

## AGENDA

FOR THE REGULAR MEETING  
OF THE CITY COUNCIL FOR THE  
CITY OF THORNE BAY, ALASKA  
TUESDAY, August 1, 2023

TIME: 6:30 p.m.

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### THERE WILL BE A WORKSHOP BEGINNING AT 6:00PM

**LOCATION:** IN PERSON AT CITY HALL or TELECONFERENCE/VIDEO CONFERENCING LINE

Phone Number: 1- 650-479-3208

Meeting Link:

<https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m99f71eee7f975b71d7ee0f9f7c5e44a1>

Meeting number: 182 323 7632 Password MghMxgJy424 (64469459 from phones and video systems)

- 1) CALL TO ORDER:
- 2) PLEDGE TO FLAG:
- 3) ROLL CALL:
- 4) APPROVAL OF AGENDA:
- 5) MAYOR'S REPORT:
- 6) ADMINISTRATOR REPORT:
- 7) PUBLIC COMMENTS:
- 8) COUNCIL COMMENTS:
- 9) PUBLIC HEARING:
- 10) CONSENT AGENDA:
  - a) **MINUTES**
    - i. [Minutes of the April 18, 2023, Regular City Council Meeting, discussion and action item:](#)
- 11) NEW BUSINESS:
  - a) [Resolution 23-08-01-01](#), a resolution of the city council, for the City of Thorne Bay, accepting the resignation of Councilman Charles Jennings, discussion and action item:
  - b) [Resolution 23-08-01-02](#), supporting the Rural Surface Transportation Grant (RURAL) for the Kasaan to Goose Creek Road Project MP 0.0 to MP 5.4, being submitting by the Organized Village of Kasaan (OVK), discussion and action item:
- 12) ORDINANCES FOR PUBLIC HEARING:
- 13) ORDINANCES FOR INTRODUCTION:
  - a) [Ordinance 23-08-15-01](#), Amending Title 2-Administration and Personnel, Chapter 2.04-City Council, Section 2.04.110-Filling a Vacancy, discussion and action item:
- 14) CONTINUATION OF PUBLIC COMMENT:
- 15) CONTINUATION OF COUNCIL COMMENT:
- 16) ADJOURNMENT:

POSTED: July 28, 2023

## MINUTES

FOR THE REGULAR MEETING  
OF THE CITY COUNCIL FOR THE  
CITY OF THORNE BAY, ALASKA

TUESDAY, JULY 18, 2023

TIME: 6:30 p.m.

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**THERE WAS A WORKSHOP BEGINNING AT 6:00PM**

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1) **CALL TO ORDER:**

Mayor Burger called the meeting to order at 6:30 pm.

2) **PLEDGE TO FLAG:**

The Council and Audience stood for the pledge to the flag.

3) **ROLL CALL:**

Those Present were Burger, Hartwell, Oatman, Nyquest LaVoie, & Jennings

Those Excused were:

Late: Stram

4) **APPROVAL OF AGENDA:**

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

MOTION: Move to approve the agenda

F/S: Burger/Hartwell

YEAS: Hartwell, Oatman, LaVoie, Burger & Nyquest Jennings

NAYS: None

LATE: Stram

STATUS: Motion Passed

5) **MAYOR'S REPORT:**

- Commented on the progress of the rock wall.
- Informed all of the donations made to the Greg Kerkof Recreation Center concept drawing of \$20,000 to get the process started.
- Informed public on a recent accident.

6) **ADMINISTRATIVE REPORTS:**

a) **City Administrator:**

- Closed out the RAC grant for the Kasaan intersection.
- Signed a lease from CMI with option to purchase for a skid steer until the state comes through with the money for Solid Waste to purchase it. We won't buy it until we know whether or not the state will offer funding. Recommend purchasing it as it is a severely needed piece of equipment. Should be here on the barge very soon.
- Grant for the first 5.3 miles, the State DOT evaluation board postponed the 2nd meeting they were supposed to have on the 11 & 13<sup>th</sup>. They are having scheduling issues with the

committee. We are going to go after another grant just in case we don't get awarded from this grant.

- Started on the Pearl Nelson improvement project. Should be done with the retaining wall by the end of the month. Would like to be done by the end of August with everything. Trying to refurbish the plaque that was on the platform to the best of our ability. Likely will rebuild the platform, only sturdier than before.
- We received a Village Safe water Capital Improvement project for Construction of the City's Wastewater collection system improvements for FY24 of 5.3 million dollars. Plans to use for upgrading town roads and such that will be torn up during the improvement process. The award is based on a report on the need for our entire wastewater and water systems. The greatest need is for our manholes due to infiltration of our system. There was no design of the improvements, just an explanation of need and an estimate. The next step is to get a consultant and engineer on board to design, then get a bid for construction to build it. Estimate of a year in design before we see construction start, spring of 2025. Will push to get it done as soon as possible due to current safety issues and lack of parts availability. Next up to look at will be the sewer treatment plant, but we are happy to have the opportunity to improve these things in the wastewater system now. This will be running more efficiently, and it will all be really good for the city. Delays and inconveniences may occur during the process.
- Firehall repair is going to be completed as weather and employee schedules all. Materials are in and the roof will be completed tomorrow, as weather permits. Parts of the roof are laying on the ground now, if anyone wants to look at the state that it was in.
- Interviewed recently for the summer Parks job, offered to Zach Ender for a couple days a week. Assigned the Harbor master to start where Amy left off with the painting the Claw. It will be Yellow.
- The old firehall field soil samples came back with petroleum-based contamination as well as some other unidentified substances as well. Informed the company that the space was used for other things prior but was unsure what it was used for. Bedrock is about 3 ft down if we need to dig it down. Meeting on Monday to go over results and plan to proceed. Hopefully will receive funding to clear the soil from that site.
- Jason of CCTH offered a 3<sup>rd</sup> VPSO if we wanted one. Not sure how long the offer is open, discussion can happen at the next workshop. Both VPSOs are currently at the academy, we are relying on Kasaan VPSO and may be without coverage currently.
- **Oatman** questioned whether the city owns a pump truck?
- **Sam Sawyer** commented that we do not have a pump truck, just an outdated trailer with a tank. Approved about a year ago for around \$40,000. During Covid, prices were very high and there were no trucks available within the range of the funds provided.

b) **City Clerk:**

- Scheduled training with Iura Leahu for August to do training on Clerk Duties and Election specifics.
- Dump tickets are still available \$10 for 1000lbs, 2 per residence. See the front office for more information.
- Working with Teri to get a good understanding of the processes and necessary finance reports for funding opportunities.

7) **DEPARTMENT REPORTS:**

a) **Water Operator Report**

- Used Tyler because lift stations are outdated – Certified electrician working on panels because they were not pumping, week and a half waiting on a part for AP&T power pole. Explained why Tyler Rental was needed to answer Councilman Oatman’s questions previous.
- Cost of chemicals has gone up over the past year. Don’t need as much chlorine because of the filtration update, but the need for another chemical has gone up to double.
- Willie passed his sewer treatment a few weeks ago. Sewer Treatment Level I.
- Tri-h tests came back great, tested better than any community in Southeast Alaska.
- Village safe water is going to be tackling lift station electrical panels since they are so outdated. Elaborated on panel issues.
- Sewer plant is at the 30 year mark which is at the end of life.
- Passed lead and copper, and fecal tests for sewer.
- Not using too much water lately. Constantly checking Boat wash down – about 2 units used.

b) **EMS Report:** No report at this time – Victoria is out of town.

8) **PUBLIC COMMENTS:**

No Public Comments

9) **COUNCIL COMMENTS:**

- **Bob Harwell:** Commented that he would like to have a VPSO report from now on if they are available. Commented on a neighbor’s driving fast on Rainy Lane.
- **Huestis:** VPSO West was out sick for a week. Will give them a heads up that they are wanted
- **Stram:** Apologize for being late. Asked about Kasaan road grant update.
  - **Huestis responded:** Meeting was postponed again, no reschedule date as of yet.
  - **Stram** continued comment saying he will be out of town for the month of August and asked to be excused.
- **Nyquest:** Thanks to John for all the grant writing, and whoever is responsible for the updates around town. Efforts and hard work are not going unnoticed.
- **Hartwell:** Complaints about no recreational use, could we revisit the section set aside out at Davidson Landing. I would like to see that looked in to for the addition of swings, etc.
- **Burger:** When the school was revamped, Stevens was going to sell the equipment to the city for \$1 for the that to go DL and people complained about berry picking. All the equipment went to Coffman Cove instead.
- **Hartwell:** Who is in charge of the friends?
  - **Huestis:** Karen Petersen
- **Jennings:** Main reason to call in is to resign. Medical issues will keep him away indefinitely.

10) **CONSENT AGENDA:**

a) **MINUTES**

- i. [Minutes of the June 20, 2023, Regular City Council Meeting, discussion and action item:](#)

Burger Moved to approve the consent agenda. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda  
F/S: Burger/Hartwell  
YEAS: Hartwell, Oatman, LaVoie, Burger & Nyquest Stram  
NAYS: None  
Excused: Jennings  
STATUS: Motion Passed

11) **NEW BUSINESS:**

- a) [\*\*RESOLUTION 23-07-18-01\*\*](#) a resolution of the city council for the City of Thorne Bay, Alaska, making a formal request to the commissioner of administration for inclusion of eligible employees in the State of Alaska Group Health Care and Life insurance benefits plan, discussion and action item:

Burger Moved to approve Resolution 23-07-18-01. Oatman seconded the motion. There was no further discussions.

MOTION: Move to approve Resolution 23-07-18-01  
F/S: Burger/Oatman  
YEAS: Hartwell, Oatman, LaVoie, Stram, Burger & Nyquest  
NAYS: None  
Excused: Jennings  
STATUS: Motion Passed

- b) [\*\*RESOLUTION 23-07-18-02\*\*](#) a resolution of the city council, for the City of Thorne Bay, amending Resolution 22-06-21-02 - Fee and Rate Schedules for all sales and services with city departments; amending the city water usage allowance effective 07-18-2023, discussion and action item:

Burger Moved to Resolution 23-07-18-02 Amending the city water usage allowance. Stram seconded the motion.

Discussion as follows:

- **Burger:** Chemicals have increased in price, close to double. Report from Administrator about cost analysis.
- **Huestis:** Residential would reduce income by \$5281/yr on average, Commercial rates would be reduced by \$1130/yr on average. If resolution passes as written, it would be about \$6300 less than we have received over the last 3 years. Essentially, our rates would appear as more favorable. Rates would be spread out over more gallons before being charged an overage fee. As an administrator, looking at the numbers, I do not recommend passing the resolution. Fiscal impact seems minor, but this is not a collective impact of costs of chemicals, and other increases that we can't predict, like our healthcare.

- **Sam Sawyer:** When it was brought up a year ago, I was on board with the changes. Things have changed since then though, and after the price changes of chemicals, I no longer agree with making the change. We are a smaller town than Craig and Klawock, less income from tourism, taxes, and utilities income so I can't agree with changing rates or allowances at this time.
- **Nyquest:** Commented that he recalled Charles had brought up the affordability for families, not just the fact that residents were being charged more than other communities on the island. Stated he did not believe that the commercial rate should also change. The City has a policy in place for a one-time forgiveness for hardships. We just had the feasibility study done to get the city up to date with the rate schedule.
- **Burger:** I think we could leave it as it is at this point. If it becomes apparent there are hardships, we have ways of helping people.

MOTION: Move to approve the Resolution 23-07-18-02  
 F/S: Burger/Stram  
 YEAS: None  
 NAYS: Stram, Hartwell, Oatman LaVoie, Burger & Nyquest  
 EXCUSED: Jennings  
 STATUS: Motion Failed

- c) [RESOLUTION 23-07-18-03](#) A resolution of the city council of the City of Thorne Bay, Alaska, supporting SB201 an Act changing the residency requirements for hunting, trapping, and sport fishing privileges; and providing for an effective date, discussion and action item:

Burger Moved to approve Resolution 23-07-18-03 A resolution supporting HB201. Nyquest seconded the motion. Discussion as follows:

- **Burger** explained HB201 and issues that would make it agreeable to support.
- **Hartwell** questioned what if you elected to not receive PFD.
- **Sawyer** explained it's specifically for the eligibility requirements of the PFD to apply to HB201.
- **Huestis** further clarified that the regulations and process for PFD eligibility is very accurate and monitored.

MOTION: Move to approve Resolution 23-07-18-03 A resolution supporting HB201.  
 F/S: Burger/Nyquest  
 YEAS: Hartwell, Oatman, Stram, LaVoie, Burger & Nyquest  
 NAYS: None  
 Excused: Jennings  
 STATUS: Motion Passed

- d) [RESOLUTION 23-07-18-04](#) a resolution of the city council for the City of Thorne Bay, Alaska, updating the Thorne Bay Employee Wage Base for existing positions, discussion and action item:

Burger Moved to approve Resolution 23-07-18-04 A Resolution updating Thorne Bay Employee Wage Base. Nyquest seconded the motion.

Discussion as follows:

- **Huestis:** Clarified the intent of the resolution was to update the 2017 wage resolution to match the economy.
- **Nyquest:** May need to revisit this in the future so that we don't outspend ourselves. While we want to pay employees fairly, and retain good people, we will have to look at affordability. I support this resolution as it is now.

MOTION: Move to approve Resolution 23-07-18-04  
F/S: Burger/Nyquest  
YEAS: Hartwell, Oatman, LaVoie, Burger, Stram & Nyquest  
NAYS: None  
EXCUSED: Jennings  
STATUS: Motion Passed.

12) ORDINANCES FOR PUBLIC HEARING:  
NONE

13) ORDINANCES FOR INTRODUCTION:  
NONE

14) CONTINUATION OF PUBLIC COMMENT:  
➤ **Sam Sawyer:** Rethink parking at city harbor. Things have changed since it was changed and there are not as many people living on boats and parking is really tight.

15) CONTINUATION OF COUNCIL COMMENT:  
➤ **Oatman** agrees with public comment.  
➤ **Hartwell:** 5 spots for liveboards.  
➤ **Huestis:** Take a look at it and talk with harbormaster.

16) EXECUTIVE SESSION:  
a) The council may adjourn to executive session to discuss Employment Contract for Teri Feibel, discussion and action item:  
*(General Information: Executive sessions are not open to the public. The public may remain in the audience until the council reconvenes. No action is taken during an executive session)*

Burger Moved to adjourn to executive session to discuss Employment Contract for Teri Feibel. Nyquest seconded the motion. Mayor invited the City Administrator to join the Executive Session.

MOTION: Move to adjourn to executive session to discuss the employment contract for Teri Feibel  
F/S: Burger/Nyquest  
YEAS: None  
NAYS: Stram, Hartwell, Oatman LaVoie, Burger & Nyquest  
EXCUSED: Jennings  
STATUS: Motion Passed.

17) ADJOURNMENT: Mayor Adjourned at 7:55

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Lee Burger, Mayor

ATTEST:

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Teri Feibel, CMC  
For Caitlyn Sawyer, City Clerk/Treasurer





Sponsor: Mayor Lee Burger  
Adoption: August 01, 2023  
Vote: \_\_\_ Yeas, \_\_\_ Nays, \_\_\_ Absent

CITY OF THORNE BAY  
RESOLUTION 23-08-01-01

*A RESOLUTION OF THE CITY COUNCIL, FOR THE CITY OF THORNE BAY,  
ACCEPTING THE RESIGNATION OF COUNCILMAN CHARLES JENNINGS, FROM COUNCIL  
SEAT B*

**WHEREAS**, the City Council is the governing body of Thorne Bay, Alaska; and

**WHEREAS**, Councilman Charles Jennings stated at the July 18, 2023 meeting that the July 18, 2023 meeting would be his last council meeting; and

**WHEREAS**, Councilman Charles Jennings stated he would be out of town indefinitely due to medical reasons; and

**WHEREAS**, it is Councilman Charles Jennings' desire to terminate his elected position as Council member for Seat B of the Thorne Bay City Council.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Thorne Bay, Alaska, hereby acknowledges and accepts Councilman Charles Jennings' desire to terminate his elected position as Council member for Seat B of the Thorne Bay City Council.

**PASSED AND APPROVED** by a duly constituted quorum of the City Council on this 1st, day of August 2023

ATTEST:

\_\_\_\_\_  
Lee Burger, Mayor

\_\_\_\_\_  
Teri Feibel, CMC  
For Caitlyn Sawyer, City Clerk/Treasurer



Sponsor: Mayor Lee Burger  
Adoption: August 1, 2023  
Vote: \_\_\_ Yeas, \_\_\_ Nays, \_\_\_ Absent

**CITY OF THORNE BAY  
RESOLUTION 23-08-01-02**

A RESOLUTION OF THE CITY COUNCIL, FOR THE CITY OF THORNE BAY, IN SUPPORT OF A RURAL SURFACE TRANSPORTATION GRANT (RURAL) FOR THE KASAAN TO GOOSE CREEK ROAD PROJECT MP 0.0 to MP 5.4 BEING SUBMITTED BY THE ORGANIZED VILLAGE OF KASAAN (OVK) DEPARTMENT OF TRANSPORTATION (OVKDOT) AND AUTHORIZING OVKDOT TO CONSTRUCT THE PROJECT AND SUPPORTING THE APPLICATION AND THE PROJECT IN THE SPIRIT OF SISTER COMMUNITY PARTNERSHIP FOR A REGIONALLY SIGNIFICANT PROJECT.

**WHEREAS**, the City Council is the governing body of Thorne Bay, Alaska; and

**WHEREAS**, the City of Thorne Bay (TNB) has maintenance responsibility for around 12 miles of the Kasaan Road and has been seeking every funding opportunity to make improvements to this road in close partnership with the Organized Village of Kasaan (OVK); and

**WHEREAS**, the OVK has final plans, specifications and estimates and permits for the reconstruction of the entire 17.3 miles of the road including the section operated and maintained by TNB and both agencies are always seeking funding to construct the project or parts of it at least; and

**WHEREAS**, TNB has entered into a Memorandum of Agreement with OVK for the maintenance of the 12 miles TNB is responsible for and has done so for many years because OVK has a robust DOT with the equipment and expertise to perform this work more effectively and efficiently than TNB does and the MOA provides for reimbursement from TNB to OVK for the work performed on their behalf on a monthly and annual basis; and

**WHEREAS**, TNB fully supports all of OVKs applications for funding for the Kasaan Road and OVK supports TNBs applications for funding for the Kasaan Road in a close partnership for the maintenance and construction of the road to the benefit of the Tribal members, the City of Kasaan and the City of TNB; and

**WHEREAS**, the Kasaan Road is the sole road access to the rest of the world for half of the residents of TNB and all of the residents of the City and Village of Kasaan; and

**WHEREAS**, the Rural Surface Transportation Grant Program "RURAL" provides dedicated, discretionary funding for transportation infrastructure projects of local or regional significance and OVK seeks to work with the United States Department of Transportation (USDOT) to improve and expand the transportation infrastructure of Prince of Wales Island and specifically the communities of Kasaan and Thorne Bay; and

**WHEREAS**, the USDOT is soliciting applications for up to \$5.575 billion in FY 2023 and FY 2024 MPDG opportunity funds. Up to \$1.8 billion from FY 2023–2024 will be made available for the Mega program, up to \$3.1 billion will be made available for the INFRA program, and up to \$675 million will be made available for the RURAL program; and

**WHEREAS**, the FY 2023 RURAL Grant program directs available funds to be provided for projects in rural areas, like the communities of Kasaan and Thorne Bay, and requires measures to ensure an equitable geographic distribution of grant funds; and

**WHEREAS**, under federal law, eligible entities to receive RURAL Grant program funds include units of local government and Federally recognized Indian Tribes such as OVK and the Cities of Kasaan and Thorne Bay and eligible projects include highway, bridge, and road projects such as the Kasaan to Goose Creek Road project; and

**WHEREAS**, OVK and TNB are seeking funds to complete the construction of the Kasaan to Goose Creek Road Project which is fully designed and permitted and shovel-ready and will be used to reconstruct the road to a consistent 35 mph design standard to correct horizontal and vertical alignment deficiencies and to construct a new two lane paved surface complete with new striping, signing, guardrails and other features to improve the safety of this road that provides the only access in and out of the communities of Kasaan and South Thorne Bay on Prince of Wales Island in Southeast Alaska; and

**WHEREAS**, RURAL grants may be used for up to 80 percent of future eligible project costs, except eligible projects that further the completion of a designated segment of the Appalachian Development Highway System under 40 U.S.C. § 14501 or address a surface transportation infrastructure need identified for the Denali access system program under section 309 of the Denali Commission Act of 1998 may apply for up to 100 percent of the project costs. Other Federal assistance may satisfy the non-Rural share requirement for a Rural grant up to 100 percent of project costs; and

**WHEREAS**, OVK acknowledges availability of matching funds of no less than 20% and understands that the current overall project cost estimate being submitted with this application is \$15,607,374 and TNB wishes to provide some of the matching funds in partnership with OVK; and

**WHEREAS**, OVK's FHWA approved Long-Range Transportation Plan and Tribal Transportation Improvement Program which is used to implement its transportation priorities shows its further commitment to supporting this projects application for funding of its number one priority transportation project and supports its intent to submit a RURAL grant application to the USDOT; and

**WHEREAS**, RURAL Grant funding will be used to complete the construction of the Kasaan to Goose Creek Road project which has strong regional support and is the number one priority surface transportation project for OVK, the City of Kasaan, the City of Thorne Bay and the Prince of Wales Community Advisory Committee; and

**WHEREAS**, after the appropriate public input and due consideration, TNB has recommended that an application be submitted by OVK to the USDOT 2023 RURAL Grant program for the Kasaan to Goose Creek Road Project MP 0.00 to MP 5.4.

**NOW THEREFORE BE IT RESOLVED, by the TNB City Council:**

**Section 1.** That TNB does hereby authorize the OVKDOT and/or their contractors to have full access to the Kasaan Road under its jurisdiction and control for the purposes of construction of the project being submitted for this RURAL project on behalf of the citizens of the City of Thorne Bay as well as fully supporting the execution of all future project agreements and other project documentation.

**Section 2.** That OVK does submit an application to the USDOT for the 2023 RURAL Grant program for some of the funds needed for the Kasaan to Goose Creek Road project on behalf of the Communities of Kasaan and Thorne Bay and fully executes any project related agreements as may be necessary to accept the award of such funding in the future.

**Section 3.** That OVK has provided assurance to the USDOT that sufficient funding for the OVK non-Federal cost sharing contributions as shown in the RURAL application budget for the Kasaan to Goose Creek Road Project is or will be available for this rural project and TNB has committed match funding that is contributory to the overall project as well.

**Section 4.** That TNB hereby assures the USDOT and OVK that it will provide up to \$150,000 in TNB funding, above the \$69,750 already authorized for the FLAP award, to contribute to OVK for their committed matching funds of \$3,121,475 for the Kasaan to Goose Creek Road Project MP 0.0 to MP 5.4, and these funds are available.

**Section 5.** That OVK has provided assurance to the USDOT that OVK will commit to maintenance and operations responsibilities in partnership with the City of Thorne Bay and the City of Kasaan through the use of Memorandums of Agreement as has been used for years to provide sufficient resources and funding for the Kasaan to Goose Creek Road Project and will continue to do so for the useful life of the project which also exhibits the strength of the partnership of these agencies around the management of this regionally significant transportation asset.

**Section 6.** That TNB, supports OVK's RURAL Grant application and requests the USDOT to favorably consider the RURAL Grant application for the Kasaan to Goose Creek Road MP 0.0 to MP 5.4 project, and to approve the application and grant the funds requested to move the project forward as expeditiously and effectively as possible.

**PASSED AND APPROVED** August 1, 2023

ATTEST:

\_\_\_\_\_  
Lee Burger, Mayor

\_\_\_\_\_  
Teri Feibel, CMC  
For Caitlyn Sawyer, City Clerk/Treasurer



Introduction: August 1, 2023  
Public Hearing: August 15, 2023  
Sponsor: Mayor Lee Burger  
Vote: \_\_\_ Yeas, \_\_\_ Nays, \_\_\_ Absent

CITY OF THORNE BAY  
ORDINANCE 23-08-15-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 2-ADMINISTRATION & PERSONNEL, CHAPTER 2.04-CITY COUNCIL, SECTION 2.04.110 FILLING A VACANCY

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.** Purpose. To provide a term for appointment of a new councilmember when a vacancy in office occurs within 60 days of a regular or special election.

**AS 29.20.180. Filling a Vacancy.**

- (a) If a vacancy occurs in a governing body, the remaining members shall, within 30 days unless a different period is provided by ordinance, appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled.
- (b) Notwithstanding (a) of this section, if the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum.
- (c) A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

**Section 3.** 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 4.** Amendment of Section. The title and chapter of Title 2-Administration and Personnel, Chapter 2.04-City Council, Section 2.04.110-Filling a Vacancy, is hereby amended and added to the Thorne Bay City Code and shall read as shown on page 2 of this ordinance.

**Section 5.** Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 15, 2023

ATTEST:

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\_\_\_\_\_  
Lee Burger, Mayor

\_\_\_\_\_  
Caitlyn Sawyer, City Clerk/Treasurer

Ordinance 23-08-15-01

Additions are BLUE

~~Deletions are RED and Stricken~~

THORNE BAY MUNICIPAL CODE  
TITLE 2 – ADMINISTRATION AND PERSONNEL  
CHAPTER 2.04 - CITY COUNCIL

**2.04.110 FILLING A VACANCY.**

If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall designate a qualified person to fill the vacant seat. The person appointed serves until the next regular city election and until ~~his~~ **their** successor qualifies. **If a regular or special election is scheduled to occur within 60 days from the date a vacancy is declared, the vacancy may not be filled.** (Ord. 23-08-15-01; Prior code Ch. 4 § 10)