AGENDA
FOR THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF THORNE BAY, ALASKA
COUNCIL CHAMBERS
CITY HALL 120 FREEMAN DRIVE

Tuesday, December 17, 2019

6:30 p.m.

There will be a Workshop of the City Council beginning at **6:00 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) City Clerk Report
7. DEPARTMENT REPORTS:
   a) Water & Sewer Report
   b) Harbor & Parks Report
   c) Streets & Roads Report
   d) Solid Waste Report
   e) Library
8. PUBLIC COMMENTS:
9. COUNCIL COMMENTS:
10. CONSENT AGENDA:
    a) December 3, 2019, Regular City Council Meeting Minutes, discussion and action item:

11. NEW BUSINESS:
12. ORDINANCE FOR PUBLIC HEARING:
    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:

13. EXPENDITURES EXCEEDING $2,000.00:
    a) Expenditure of $70,000.00, for purchase of 1998 International S2674 single axle dump truck #4711 & Sander, discussion and action item:
14. EXECUTIVE SESSION: The Council May adjourn to executive session
15. CONTINUATION OF PUBLIC COMMENT:
16. CONTINUATION OF COUNCIL COMMENT:
17. ADJOURNMENT:

Posted: December 13, 2019
City Hall (2), Post Office, Riptide, AP Market, USFS, Thorne Bay School
SISD, Davidson Landing

Website: www.thornebay-ak.gov

MINUTES
FOR THE REGULAR 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 was a Workshop of the City Council held at 6:15 p.m.

1. CALL TO ORDER:

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

2. PLEDGE TO FLAG:

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

3. ROLL CALL:

Those present were: Burger, Edenfield, Longbotham, Rhodes, Hert and Williams
Those attending by phone: McDonald

4. APPROVAL OF AGENDA:

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

MOTION:	Move to approve the agenda
F/S:	Burger/Rhodes
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

5. MAYOR'S REPORT:

Burger provided the following report:

- The "No Shooting" signs have arrived and will be put around town where needed.
- Solid Waste baler repair is still pending. The repair company is scheduled to arrive the first part of January.
- Not in favor of using the Fire Hall at Davidson Landing for public access to teleconferencing meetings. Explained the Fire Chief shared his concerns that when the code to the Fire Hall had been given to people in the past, it was abused, things came up missing and other items left out and not taken care of.
- No new fire fighter applications since last meeting. Did not have a status of the applications Rhodes mentioned at the November 5th meeting that were submitted to the City.

6. ADMINISTRATIVE REPORTS:

a) City Clerk Report

Profit and Loss report from QuickBooks July 1, 2019 through December 3, 2019:

TOTAL		
Income	Jul 1 - Dec 3, 19	Budget
State Revenues		
Liquor Share Tax	*0.00*	*1,500.00*
Fishery Tax Receipts	*0.00*	*3,000.00*
Payment in Lieu of Taxes	*144,477.24*	*141,710.08*
National Forest Receipts	*0.00*	*20,000.00*
Community Aide Assistance	*82,420.56*	*80,651.00*
Total State Revenues	**226,897.80**	**246,861.08**
Services Availability	2,069.97	0.00
Citations	0.00	1,200.00
Surplus Property	150.00	0.00
Finance Charge Income	252.26	1,500.00
Interest Income	9,312.50	6,550.00
Donation Income	1,597.60	3,750.00
1% Sales Tax	0.00	100,000.00
Animal Fees	260.00	600.00
ATV Fees	175.00	1,025.00
Davidson Landing Fees	8,607.56	23,000.00
Election Income	0.00	1,200.00
Equipment Rentals	390.00	0.00
Fees & Permits	10,582.47	29,135.00
Grant Income	-29.00	100.00
Grid Fees	0.00	250.00
Harbor Fees	35,620.17	65,000.00
Harbor Showers	757.00	2,500.00
Income	0.00	750.00
Land Payment Interest	92.96	600.00
Land Sales	350.20	5,000.00
Landing Fees	0.00	300.00
Live-aboard Fees	4,949.10	8,400.00
Miscellaneous Income		
Copier/Fax	*135.30*	*475.00*
Miscellaneous Income - Other	*1,504.28*	*9,300.00*
Total Miscellaneous Income	**1,639.58**	**9,775.00**

Notary/Lamination	309.00	800.00
Occupancy Tax	6,746.18	0.00
Passport Services	196.61	800.00
Refundable Deposits	3,708.10	0.00
Rental	12,613.52	30,000.00
RV Park Fees	4,958.38	14,530.22
Sales Tax	243,781.18	455,681.95
Sewer Fees	64,992.30	138,000.00
Solid Waste Fees	61,131.25	131,477.91
Water Fees	66,043.12	153,157.88
Total Income	768,154.81	1,431,944.04

Expense

Advertising and Promotion	7,421.19	3,050.00
Bad Debt	146.56	835.69
Bank Service Charges	10.00	200.00
Bldg/Grnd Maint Repair	939.97	3,775.00
Books	0.00	200.00
Business Licenses and Permits	0.00	10.00
Chemicals	3,593.98	14,000.00
Computer/Software	2,493.00	2,850.00
Contract Labor	27,180.79	101,750.00
Credit Card Merchant Fees	910.27	4,200.00
Donations	250.00	3,500.00
Dues and Subscriptions	5,316.10	8,810.00
Election Expenses	0.00	150.00
Electricity	25,343.50	82,906.31
Equipment Maint & Repair	103,441.68	31,500.00
Equipment Purchase	6,022.63	32,350.00
Equipment Rental	0.00	1,000.00
Fees & Permit	-87.00	1,550.00
Furniture, Equip & Computers	88.74	75.00
Harbor Replacement expense	12.29	0.00
Heating Fuel	5,724.17	28,644.94
Insurance Expense		
AML/Insurance	*54,368.53*	*50,150.00*
Total Insurance Expense	**54,368.53**	**50,150.00**

Internet Use	832.78	4,700.00
Legal Services	9,282.00	11,000.00
Materials and Supplies	5,717.54	32,250.00
Miscellaneous Expense	29,270.58	83,450.00
Payroll Expenses		
Life Insurance	*498.05*	*964.89*
Worker's Compensation	*29,714.43*	*28,963.90*
Health Insurance	*41,723.35*	*98,320.60*
HSA Company	*17,763.74*	*33,000.00*
HSA Employee	*0.00*	*6,000.00*
Payroll Taxes	*6,741.84*	*16,270.13*
PERS	*48,192.94*	*114,575.40*
Payroll Expenses - Other	*249,726.85*	*586,292.64*
Total Payroll Expenses	**394,361.20**	**884,387.56**
Postage and Freight	2,931.18	12,975.00
Repairs and Maintenance	3,750.00	250.00
Sales tax 1%	0.00	20,000.00
Telephone	3,205.61	7,721.00
Testing	4,519.38	17,550.00
Training	904.00	7,400.00
Travel Expense	2,674.61	15,370.10
Uncategorized Expenses	22.33	0.00
Vehicle Fuel	4,426.91	16,650.00
Vehicle Maintenance	1,818.39	7,350.00
Total Expense	706,892.91	1,492,560.60
Net Income	61,261.90	-60,616.56

Wells Fargo Advisers Balance:

Account Balance: **$ 1,121,579.57**

7. PUBLIC COMMENTS:

Brad Clark commented on the following:

- Museum update-the Thorne Bay Historical Society will host an open event in March for three days at the Catholic Church here in Thorne Bay where there will be displays of pictures and artifacts. There will be competitions regarding some of the photos and will have a lot of community involvement. Next meeting of the Thorne Bay Historical Society will be December 7th at one o'clock in the Catholic Church.

Jim McFarland commented on the following:

- <u>Prince of Wales VocTec Funding Request</u>: In January of 2015 I was appointed by the Thorne Bay City Council to represent the City as a member of the Voc Tec Board. The Voc Tec Center strives to be your center for Island Wide Economic Development and is now in need of your support. McFarland suggested that as a founding entity of the Center it would be appropriate to authorize an annual donation to this facility. The center is working for the City and POW Island to be a resource for community and Island Wide Economic Development.
- McFarland commented that the facility was a very beneficial resource for all of us in many ways and is directly a resource for saving money by this and all the other Cities and Organizations on this island. The Newly Elected Officials training that some of the Thorne Bay Council attended last month is a great example. Imagine the costs of the training PLUS the cost of the travel, meals, and lodging for sending each of you to an off-island City (sometimes Anchorage, Fairbanks, or Juneau). Other beneficial examples are the proctoring of tests for our communities' water and wastewater employees for their continuing education and certification, supporting required classes such as confined space training, Haz mat training, and other classes that the employees of all our Cities and some communities need. These are All trainings and functions that save the City money by not having to pay for off island travel, meals, and lodging.
- The Center is always looking for the opportunity to hold more classes/trainings that benefit our Island residents such as the introductory computer classes that are currently being advertised for Jan. 6th thru March 11th, 2020.

Ellen Dillman commented on the following:

- Mrs. Dillman read an opinion from Lavenia Sylvia regarding teleconferencing which included the Alaska Statutes AS 44.62.310. Government Meetings Public. Dillman added that Mrs. Sylvia had stated the regulations was developed in recognition of the difficulties of Alaska residents who live under adverse weather conditions for roads extended distances and other hardships to attend public meeting. The City of Thorne Bay is one such city as it is separated by the bay resulting in two communities.
- <u>Alaska Statutes AS 44.62.310. Government Meetings Public.</u> **(a)** All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote 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 governmental body described in this subsection.

- Dillman concluded her comments stating that she endorsed the comments of Lavenia Sylvia, as it was hard during the winter months for people to come from Southside to attend meetings.

Robert Hartwell commented on the following:

- Hartwell read a letter from Dennis Sylvia in support of the request for teleconferencing at Davidson Landing for all public city council and committee meetings. The highlights of Mr. Sylvia's letter included the following:
  - Benefits of teleconferencing include improving participation in city meetings, providing reasonable accommodation to seniors, increasing safety, and facilitating emergency communications.
  - Teleconferencing is authorized by AS 44.62.310(a) and AS 44.62.312 and Thorne Bay municipal code would complement the existing format of council meetings at City Hall and would not entail extensive modification to existing procedures nor be a financial burden upon the city.

8. COUNCIL COMMENTS:

Eric Rhodes

- Suggested to Jim McFarland the Voctec center consider holding ETT classes there that would benefit the communities. Also, Pearson VUE, which provides licensure and certification exams are done in Anchorage, Seattle and some even in Canada, so if a proctor can come over and use the Voctec facility, it could attract people from all over.
- Regarding what the Vice Mayor's reported on fire applications, three applications were turned into the City, Eric Rhodes, Brad Clark & Jon Stram, and no one has contacted us.

Burger

- I asked the clerk prior to the meeting and was told there were no applications.
  - City Clerk Feibel stated that she had informed Burger that since the last meeting, there were no applications submitted for Fire, and one application for EMS, and that the applications that Mr. Rhodes spoke of at the last meeting were not in the Clerk's office.

Williams

- Requested that the Vice Mayor request the Fire Chief for an update on what is going on with the fire department.
- Think wonderful idea that we look at having a community hall or community center built at Davidson Landing to accommodate things like if we do voting, teleconferencing or all other things that may come up. It could be used with proper fees and supervision; the public could use for certain events. Could be beneficial to residents over there. Suggest tying that into a grant to get the Bay Chalet replaced over here also. Suggest there is a secure place for any equipment for teleconferencing be locked up and only a couple people have keys to access.

Hert

- What process do we use for recruiting people on EMS?
  - Burger responded recruitment was being done by word of mouth.
- I wonder if anyone thought to go up and talk to the kids and recruiting them, talk to different entities and see what we can drum up.
- I am curious of the condition of the fire hall over there. Is it a sound building, or does it need renovations of its own?

Longbotham

- EMS will be long process, but we need to get some excitement, people involved, ETT's. Audience help us spread the word.

9. CONSENT AGENDA:

a) <u>November 5, 2019, Regular City Council Meeting Minutes, discussion and action item:</u>

Burger moved to approve the Minutes from the November 5, 2019, Regular City Council Meeting. Longbotham seconded the motion.
Edenfield noted an error in the minutes under Clerk's report from Ben Williams. The stated was entered as two hundred and seventy-five dollars, when it should have been two hundred and seventy-five thousand dollars.

MOTION:	Move to approve the minutes for the November 5th, 2019, Regular City Council meeting
F/S:	Burger/Longbotham
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

10. NEW BUSINESS:

a) <u>Authorizing the donation of $500, to the Alaska Peace Officers Association, discussion and actio item</u>:

Burger moved to donate $500 to the Peace Officers Association. McDonald seconded the motion. Hert stated she was not in favor of donating. She did not know what the Peace Officers did for the Prince of Wales Island but there were more important programs on the Island that could use the money, such as the Senior Center or Vocational School, places here that benefit those of us on the island.
Rhodes stated he is familiar with the requests like the one from the Peace Officers Association and the way the City does business he did not believe this would help us in anyway and they association will only continue to ask for money elsewhere, so he did not support the donation. There was further discussion.

NEW BUSINESS PEACE OFFICER DONATION REQUEST CONTINUED:

MOTION:	Move to donate $500 to the Peace Officers Association
F/S:	Burger/McDonald
YEAS:	McDonald
NAYS:	Edenfield, Longbotham, Burger, Williams, Rhodes & Hert
STATUS:	Motion Failed

b) **Authorizing a donation to the of the Prince of Wales Vocational Technical Center to to support continued operations for the benefit of all residents on Prince of Wales Island, discussion and action item:**

Burger moved to donate $1,000 to the of the Prince of Wales Vocational Technical Center to to support continued operations. Longbotham seconded the motion. There was further discussion.

MOTION:	Move to donate $1,000 to the of the Prince of Wales Vocational Technical Center to to support continued operations
F/S:	Burger/Longbotham
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

c) **Appointing Jim Nieland to the Thorne Bay Planning Commission, discusion and action item:**

Burger moved to appoint Jim Nieland to the Thorne Bay Planning Commission. Williams seconded the motion. Hert inquired who did the interview for Mr. Nieland and suggested the entire city council should have been involved in the interview process. Teri Feibel, City Clerk, responded that the Municipal Code states that it is the Mayor interviews and appoints the commission members and the City Council confirms the appointment. Rhodes stated with the Planning Commission having only six current members and the code says the maximum is eleven, he would have a hard time denying anyone the appointment. There was further discussion.

MOTION:	Move to appoint Jim Nieland to the Thorne Bay Planning Commission
F/S:	Burger/Williams
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

d) <u>Authorizing Davidson Landing Fire Hall to be used as an audio teleconference center for City Council Meetings, discussion and action item</u>:

Rhodes requested the item be tabled until further research done and policies in place as discussed. Rhodes stated there were people living on Steep Road that drive 35 miles round trip to meetings. Rhodes stated that in speaking with the City's Local Government Specialist his comments were that teleconference capabilities for participating in city council meetings was rare, it was not unwarranted. Rhodes commented that he felt the request was doable, and suggested audio conferencing as the option over video and it would keep the costs down. Rhodes stated there would need to be a parliamentarian volunteer to manage the teleconferencing at the second location.
Williams supported tabling the item and added that he wanted to see a community center put in first to accommodate people and the request. Williams requested that the City move forward with applying for a grant to get community centers on both sides of the bay.
Hert commented that she felt the request was for teleconferencing capabilities was valid, and that it would be reasonable to use fire hall until a community center could be built there. There was further discussion.

MOTION:	Table item until further research can be done
F/S:	Burger/Rhodes
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

e) <u>Vacancies within the office of the City Council Per Thorne Bay Municipal Code 2.04.100 (c) 2.04.100 Vacancies, discussion only item:</u>

Rhodes inquired who voted on the Mayor's absence last year. The City Code states if physically absent for more than 90 days the Council has to approve it.
Longbotham stated that you don't see a CEO of any business gone for 6 months or longer.

Hert stated there were a lot of people in the community that were upset that their Mayor is not readily available. Rhodes stated at the end of the 90 days of absence he would move that the seat is vacated and appoint a new member. Rhodes stated that the issue was nothing personal, but the City needed a Mayor that would be present. There was further discussion.

f) <u>Authorizing the expense of $500 for the Community Christmas Dinner, discussion and action item</u>:

Burger moved to donate $500 towards the community Christmas Dinner. Hert seconded the motion. Discussion included the items to be purchased with the $500 were to be potatoes, stuffing, coffee, plates, cups, utensils & napkins. Hert inquired where the funds would come from? The City Clerk replied that would be up to the City Council. Williams supported the donation. There was further discussion.

MOTION:	Move to donate $500 towards the Community Christmas Dinner
F/S:	Burger/Hert
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

11. ORDINANCE FOR INTRODUCTION:

a) <u>Ordinance 19-12-17-01</u>, amending Title 2-Administration & Personnel, Chapters 2.08-Mayor & Chapter 2.28-Elections, adopting procedures for Mayoral Elections; discussion and action item:

Burger moved to approve Ordinance 19-12-17-01. Longbotham seconded the motion. Longbotham requested an amendment to the ordinance to remove the 1-year of experience on the City Council requirement to be Mayor. Burger amended his motion to reflect striking the 1-year council experience requirement from 2.28.150 (b). Longbotham amended his second to the motion.

Edenfield and McDonald commented in favor of keeping the experience requirement. Rhodes stated that within a first-class city, the mayor is voted from the public and there is no experience required, therefore that should not be a requirement for a second-class city. Williams commented that the public was the one to vote on the Mayor anyway, so the argument was a moot point. There was further discussion.

MOTION:	Move to approve Ordinance 19-12-17-01, striking the 1-year experience requirement from Section 2.28.150 (b)
F/S:	Burger/Longbotham
YEAS:	Longbotham, Williams, Rhodes & Hert
NAYS:	McDonald, Burger, Edenfield
STATUS:	Motion Passed.

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:

Burger moved to approve Ordinance 19-12-17-02. Hert seconded the motion.
Hert added that she wanted to amend the ordinance to read that all sick and annual leave must be exhausted, and the receiving employee must be on FMLA leave in order to accept sick leave. There was further discussion.

MOTION:	Approve Ordinance 19-12-17-02 with the amendment adding under 2.28.070, H-that Employee must have exhausted all sick and annual leave and be on FMLA before they can accept sick leave.
F/S:	Burger/Hert
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

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

None

13. CONTINUATION OF PUBLIC COMMENT:

Jim McFarland commented on the following:

- Explained that when the VocTech center was created, funding was flowing down from the Legislator. Now, with change in staff we had a bump in the road. McFarland suggested that City consider utilizing the community development funds to contribute annually toward the VocTech center as the center is an economic development for the island.
- Community Christmas Dinner will be on Wednesday, December 18th at the School Gym beginning at 6pm. The school will put on the program, and a few of us gather the tree. McFarland thanked the City Council for their donation toward the Community Christmas Dinner and requested volunteers to help with cooking the hams & turkeys. McFarland thanked the A&P Market for their annual donation of food to the program.
  McFarland stated that he had been attending the Community Christmas Dinner since 1982. When the dinner died down, Cindy Edenfield was the leading force to get them going again.

Sean Kaer commented on the following:

- Commented that he felt it was a good council meeting.
- Stated that he had circulated two petitions and submitted to the City Clerk. One of the petitions seeks to amend City Code 2.04.100 to change the 90-day absence allowance to 45 days. Concluded his comments that the petitions were not a vicious attack against Harvey, the people just want to have a Mayor that is here.

Jason Clowar commented on the following:

- Inquired if calling into meetings was an option for the public?
- Encouraged that the City do whatever they could to foster unity and not to start a civil war. Clowar stated if felt like there was a big riff going on where we want to get rid of the Mayor? Clowar stated he had not heard anyone talking about the Mayor and added that he appreciated the Mayor and what he has done for the community. Clowar stated he was unaware of what shortfalls have come with the Mayor attending by phone and encouraged the council to work in unity.
- Cautioned the council on providing separate facility for public meetings and the ability for people to attend by telephone. Clowar stated that people would not always say in person what they would over the phone or in an email and the more often people can all be in the same room, trying to think of what is best for the town is best.
- Clowar stated that the distance in Thorne Bay was not unique to Alaska. Juneau having over 40 miles between, Ketchikan over 15, Fairbanks having tons. Encouraged the City Council to think thoroughly about the possibility of creating more of a division by setting up a second place for meetings. Clowar stated having a community center would be great, but the ability to have that force and this force not so much. Encouraged the council to really think about that and hopefully all be together.

Trish Clowar:

- Stated she was not against the possibility of the city providing the option of attending meeting via teleconference, but that she did have a similar viewpoint as Jason in agreeing that people needed to be together.
  Mrs. Clowar noted that over half people there at the meeting were from South Thorne Bay and for the most part, people can always make it over. There may be some older people who may have harder time, but even then, a neighbor could bring them in. Mrs. Clowar stated that whenever someone needs milk or mail, they come over and get it and a meeting is far less often then needing to get milk or mail. Mrs. Clowar referenced last winter after the slide hit. There was a gentleman who worked for the City who had a pregnant wife and a baby and never missed a day of work. They drove to the harbor, walked down the dock, got into their skiff and

came to work every day. Mrs. Clowar agreed that things do hard, but we are Alaskans and we "can do" and we can make it around the Bay for the meeting. Clowar suggested a test to see if providing a place for people to call into the meetings would bring more attendance.

Brad Clark:

- Clark stated he applauded Councilmen Williams comment regarding a community center and added that he was currently working towards becoming a grant writer and would volunteer to work with whatever nonprofit needed to be formed for a community center on the Southside because that will expand the number of grant sources and funds that we potentially have available.
- Clark stated that one of the new trends in grant funding is to help with refurbishing and continuing existing projects, as opposed to new startups without any track record and suggested that the city consider repurposing the fire hall and dividing that up.

14. CONTINUATION OF COUNCIL COMMENT:

Ben Williams commented on the following:

- Stated he was asked by the Mayor to sit in on the Fisheries Meeting and attended the last meeting. Williams read a letter provided by the Fisheries Association Secretary David Egelston and stated that he hoped the letter would address the concerns heard and that there would be no more.

  Letter from David Egelston to the Thorne Bay City Council:
  "In response to concerns by some persons in the community, I offer the following statements on behalf of the Association for your use as needed.
  The intent of the Association is to have meetings of the membership be open to the public, and the public will have the opportunity to comment on the business of the corporation in a manner similar to that of the City Council meetings.
  The Association is comprised of seven members; the same as second class cities in Alaska.
  Charter Halibut permits applications are reviewed at the spring meeting of the members. The available permits are after a vote by the membership, not just the directors." David Egelston.

- Williams stated that he has spoken with many of the 18 and 19-year old's in town and was told that the EMS would have someone at the school to assist with recruitment.

Eric Rhodes commented on the following:

- Rhodes stated that in response to the public comments regarding unity, we all need to be pointing towards unity and that's what we are here for.

15. ADJOURNMENT:

Burger adjourned the meeting at 7:59 p.m.

_____

Lee Burger, Vice Mayor

ATTEST:

_____

Teri Feibel, CMC

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]

CHAPTER 2.08 - MAYOR SECTIONS: 7
2.08.010 POWERS--DUTIES. 7
2.08.020 VICE MAYOR. 8
2.08.030 VACANCY IN OFFICE OF MAYOR, VICE MAYOR. 8
2.08.040 COMPENSATION. 9
CHAPTER 2.28 - ELECTIONS 10
2.28.010 ADMINISTRATION OF ELECTIONS. 10
2.28.020 VOTER QUALIFICATION. 10
2.28.030 GENERAL ELECTION-TIME. 10
2.28.035 MAYORAL ELECTION-TIME. 10
2.28.040 SPECIAL ELECTION-TIME. 10
2.28.050 EXPENSES. 11
2.28.060 TIME OFF FOR VOTING. 11
2.28.065 THE CANDIDATE WITH THE HIGHEST NUMBER OF VOTES CAST FOR THE SEAT DECLARED SHALL BE THE WINNER OF THAT COUNCIL SEAT. 11
2.28.066 WRITE-IN CANDIDATES. 12
2.28.068 WRITE-IN VOTES NOT COUNTED. 12
2.28.080 ADMINISTRATION. 12
2.28.090 ELECTION JUDGES. 12
2.28.100 ELECTION BOARD-VACANCY FILLING. 13
2.28.110 ELECTION OFFICIAL-OATH. 13
2.28.120 CANVASS COMMITTEE. 13
2.28.130 QUALIFICATIONS-GENERAL ELECTION. 13
2.28.135 QUALIFICATIONS-MAYORAL ELECTION. 14
2.28.140 DECLARATION OF CANDIDACY-FILING FOR GENERAL ELECTION. 14
2.28.150 DECLARATION OF CANDIDACY-FILING FOR MAYORAL ELECTION. 14
2.28.160 DECLARATION OF CANDIDACY-RECORD. 15
2.28.170 DECLARATION OF CANDIDACY-TIME FOR WITHDRAWING CANDIDACY. 15
2.28.180 NOTICE OF ELECTION. 15
2.28.190 ELECTION NOTICE CONTENTS. 15
2.28.200 ELECTION BOOTHS. 16
2.28.210 FURNISHING INSTRUCTION CARDS. 16
2.28.220 BALLOTS-PRINTING AND INSPECTION. 16
2.28.230 BALLOTS-FORM. 16
2.28.240 SAMPLE BALLOTS. 17
2.28.250 DIVISION OF ELECTIONS PRECINCT LISTS-DISTRIBUTION TO PRECINCT OFFICIALS. 17
2.28.260 TIME FOR OPENING AND CLOSING POLLS. 17
2.28.270 DISTRIBUTION OF BALLOTS. 18
2.28.280 PREPARATION OF BALLOT BOX. 18
2.28.290 VOTING PROCEDURE. 18
2.28.300 MARKING OF BALLOTS BY VOTERS. 19
2.28.320 QUESTIONING A VOTER'S BALLOT. 20
2.28.330 QUESTIONED BALLOTS-DISPOSITION. 20

2.28.340 BALLOTS-COUNTING AND TALLYING. 20
2.28.350 DEFECTIVE AND UNUSED BALLOTS. 21
2.28.360 ELECTION CERTIFICATE. 21
2.28.370 MAJORITY DECISION OF ELECTION JUDGES. 22
2.28.380 PROHIBITIONS NEAR ELECTION POLLS. 22
2.28.390 CANVASS COMMITTEE-MEETING-POSTPONING CANVASS. 22
2.28.400 CANVASS TO BE MADE PUBLIC. 22
2.28.410 INVESTIGATION OF QUESTIONED BALLOTS. 23
2.28.420 QUESTIONED BALLOTS-SUBPOENAS. 23
2.28.430 CANVASS COMMITTEE-REPORT-CONTENTS. 23
2.28.440 RESULTS OF ELECTION-PUBLIC DECLARATION. 23
2.28.450 CERTIFICATE OF ELECTION. 24
2.28.460 ABSENTEE VOTING-ELIGIBLE PERSONS. 24
2.28.470 ABSENTEE BALLOT-APPLICATION-FILING. 24
2.28.480 ABSENTEE BALLOT-DELIVERY. 24
2.28.490 ABSENTEE BALLOT-NOTATION OF BALLOT NUMBER AND DATE OF APPLICATION. 25
2.28.500 ABSENTEE BALLOT-COMPLETION-RETURN. 25
2.28.510 ABSENTEE BALLOT-EXECUTION IN CITY. 26
2.28.520 ABSENTEE BALLOT-EXECUTION OUTSIDE CITY. 26
2.28.530 ABSENTEE BALLOT-RECEIPT. 26
2.28.540 ABSENTEE BALLOT-VOTING SUPPLIES. 27
2.28.550 LIBERAL CONSTRUCTION. 27
2.28.560 CONTEST OF ELECTION. 27
2.28.570 RECOUNT EXPENSES-APPEAL. 27
2.28.580 CONTEST OF ELECTION-INVESTIGATION. 28
2.28.590 BALLOT RECOUNT. 28
2.28.600 PROHIBITED PRACTICES ALLEGED. 28
2.28.610 SUSTAINED CHARGES-RECOUNT. 28
2.28.620 DETERMINATION OF TIE-VOTES. 28

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.

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.
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)

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. 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, postmaster, 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; ADDING ABILITY TO DONATE SICK LEAVE UPON APPROVAL BY THE MAYOR OR ADMINISTRATOR

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.

a) 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.

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. Sick leave is nontransferable.~~

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. **EMPLOYEE RECEIVING LEAVE MUST HAVE EXHAUSTED ALL AVAILABLE SICK LEAVE AND BE ON FMLA**
3. **SHALL NOT BE MORE THAN 80 HOURS OF LEAVE;**
4. **THE SICK LEAVE RATE SHALL BE PAID AT THE LESSER RATE OF THAT EMPLOYEE WHO IS EITHER DONATING OR RECEIVING THE TIME.**

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

PASSED AND APPROVED December 17, 2019

ATTEST:

Lee Burger, Vice-Mayor

Teri Feibel, CMC

[Introduction: December 3, 2019]
[Public Hearing: December 17, 2019]

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.

b) 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)

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:

a. Permanent Full-time. Four hours per pay period;

b. Permanent Part-time. At 50% of the rates established for full-time employees.

c. 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.

ii. 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. EMPLOYEE RECEIVING LEAVE MUST HAVE EXHAUSTED ALL AVAILABLE SICK LEAVE AND BE ON FMLA
3. SHALL NOT BE MORE THAN 80 HOURS OF LEAVE;
4. 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)

2003 Peterbilt 330 single axle truck #4493

If you want to proceed with this truck, I will get it in the shop for the final inspections, servicing, and winterization for Alaska.
Samson tug and barge shows ship out dates from Seattle as early as this Friday or next Wednesday. Here are the pictures and specs on the Peterbilt plow truck.

- 2003 Peterbilt 330 single axle truck #4493
- Vin # 2NPNHD8X13M802225
- Cat 3126E- 275 horsepower turbo diesel with engine brake
- Allison MD3060P- **5 speed automatic transmission**
- 37,780# gross vehicle weight rating; 14,780# front axle
- Dana Spicer 23105D 23,000# axle on air ride suspension
- Locker differential with 4.11 axle ratio
- Drop axle with 11 R 22.5 tires
- Power steering & Air brakes
- 200" wheelbase, 130" cab to axle, 152" cab to end of frame
- Air conditioning, cruise control, tilt telescopic steering wheel
- Heated mirrors with motorized passengers mirror, AM/FM/WB
- Air ride cab, Dual air ride seats, Intermittent wipers
- 57-gallon aluminum fuel tank
- 12 R 22.5 front & 11 R 22.5 rear tires
- 11' Tenco Model TCB 11 BL S LF dump body with side tipper and front sander
- Electric operated tarp
- (3) asphalt gates and asphalt apron
- Transverse toolbox
- Trailer tow package with electric brake controller
- Tenco 10' Bi-directional plow with poly mold board and break away cutting edge
- Model TCP 10T 36 E1 HFI
- EX MUNICIPAL UNIT WITH 113,294 miles!

Priced at $79,500

Your price is $69,500 including the following services:

- An Annual DOT Inspection
- Full functional and operational inspection.
- Chassis service to include engine oil and filter, fuel filter, air filter & chassis lube. Tires and brakes in excess of 50% remaining.
- No broken glass or tears in the interior.
- Detailed

Thank you for your time and consideration of our equipment. We look forward to earning your business!

Your price is $69,500 including the following services:

- An Annual DOT Inspection
- Full functional and operational inspection.
- Chassis service to include engine oil and filter, fuel filter, air filter & chassis lube. Tires and brakes in excess of 50% remaining.
- No broken glass or tears in the interior.
- Detailed

2000 International 2674 tandem axle truck #4712

I have provided pictures and specs on the truck. Please pardon its appearance as these pictures are as it arrived even prior to being washed.

- 2000 International 2674 tandem axle truck #4712
- Serial number 1HTGLAET4YH299152
- N14-435; 435 horsepower Cummins turbo diesel engine
- Jake brakes
- Fuller RTOF-14908LL: **8 speed transmission**
- 58,740# gross vehicle weight rating
- Intl I-200S; 20,000# front axle
- Dual power steering boxes
- Rockwell RT40-145P: 40,000# rear axles with 5.29 axle ratio
- Hendrickson RT-403 walking beam suspension on springs
- Double steel frame with 190" wheelbase
- 385/65 R 22.5 front, 11 R 24.5 rear tires on steel wheels
- Heated mirrors, motorized passenger mirror
- Cruise control, AM/FM radio
- Tilt telescopic wheel, intermittent wipers, air ride driver's seat
- Power passengers window
- 100-gallon fuel tank
- 15' 10 - 12-yard tapered steel dump box with tapered back
- Air lock tailgate
- Plow mount and sander controls

- Trailer tow package with air jam hitch & plumbed for pup
- EX-County unit!! With 238,928 miles!!

Currently Priced @ $69,500

For the purchase price of $67,500 plus sales tax and license fees.

As discussed, we will provide the following services for:

- Repaint the truck white and a silver dump box
- Modify and Install Monroe stainless steel sander and hook up hydraulics
- Modify mount and install 11' Henke bi-directional hydraulic swing plow with full break away design
- An Annual DOT Inspection
- Full functional and operational inspection
- Chassis service to include engine oil and filter, fuel filter, air filter & chassis lube
- Tires and brakes in excess of 50% remaining
- No broken glass or tears in the interior
- Detailed

I will send you pictures of a couple of previously completed units we had for a representative view of a finished product. As discussed, we are having a new clutch put in it as we speak. Thank you for your time and consideration of our equipment.

Ken Williams
Puget Sound Truck Sales Inc
Sales manager
(253) 863-7646 Work
(253) 405-0854 Mobile
kenwilliamspsts@comcast.net
cme4bigrigs@yahoo.com
1512 Thornton Ave SW
Pacific WA 98047