiring is done without Thorne Bay having the legal ramifications.

MOTION: Move to award the bid proposal for recruitment of City Administrator to Prothman
F/S: Burger/Edenfield
YEAS: Edenfield, Williams, Burger, McDonald
NAYS: Longbotham, Hert & Rhodes
STATUS: Motion Passed.

b) Appointment of Brad Clark to lead an exploratory task force to develop a proposal for a museum in Thorne Bay, discussion and action item:

Burger moved to accept the appointment of Brad Clark to develop an exploratory taskforce for museum for Thorne Bay. Longbotham seconded the motion. Williams stated that there had been a lot of research done on this in the past, so make sure to speak with Karen Petersen. McDonald stated he wanted to confirm that they were not looking for money from the City.

Longbotham invited Brad Clark to speak to the City Council about his proposal summary for a Museum.

Brad Clark stated that people had been talking about a Museum in Thorne Bay for some time. Clark stated he was in the process of becoming certified as a grant writer, and at this time was in the early stages of researching the development of a Museum. There are many stages to get a Museum going. The initial stages are community workshops, community interviews and community surveys put together to develop the theme of the museum. We do need a facility and hoping to use the City Council Chambers for workshops. The first stage during the workshops and surveys, you are looking for potential board members for a nonprofit organization, maybe the Historic Society for Thorne Bay. Then begin to gear into the second stage. The first stage is mostly gathering information and from that, there will be little needed from the City. I will be donating my services to facilitate the workshops, to potentially write the grant proposals. I will be meeting with Karen Petersen on Thursday to go over the proposal. I don't anticipate that the City would have to have direct monetary involvement as far as locations, the future non-profit may have to partner with the City, if museum on City ground, but that is in Stage 2. Thank you for the time and opportunity to speak.

Hert stated her concern was that if it was a non-profit, would the City be in the same situation with the museum as they are with library. Having to heat the building, provide utilities and employees. Edenfield stated she would vote no, as she is more concerned of the health and safety of the community rather than the Museum. Many people have tried to do a museum and has not worked yet. Williams stated he felt Hert brought up a good point. If we do acquire a museum someone will have to pay for the lights and the maintenance, I am not against this, just not sure ready to take on the expense. At this time, we are not saying this will happen, we are only supporting Brad Clark to explore the possibility of a Museum. Agree that the priorities right now are still with the EMS.

MOTION: Move to accept the appointment of Brad Clark to develop an exploratory taskforce for museum for Thorne Bay
F/S: Burger/Longbotham
YEAS: Edenfield, Longbotham, Hert, Rhodes, Williams, Burger & McDonald
NAYS: None
STATUS: Motion Passed.

c) Authorizing and setting a date for a combined public meeting, January 8th, 9th or 10th, of the Organized Village of Kasaan Tribal Council, the City of Kasaan and the City of Thorne Bay that would be held in Kasaan at the Tribal Hall to:

- 1) Discuss continued grant writing/funding efforts on the Kasaan to Goose Creek Road
- 2) Establish a committee from each of the three entities
- 3) Discuss the Small Emergency Response Plan (SCERP) for the communities

The 9th worked well for all preferred that the meeting time be during the daylight. McDonald stated he felt it would be an easier task to get heads from each of the communities together and they bring that back to the Councils. Burger stated that OVK were the ones requesting the meeting, so we are accepting the invitation. Williams stated it was an open meeting, so we should all try to go.

d) Discussion and action to reschedule or cancel the November 19th Regular City Council Meeting due to conflict with Newly Elected Officials Training, discussion and action item:

Longbotham moved to hold the meeting on November 19th with Workshop at 6:15 and regular meeting at 6:30pm. Williams seconded the motion. There was no further discussion.

MOTION: Move to hold the meeting on November 19th with Workshop at 6:15pm and regular meeting at 6:30pm
F/S: Longbotham/Williams
YEAS: Edenfield, Longbotham, Hert, Rhodes, Williams, Burger & McDonald
NAYS: None
STATUS: Motion Passed.

11. ORDINANCE FOR INTRODUCTION:

None

12. ORDINANCE FOR PUBLIC HEARING:

None

13. EXPENDITURES EXCEEDING \$2,000.00:

None

14. EXECUTIVE SESSION: The Council May adjourn to executive session

None

15. CONTINUATION OF PUBLIC COMMENT:

Brad Clark commented on the following:

- Thank you for Museum exploration. Edenfield is correct, that EMS is a need of the community and no energy toward the museum would be taken from the EMS.
- Commend Cindy Edenfield and Sue Sawyer for their efforts and time in EMS in the past. People do not have that dedication.
- With State funding reducing, a Museum has a synergy of movement and would bring people here, and something like a museum would get people invested and reinvested into the Community

Sean Kaer commented on the following:

- A lot of people interested in joining the fire department, but we don't know if the equipment works. Is there any way we can find out if there is equipment that is running?

Burger commented that the equipment was operational and tested. Burger encouraged Kaer to get an application and needed to sign up for the volunteer fire department, they just had a drill over on South TB and started the equipment. 8 people were there and ran the truck.

Tim Lindseth commented on the following:

- Thank you for grading Southside road. Badly needed and greatly appreciated
- Museum-when the tour boat is here it is too bad that we don't have a museum for them to check it out. We brag of being the largest logging camp in the museum.

16. CONTINUATION OF COUNCIL COMMENT:

Williams commented:

- Check with pulp company in Ketchikan to see if they have anything there for the museum.

Eric Rhodes commented on the following:

- There are many artifacts people have right now that want to donate to the museum
- I have fire applications turned in and they were never contacted.

Longbotham commented on the following:

- Regarding the Emergency Services-We need to get started, get classes going, but we need younger bodies that want to look towards being paramedics.

Edenfield replied that Thorne Bay would never have a paramedic because of low call volume and not be able to keep up their certs. We are setting up for anyone who is even remotely interested in signing up to attend the Tuesday meeting. Volunteers can do anything, take notes, or anything.

Hert commented on the following:

- What is the minimum age for the EMS?

Edenfield replied ETT 15-18, and EMT 21 and higher with driver's license with the City.

17. ADJOURNMENT:

Adjourned at 7:55pm

Lee Burger, Vice Mayor

ATTEST:

Teri Feibel, CMC

New Business (a)-Donation to Alaska Peace Officers Association

Membership Benefits

All APOA members receive:

Subscription to **The Northern Peace Officer newsletter**, published quarterly.

Annual edition of the **APOA Directory**, which lists all law enforcement and corrections agencies and their personnel in the state. (digital version available as well as hard copy).

Training opportunities, including registration discounts for members.

Reduced registration rates for the bi-annual **Crime Conference**.

Professional and social networking opportunities with peace officers statewide.

Exclusive 15% off discount to TacticalGear.com. To receive the discount code, call (636)680-8051 Monday-Friday 9am-5pm CT

Additional benefits available through some local chapters include cellular phone and pager discounts, reduced health club membership fees, or other similar group saving plans.

Membership Types

There are three types of membership in APOA. **Active members** include those engaged in the profession of law enforcement in Alaska, such as police officers, correctional officers, public safety officers, investigators, prosecutors and others. **Associate members** include clerks, reserves, spouses, volunteers and others and **Supporting Members** include individuals, sole-proprietors, partnerships, or corporations who would like to support the mission of The Alaska Peace Officers Association on a corporate level.

[Join or Renew](#)

Printable Brochures/Applications

[ACTIVE & ASSOCIATE MEMBERSHIP](#)

[SUPPORTING \(Corporate\) MEMBERSHIP](#)

STATE CHAPTER BUSINESS OFFICE:

PO Box 240106 Anchorage AK 99524-0106

Phone: (907) 277-0515 phone

Fax: (907)272-5355 fax

Email: apoa@gci.net

APOA

ALASKA PEACE OFFICERS ASSOCIATION



PO Box 240106 Anchorage AK 99524 907 277 0515 Fax 907 272 5355

(\$35 - 1yr.)
(\$100 - 3yrs.)

Name _____

Active _____ (\$150 - 5yrs.) Associate _____ (\$20) Hm

Mailing Address _____

Phone _____ Wk

City, State, Zip _____

Phone _____

Agency _____

E-mail _____

Title _____

Beneficiary (Active members only) _____

Agency Address _____

City, State, Zip _____

Chapter Approval _____

Note: Associate Members MUST be sponsored by an Active Member.
Sponsored By (Please Print)

ENCLOSE WITH CHECK AND MAIL

DETACH HERE AND MAIL IN

Join us at
apoaonline.org



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ALASKA PEACE OFFICERS ASSOCIATION

PO Box 240106

Anchorage AK 99524

907 277 0515



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Making A Difference |
The Last Frontier



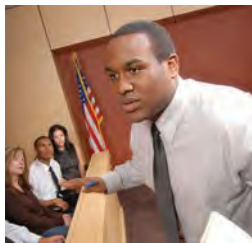
Join Online at apoaonline.org



Join APOA and become part of the best public safety resource in the State of Alaska.

Alaska is the largest state in the nation, but our public safety community is small. The Alaska Peace Officers Association brings together public safety professionals in a close-knit network, bringing you in contact with peers across Alaska at the local, state, and federal levels.

APOA provides training and educational opportunities to our members—training that is nationally recognized and cutting edge. APOA is part of the Alaska community sponsoring educational scholarships to our youth, supporting non-profit and other charitable events in our state.



APOA is for You.

Our membership is diverse, working across local, state, and federal agencies.

Local & State

- Officers and Law Enforcement Dispatchers
- Prosecutors and their Investigators
- Correctional and Probation/Parole Officers
- Fire Chiefs, Fire Marshals and Arson Investigators
- All State of Alaska Investigators
- Parks Enforcement
- Airport Police
- Campus Police
- Crime Lab Technicians

Federal

- BATF
- FBI
- Forest Service
- IRS
- TSA
- U.S. Marshals Service
- DEA
- Fish and Wildlife Service
- Immigration
- Military Enforcement and Investigation
- Secret Service
- U.S. Attorney's Office
- U.S. Probation and Parole
- Customs

Associate Members

If your spouse or friends have a personal or professional involvement in any of the agencies above, they may qualify for Associate membership with the express approval of the chapter.



Membership Benefits

Crime Conference:

The premiere public safety training event in Alaska since 1961, this conference focuses on professionalism through education. APOA members receive discount benefits, establish valuable contacts and gain access to information on the latest products and services for public safety personnel.

Training:

Local chapters provide training opportunities, ranging from officer survival to effective leadership strategies throughout the year, usually at reduced rates to members.

Line of Duty Death Benefit:

Beneficiaries of Active members are eligible for a \$5,000 Line of Duty death benefit.

Directory:

APOA members receive an exclusive, comprehensive directory annually, listing key public safety-related entities in the state.

Pocket Guide (Active members only):

The Field Manual for Peace Officers is a handy, on-the-go reference to the Alaska criminal code.

The Northern Peace Officer:

Our quarterly newsletter provides chapter updates, informative articles and expert advice.

New Business (b)-Donation to POW Vocational & Technical Education Center



Prince of Wales Vocational & Technical Education Center

November 5, 2019

City of Thorne Bay
PO Box 19110
Thorne Bay, AK 99919

Dear City Council,

We are interested in strengthening our partnership with local businesses on the island and really want to hear what you would like to see this facility put on in terms of classes, events, meetings, etc. and we are also seeking a donation. As an educational non-profit, our current estimate for operations is approximately \$85,000 a year to staff the facility and maintain operations. This does not include expenses for needed maintenance on the building, expenses associated with purchasing equipment and tools for vocational classes, or expenses to staff the facility with instructors. We currently have one grants to provide some workshop style trainings, and the remainder of our income is classroom/room rentals and donations. Our big conference room rents for \$200 for up to 8 hours or \$100 for up to 4 hours plus a \$30 set up/break down fee. Our small conference room rents for \$100 for up to 8 hours and \$50 for up to 4 hrs. You can post events on our lighted billboard for \$25 for 1 day or \$100 for 1 week. Please email us at powvoctec@gmail.com with your ideas or if you want to reserve a room.

History of Organization

Construction of the Prince of Wales Vocational and Technical Education Center (POW VOCTEC) facility was completed in 2014. With the intent of becoming an education 501(c)3, a Board of Directors was formed with members of the original planning committee. The Board of Directors includes representatives from the Island communities, four tribal governments, four school districts, the USFS, POW Health Network, SEARHC, the Chamber of Commerce, and at large members.

New Business (b)-Donation to POW Vocational & Technical Education Center

Prince of Wales Vocational & Technical Education Center



Services Provided

The mission of POW VOCTEC is to address the career preparation and employment and training needs of residents on Prince of Wales Island, through the establishment and operation of a regionally-serving vocational and technical learning center. The facility offers space for vocational training programs such as welding, woodworking, construction, and automotive care.

It also has classrooms for traditional learning environments as well as distance learning.

POW VOCTEC has hosted high school courses in construction and welding, and the facility often rents the large classroom as meeting space for island wide style meetings, due to the facility's central location on Prince of Wales.

We would greatly appreciate any donation you can make to help us keep this facility open for all of our residents of Prince of Wales. Remember that every donation makes a difference, regardless of the size. Another way you can support us is to go to [org.amazon.com Amazon Smile Charity Program](https://www.amazon.com/AmazonSmile) and select Prince of Wales Vocational and Technical Education Center.

Thank you in advance for your

support! Sincerely,

A.Millie Schoonover, Chair
POW VocTEC, Board of Director

THORNE BAY MUNICIPAL CODE

CHAPTER 2.04 - CITY COUNCIL

2.04.100 VACANCIES.

- A. An elected city office is vacated under the following conditions.
The council shall declare an elective office vacant when the person elected:
 - B. Fails to qualify or take office within thirty days after his election or appointment;
 - C. Is physically absent from the city for a ninety-day period, unless excused by council;
 - D. Resigns and his resignation is accepted;
 - E. Is physically or mentally unable to perform the duties of his office;
 - F. Is removed from office;
 - G. Misses three unexcused regular or special meetings within a one-year period; or
 - H. Is convicted of a felony or of an offense involving a violation of his oath of office.

2.08.030 VACANCY IN OFFICE OF MAYOR, VICE MAYOR.

- A. The council shall, by two-thirds concurring vote, declare the office of mayor vacant only when the person elected:
 - 1. Fails to qualify or take office within thirty days after election or appointment;
 - 2. Unless excused by the governing body, is physically absent for ninety consecutive days;
 - 3. Resigns and the resignation is accepted;
 - 4. Is physically or mentally unable to perform the duties of office;
 - 5. Is convicted of a felony or of an offense involving a violation of the oath of office;
 - 6. Is convicted of a felony or misdemeanor described in as 15.56;
 - 7. Is convicted of a violation of as 15.13;
 - 8. No longer physically resides in the city;
 - 9. Misses three consecutive regular council meetings and is not excused.
- B. Should the office of mayor be declared vacant, the Vice Mayor shall be designated mayor, and shall serve until the next general election. The office of Vice Mayor shall then be vacant.
- C. The council shall otherwise declare the office of Vice Mayor vacant according to Section 2.04.100 of this code.

New Business (E)-Vacancies – City Council

- D. Should the office of Vice Mayor be declared vacant; a new Vice Mayor shall be appointed by and from the council and shall serve the balance of the term to which appointed.
- E. Should both mayor and Vice Mayor be temporarily absent, disabled or unable to act, the council may appoint a member to preside at council meetings and sign documents on the city's behalf, upon council authorization or as otherwise authorized by municipal code, until either the mayor or Vice Mayor resumes his official duties.

(Ord. 96-23 §5(part),1996) (Ordinance 05-09-06-04)

NEW BUSINESS E – DAVIDSON LANDING TELECONFERENCE CENTER FOR COUNCIL MEETINGS - SPONSORED BY ERIC RHODES

- A.) Explore the idea of Lavenia Sylvia being the parliamentarian of Davidson Landing Fire Hall for audio only teleconferencing for City Council meetings, .
- B.) This could be seasonal based on weather, a year round function; or
- C.) The council doesn't take action and we don't have any teleconferencing facility.

These are all to be explored.

TBMC 2.04.120 MEETINGS-OPEN TO PUBLIC.

All meetings of municipal bodies shall be open to the public, except as otherwise provided by this chapter. Attendance and participation at meetings by members of the public or by members of the municipal body may be by teleconferencing. Materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Voting of a municipal body shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a municipal body described in this subsection.

(Ord. 99-20 §6(part), 1999: ord. 86-06-24-01 §1, 1986)

CITY OF THORNE BAY
ORDINANCE 19-12-17-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, REPEALING AND REPLACING ORDINANCE 16-02-16-01; AMENDING TITLE 2.28-ELECTIONS, ADDING 2.28.035-MAYORAL ELECTIONS, AND AMENDING CHAPTER 2.08-MAYOR

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 2-Administration and Personnel, Chapter 2.28-Elections & Chapter 2.08-Mayor; is hereby amended and shall read as shown on pages 2-28 of Ordinance 19-12-17-01.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED December 17, 2019

Lee Burger, Vice-Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: December 3, 2019]
[Public Hearing: December 17, 2019]
[Sponsored: Voters of Thorne Bay October 1, 2019]

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CHAPTER 2.08 - MAYOR SECTIONS:**2.08.010 POWERS--DUTIES.**

- A. The mayor shall be elected from the council **BY THE VOTERS** ~~by the council~~. The term of the office of mayor shall be two years or the remainder of the term of the council seat, whichever is less, beginning on the first Monday following the certification of the general election and ending on the first Monday following certification of the general election, except when the mayor is in the first year of his/her two-year term. The mayor is the chief executive officer of the city. He shall preside at council meetings, act as ceremonial head of the city, and sign documents on the city's behalf upon council authorization or as otherwise authorized by municipal code.
- B. The mayor shall:
1. Appoint city employees and administrative officers, except as provided otherwise. He may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend or remove subordinates in his department;
 2. Suspend or remove by written order city employees and administrative officers, except as
 3. Provided otherwise;
 4. Supervise enforcement of city law;
 5. Prepare the annual budget and city construction program for the council;
 6. Execute the budget and construction program as adopted;
 7. Make monthly financial reports to the council on city finances and operations;
 8. Report to the council at the end of each fiscal year on the finances and administrative activities of the city;
 9. Prepare and make available for public distribution an annual report on city affairs;
 10. Serve as city personnel officer unless the council authorizes him to appoint a personnel officer;
 11. Execute other powers and duties specified in as title 29 or lawfully prescribed by the council.

(Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; Ord. 03-05-15-01 §4, 2003; ord. 96-23 §3, 1996: ord. 89-24 §5(part), 1989; prior code Ch. 5 §1)

2.08.020 VICE MAYOR.

The council shall meet on the first Monday after certification of each general election and shall elect a councilmember to serve as Vice Mayor. The term of the office of Vice Mayor shall be annual, beginning on the first Monday after certification of the general election. The Vice Mayor shall exercise all the duties and powers of mayor until the mayor takes office. Should the mayor be temporarily absent, disabled or unable to act, the Vice Mayor shall preside at council meetings and sign documents on the city's behalf, upon council authorization or as otherwise authorized by municipal code, until the mayor resumes his official duties.

(Ord. 96-23 §5(part), 1996) (Ordinance 05-09-06-04)

2.08.030 VACANCY IN OFFICE OF MAYOR, VICE MAYOR.

- B. The council shall, by two-thirds concurring vote, declare the office of mayor vacant only when the person elected:
10. Fails to qualify or take office within thirty days after election or appointment;
 11. Unless excused by the governing body, is physically absent for ninety consecutive days;
 12. Resigns and the resignation is accepted;
 13. Is physically or mentally unable to perform the duties of office;
 14. Is convicted of a felony or of an offense involving a violation of the oath of office;
 15. Is convicted of a felony or misdemeanor described in as 15.56;
 16. Is convicted of a violation of as 15.13;
 17. No longer physically resides in the city;
 18. Misses three consecutive regular council meetings and is not excused.
- F. Should the office of mayor be declared vacant, the Vice Mayor shall be designated mayor, and shall serve until the next general election. The office of Vice Mayor shall then be vacant.
- G. The council shall otherwise declare the office of Vice Mayor vacant according to Section 2.04.100 of this code.

- H. Should the office of Vice Mayor be declared vacant; a new Vice Mayor shall be appointed by and from the council and shall serve the balance of the term to which appointed.
- I. Should both mayor and Vice Mayor be temporarily absent, disabled or unable to act, the council may appoint a member to preside at council meetings and sign documents on the city's behalf, upon council authorization or as otherwise authorized by municipal code, until either the mayor or Vice Mayor resumes his official duties.

(Ord. 96-23 §5(part),1996) (Ordinance 05-09-06-04)

2.08.040 COMPENSATION.

The mayor of the city shall receive compensation at the rate of five hundred dollars (\$500.00) a month in addition to the rate of one hundred (\$100.00) dollars for each regular meeting of the council attended. No compensation shall be paid for attending special meetings of the council.

CHAPTER 2.28 - ELECTIONS

2.28.010 ADMINISTRATION OF ELECTIONS.

The city council shall prescribe the general rules for conducting city elections.

(Ord. 96-24 § 4(part), 1996)

2.28.020 VOTER QUALIFICATION.

A person may vote in a city election only if the person:

- A. Is qualified to vote in state elections under AS 15.05.010;
- B. Has been a resident of the city for thirty days immediately preceding the election;
- C. Is registered to vote in state elections at a residence within the city limits at least thirty days before the city election at which the person seeks to vote; and
- D. Is not disqualified under Article V. of the State Constitution.

(Ord. 96-24 § 4(part), 1996)

2.28.030 GENERAL ELECTION-TIME.

On the first Tuesday of October of each year a general election will be held in the city, for the purpose of filling vacant city offices. The determination of other matters may be placed on the ballot.

(Ord. 96-24 § 4(part), 1996)

2.28.035 MAYORAL ELECTION-TIME.

THE MAYORAL ELECTION SHALL BE HELD ON THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER EVERY TWO YEARS.

(Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; ORD. 96-24 § 4(PART), 1996)

2.28.040 SPECIAL ELECTION-TIME.

The city council, by resolution, may order that a special election be held.

(Ord. 96-24 § 4(part), 1996)

2.28.050 EXPENSES.

- A. The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, and any wages due to judges. Salaries for the election judges shall be set by the council.
- B. When the results of an election are contested, 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 a result of the election, or the difference between the winning and losing vote on the result contested is more than two percent.

(Ord. 96-24 § 4(part), 1996)

- C. If an election is established by petition all costs and expenses incurred shall be the responsibility of those petitioning for a special election. If the subject or question brought by petition is placed on the ballot in a general election the cost to be paid by petitioner will be any additional ballot/judge/election expenses over and above the general election expenses.

(Ord. 96-24 § 4(part), 1996) (Ord. 13-12-03-01)

2.28.060 TIME OFF FOR VOTING.

Any qualified voter who is an employee of the city who does not have time to vote at any city and borough, state or national election may, without loss of pay, take off working time that will enable him to vote. It is the policy of the city to encourage employers to make allowances for residents to exercise their voting rights without penalty of loss of pay, particularly where employment may conflict with normal voting hours.

(Ord. 96-24 § 4(part), 1996)

2.28.065 THE CANDIDATE WITH THE HIGHEST NUMBER OF VOTES CAST FOR THE SEAT DECLARED SHALL BE THE WINNER OF THAT COUNCIL SEAT.

Write in votes (unless declared) shall not be considered in computations for determining the number of votes necessary to be elected as a declared candidate. In case of a tie vote refer to section 2.28.620 of this chapter.

(Ordinance 16-02-16-01)

2.28.066 WRITE-IN CANDIDATES.

A write-in candidate shall complete and file with the city clerk a declaration of intent by 12 pm the Friday preceding the election.

(Ordinance 16-02-16-01)

2.28.068 WRITE-IN VOTES NOT COUNTED.

If a write-in candidate does not file a declaration of intent for candidacy the votes cast for that candidate will not be counted towards determining the winning candidate.

(Ordinance 16-02-16-01)

2.28.070 RUNOFF ELECTIONS-REPEALED

(Repealed by Ordinance 16-02-16-01. Prior Ord. 13-12-03-01; Ord. 98-17 § 3, 1998; Ord. 96-24 § 4(part), 1996)

2.28.080 ADMINISTRATION.

The city clerk is the supervisor of elections and is responsible for the administration of city elections. The election duties of the city clerk include, among other duties, obtaining from the state of Alaska a list of voters registered in accordance with AS 15.07.040. The clerk may publish notices urging voter registration and may cooperate with the state of Alaska in encouraging city residents to register.

(Ord. 96-24 § 4(part), 1996)

2.28.090 ELECTION JUDGES.

- A. Before each city election, the council shall appoint three judges for each city polling place to constitute the election board for the polling place. A judge shall be a registered voter of the City. If the council is unable to locate a registered voter in the city who is willing and able to serve on the election board, they may appoint a qualified individual registered to vote in the state. One judge in each polling place shall be designated chairman by the City Clerk and shall be responsible for the election in that polling place. The city clerk may appoint up to two additional election judges at any polling place when necessary to

facilitate the orderly conduct of the election or to relieve the judges of undue hardship.

- B. Candidates for office and their immediate family members (parents, spouse, children, and siblings) shall not serve as judges.

(Ordinance 16-02-16-01; Ord. 96-24 § 4(part), 1996)

2.28.100 ELECTION BOARD-VACANCY FILLING.

If an appointed judge fails to appear and subscribe to the oath on Election Day or becomes unable to work during the time of the election or canvass, the City Clerk shall appoint, a qualified voter to fill the vacancy.

(Ord. 96-24 § 4(part), 1996)

2.28.110 ELECTION OFFICIAL-OATH.

The city clerk will choose an election judge from each polling place to appear before the city clerk and take the oath set out in this section. This election official will administrate the same oath to all other election judges and clerks at his polling place. The oath will be as follows:

"I do solemnly [swear or affirm] that I will honestly and faithfully perform the duties of election [judge or clerk] to the best of my ability."

(Ordinance 16-02-16-01; Prior Ord. 96-24 § 4(part), 1996)

2.28.120 CANVASS COMMITTEE.

- A. A canvass committee shall canvass all votes after the election judges have completed their tally of votes.
- B. The council shall serve as the canvass committee for special and general elections.
- C. **BEFORE EACH MAYORAL ELECTION THE COUNCIL SHALL APPOINT THREE REGISTERED VOTERS FROM THE GENERAL PUBLIC TO SERVE AS THE CANVASS COMMITTEE FOR THE MAYORAL AND MAYORAL RUNOFF-ELECTIONS. MEMBERS OF THE COUNCIL AND CANDIDATES' IMMEDIATE FAMILY MEMBERS (PARENTS, SPOUSE, CHILDREN, AND SIBLINGS) SHALL BE DISQUALIFIED FROM SERVICE.**

(Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; Ord.96-24 § 4(PART), 1996)

2.28.130 QUALIFICATIONS-GENERAL ELECTION.

No person shall hold any elective city office or be eligible to seek election to any elective office, unless he is a qualified voter of the city.

(Ord. 96-24 § 4(part), 1996)

2.28.135 QUALIFICATIONS-MAYORAL ELECTION.

NO PERSON SHALL HOLD THE OFFICE OF MAYOR OR BE ELIGIBLE TO SEEK ELECTION TO MAYOR UNLESS A MEMBER OF THE CITY COUNCIL.

(Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; Ord. 96-24 § 4(PART), 1996)

2.28.140 DECLARATION OF CANDIDACY-FILING FOR GENERAL ELECTION.

A person who wishes to become a candidate for an elected office shall complete and file a declaration of candidacy. The declaration shall be completed under oath before the city clerk and on a form provided by the city clerk. The declaration shall state definitely:

- A. The full name of the candidate and the manner it is to appear on the ballot;
- B. The full residence address of the candidate;
- C. The full mailing address of the candidate;
- D. The office for which the candidate declares;
- E. That the candidate is a qualified voter and resident of the city;
- F. That the candidate agrees to serve if elected to the office of councilmember for a term of three years or the remainder of the term of office elected.
 1. The City Clerk shall post a notice containing the date, time and place of filing a declaration of candidacy in at least three (3) locations within the City, in a newspaper of general circulation if there is one in the area, and may post a notice on the City's website, before a candidate may submit a declaration.
 2. A person seeking elective office shall file a Declaration of Candidacy form along with a Financial Disclosure Statement to the Office of the City Clerk.
 3. A declaration of candidacy filing period shall be filed with the City Clerk not earlier than 50 days and not later than 30 days before the election. No declaration of candidacy may be filed on weekends.

2.28.150 DECLARATION OF CANDIDACY-FILING FOR MAYORAL ELECTION.

- A. A COUNCIL MEMBER WHO WISHES TO BECOME A CANDIDATE FOR MAYOR SHALL COMPLETE AND FILE A DECLARATION OF CANDIDACY.
- B. TO QUALIFY FOR THE OFFICE OF MAYOR A COUNCIL MEMBER MUST HAVE SERVED ON THE COUNCIL FOR AT LEAST ONE YEAR. THE DECLARATION SHALL BE COMPLETED UNDER OATH BEFORE THE CITY CLERK. THE DECLARATION SHALL STATE DEFINITELY:
 - 1. THE FULL NAME OF THE CANDIDATE AND THE MANNER IT IS TO APPEAR ON THE BALLOT;
 - 2. THE FULL RESIDENCE ADDRESS OF THE CANDIDATE;
 - 3. THE FULL MAILING ADDRESS OF THE CANDIDATE;
 - 4. THAT THE CANDIDATE AGREES TO SERVE IF ELECTED TO THE OFFICE OF MAYOR FOR A TERM OF TWO YEARS.
- C. A DECLARATION OF CANDIDACY FOR THE OFFICE OF MAYOR SHALL BE FILED WITH THE CITY CLERK NOT EARLIER THAN THE CERTIFICATION OF THE GENERAL ELECTION NOR LATER THAN FOUR DAYS AFTER CERTIFICATION OF THE GENERAL OR GENERAL RUNOFF ELECTION.
- D. IN THE EVENT THAT ONLY ONE COUNCIL MEMBER FILES A DECLARATION OF CANDIDACY FOR THE OFFICE OF MAYOR, THE COUNCIL SHALL CERTIFY THAT CANDIDATE AS WINNER OF THE MAYORAL ELECTION BY DEFAULT, AND NO MAYORAL ELECTION SHALL BE HELD.

(Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; Ord. 96-24 § 4(PART), 1996)

2.28.160 DECLARATION OF CANDIDACY-RECORD.

The city clerk will maintain a record containing the name and address of every person who filed a declaration of candidacy and also the date and time of the filing.

(Ord. 96-24 § 4(part), 1996)

2.28.170 DECLARATION OF CANDIDACY-TIME FOR WITHDRAWING CANDIDACY.

A candidate may withdraw his declaration of candidacy through the last day for filing declarations, by submitting a written notice of withdrawal with the city clerk.

(Ord. 96-24 § 4(part), 1996)

2.28.180 NOTICE OF ELECTION.

The city clerk shall give at least twenty days' notice of each general, MAYORAL or special elections by posting notices in three locations within the city; If the city has two or more precincts or polling places within the city limits, the clerk shall post notices of elections in each voting precinct or polling place.

(Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; Ord. 96-24 § 4(part), 1996)

2.28.190 ELECTION NOTICE CONTENTS.

Notices for general, MAYORAL or special elections must contain the following:

- A. The date of the election;
- B. The offices to be filled or the propositions to be voted upon;
- C. The time the polling places will open and close;
- D. The location of city polling places;
- E. A boundary description of the voting precinct or a reference to the Alaska Administrative Code sections establishing precinct boundaries;
- F. The procedure for declaring candidacy; and
- G. Whether the election is general, MAYORAL or special.

(Ordinance 19-12-17-01; Prior Ord. 13-12-03-01; Ord. 96-24 § 4(part), 1996)

2.28.200 ELECTION BOOTHS.

At each polling place the city clerk shall provide voting booths and enough supplies and materials to enable each voter to mark his ballot unobserved. At least three sides of each voting booth shall be within plain view of the judges, clerks, voters and other persons at the polling places.

(Ord. 96-24 § 4(part), 1996)

2.28.210 FURNISHING INSTRUCTION CARDS.

The city clerk will furnish to each election Judge written instructions on voting procedures for the guidance of voters, including but not limited to.

1. How to obtain ballots;
2. The manner for marking them;
3. The method for obtaining information; and
4. How to obtain a new ballot to replace any ballot destroyed or spoiled.

(Ord. 96-24 § 4(part), 1996)

2.28.220 BALLOTS-PRINTING AND INSPECTION.

In all city elections, the city clerk will be responsible for the printing of ballots. The ballots will be printed and in the possession of the city clerk, at least fifteen days before the general election. Ballots shall be available for inspection by the candidates or the public through a public records request.

(Ordinance 13-12-03-01; Ord. 96-24 § 4(part), 1996)

2.28.230 BALLOTS-FORM.

- A. A ballot shall show the list of candidates and issues to be decided at the election.
- B. Before the list of candidates for each office there will be placed the words "vote for not more than one,"
- C. Under the title of each office and below the printed names of the candidates, there will be printed the number of candidates to be elected to the office.
- D. Somewhere on the ballot, so as to be clearly visible, will be printed the words:
 - 1. "OFFICIAL BALLOT";
 - 2. The date of the election; and
 - 3. The City Seal along with the signature of the clerk who had the ballots printed.
- E. The ballots will be printed on plain white paper and numbered in consecutive order. The names of the candidates will be printed 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.
- F. The names of candidates shall be printed as they appear upon the declarations of candidacy filed with the city clerk, in the order received, except that any honorary or assumed title or prefix shall be omitted.
- G. Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words "yes" and "no" shall be placed below the statement of each proposition and question.

(Ord. 96-24 § 4(part), 1996)

2.28.240 SAMPLE BALLOTS.

The city clerk will have a number of sample ballots printed. The sample ballots will be printed on nonwhite paper and clearly labeled as a "sample ballot." Sample ballots will be delivered to the election board in each voting place.

(Ord. 96-24 § 4(part), 1996)

2.28.250 DIVISION OF ELECTIONS PRECINCT LISTS-DISTRIBUTION TO PRECINCT OFFICIALS.

Prior to the opening of the polls, the city clerk shall deliver a division of elections precinct list to the election judges. The precinct list will provide enough space to allow voters to sign their name. The signing of the precinct list is a declaration by the voter that he is qualified to vote. A record shall be kept in a separate register of the names of persons who are required to vote a questioned ballot.

(Ord. 96-24 § 4(part), 1996)

2.28.260 TIME FOR OPENING AND CLOSING POLLS.

- A. On the day of any election, each election board shall open the polls for voting at eight in the morning, shall close the polls for voting at eight in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at seven thirty in the morning of an election day.
- B. Ten minutes before the closing of the polls, a judge or clerk shall announce to all persons present the time remaining before 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.

(Ord. 96-24 § 4(part), 1996)

2.28.270 DISTRIBUTION OF BALLOTS.

- A. The city clerk shall deliver the ballots to the election judges before the polls are opened on Election Day. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each

package clearly marked on the outside of it. A receipt of each package shall be taken from the election judges to which it is delivered and saved by the city clerk. No ballots shall be taken from the polling place before the closing of the polls.

B. The clerk shall keep the following records:

1. The number of ballots delivered to the various polling places;
2. The name of the persons to whom the ballots are delivered; and
3. The time the ballots are delivered.

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

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

(Ord. 96-24 § 4(part), 1996)

2.28.280 PREPARATION OF BALLOT BOX.

Before receiving any ballots, the election judges or City Clerk must, in the presence of all persons present at the polling place, open and exhibit the ballot box to be used at the polling place. After showing the box, the box will be sealed and not opened again until the polls are finally 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 personally opened by the election judges or City Clerk in the presence of all persons present at the polling place.

(Ord. 96-24 § 4(part), 1996)

2.28.290 VOTING PROCEDURE.

- A. A voter shall give the judges his/her name and sign his/her name adjacent to his printed name in the precinct list. If any judge present believes the person is not qualified to vote, he/she immediately shall question the voter.
- B. If the voter is not questioned, he/she shall be given one ballot with the ballot number torn off by the election judge and shall retire alone to a voting booth. There the voter without delay shall prepare his ballot by

marking the boxes opposite the names of candidates of this choice, whether printed on the ballot or written in by him on the blank lines provided for the purpose. The

voter also marks the boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his ballot and deliver it to the ballot box.

- C. A voter who by accident or mistake spoils his ballot shall, upon returning the spoiled ballot to the judges, be given another ballot. The number of the spoiled ballot shall be recorded on the ballot accountability sheet by the judges and the spoiled ballot shall be destroyed in front of the voter. A voter who is blind or otherwise incapable of marking his ballot shall be assisted in doing so by a judge if he/she requests such assistance.

(Ord. 96-24 § 4(part), 1996)

2.28.300 MARKING OF BALLOTS BY VOTERS.

- A. A voter may mark his 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 desires to designate.
- B. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
- C. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
- D. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
- E. The mark shall be counted only if it is mostly inside the square provided or touching the square so as to indicate clearly that the voter intended the particular square to be designated.
- F. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates made properly. No ballot shall be rejected if the election judges can determine the candidate for whom the voter intended to vote or proposition to be chosen.
- G. An erasure or correction invalidates only that section of the ballot in which it appears.
- H. Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot.
- I. Write-in votes are invalidated if the voter fails to mark the square provided.
- J. Write-in candidates will not be counted towards determining the winning candidate unless the candidate has filed a declaration of intent with the city clerk not earlier than the last day of filing period for declaration of candidacy and not

later than 12 pm on the Friday before the election. The declaration of intent shall state:

1. The full name of the candidate;
2. The full residence and mailing address of the candidate;
3. The seat in which the candidate wishes to be written in on the ballot by the voter;
4. The date of the election in which the candidate seeks election;
5. A certification by the candidate that the candidate:
 - a) Is a qualified voter;
 - b) Is a resident of the City
 - c) Qualifies or shall qualify as of the date of election, for the office to which the candidate seeks election;
 - d) Shall serve if elected; and
 - e) Is not a candidate for any other office to be voted on at the election.

(Ordinance 13-12-03-01)

2.28.320 QUESTIONING A VOTER'S BALLOT.

If a voter's right to vote is questioned by an election judge, City Clerk or other qualified voter in the city, the voter shall be allowed to vote, and any election official shall consider the ballot a questioned ballot.

(Ord. 96-24 § 4(part), 1996)

2.28.330 QUESTIONED BALLOTS-DISPOSITION.

Before voting a questioned ballot, the voter shall take an oath and sign an affidavit provided by the election judge or city clerk attesting to the fact the voter is a qualified voter. After the questioned voter has taken the oath and signed the affidavit, the voter may vote. After a questioned voter has cast his ballot, the questioned voter will insert the ballot into an envelope with the signed oath and affidavit taped or glued to the outside of the envelope. If the questioned person refuses to take the oath or sign the affidavit, the person may not vote. The election judges shall deliver the oath and affidavit envelope

to the city clerk. The city clerk will present these materials to the canvass committee and assist the canvass committee in determining the validity of the question.

(Ord. 96-24 § 4(part), 1996)

2.28.340 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. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the precinct list and questioned ballot list. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the precinct list and questioned ballot list, the ballots shall be recounted until the election board finds that there is an unexplained error or that the number of ballots cast matches the number of ballots indicated by the precinct list and questioned ballots list. If a discrepancy is determined to exist between the number of votes cast and the precinct list and questioned ballot list, it shall be explained in detail on the tally paper or papers, and the explanation shall be signed by the election judges.
- B. 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 any person's present. The public may not be excluded from the area in which the ballots are counted. However, the election board chairman and/or the City Clerk 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 issue. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.
- C. Write-in votes shall be tallied but not used to determine percentage for the winning vote unless the person written in has filed a declaration of intent with the City Clerk as set forth in section 2.28.300 (j) of this chapter.

(Ordinance 16-02-16-01; Prior Ord. 13-12-03-01 § C & D (part))

2.28.350 DEFECTIVE AND UNUSED BALLOTS.

If a voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his ballot any voter's choice for any office to be filled, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election judges can determine the person for whom the voter intended to vote. Ballots not counted shall

be marked "Defective" on the back. An explanation of the defect shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with the label "defective ballots." All ballots not voted on shall be returned by the judges to the city clerk, who shall give a receipt for them and keep a record of the number and condition of ballots returned to him, indicating when and by which judge each was returned.

(Ord. 96-24 § 4(part), 1996)

2.28.360 ELECTION CERTIFICATE.

After the votes are announced and counted, a certificate will be drawn stating the number of votes each person has received and designating the office for which he has run. The poll lists and tallies will be attached to the certificate. The certificate will be signed by the election judges. The precinct list tallies or tally papers, oath of judges, oaths of voters, other papers, and the certificate will be delivered to the city clerk.

(Ord. 96-24 § 4(part), 1996)

2.28.370 MAJORITY DECISION OF ELECTION JUDGES.

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

2.28.380 PROHIBITIONS NEAR ELECTION POLLS.

During the hours the polls are open, no person who is in the polling place or within two hundred feet of any entrance to the polling place, may attempt to persuade a person to vote for or against a candidate, proposition or question.

(Ord. 96-24 § 4(part), 1996)

2.28.390 CANVASS COMMITTEE-MEETING-POSTPONING CANVASS.

The canvass committee will meet on the first Friday after the election and canvass all absentee and questioned ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three days in total.

(Ord. 96-24 § 4(part), 1996)

2.28.400 CANVASS TO BE MADE PUBLIC.

- A. The canvass of all absentee and questioned ballots will be made in public by opening the returns and announcing the results thereof in front of those present.
- B. Absentee ballots shall be counted by the city clerk and two or more assistants in the following manner: All ballot envelopes shall be removed from return envelopes and placed in a ballot box. The return envelopes shall be delivered to the city clerk. The absentee ballots shall one by one be removed 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.
- C. The canvass shall include a review and comparison of the tallies of paper ballots with the election certificates to correct any mathematical error in the count of paper ballots.
- D. If the city clerk finds an unexplained error in the tally of paper ballots, he may count the ballots from the ballot box.

(Ord. 96-24 § 4(part), 1996)

2.28.410 INVESTIGATION OF QUESTIONED BALLOTS.

The canvass committee may request the assistance of the city clerk to investigate the questioned ballots. Any city elector may appear to give testimony concerning the questioned ballots. The City Clerk will check with the Division of Elections to determine whether the questioned ballot voter was a registered voter of the City. The council may accept or reject a questioned ballot. If a questioned ballot is rejected, the ballot rejected will not be opened or counted, but will be saved as are other ballots. If a questioned ballot is accepted, the ballot accepted will be counted with the absentee ballots. The city clerk will notify a voter whose ballot is not counted that the ballot was rejected.

(Ord. 96-24 § 4(part), 1996)

2.28.420 QUESTIONED BALLOTS-SUBPOENAS.

The council 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 of civil procedure concerning the enforcement of administrative and state agency subpoenas.

(Ord. 96-24 § 4(part), 1996)

2.28.430 CANVASS COMMITTEE-REPORT-CONTENTS.

The canvass committee will submit a report of its findings at a special meeting on the first Monday following the election. The report will show:

- A. The number of ballots cast in the election;
- B. The names of the persons voted for and the propositions voted upon;
- C. The offices voted for;
- D. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
- E. A proposed disposition of all absentee, write-in, questioned and voided ballots; and
- F. Other matters which the canvass committee may determine to be necessary.

(Ord. 96-24 § 4(part), 1996)

2.28.440 RESULTS OF ELECTION-PUBLIC DECLARATION.

- A. If a contest is not begun under the provisions of Article VIII of this chapter, the result of the election shall be publicly declared by the council and entered in the minutes of a special meeting of the council on the first Monday following the election.
- B. If a contest is declared and resolved, the result of the election shall be publicly declared by the council and entered in the minutes of a special meeting of the council within a week after the contest is resolved.

(Ord. 96-24 § 4(part), 1996)

2.28.450 CERTIFICATE OF ELECTION.

The city council will authorize the city clerk to make and deliver a certificate of election to every person elected. The certificate of election will be signed by the mayor and clerk. It shall display the corporate seal of the city.

(Ord. 96-24 § 4(part), 1996)

2.28.460 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.

(Ord. 96-24 § 4(part), 1996)

2.28.470 ABSENTEE BALLOT-APPLICATION-FILING.

- A. A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the city clerk.
- B. An application made by mail must be received by the city clerk, no less than five days before a city election. An application made in person must be filed with the city clerk not earlier than 30 days before the city election date, and no later than the close of business on the day before a city election.
- C. The application must be signed by the applicant and show his place of residence.
- D. Nothing in this section is intended to limit the city clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the city clerk's office for an absent voter's ballot.

(Ord. 96-24 § 4(part), 1996)

2.28.480 ABSENTEE BALLOT-DELIVERY.

Upon receipt of an application for an absentee voter's ballot, the clerk will check the latest state registration listings to determine whether the applicant is a qualified voter. If the applicant is a qualified voter, the clerk will deliver to

the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, an identification envelope and a return envelope. If the absentee voter's ballot is personally delivered, it shall be completed before the clerk at the time of delivery.

(Ord. 96-24 § 4(part))

2.28.490 ABSENTEE BALLOT-NOTATION OF BALLOT NUMBER AND DATE OF APPLICATION.

Upon personal delivery or the mailing of absent voter's ballot, the clerk will enter on the space provided in the absentee voter by mail register, the number of the

ballot and the date the ballot was delivered or mailed. On election day, the clerk will give the election judges a list of voters who have voted absentee in the form of the ballot accountability register and it will clearly indicate who voted by mail absentee and who voted in person absentee prior to polls being opened.

(Ord. 96-24 § 4(part), 1996)

2.28.500 ABSENTEE BALLOT-COMPLETION-RETURN.

The identification envelope and return envelope provided to the voter will be of a form, size and weight as determined by the city clerk. The identification envelope for by mail ballots will have printed on its face an affidavit as follows:

"IDENTIFICATION ENVELOPE"

State of Alaska)

) SS: I _____, State that: I am a resident of and a voter in the city of ____, Alaska, and I hereby enclose my ballot. _____ VOTER

(SEAL) Residence address within the city ____ SUBSCRIBED AND SWORN before me, this day of , 20 ____, at m. (note time zone). I hereby certify in my presence this affiant enclosed a ballot and handed me this envelope sealed; that he signed this affidavit and I acknowledged his signature and affidavit, all in accordance with the law. Official's Signature

(SEAL) Title of Officer

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the city clerk of the City of ____, you must immediately return it by mail, postage prepaid, to the City Clerk, P.O. Box 19110, Thorne Bay, Alaska 99919

MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY CANVASSING

COMMITTEE -----

2.28.510 ABSENTEE BALLOT-EXECUTION IN CITY.

A voter who receives an absentee voter's ballot may, on any day prior to the day of the election, appear at the office of the city clerk, and execute his ballot in the following manner:

- A. The voter will first display the ballot to the clerk to show that the ballot has not been previously marked. He then will proceed to mark the ballot in the voting

booth at the clerk's office. The voter will place the ballot in the envelope provided to him in a manner that permits the clerk to see the number of the ballot. The voter will then hand the envelope to the clerk, who will examine it. If the clerk determines that the ballot is numbered correctly, he will tear the printed number off and permit the voter to enclose the ballot in the identification envelope.

- B. The voter will then make out and swear to the affidavit printed on the face of the envelope. He will seal the envelope and deliver it to the clerk.
- C. The clerk will certify the affidavit printed on the identification envelope by writing or stamping his name across the seal. The clerk will deposit the envelope in a safe place in his office, to be kept by him and delivered to the canvassing committee.

If an absentee voter returns to the city on Election Day, he will not be allowed to vote unless he surrenders the absentee voter's ballot and any other supplies mailed to him.

(Ord. 96-24 § 4(part), 1996)

2.28.520 ABSENTEE BALLOT-EXECUTION OUTSIDE CITY.

- A. After receiving an absentee voter's ballot, the voter may appear on any day prior to and including the day of the election, before a notary public, post master, clerk or officer of any city, state, territory or district within the United States. Before the officer he may complete his ballot as set out in Section 2.28.510 of this chapter.
- B. Absentee ballots executed outside of the City may be faxed to ensure receipt by the City Clerk prior to canvass. Ballot by fax must contain a disclaimer that the voter understands his/her vote cast will not be secret.

(Ord. 96-24 § 4(part), 1996)

2.28.530 ABSENTEE BALLOT-RECEIPT.

To be counted an absentee voter's ballot must be executed before the polls close in the city and be received by the clerk prior to the time the ballots are canvassed by the canvassing committee.

(Ord. 96-24 § 4(part), 1996)

2.28.540 ABSENTEE BALLOT-VOTING SUPPLIES.

All supplies necessary for the voter to cast and return his 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.

(Ord. 96-24 § 4(part), 1996)

2.28.550 LIBERAL CONSTRUCTION.

This article will be liberally interpreted, so as to accomplish the purposes set forth.

(Ord. 96-4 § 4(part), 1996)

2.28.560 CONTEST OF ELECTION.

- A. Any candidate or any ten qualified voters may contest the election of any person and the approval or rejection of any question or proposition.
- B. A candidate or elector who believes that prohibited practices occurred at an election will appear before the council at the special council meeting held on the first Monday following the election. He will deliver a sworn written notice of contest, which will state with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct.
- C. A notice shall read:

"NOTICE OF ELECTION CONTEST"

The undersigned believes that prohibited practices occurred at the election held on

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

SUBSCRIBED AND SWORN to before me, this day of , 20 .

Notary Public in and for Alaska; My Commission Expires:

(Ord. 96-24 § 4(part), 1996)

2.28.570 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 result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.
- B. 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 administrative remedies before the city council and has commenced, within ten days after the council has finally declared the election results, an action in the superior court in the city's judicial district. If no such action is commenced within the ten-day period, the election and election results shall be conclusive, final and valid in all respects.

(Ord. 96-24 § 4(part), 1996)

2.28.580 CONTEST OF ELECTION-INVESTIGATION.

The city council will order an investigation to be made by the city clerk and/or the mayor, if a notice of contest is received. Investigation proceedings will be public.

(Ord. 96-24 § 4(part), 1996)

2.28.590 BALLOT RECOUNT.

If only a recount of ballots is demanded, the election board where the error allegedly occurred shall recount the ballots.

(Ord. 96-24 § 4(part), 1996)

2.28.600 PROHIBITED PRACTICES ALLEGED.

When the contestant alleges prohibited practices, the council will direct the city clerk to produce the original register books for the election.

(Ord. 96-24 § 4(part), 1996)

2.28.610 SUSTAINED CHARGES-RECOUNT.

If the charges alleged by the contestant are upheld, the canvassing committee will make a recount and report immediately to the council. The council will then certify the correct election returns as provided in Section 2.28.440 of this chapter.

(Ord. 96-24 §4(part), 1996)

2.28.620 DETERMINATION OF TIE-VOTES.

If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the mayor shall notify the candidates who are tied. The mayor shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the mayor shall so certify.

(Ord. 96-24 §4(part), 1996)

**CITY OF THORNE BAY
ORDINANCE 19-12-17-02**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING
TITLE 2.24-ADMINISTRATION & PERSONNEL; CHAPTER 2.24-OFFICERS & EMPLOYEES;
SECTIONS 2.24.060-ANNUAL LEAVE & 2.24.070-SICK LEAVE

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Section. The title and chapter of Title 2-Administration and Personnel, Chapter 2.24-Officers & Employees; Sections 2.24.060-Annual Leave & 2.24.070-Sick Leave; is hereby amended.

Section 2.24.060 is hereby amended to read as follows:

A. Transfer or Donation of Annual Leave.

Only under extenuating circumstances, may an employee donate a portion of his/her accrued annual leave to another employee. IN ORDER TO DONATE SICK LEAVE, THE LEAVE MUST BE:

1. Must be approved by the mayor or city administrator; and
2. Shall not be more than ~~80~~ 40 hours of leave;
3. The annual leave rate shall be paid at the LESSER rate of that employee who is EITHER donating OR RECEIVING the time.

(Ordinance 19-12-17-02; Prior Ord. 18-10-15-01; adding Subsection N)

Section 2.24.070 is hereby amended adding subsection "N" Transfer of Sick Leave; and shall read as follows:

D. TRANSFER OR DONATION OF SICK LEAVE.

ONLY UNDER EXTENUATING CIRCUMSTANCES, MAY AN EMPLOYEE DONATE A PORTION OF HIS/HER ACCRUED SICK LEAVE TO ANOTHER EMPLOYEE. IN ORDER TO DONATE SICK LEAVE, THE LEAVE MUST BE:

1. MUST BE APPROVED BY THE MAYOR OR CITY ADMINISTRATOR; AND
2. SHALL NOT BE MORE THAN 80 HOURS OF LEAVE;
3. THE SICK LEAVE RATE SHALL BE PAID AT THE LESSER RATE OF THAT EMPLOYEE WHO IS EITHER DONATING OR RECEIVING THE TIME.

(Ordinance 19-12-17-02; Prior Ord. 18-10-15-01; adding Subsection D; prior Ord. 17-05-02-01; Prior Ordinances: 17-12-05-01; Ord. 96-07 § 3(part), 1996: Ord. 8201-2 § 7, 1986)

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED December 17, 2019

Lee Burger, Vice-Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: December 3, 2019]
[Public Hearing: December 17, 2019]
[Sponsored: Mayor McDonald]

ORDINANCE 19-12-17-02
AMENDING TITLE 2 – ADMINISTRATION & PERSONNEL
CHAPTER 2.24 – OFFICERS & EMPLOYEES

2.24.060 ANNUAL LEAVE.

- A. Permanent Full-time Employees. Permanent full-time employees shall accrue annual leave at the following rates: Four hours annual leave per pay period for the first three years of continuous city employment; five hours annual leave per pay period for the fourth and fifth years of continuous city employment; six hours annual leave per pay period for the sixth through ninth years of continuous city employment; eight hours annual leave per pay period for ten years or more of continuous city employment.
- B. Permanent Part-time Employees. Permanent part-time employees shall accrue annual leave at 50% of the rates established for full time employees.
(Ordinance 17-12-05-01)
- C. Permanent short-hours employees. Permanent short-hour employees shall accrue annual leave at 25% of the rates established for full time employees.
(Ordinance 17-12-05-01)
- D. Temporary Employees. An employee appointed for a position of a temporary nature shall not accrue annual leave credit.
- E. Leave-Without-Pay-Status. The mayor, or his/her designee, may grant leave-without-pay status to an employee at his/her request provided the mayor, or his/her designee determine the leave does not cause a hardship to the city. Such leave request must be made in writing and must be made at least four weeks in advance unless precluded by extenuating circumstances. An employee may not take leave without pay if the employee has accrued leave available for use. Leave without pay shall be classified in two categories:
1. Short term up to 3 months that does not require the filling of that position. Under short term leave the employee may continue to receive benefits if granted as part of leave request.
 2. Long term leave over 3 months or requiring the filling of that position will be considered a termination which will include the termination of all benefits. An employee must exhaust all their earned vacation and sick leave before leave without pay is considered. Employees returning after long term leave will be given priority for any employment opportunities the city may have assuming the employee left in good standing.
- F. Saturdays, Sundays and Holidays. While on annual leave, Saturdays, Sundays and holidays will not be considered as time taken on annual leave, but only regular workdays will be counted.
- G. Pay During Annual Leave. If a payday falls during the annual leave of an employee, he/she shall be entitled to receive at the beginning of his/her annual leave the compensation due while on annual leave.
- H. Authorization. The mayor, or his/her designee, shall authorize, in writing, annual leave requested by an employee.

- I. Accumulation Limit. Up to two hundred and forty hours of annual leave time may be accrued. An employee shall forfeit any leave over two hundred forty hours.
- J. Termination. Accrued annual leave time up to two hundred forty hours will be paid to employees who terminate their employment with the city after six months of service. Payment will be based on salary on date of termination.
- K. Pay in lieu of time off. There shall be no pay in lieu of earned annual leave time except on termination of an employee. The mayor or mayor designee and city administrator may approve an exception to Payment in Lieu of Time off under extenuating circumstances not caused by employee.
- L. Probationary Period. Unless authorized by the mayor, annual leave time may not be taken prior to six months of continuous service. Annual leave shall accrue from the date of employment.
- M. Notice of Annual Leave. All employees shall serve at least two weeks' notice of anticipated annual leave to the mayor or his/her designee in writing and secure written permission for leaves.
 - 1. Any employee that is approved for a draw for any amount will not be deducted in full in the upcoming paycheck, the employee will guarantee this amount by maintaining the full number of vacation hours at the amount necessary to pay back the draw if their employment should end prior to fulfilling their debt unless authorized by the mayor.
 - 2. Any annual leave otherwise taken shall be deemed as unauthorized, and no vacation pay is permitted, and no other benefits shall accrue. Unauthorized annual leaves may be reason for termination.

(Ordinance 17-12-05-01; Prior Ord. 09-02-17-01 & Ord. 8201-2 § 6, 1986)

N. Transfer or Donation of Annual Leave.

Only under extenuating circumstances, may an employee donate a portion of his/her accrued annual leave to another employee. **IN ORDER TO DONATE SICK LEAVE, THE LEAVE MUST BE:**

- 1. Approved by the mayor or city administrator; and
- 2. Shall not be more than **80 40** hours of leave;
- 3. The annual leave rate shall be paid at the **LESSER** rate of that employee who is **EITHER** donating **OR RECEIVING** the time.

(Ordinance 19-12-17-02; Prior Ord. 18-10-15-01; adding Subsection N)

2.24.070 SICK LEAVE

- A. Policy. All permanent full-time and part-time employees shall accrue and may use as accrued, sick leave on the basis of:
 - 1. Permanent Full-time. Four hours per pay period;
 - 2. Permanent Part-time. At 50% of the rates established for full-time employees.
 - 3. Permanent Short-hours Employees. Permanent short-hour employees shall accrue sick leave at 25% of the rate established for full time employees.

- B. Notification to Superior. Any employee absent due to illness or injury shall immediately notify the city offices within one hour after the normal time for reporting for duty, or as soon as possible. Failure to keep superior informed of expected return date may result in termination of employment.
- C. Upon Separation. Upon his/her separation, the unused sick leave of the employee is automatically canceled without pay.

~~D. Transfer or donation of sick leave. Sick leave is nontransferable.~~

D. Accumulation. Sick leave accrued, but not used, shall accumulate until termination of employment. Upon the death of any employee, any unused sick leave in his/her account will be paid in cash to his/her beneficiaries at the employee's rate of pay at the time of death.

E. Availability of Sick Leave.

1. Sick leave shall be granted only in the following instances, or as otherwise deemed allowable by the mayor or his/her designee:
 - a) Medical or Dental Appointments. An employee may be granted sick leave for medical or dental appointment for himself, herself, or immediate family.
 - b) Illness or Injury. An employee may be granted sick leave for personal illness or injury where his/her presence on the job could jeopardize his or her health or that of fellow employees. An employee may be granted sick leave to attend to the injury or illness of a member of his or her immediate family.
 - c) Death in the Family. An employee may be granted sick leave to attend the funeral of a member of his/her immediate or extended family.
3. Sick leave may not be paid in addition to work performed and paid for in excess of 40 hours per week.
 - b) Example: Employee works Monday – Friday and logs 40 hours of work on his time sheet (Monday through Friday). He/she puts down 6 hours of sick leave for Saturday that same week. This employee will not be granted the use of 6 hours sick leave.

(Ordinance 18-10-15-01; adding subsection (f)(2)(i))

F. Doctor's or Nurse's Certificate. More than five consecutive days sick leave used may require a signed medical certificate.

G. Under certain circumstances, a permanent, non-probationary employee may be entitled to leave for family or medical matters under the Alaska Family Act and upon application for same.

H. TRANSFER OR DONATION OF SICK LEAVE.

ONLY UNDER EXTENUATING CIRCUMSTANCES, MAY AN EMPLOYEE DONATE A PORTION OF HIS/HER ACCRUED SICK LEAVE TO ANOTHER EMPLOYEE. IN ORDER TO DONATE SICK LEAVE, THE LEAVE MUST BE:

1. **APPROVED BY THE MAYOR OR CITY ADMINISTRATOR; AND**
2. **SHALL NOT BE MORE THAN 80 HOURS OF LEAVE;**
3. **THE SICK LEAVE RATE SHALL BE PAID AT THE LESSER RATE OF THAT EMPLOYEE WHO IS EITHER DONATING OR RECEIVING THE TIME.**

(Ordinance 19-12-17-02; Prior Ord. 18-10-15-01; adding Subsection D; prior Ord. 17-05-02-01; Prior Ordinances: 17-12-05-01; Ord. 96-07 § 3(part), 1996; Ord. 8201-2 § 7, 1986)