

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

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## Chapter 2.04

### OFFICERS AND COUNCIL RULES

#### Sections:

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- 2.04.270 Conflicts of interest act inapplicable.
- 2.04.280 Members of council – Salary.

For statutory provisions authorizing a city to establish municipal offices and to prescribe salaries for elected and appointed officials, see AS 29.48.010(1) and (2); for provisions regarding the office of municipal treasurer, see AS 29.23.390; for statutory provisions regarding conflicts of interest, see AS 29.23.555.

#### **2.04.010 Corporate seal.**

The city adopts a corporate seal consisting of two concentric circles between which are the words "City of Craig," and the words "State of Alaska." [Ord. 113 § 1, 1973.]

#### **2.04.020 Officers designated.**

The officers of the city are the mayor, six councilmen, the city attorney, the city administrator, the city clerk, the city treasurer (whose functions may be combined with that of the clerk), and the chief of police. The mayor and members of the council shall be elected by direct vote of the electors of the city. All other officers shall be appointed by resolution of the council and may be removed only by such resolution. New appointments shall be made after each regular election, and each officer appointed by the council shall hold office until terminated by the council or until his successor is appointed, whichever first occurs. [Ord. 677 § 4, 2015.]

#### **2.04.030 Books and records.**

The books and records of the city shall be kept by the clerk who shall deliver the same to his successor; except that other officers of the city may keep such records as are necessary for the performance of their duties, and the treasurer shall keep the financial books and records. When such records are no longer needed in the possession of such other officers the same shall be delivered to the clerk for safe keeping. Books and records of a permanent nature shall be destroyed only with approval of the council. [Ord. 113 § 3, 1973.]

#### **2.04.040 Powers and duties of mayor.**

A. The mayor shall be the executive officer of the city and the council. He shall exercise supervision over the general affairs of the city, including the enforcement of all ordinances and the performance of all duties by officers of the city.

B. The mayor shall preside at all meetings of the council except during his absence, at which time the council shall designate one of its members as acting mayor. The mayor shall not vote except to break a tie vote. The council may appoint a member of the council to act as mayor on all occasions when the mayor is outside the city. Such appointment shall be by resolution but shall expire on the first Monday after the date of the next regular election. The mayor shall have statutory power of veto respecting any ordinance, resolution, motion or other action of the council, except for actions of the council sitting as the board of equalization or the board of adjustment.

C. Except as to the fire chief as provided in CMC 2.04.090\*, and as to the superintendent of schools as provided by Alaska statute and as to the chief of police as provided by CMC 2.04.020, the mayor shall appoint all department heads, subject to confirmation by the council. The mayor shall be the chief administrative officer of the city and shall be the city's personnel officer empowered to appoint, suspend or remove subordinates in all departments. In cases of an emergency, the mayor may appoint a temporary police chief or temporary fire chief when necessary for the public health, safety or welfare, but such appointments shall be effective only until the next meeting of the council unless the council ratifies the appointments at such meeting.

D. The mayor may (in writing) revocably delegate to the city administrator any or all of the mayor's functions as chief administrative officer as set forth in AS 29.20.220 and 29.20.250, with the exception of his role in the appointment and dismissal of city officials and department heads (city clerk, city treasurer, city attorney, police chief, fire chief, harbor master and public works department director). The mayor may delegate to the city administrator the management of the day-to-day business of the city and the supervision of all city employees, including department heads, as well as all personnel actions below the level of department head. [Ord. 283 § 4, 1989; Ord. 226 § 4, 1984.]

#### **2.04.045 Mayor's compensation.**

The mayor of the city shall receive compensation, such compensation to be established by the city council by resolution. The mayor may not receive any other compensation for service to the municipality. Per diem payments or reimbursements for expenses are not compensation under this section. [Ord. 703 § 4, 2017; Ord. 198, 1982.]

#### **2.04.047 Powers and duties of administrator.**

The city administrator shall, under the direction of the mayor, perform and supervise administrative staff work of the city including fiscal, personnel, supply, training, public information and planning

services. To the extent the mayor delegates (in writing) any of the mayor's chief administrative officer functions, the administrator shall perform those delegated functions, and shall make such reports thereon to the mayor as the mayor may require. [Ord. 374 § 5, 1994; Ord. 320 § 4, 1991; Ord. 226 § 4, 1984.]

#### **2.04.050 Duties of municipal clerk.**

A. The municipal clerk shall:

1. Attend meetings of the governing body and its boards and committees as required and keep the journal;
2. Have custody of the official municipal seal;
3. Assure that notice and other requirements for public meetings are complied with and assure that public records are available for public inspection as required by law;
4. Manage municipal records and develop retention schedules and procedures for inventory, storage, and destruction of records as necessary;
5. Maintain an indexed file of all permanent municipal records, provide for codification of ordinances, and authenticate or certify records as necessary;
6. Prepare agendas and agenda packets as required by the governing body;
7. Administer all municipal elections;
8. Assure that the municipality complies with 42 U.S.C. Sections 1971 – 1974 (Voting Rights Act of 1965, as amended);
9. Take oaths, affirmations, and acknowledgements as necessary;
10. Act as the parliamentary advisor to the governing body;
11. Perform other duties required by law, the governing body, or the chief administrator.

B. In the absence of the clerk, the council may appoint a clerk pro tem. [Ord. 356 § 5, 1993.]

#### **2.04.060 Duties of treasurer.**

The treasurer shall have custody of all funds of the city and shall deposit the same as directed by the council. The treasurer and the clerk shall sign all checks, warrants and orders on banks for withdrawal of funds. In the absence of the treasurer or clerk, the administrator, mayor or acting mayor may sign such warrants, checks and orders in place of the absent treasurer or clerk. In the absence of

\*Code reviser's note: CMC 2.04.090 was deleted by Ordinance 677. Provisions concerning appointment of the fire chief can be found in CMC 2.20.030.

the treasurer, the clerk shall be the acting treasurer. The treasurer shall keep proper books of accounts showing all receipts and disbursements of the city and all assets and liabilities. The funds kept by the treasurer shall be kept in the general fund except as to funds required by the council to be kept in special funds. The books of the treasurer shall be audited annually by such auditor as is designated by the council and a report shall be rendered to the council. [Ord. 374 § 5, 1994; Ord. 320 § 4, 1991; Ord. 113 § 6, 1973.]

#### **2.04.070 Duties of city attorney.**

The city attorney appointed by the council shall be the legal advisor of all the officers of the city with respect to any legal matter affecting the city's interest. [Ord. 113 § 7, 1973.]

#### **2.04.080 Duties of chief of police.**

The chief of police is charged with the duty of enforcing all ordinances, the violation of which may be punished by imprisonment or a fine. He shall serve all legal process issued by the city. He shall supervise all peace officers of the city and preserve the peace of the community. [Ord. 113 § 8, 1973.]

#### **2.04.090 Fire chief – Duties and appointment.**

*Repealed by Ord. 677. [Ord. 160 § 5, 1979.]*

#### **2.04.100 Bonds of officials.**

The council shall, from time to time by resolution, determine which officers of the city, in addition to the treasurer, shall be bonded for the faithful accounting of all funds and property under their control. Such bonds shall be purchased from surety companies licensed to do business in the state in such amounts as the council shall determine and shall be in such form as is acceptable to the council. [Ord. 113 § 10, 1973.]

#### **2.04.110 Oaths of office.**

Municipal officers, before taking office, shall affirm verbally and in writing that they will honestly, faithfully and impartially perform their duties. The oaths shall be filed with the clerk. [Ord. 614 § 4, 2010; Ord. 113 § 11, 1973.]

#### **2.04.120 Discrimination in employment.**

No person may be appointed to or removed from municipal office or employment, or in any way favored or discriminated against with respect to a municipal position because of that person's race, religion, color or national origin, age, disability, sex, marital status, change in marital status, pregnancy or parenthood, or because of that person's political opinions or affiliations. All appointments and promotions of municipal officers and employees shall be made on the basis of merit. [Ord. 226 § 4, 1984.]

#### **2.04.130 Conflicts of interest.**

A. A member of the council shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;

B. The presiding officer shall rule on a request by a member of the council to be excused from a vote;

C. The decision of the presiding officer on a request by a member of the council to be excused from a vote may be overridden by the majority vote of the council; and

D. A municipal employee or official, other than a member of the council, may not participate in an official action in which the employee or official has a substantial financial interest. [Ord. 283 § 5, 1989.]

#### **2.04.140 Vacancies.**

An elected municipal office, except that of mayor or school board member, is vacated under the following conditions and upon the declaration of vacancy by the council. The council shall declare an elected office vacant when the person elected:

A. Fails to qualify or take office within 30 days after his election or appointment;

B. Is physically absent from the municipality for a 90-day period, unless excused by the council;

C. Resigns and his resignation is accepted;

D. Is physically or mentally unable to perform the duties of his office;

E. Is removed from office;

F. Misses three consecutive regular meetings unless excused;

G. Is convicted of a felony or offense involving the violation of his oath of office;

H. Is convicted of a felony or misdemeanor described in AS Chapter 15.56 and two-thirds of the members of the council concur in expelling the person elected;

I. Is convicted of a violation of AS Chapter 15.13;

J. No longer physically resides in the municipality and the council by two-thirds vote declares the seat vacant. [Ord. 283 § 6, 1989.]

#### **2.04.150 Council meeting date.**

A. Regular meetings of the council shall be held on the first and third Thursdays of every month in the council chambers unless public notice is given for a period of at least 24 hours to the effect that the meeting will be held on a different day and/or in a different place. Whenever a first or third Thursday of the month is a holiday or if it is found that there is not going to be a quorum for a meeting, the regular meeting scheduled for that day may be changed to a different day, hour or place, or it may be cancelled, so long as there is at least one regular meeting in the month, in accordance with AS 29.20.160(b), and proper notices have been posted as noted above. No notice of any regular meeting is required except that in the month of January of each year the clerk shall post a notice in three public places in the city stating the time and place of regular meetings of the council as provided by this chapter.

B. Special meetings may be held on the call of the mayor or two council members upon not less than 24 hours' written or oral notice communicated to each member and if reasonable efforts are made to notify all members. In an emergency, a special meeting called on less than 24 hours' notice is a legal meeting if all members are present or there is a quorum and all absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. Public notice of special meetings of the council shall be posted in two public places in the city when notice is given to council members. Notice of any special meeting shall state in general terms the topics to be presented at the meeting, but any and all business which may come before the meeting may be transacted. No irregularity in giving notice of the purpose of the meeting shall invalidate such special meeting.

C. Meetings of all municipal bodies shall be public as, and excepting as, is provided in AS 44.62.310. [Ord. 732 § 4, 2021; Ord. 358 § 4, 1993; Ord. 283 § 7, 1989; Ord. 226 § 4, 1984.]

#### **2.04.160 Quorum and voting at council meetings.**

Four councilmen constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution or motion. The final vote on each ordinance, resolution or substantive motion must be by a recorded roll call vote. All councilmen present shall vote unless required to abstain from voting on a question by law. [Ord. 283 § 8, 1989.]

#### **2.04.165 Teleconference participation.**

A. The use of teleconferencing at council meetings is for the convenience of government officials and the public. Teleconference participation by the mayor, council members and the public is authorized by AS 44.62.310(a) and 44.62.312. While physical presence of the mayor, council members and the public is the preferred method of participation at council meetings, the mayor, council members, and the public are allowed to participate at council meetings in the following manner:

1. Participation of Mayor and Council Members by Teleconference.

a. Any council member may participate in any council meeting by teleconference. Teleconference participation is solely at the discretion of the council member who requests this method of participation if the council member is out of town or nonambulatory. The council member shall notify the clerk to arrange for teleconference participation by 4:00 p.m. on the Friday before the Thursday regular council meeting, and at least 12 hours before any special council meeting.

b. The mayor, or the presiding officer in the absence of the mayor, may also participate in any council meeting by teleconference. The mayor, or the presiding officer in the absence of the mayor, shall notify the clerk to arrange for teleconference participation by 4:00 p.m. on the Friday before the Thursday regular meeting, and at least 12 hours before any special meeting. However, the mayor, or the presiding officer in the absence of the mayor, shall not preside over the council meeting when participating by teleconference.

c. The mayor and any council member participating by teleconference shall be deemed to be present at the meeting for all purposes, including for quorum and voting, except as provided in subsection (A)(1)(b) of this section.

d. The mayor and any council member participating by teleconference shall have the same right to participate in any matter as if physically present at the council meeting, executive sessions, adjudicatory matters, and presentations. Reasonable efforts shall be made to make available to the mayor and any council member participating by teleconference any pertinent documents that are to be discussed and/or acted upon, including the council packet.

e. The mayor and any council member participating by teleconference shall have the same right to vote on any matter as if physically present at the council meeting. All voting at the meeting shall be by roll call vote. The council member who is participating by teleconference, or the mayor when participating by teleconference, determines whether the member or the mayor has had the opportunity to evaluate all pertinent information, including any testimony and/or evidence, and is prepared to vote.

f. Teleconference participation at any council meeting is limited to four times a year by each council member or by the mayor.

g. Each council member and the mayor may attend additional teleconferences as a special exception if expressly approved for good cause in each instance by a vote of the council. Good cause may include, but is not limited to, absence required for extended medical care needed for the individual or the individual's immediate family. [Ord. 715 § 4, 2018.]

#### **2.04.170 Filling a vacancy.**

A. If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall within 30 days designate a person to fill the vacancy until the next regular election and until a successor is elected and has qualified. If less than 30 days remain in a term, a vacancy may not be filled. However, if the membership of the council 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.

B. If a vacancy in the office of mayor occurs within six months of a regular election, the vacancy shall be filled by appointment made by the council. The person shall serve until the next regular election and until the successor is elected and has qualified. If a councilman is chosen, he shall resign his council seat. If the vacancy occurs more than six months before a regular election, the council shall call a special election to fill the unexpired term. [Ord. 283 § 9, 1989.]

**2.04.180 Motions.**

When a motion is under consideration, no other motion shall be made except to adjourn, to lay on the table, for the previous question, to postpone to a time certain, to commit, to amend or postpone indefinitely, which several motions shall have precedence in the order in which they are herein mentioned. [Ord. 320 § 5, 1991; Ord. 113 § 19, 1973.]

**2.04.200 Acts required to be by ordinance.**

In accordance with AS 29.25.010 and other applicable state law, the council shall use ordinances to:

- A. Establish, alter or abolish municipal departments;
- B. Fix the compensation of members of the council;
- C. Provide for a fine or other penalty, or establish rules and regulations for violation of which a fine or other penalty is imposed;
- D. Provide for the levying of taxes, which levy may be by resolution;
- E. Make appropriations and supplemental appropriations or transfer appropriations;
- F. Grant, renew or extend a franchise;
- G. Regulate the rate charged by a (municipally owned) public utility;
- H. Adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map;
- I. Approve the transfer of a power to a borough from the city;
- J. Provide for the retention or sale of tax-foreclosed property;
- K. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitation set out in AS 36.25.025;
- L. Such other acts as Alaska statutes may require to be performed by ordinance. [Ord. 226 § 4, 1984.]

**2.04.210 Procedure for adopting ordinances.**

A. The following procedure governs the enactment of all ordinances except emergency ordinances. An ordinance shall be introduced by a member or committee of the council or by the mayor. An ordinance shall be set for hearing by the affirmative vote of a majority of the votes autho-

rized on the question. A summary of the ordinance and its amendments shall be published in a notice of time and place for public hearing. The hearing shall follow publication by at least five days. Publication shall be by posting on bulletin boards in three places in the city. At the hearing copies of the ordinance must be available to all persons present or the ordinance must be read in full. The council shall hear all interested persons wishing to be heard.

B. After the hearing, the council shall consider the ordinance and may adopt it with or without amendment. The clerk shall print and make available copies of adopted ordinances.

C. Ordinances take effect upon adoption or at a later date specified in the ordinance. [Ord. 113 § 21, 1973.]

**2.04.220 Emergency ordinances.**

A. To meet a public emergency, the council may adopt ordinances effective on adoption without a public hearing. Every emergency ordinance must contain a finding by the council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The clerk must print and make available copies of adopted ordinances.

B. An emergency ordinance may not be used to levy taxes.

C. Emergency ordinances are effective for 60 days. [Ord. 113 § 22, 1973.]

**2.04.230 Parliamentary procedure.**

Except as otherwise provided in this chapter, Robert's Rules of Order shall be followed in matters of parliamentary procedure. [Ord. 113 § 23, 1973.]

**2.04.240 Committees.**

Within 30 days after the annual election of members of the council, the council shall designate standing committees of the members of the council and such other committees as are required for the discharge of municipal business. The council may appoint special committees from time to time. The

members of the committee shall be appointed by the mayor, but any appointment may be vetoed by the council. [Ord. 113 § 24, 1973.]

**2.04.250 Order of business.**

At meetings of the council the following order of business shall be observed:

- A. Proof of service of any notice of special meeting shall be presented and filed;
- B. Roll call;
- C. Reading of minutes of previous meeting;
- D. Hearing of members of audience regarding ordinances or resolutions under consideration, proposals for action by the council, and other matters of public concern;
- E. Reports of standing committees;
- F. Reports of special committees;
- G. Reports of city officers;
- H. Reading of the correspondence;
- I. Consideration of resolutions, petitions and memorials;
- J. Consideration of proposed ordinances;
- K. Unfinished business;
- L. New business;
- M. Adjournment. [Ord. 113 § 25, 1973.]

**2.04.260 Combining of offices.**

No person shall serve simultaneously as mayor and as member of the council. Two or more administrative or appointive offices may be combined and a salary paid for each. Neither the mayor nor any member of the council shall serve in any administrative or appointive capacity except that the position of fire chief may be held by the mayor or a city council member, and the council may contract with the mayor or a council person for contractual services for a limited period of time where the person holding office has skills or a background which makes the person especially qualified to render the service contracted for. Except as provided in CMC 2.04.045, the council shall fix the compensation of city council members by a stand-alone ordinance. Compensation of city council members may not be reduced during a term of office. A city council member may not receive any other compensation for service to the municipality. Per diem payments or reimbursements for expenses are not compensation under this section. [Ord. 705 § 4, 2017; Ord. 703 § 4, 2017; Ord. 325

§ 4, 1991; Ord. 324 § 4, 1991; Ord. 214 §§ 4, 5, 1983; Ord. 113 § 26, 1973.]

**2.04.270 Conflicts of interest act inapplicable.**

The city of Craig voted at the 1976 general election to reject applicability of the state of Alaska's act relating to conflicts of interest to this municipality, said act as contained in the Codified Alaska Statutes as AS 39.50.010 through 39.50.200. Accordingly, municipal public officials shall not be required to file the requisite disclosures statements. [Ord. 136 § 10, 1976.]

**2.04.280 Members of council – Salary.**

Each member of the city council shall receive a monthly salary of \$50.00. [Ord. 217 § 4, 1983.]



**Chapter 2.06****COUNCILMEMBER PARTICIPATION IN  
LAWSUIT NEGOTIATIONS**

meeting (special or regular) and after public hearing on the proposed settlement. [Ord. 288 § 5, 1989.]

## Sections:

- 2.06.010 Appointment.
- 2.06.020 Procedure.
- 2.06.030 Confidentiality.
- 2.06.040 Approval of settlements.

**2.06.010 Appointment.**

The council may appoint as many of its members as it deems necessary (up to and including its entire membership) to participate as members of the city's negotiating team for settlement of a specific lawsuit. [Ord. 288 § 5, 1989.]

**2.06.020 Procedure.**

The council shall first meet in open session and use the standard procedure for going into executive session, said executive session to be for the publicly stated purpose of negotiating settlement of a particular, identified lawsuit. (That is, while in open session, the council (A) will state that the purpose of the executive session is to negotiate settlement of a particular, identified law suit, and (B) will vote on going into executive session.) The executive session may be continued from time to time (either for meetings of the city's negotiating team to consider strategy or for meetings of the city's negotiating team with the opposing party's negotiating team) without again taking a vote in open session, until the work of the city's negotiating team has been completed. [Ord. 288 § 5, 1989.]

**2.06.030 Confidentiality.**

Matters which either negotiating team (the city's or the opposing party's) requests the other negotiating team to keep confidential, shall be kept confidential. [Ord. 288 § 5, 1989.]

**2.06.040 Approval of settlements.**

Any proposal for settling a lawsuit, where such proposed settlement has been arrived at by the procedure set forth in this chapter, will not become final or bind the city until the settlement has been formally approved by the city council in open

**Chapter 2.07**

**ADVISORY COMMITTEES**

the council with a written report of its activities and recommendations at least annually. [Ord. 289 § 4, 1989.]

Sections:

- 2.07.010 Advisory committees – Establishment.
- 2.07.020 Appointment to advisory committee.
- 2.07.030 Committee procedures.

**2.07.010 Advisory committees – Establishment.**

The council may, by resolution, appoint one or more advisory committees, composed of registered voters of the city who are not council members or employees of the city government. Members of advisory committees shall serve as volunteers, without compensation. Such advisory committees shall have no powers, but shall advise the mayor and the council in the subject area for which they were formed. The council may select one of its members to serve as liaison to each committee, but the council liaison person shall not have a vote on the committee. [Ord. 289 § 4, 1989.]

**2.07.020 Appointment to advisory committee.**

Appointments to committees shall be made by recommendation of the mayor and confirmation by the council. Each new member appointed to an advisory committee shall be given a copy of the ordinance codified in this chapter, and shall be given a copy of the Alaska Open Meetings Act and informed of its applicability to the committee’s business. [Ord. 289 § 4, 1989.]

**2.07.030 Committee procedures.**

Each committee shall elect its own chairman and such other officers as the committee may find helpful to the conduct of its business. Committees may hold public hearings. Meeting procedures may be informal but shall be generally guided by Robert’s Rules of Order. Every advisory committee shall generally keep the council informed of its activities (either through the council member appointed as liaison to the committee, or if there is no appointed liaison, then by periodic oral or written reports at council meetings), and shall provide

**Chapter 2.08****ELECTION AND TERM OF OFFICERS**

## Sections:

- 2.08.010 Election.
- 2.08.020 Terms of office.
- 2.08.030 Number of members of council and school board.

For statutory provisions regarding the city council see AS 29.23.200; for provisions regarding the mayor, see AS 29.23.240 et seq.; for provisions regarding school boards, see AS 29.23.310; for provisions regarding municipal elections, see AS 29.28.010 et seq.

**2.08.010 Election.**

A. The mayor, members of the council and members of the city school board shall be elected at the regular city election held on the first Tuesday in October each year when necessary to fill a term expiring that year or to elect a successor to fill a term which is vacant or has been filled by appointment under CMC 2.04.170.

B. If a vacancy in the office of mayor occurs other than by expiration of a term, the vacancy shall be filled by appointment made by the city council effective until his successor is elected at the next regular election, and qualifies if the vacancy occurs less than six months before the next regular election; but shall be filled by a special election called for that purpose if the vacancy occurs more than six months before such election. [Ord. 284 § 4, 1989.]

**2.08.020 Terms of office.**

An election of an officer to fill a vacancy caused by an elected officer vacating the office shall be for the unexpired term of such person causing the vacancy. Otherwise, the mayor shall be elected for a term of two years and the members of the council and the city school board shall be elected for terms of three years, and thereafter until their successors are qualified. [Ord. 111 § 2, 1973.]

**2.08.030 Number of members of council and school board.**

A. The council shall consist of six members. The mayor is not a member of the council. The city school board shall consist of five members.

B. The council shall be elected by the voters for designated seats on an at-large basis.

C. City council seats shall be designated as council seats A, B, C, D, E, and F. The seats shall be staggered for three-year terms. Council members shall be elected according to the seat designation and corresponding expiration of terms of office. [Ord. 733 § 4, 2021; Ord. 111 § 3, 1973.]

**Chapter 2.12****MUNICIPAL ELECTIONS**

## Sections:

- 2.12.010 Application of state law.
- 2.12.020 Nonpartisan.
- 2.12.030 Voter qualifications.
- 2.12.040 Voter challenges.
- 2.12.050 Notice of openings.
- 2.12.060 Candidates' qualifications.
- 2.12.070 Declaration of candidacy.
- 2.12.080 Time for filing for office.
- 2.12.090 Record of filing.
- 2.12.100 Withdrawing from candidacy.
- 2.12.110 Form of ballot.
- 2.12.120 Sample ballots.
- 2.12.130 Distribution of ballots.
- 2.12.140 Printing and posting voter instructions.
- 2.12.150 Voter instructions set forth.
- 2.12.160 Eligibility for absentee ballot.
- 2.12.170 Application for absentee ballot.
- 2.12.180 Examination of absentee ballot applicant.
- 2.12.190 Issuance of absentee ballot.
- 2.12.200 Casting absentee ballot.
- 2.12.210 Counting absentee ballots.
- 2.12.220 Election officials.
- 2.12.230 Dates and hours for elections.
- 2.12.240 Notice of elections.
- 2.12.250 Election supplies and equipment.
- 2.12.260 Voting procedure at the polls.
- 2.12.270 Unused and damaged ballots.
- 2.12.280 Counting of ballots.
- 2.12.290 Certificate of returns.
- 2.12.300 Prohibited practices.
- 2.12.310 Canvass of returns.
- 2.12.320 Counting absentee and challenged ballots.
- 2.12.330 Manner of canvass.
- 2.12.335 Tie vote.
- 2.12.340 Record of results.
- 2.12.350 Runoff elections.
- 2.12.360 Certificate of election.
- 2.12.365 Seating of a newly elected official.
- 2.12.370 Notice of election contest.
- 2.12.380 Investigation of protests.
- 2.12.390 Recount.
- 2.12.400 Appeal.

- 2.12.410 Initiatives, referendums and recalls.
- 2.12.420 Penalty for violation.

For statutory provisions regarding nominations for municipal offices, see AS 29.28.015. For statutory provisions regarding initiative and referendum elections, see AS 29.28.060 et seq.; for provisions regarding special elections, see AS 29.28.020(b).

**2.12.010 Application of state law.**

The general election laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom and contests thereof insofar as they are applicable and not inconsistent with the ordinances of the city. [Ord. 115 § 1, 1973.]

**2.12.020 Nonpartisan.**

All elections held by the city shall be conducted on a nonpartisan basis. [Ord. 115 § 2, 1973.]

**2.12.030 Voter qualifications.**

A person may vote at any city election who:

- A. Has passed his eighteenth birthday;
- B. Has been a resident of the state for at least 30 days before the election;
- C. Has been a resident of the city for at least 30 days immediately preceding the election, and has been a registered voter with a residence address within the city for at least 30 days immediately preceding the election;
- D. Is a citizen of the United States;
- E. Is not disqualified from voting under Article V of the State Constitution; and
- F. Is registered to vote in state elections. [Ord. 221 § 5, 1984; Ord. 195 § 5, 1981; Ord. 115 § 3, 1973.]

**2.12.040 Voter challenges.**

Registration for state elections is prima facie evidence of a voter's qualification. However, it shall be the duty of election officials to challenge any voter who they believe is not qualified. An election judge may question any person of doubtful qualification attempting to vote and may require identification of the voter. Any voter may be challenged by any qualified voter of the city; however, a person who frivolously, maliciously or in bad faith challenges a voter is guilty of a misdemeanor. [Ord. 115 § 4, 1973.]

**2.12.050 Notice of openings.**

At least 60 days before each general election the city clerk shall post in three public places in the city a notice of offices to be filled at the election and the manner of filing. [Ord. 381 § 4, 1994; Ord. 115 § 5, 1973.]

**2.12.060 Candidates' qualifications.**

A. A qualified elector who shall have resided continuously in the city during the 30 days immediately preceding the election may be a candidate for an elective city office.

B. A person may be a candidate for more than one office, but he may not serve simultaneously as mayor and as a councilman.

C. Neither the mayor nor any member of the city council may hold any city employment or any other compensated city office, except that the mayor may serve as a city employee in the capacity of mayor only, and in no other capacity. [Ord. 573 § 4, 2006; Ord. 507 § 4, 2002; Ord. 381 § 4, 1994; Ord. 115 § 6, 1973.]

**2.12.070 Declaration of candidacy.**

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, or her designee, on a form provided by the city clerk. The declaration shall state in substance:

A. The full name of the candidate and the manner in which he wishes his name to appear on the ballot;

B. The full mailing and residence address of the candidate;

C. That the candidate is a qualified voter and resident of the city of Craig;

D. The office for which the candidate declares;

E. That the candidate agrees to serve the term for the amount of time elected for. [Ord. 381 § 6, 1994.]

**2.12.080 Time for filing for office.**

A declaration of candidacy shall be filed at the city clerk's office not earlier than 60 days nor later than 32 days before the election. [Ord. 507 § 4, 2002; Ord. 381 § 6, 1994.]

**2.12.090 Record of filing.**

The city clerk shall 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. 381 § 6, 1994.]

**2.12.100 Withdrawing from 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's office. [Ord. 381 § 6, 1994.]

**2.12.110 Form of ballot.**

A. Preparation. Ballots shall be prepared as provided by state law (AS 15.15.030) except that the clerk shall prepare the ballots and be governed by this chapter where in conflict with the state law and provisions of state law which are not appropriate for city elections shall be disregarded.

B. Headings and Instructions. The official ballot shall contain, at the top thereof, the words, "Official Ballot," and the date of the election, whether such election is a general municipal election or a special municipal election, and such instructions to the voters as will enable them intelligently to mark their ballots for the candidates for whom they desire to vote, and to intelligently vote upon the questions which are submitted.

C. Referendum Questions. Following the offices and candidates there shall be placed on the ballot, or on separate ballots as the clerk may determine, all propositions or questions to be voted upon. The words "yes" and "no" shall be placed below the statement of each proposition or question. [Ord. 115 § 11, 1973.]

**2.12.120 Sample ballots.**

In addition to the official ballots as prescribed, there shall be printed under the direction of the clerk, on paper of any color except white, not less than 100 ballots, which shall be marked as "Sample Ballots," and may be distributed to the candidates for office by the clerk in such quantities as may be reasonably required. [Ord. 115 § 12, 1973.]

**2.12.130 Distribution of ballots.**

The clerk shall have the ballots in her possession at least 20 days before each election. Sufficient ballots for the registered voters of each precinct shall be delivered to the election board for that precinct.

A receipt shall be taken from the election board member to whom ballots are delivered, said receipt to be preserved with other records of the election for one year. No ballots may be taken from the polling place before the closing of the polls except under the direction of the clerk. [Ord. 694 § 4, 2017; Ord. 381 § 4, 1994; Ord. 115 § 13, 1973.]

**2.12.140 Printing and posting voter instructions.**

Instructions to voters shall be printed under the direction of the clerk, on cardboard or heavy paper, and one copy of such instructions shall be posted in each room where polling booths are located and in each of the voting booths provided for the election. [Ord. 115 § 14, 1973.]

**2.12.150 Voter instructions set forth.**

Voter instructions shall be as follows:

A. When entering a polling place, give your name, and, if required, your residence, to the judge of election.

B. If your name is found on the registration list and your vote is not challenged, one of the judges or a member of the election board will hand you a ballot. If your name is not on the register you can vote by the challenged ballot method.

C. If your vote is challenged, you will not receive a ballot until you have established your right to vote.

D. When you have received your ballot, retire at once, alone, into one of the voting booths and prepare your ballot for the ballot box by marking it.

E. At the top of the ballot you will find instructions for the marking of the ballot, and below the instructions you will find the names of all candidates for the respective offices to be voted upon under the proper heading of the respective offices to be filled. Do not mark your ballot in any way except as directed below, and do not make any erasures.

F. To vote for a candidate:

1. If voting a paper ballot, make an (X) or a check in the square preceding his or her name on the ballot; or

2. Fill in the oval on the optical scan ballot if voting with the optical scan unit.

G. Do not vote for more candidates to any office than there are to be elected to such office. If

you do so this portion of your ballot will be rejected.

H. Before leaving the booth:

1. If voting a paper ballot, fold your ballot so as to conceal marks you made on it; or

2. If voting the optical scan unit, conceal ballot in secrecy sleeve.

I. After leaving the booth, without numbering or otherwise marking it, you must deposit your paper ballot or optical scan ballot in the ballot box.

J. You will not be allowed to occupy a voting booth with another voter, and you will not be allowed to occupy a booth for more than four minutes if others are waiting to vote.

K. You will not be allowed to take a ballot from the polling place except a sample ballot marked as such.

L. If two or more ballots are found folded together in the ballot box, neither will be counted, and you will not be allowed to vote any ballot except the one you have received from the judge. If you spoil a ballot in preparing it, you must return to the judge and ask for another in place of it, but in no case shall a voter be entitled to receive more than three ballots. Do not vote a torn or mutilated ballot.

M. If you are unable to mark your ballot for any reason which does not at the same time render you ineligible to vote, upon request, you will be assisted by two of the election officers appointed for that purpose, and these officers will mark the ballot in the booth for you as directed by you. Intoxication will not be regarded as a physical disability, and if intoxicated no assistance will be given in marking any ballot. [Ord. 488 § 4, 2000; Ord. 115 § 15, 1973.]

**2.12.160 Eligibility for absentee ballot.**

Any qualified voter who expects to be absent from his election precinct or who will be unable to go to the polling place of that precinct for reasons of physical disability on the day of election may cast an absentee ballot. The provisions of this chapter effectuating the constitutional guarantee of absentee voting rights shall be liberally construed. [Ord. 115 § 16, 1973.]

**2.12.170 Application for absentee ballot.**

A. General Requirements. Any qualified elector desiring to vote an absentee ballot shall, not

more than 30 days before nor later than the opening of the polls before such election, apply in person or by letter to the clerk for permission to vote an absentee ballot. If other than by person, the application must be signed by the applicant and must state to the clerk the applicant’s reason for requesting an absentee ballot.

B. Emergency Application by Physically Disabled Voter. Any qualified voter who is a patient under the care of a physician in a hospital or a private home on the day of election and is unable to go to the polls, may request delivery of a ballot to him after the time for application for absentee ballots has lapsed. [Ord. 381 § 4, 1994; Ord. 115 § 17, 1973.]

**2.12.180 Examination of absentee ballot applicant.**

The clerk shall make an investigation of the applicant touching his qualifications as an elector and satisfy himself that such applicant is duly qualified. [Ord. 115 § 18, 1973.]

**2.12.190 Issuance of absentee ballot.**

Any qualified voter may cast an absentee ballot on or after the day the ballots are available from the municipal clerk up to and including election day in a location and at times determined by the municipal clerk. The clerk shall deliver to said elector either personally, by his duly authorized representative or by special mail and shall keep a register containing the number of the ballot issued, the name of the elector and the date of delivery or mailing. The clerk shall deliver to the elector the following:

- A. An unmarked ballot;
- B. A small envelope which shall have upon it only a blank certificate in the following form:

I, \_\_\_\_\_ hereby certify that on the date of this general or special municipal election, to be held in the City of Craig, Alaska, I am an elector qualified to vote; and that I have herein enclosed by ballot for such election, duly marked, in the presence of no other person.

Signed \_\_\_\_\_

Witness \_\_\_\_\_

C. A large envelope addressed to the clerk and marked “Ballot Enclosed”;

D. The following instructions either verbally or in writing if the ballot is to be mailed:

**INSTRUCTIONS TO ABSENTEE VOTERS**

1. Vote alone in the presence of no one else.
2. To vote for a candidate make an “X” in the square preceding his name if voting by paper ballot, or fill in the oval if voting on the optical scan unit.
3. At the top of the ballot you will find additional instructions for marking your ballot.
4. After marking your ballot put it in the small white envelope and seal the envelope. Fill out the certificate form on this envelope, sign it, and have it witnessed.
5. Put the small envelope in the large one already addressed to the clerk and mail it, postmarked or delivered personally not later than 8:00 p.m. of the day of the municipal election. It is recommended you mail your ballot as soon as possible.

[Ord. 694 § 4, 2017; Ord. 488 § 4, 2000; Ord. 115 § 19, 1973.]

**2.12.200 Casting absentee ballot.**

Except for ballots issued under an emergency application by physically disabled voters (CMC 2.12.170(B)), ballots must be either personally delivered to the clerk before the opening of the polls on election day or postmarked not later than the hour set for closing the polls on election day. Ballots issued under an emergency application by physically disabled voters must be delivered to the clerk or his duly authorized representative not later than the hour set for closing the polls on election day. [Ord. 115 § 20, 1973.]

**2.12.210 Counting absentee ballots.**

At the same time as the canvass of all regular ballots, the council shall open, count and canvass all absentee voters’ ballots that have been received. [Ord. 115 § 21, 1973.]

**2.12.220 Election officials.**

A. Election Supervisor. The clerk shall be the election supervisor. He shall conduct the election and have authority to take such actions as are necessary to carry out the intent of this chapter.

B. Judges. Prior to each election, the mayor with the approval of the council shall appoint at least three judges of election for each polling place. One judge shall be designated chairman and shall be primarily responsible for administering the election in that precinct. If a judge is not able or refuses to serve on election day, the clerk may appoint a replacement. A judge shall be a voter of the precinct for which appointed unless no voter is willing to serve.

C. Clerks. The clerk may appoint up to three election clerks at any polling place where they are needed to conduct an orderly election to relieve the election judges of undue hardship.

D. Election Officials to Be Qualified Electors. Each election official serving at a precinct polling place must be a qualified voter and reside within the precinct for which he is appointed.

E. Oath. The election official shall take or subscribe to the following oath:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will honestly and faithfully perform the duties of judge (or clerk) of election according to law; and that I will assiduously endeavor to prevent fraud, deceit, or abuse in conducting the election, to the best of my ability, SO HELP ME GOD.

F. Training Session. All election officials must attend a training session unless excused therefrom by the clerk. Any appointed official who fails to attend a training session without being excused will be subject to dismissal by the clerk who is authorized to make an appointment to fill the vacancy caused by such dismissal.

G. Compensation. The judges and clerks of election shall be paid such compensation for their services as is determined by resolution of the council. [Ord. 284 § 5, 1989; Ord. 115 § 22, 1973.]

**2.12.230 Dates and hours for elections.**

A. General Elections. A general election to elect officers and vote on propositions submitted

by the council shall be held on the first Tuesday in October of each year.

B. Special Elections. Special elections may be called and held at any time by resolution or ordinance specifying the purposes for which the same will be held.

C. Hours. The polls shall be open in each precinct for the purposes of voting from 7:30 a.m. to 8:00 p.m. on each election day. [Ord. 542 § 4, 2005; Ord. 115 § 23, 1973.]

**2.12.240 Notice of elections.**

The clerk, subject to any directions from the council, shall give at least 20 days' notice of each election, by posting notice thereof at three conspicuous and public places in the city, including one posting in each voting precinct of the city, or by publishing the notice in a newspaper of general circulation within the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon and the time of the election. If the entire city constitutes one voting precinct, the notice shall so state. If the city is divided into more than one voting precinct, the location of the polling place for each precinct shall be stated, and also a statement of where maps of the precincts are posted for inspection. [Ord. 284 § 6, 1989.]

**2.12.250 Election supplies and equipment.**

The clerk shall cause to be erected in the polling place(s), a sufficient number of booths, which shall be supplied with such supplies and conveniences as will enable the voter to mark his ballot for voting and in which the voter may prepare his ballot screened from observation. The ballot boxes shall be within plain view of the election officers and voters and persons within the polling place, outside of the booths. [Ord. 115 § 25, 1973.]

**2.12.260 Voting procedure at the polls.**

A. Before issuing any ballots, the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box then shall be closed and shall not be opened again or removed from the polling place until the polls have closed.

B. The voter shall give the election officials his name and address. If it is determined that he is a qualified voter of that precinct, he then shall place



his signature on the appropriate line in the registration book provided by the clerk. If any election official present believes the voter is not qualified, he shall immediately challenge the voter.

C. A person whose right to vote has been challenged may be issued a ballot if he first completes

and subscribes to an affidavit of his qualification. When the marked ballot is returned to the election officials, it shall be placed in an envelope to permit segregation before being cast in the ballot box. The clerk shall provide forms and materials for this procedure. All envelopes containing challenged ballots shall be returned to the clerk for delivery, unopened, to the council at the time of canvass.

D. If the voter is not challenged, or if he has complied with the challenged ballot procedure, the election officials will issue to him the ballot or ballots to which he is entitled.

E. Each voter shall retire alone to a booth or private area to mark his ballot. If a voter is blind or otherwise physically unable to mark his ballot alone, he may request assistance and it will be provided by two election officials. Immediately after marking the ballot, the voter shall return it to the election judge, having concealed the manner in which it is marked. The election official shall remove the numbered tab or tabs and deposit the ballot in the ballot box.

F. If a voter improperly marks or otherwise damages a ballot, he shall return it to the election officials, concealing the manner in which it is marked from view, and shall request a new ballot. The election officials shall destroy the damaged ballot after having recorded its number and shall issue a new ballot to the voter. A voter may request replacement of a damaged ballot no more than three times.

G. Fifteen minutes before the closing of the polls, the time remaining before such closure shall be proclaimed. When the polls are closed for the purpose of voting, that fact shall likewise be proclaimed and thereafter no ballot shall be issued except to those voters who were present and waiting their turn to go through the voting procedure at the time prescribed for closing the polls. [Ord. 115 § 26, 1973.]

#### **2.12.270 Unused and damaged ballots.**

The numbers of all ballots not issued shall be recorded and then all such ballots shall be segregated and removed from the area in which the counting is to take place before the ballot box is opened. The numbers of ballots damaged by voters and replaced pursuant to CMC 2.12.260(F) shall also be recorded. The record of ballots not issued and ballots damaged as well as the ballots them-

selves shall be delivered to the clerk with other election materials and shall be preserved for six months. [Ord. 115 § 27, 1973.]

#### **2.12.280 Counting of ballots.**

A. The opening of the ballot box and the counting of ballots shall be accomplished in full view of any persons present. The public may not be excluded from the area in which ballots are counted. However, the chairman of the election board 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.

B. Immediately following the closing of the polls and the disposition of unused ballots pursuant to CMC 2.12.270, the election officials shall open the ballot box and:

1. If paper ballots are used, count the number of ballots cast; or

2. If electronically counted ballots are used, the election judges shall separate those that are marked in a questionable manner. With necessary adjustment to account for the number of ballots required to present to each voter all of the offices and propositions on which he is entitled to vote, the number of ballots cast shall agree with the number of signatures on the registration book. If a discrepancy exists which cannot be resolved, the election officials shall explain the discrepancy to the best of their ability in writing for delivery to the clerk.

C. The clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy and to expedite the process. No person handling ballots may have a marking device in hand other than the rubber stamp provided pursuant to this section. Ballots not counted or parts of ballots not counted pursuant to AS 15.15.360 shall be marked "REJECTED." Ballots not counted shall be retained and with counted ballots be delivered to the clerk. [Ord. 488 § 4, 2000; Ord. 115 § 28, 1973.]

#### **2.12.290 Certificate of returns.**

When the tally of votes is completed, a certificate of returns shall be prepared and signed by three election judges. After completion of the certificate of returns, the counted ballots shall be placed in an envelope provided by the clerk and

shall be delivered to the clerk by noon of the day following, together with the rejected ballots to be preserved for six months, after which they shall be destroyed. [Ord. 115 § 29, 1973.]

**2.12.300 Prohibited practices.**

A. Prohibition of Political Persuasion. During the hours the polls are open no person who is in the polling place or within 200 feet of any entrance thereto may attempt to persuade any person to vote for or against any candidate, proposition or question. At their discretion, the election judges shall post warning notices to this effect on forms provided by the clerk.

B. Undue Influence by Force. Any person who directly or indirectly uses or threatens to use force, coercion, violence or restraint or who inflicts or threatens to inflict damage, harm, or loss upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question or to sign or not to sign any initiative or referendum petition is guilty of corrupt practice.

C. Undue Influence by Offer.

1. Any person who gives or promises to give, offers, or solicits, accepts, or agrees to accept any money or valuable thing to any person with the intent to induce him to vote for or restrain from voting for any candidate at any election or for any election proposition or question, or to sign or not to sign any initiative or referendum petition, is guilty of a misdemeanor.

2. The providing of refreshments of any nature on election day by any candidate, political party, or those acting for them or identified with them shall be within the above-stated prohibition.

3. The providing of refreshments of any nature by any person seeking to induce others to sign or not to sign any petition for initiative or referendum shall be within the above-stated prohibition.

D. Improper Subscription to Petition. Any person who signs any name other than his own to a petition proposing an initiative, referendum, or recall, or who knowingly signs his name more than once for the same proposition, question or candidate at one election, or who signs the petition knowing he is not a qualified voter, shall be guilty of a misdemeanor.

E. Undue Influence of Election Official. Any person who by force, threat, intimidation or offers of reward induces or attempts to induce any election official to fail in his duty, shall be guilty of a misdemeanor.

F. Penalty. Any person convicted of a violation of any of the above subsections shall be subject to punishment as provided in CMC 1.16.010. [Ord. 284 §§ 7 – 10, 1989; Ord. 115 § 30, 1973.]

**2.12.310 Canvass of returns.**

Not later than seven days after the election the council shall meet and canvass the election returns. The canvass may be postponed from day-to-day but not exceeding three postponements. The council shall declare the election results at the first meeting to canvass the election, record the results in the minutes of that meeting, and authorize the results to be certified. [Ord. 284 § 11, 1989.]

**2.12.320 Counting absentee and challenged ballots.**

A. Adjudication on Absentee and Challenged Ballots. The clerk shall provide such evidence as may be required to assist the council in judging the voter qualifications of those who cast absentee and challenged ballots. In full view of those present the council shall make a determination upon each of these ballots. To be counted in the election an absentee ballot must be received by the clerk before the date and hour of the canvass. Ballot envelopes received after that time shall not be opened but shall be marked "Invalid," the date and hour of receipt noted thereon, and shall be preserved for six months with other ballots of the election.

B. Manner of Counting. Accepted challenged and absentee ballots shall be counted in the following manner: The ballots shall be removed from the identifying outer envelopes and shuffled thoroughly. The envelopes shall also be shuffled thoroughly and delivered to the clerk to be preserved with other records of the election. The votes cast on these ballots shall then be tallied in the same manner as were other ballots of the election. [Ord. 115 § 32, 1973.]

**2.12.330 Manner of canvass.**

The canvass of all election returns shall be made in public by examining the judge's certificates of

returns and compiling these along with the tally of valid absentee and challenged ballots. Or, at the discretion of the council, actual recount may be undertaken under usual counting procedures and after due notice to candidates. [Ord. 115 § 33, 1973.]

**2.12.335 Tie vote.**

If there is a tie vote and there is a failure to elect after a recount process has been completed and the results remain in a tie, the election shall be determined fairly by the flip of a coin, or by some method determined by the council. [Ord. 625 § 4, 2010.]

**2.12.340 Record of results.**

The results of all elections shall be noted in the record of the proceedings of the council. The record shall contain a statement of:

- A. The total number of votes cast at each election;
- B. The votes cast for each person and for and against each proposition;
- C. The name of each person elected to office and the office to which elected; except that if no candidate receives at least 40 percent of the vote cast for any office, a certificate shall be issued to the two persons receiving the highest vote for the office, stating the number of votes received by each and certifying them as candidates in a runoff election. [Ord. 115 § 34, 1973.]

**2.12.350 Runoff elections.**

If no candidate receives in excess of 40 percent of the votes cast for his respective office, the council shall provide for a runoff election within three weeks of the date of certification of the election for which a runoff is required between the two candidates receiving the greatest number of votes for the office. Notice of the runoff election shall be published at least five days before the election. [Ord. 284 § 12, 1989.]

**2.12.360 Certificate of election.**

Immediately after the canvass is completed, the clerk shall make and sign a certificate of election of each person elected and on call deliver the certificate to him. A certificate so made shall be prima facie evidence of the truth of the statements contained in it. [Ord. 115 § 36, 1973.]

**2.12.365 Seating of a newly elected official.**

A newly elected official shall be seated when the regular term of office begins on the first Monday following certification of the election, or at the first city council meeting following certification of the election, whichever comes first. [Ord. 623 § 4, 2010.]

**2.12.370 Notice of election contest.**

Any person qualified to vote in the municipality who believes prohibited practices have occurred at an election shall deliver to the clerk prior to or at the time for the first canvass of election returns, a written notice of contest signed under oath, wherein shall be stated with particularity the ground for contest and citation of all alleged prohibited practices in approximately the following form:

NOTICE OF ELECTION CONTEST

The undersigned believes that the following prohibited practices occurred at the election held on \_\_\_\_\_. The undersigned states that the following persons violated \_\_\_\_\_ in the following manner: \_\_\_\_\_.

\_\_\_\_\_  
Signature of Person Contesting

SUBSCRIBED and SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

The city clerk shall apprise the council of receipt of the notice before canvass of the returns has commenced. [Ord. 115 § 37, 1973.]

**2.12.380 Investigation of protests.**

Upon receiving such notice of protest, the council shall order an investigation to be made by the clerk and mayor. The contestant, the person or persons whose election is contested and the public shall be allowed to attend all investigation proceedings which shall be conducted publicly. [Ord. 115 § 38, 1973.]

**2.12.390 Recount.**

If the contestant demands only a recount of the ballots cast at said election, the investigation to be conducted in accordance with CMC 2.12.380 shall be limited in its scope to a recount of the ballots by the election board which allegedly made the error. 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. After such recount the council shall review the results and determine the number of votes cast for each candidate whose votes were contested or for and against the proposition for which the recount was made. The results shall be entered in the record of the meeting at which such determination is made. [Ord. 115 § 39, 1973.]

**2.12.400 Appeal.**

After the council has made its final determination of the votes cast for each candidate and for and against each proposition, such determination shall be final but be subject to appeal as provided in AS 29.26.070. [Ord. 115 § 40, 1973.]

**2.12.410 Initiatives, referendums and recalls.**

Initiatives, referendums and recalls shall be conducted as provided in Article II of AS 29.26. [Ord. 115 § 42, 1973.]

**2.12.420 Penalty for violation.**

Any person who does any act or thing prohibited by the terms of this chapter is guilty of a misdemeanor and shall be punished upon conviction as provided in CMC 1.16.010. [Ord. 115 § 41, 1973.]

**Chapter 2.20**

**CRAIG EMERGENCY SERVICES DEPARTMENT**

Sections:

- 2.20.010 Establishment and purpose.
- 2.20.020 Structure.
- 2.20.030 Fire chief appointment and accountability.
- 2.20.035 EMS coordinator appointment and accountability.
- 2.20.040 Duties of fire chief.
- 2.20.045 Duties of EMS coordinator.
- 2.20.050 Membership.
- 2.20.060 Social officers.
- 2.20.070 Apparatus and equipment.
- 2.20.080 Prohibited acts.
- 2.20.090 Enforcement.

**2.20.010 Establishment and purpose.**

A department, known as the Craig emergency services department, is created. The purpose of the department is to prevent and respond to fire and emergency medical service incidents for the benefit of people and property in Craig. [Ord. 677 § 4, 2015.]

**2.20.020 Structure.**

The department consists of two components: a fire squad, led by the fire chief; and an emergency medical services squad, led by the EMS coordinator. The fire chief and EMS coordinator may provide for subordinate officers within their squads. [Ord. 677 § 4, 2015.]

**2.20.030 Fire chief appointment and accountability.**

A. The chief shall be appointed by the mayor and be subject to confirmation by the city council, for an indefinite period of time. The chief's tenure of office shall depend upon good conduct and efficiency. The chief shall be technically qualified by training and experience and shall have ability to command members of the squad and hold their respect and confidence. The chief is an at-will position and may be removed at any time by the council. The chief shall report to and take direction from the city administrator.

B. The chief shall be held accountable for the Craig volunteer fire squad only, and shall make written and verbal reports as the council may require. All fire squad volunteers shall be accountable to and subject to removal by the chief. [Ord. 677 § 4, 2015.]

**2.20.035 EMS coordinator appointment and accountability.**

A. The EMS coordinator shall be appointed by the mayor and subject to confirmation by the city council, for an indefinite period of time. The coordinator's tenure of office shall depend upon good conduct and efficiency. The EMS coordinator shall be technically qualified by training and experience and shall have ability to command the squad and hold their respect and confidence. The coordinator is an at-will position and may be removed at any time by the council. The coordinator shall report to and take direction from the city administrator.

B. The EMS coordinator shall be held accountable for the Craig EMS squad only, and shall make written and verbal reports as the council may require. All EMS volunteers shall be accountable to the EMS coordinator only, and subject to removal by the coordinator. [Ord. 677 § 4, 2015.]

**2.20.040 Duties of fire chief.**

A. The fire chief shall formulate a set of rules and regulations to govern fire squad volunteers, and shall be responsible for the personnel, morale and general efficiency of the squad.

B. The fire chief shall determine the number and kind of companies of which the fire squad is to be composed and shall determine the response of such companies to calls for service.

C. The fire chief shall conduct, at least once a month, suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the city, fire prevention, water supplies, and all other matters generally considered essential to safety of life and property from fire.

D. The fire chief is required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

E. The fire chief is empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections as provided

in Chapter 1.12 CMC, and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found.

F. Any person so served with a notice to abate any fire hazard or hazards shall comply therewith and promptly notify the fire chief.

G. The fire chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel, training, and other information about the work of the fire squad. Records shall be maintained in compliance with the state of Alaska statutes governing management and preservation of public records.

H. The fire chief shall report regularly to the council the condition of the apparatus and equipment; the number of fires since the prior report, their location and cause, and date of same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run, and any changes in membership.

I. The fire chief shall make a complete annual report to the council within one month after the close of the fiscal year, such report to include the information specified in subsection (G) of this section, together with comparative data for previous years and recommendation for improving the effectiveness of the department. [Ord. 677 § 4, 2015.]

**2.20.045 Duties of EMS coordinator.**

A. The EMS coordinator shall formulate a set of rules and regulations to govern EMS employees and volunteers, and shall be responsible to the council for the personnel, morale and general efficiency of the squad.

B. The EMS coordinator shall determine the number and kind of companies of which the EMS squad is to be composed and shall determine the response of such companies to alarms.

C. The EMS coordinator shall conduct, at least once a month, suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, and all other matters generally considered essential to good emergency services practices and safety of life and property.

D. The EMS coordinator shall see that complete records are kept of all calls, inspections, apparatus and minor equipment, personnel, train-

ing, and other information about the work of the department. Records containing patient information shall be stored and secured in compliance with state and federal law.

E. The EMS coordinator shall report regularly to the council the condition of the apparatus and equipment; the number of EMS calls during the month, the number and purpose of all other runs made; and the number of members responding to each medical emergency or other run; and any changes in membership.

F. The EMS coordinator shall make a complete annual report to the council within one month after the close of the fiscal year, such report to include the information specified in subsection (E) of this section, together with comparative data for previous years and recommendation for improving the effectiveness of the EMS squad. [Ord. 677 § 4, 2015.]

#### **2.20.050 Membership.**

A. The membership of the department consists of such persons as may be appointed by the chief and EMS coordinator for their respective squads.

B. Any member of the department may be suspended or discharged from the department by the chief and/or EMS coordinator at any time the chief or coordinator deem such action necessary for the good of the department.

C. Each member of the department shall be issued an identification card. [Ord. 677 § 4, 2015.]

#### **2.20.060 Social officers.**

A. The department may elect social officers. Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the department.

B. The functions and duties of social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire or emergency medical service activities of the department. [Ord. 677 § 4, 2015.]

#### **2.20.070 Apparatus and equipment.**

A. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property.

B. Recommendations of apparatus and equipment needed shall be made by the chief and/or EMS coordinator to the city administrator, and upon approval by the council shall be purchased in such a manner as may be designated by the council.

C. All equipment of the department shall be safely and conveniently housed in such places as may be designated by the council and such places shall be heated during the winter season.

D. No person shall use any department apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department.

E. No person shall enter any place where department apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by or having the permission of the city administrator, the city administrator's designee, or an authorized member of the department. [Ord. 677 § 4, 2015.]

#### **2.20.080 Prohibited acts.**

A. No person shall drive any vehicle over fire hose except upon specific orders from the chief or other officer in charge.

B. No person shall park any vehicle or otherwise cause any obstruction to be placed within 30 feet of the entrance to any department station or other place where department apparatus is stored, or within 10 feet of any fire hydrant.

C. No unauthorized person in any vehicle shall follow within 300 feet of any apparatus belonging to the department, nor park any vehicle within 300 feet of a fire.

D. No person shall maliciously turn in or cause to be turned in a false alarm. [Ord. 677 § 4, 2015.]

#### **2.20.090 Enforcement.**

A. Any person violating the provisions of CMC 2.20.040(F), 2.20.070(D) or (E), or 2.20.080 shall, upon conviction before the municipal magistrate, pay a fine of not less than \$50.00 or more than \$100.00 for each offense.

B. All regularly appointed members of the department are given the necessary special police powers for the purpose of enforcing the provisions of this chapter.

C. It is made the special duty of the chief of police and/or other peace officers to respond to all

calls for service and assist the department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of all sections of this chapter. [Ord. 677 § 4, 2015.]



**Chapter 2.24****POLICE DEPARTMENT**

## Sections:

- 2.24.010 Establishment.
- 2.24.020 Management and personnel.
- 2.24.030 Powers and duties.

**2.24.010 Establishment.**

There is established a police department for the city. [Ord. 226 § 5, 1984.]

**2.24.020 Management and personnel.**

The city council shall select a chief of police who shall serve for an indefinite term with compensation to be from time to time determined by the city council. The chief of police shall be responsible to, and subject to the supervision of, the city's chief administrative officer. The mayor may (in writing) delegate to the city administrator the mayor's functions as chief administrative officer and personnel officer with respect to the police department. The chief of police shall be an officer of the city and shall have supervision and control of the police department. The chief of police shall select personnel (subject to review and approval by the city's personnel officer) to serve as police officers and staff members. [Ord. 226 § 4, 1984.]

**2.24.030 Powers and duties.**

A. It shall be the duty of the police department to apprehend and arrest and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state laws as provided by law, and turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of policemen. The police department shall have charge of and operate the city jail.

B. It shall also be the duty of the police department and such officers as are assigned by the chief of police to enforce all traffic regulations and all of the state motor vehicle laws applicable to street and highway traffic of the city, to make arrests for traf-

fic violations, to investigate accidents and to carry out those duties especially imposed upon the department. [Ord. 137 § 5, 1976.]

**Chapter 2.26**

**Chapter 2.28**

**PUBLIC WORKS DEPARTMENT**

**CIVIL DEFENSE AGENCY**

Sections:

- 2.26.010 Establishment.
- 2.26.020 Functions.

Sections:

- 2.28.010 Short title.
- 2.28.020 Creation.
- 2.28.030 Purpose.
- 2.28.040 Situation and assumptions.
- 2.28.050 Organization and responsibilities.
- 2.28.060 Operational objectives.
- 2.28.070 Functions and services.

**2.26.010 Establishment.**

There is established a public works department, which shall be administered by a public works director. The public works director shall be appointed by the mayor, subject to confirmation by the council. The public works director shall be responsible to, and subject to the supervision of, the city’s chief administrative officer. [Ord. 227 § 4, 1984.]

For statutory provisions concerning local organization for civil defense, see AS 26.20.060; for provisions regarding civil defense generally, see AS Chapter 26.20.

**2.26.020 Functions.**

The public works department shall manage the functional operation and perform all routine maintenance of city-owned utility systems and roads and all city-owned capital improvements and property of whatever kind. The department shall, to the extent the city’s chief administrative officer may from time to time direct, participate in and/or manage the construction of new capital improvements. [Ord. 227 § 4, 1984.]

**2.28.010 Short title.**

The ordinance codified in this chapter shall constitute the city civil defense ordinance and may be cited as such. [Ord. 133 § 1, 1976.]

**2.28.020 Creation.**

There is created a civil defense agency for the city, to be composed of the mayor and such persons as may be appointed from time to time. The mayor may serve as the civil defense director or he may appoint a director and staff to serve at his pleasure for the city. All city officers and employees, together with those volunteer forces enrolled to aid them prior to or during a disaster, shall constitute the civil defense agency as provided by law. [Ord. 133 § 5, 1976.]

**2.28.030 Purpose.**

It is the goal of the city civil defense agency to provide maximum protection for life and property and to repair damage and recover from injury and damage caused by manmade or natural disaster affecting the city. [Ord. 133 § 5, 1976.]

**2.28.040 Situation and assumptions.**

A. Situation.

1. The city, a community of 467, is located on the west shore of Prince of Wales Island, some 60 miles west of Ketchikan, Alaska.
2. The city contains no major industrial complexes or strategic facilities and is not considered a prime target area.

B. Assumptions.

1. Coastal flooding could result from storm-driven waves.
2. Local and teleseismic tsunamis (seismic sea waves) are possible.
3. Winter storms and high winds constitute a threat to the city.
4. Fires, including forest fires, are also a threat to the community.
5. The city could receive dangerous radioactive fallout from nuclear weapons detonated elsewhere. [Ord. 133 § 5, 1976.]

**2.28.050 Organization and responsibilities.**

- A. The mayor of the city will assume command of all personnel assigned responsibility under this plan upon declaration of a state of emergency by federal, state or local authorities authorized to do so or upon receipt of warning of an impending disaster, or actual occurrence of a natural disaster.
- B. The civil defense director is the chief of staff for day-to-day administration and coordination of disaster preparedness activities and, if other than the mayor, advises the mayor in all matters pertaining to the agency's activities.
- C. Each department head will maintain liaison and coordination with the civil defense director.
- D. Business leaders of the city are responsible for cooperation with local government in planning and executing measures designed to assure continued functioning and rapid restoration of the local economy.
- E. Residents of the city are responsible for their own emergency needs and for participation in the general survival and recovery effort. [Ord. 133 § 5, 1976.]

**2.28.060 Operational objectives.**

The objectives of the civil defense agency are to:

- A. Eliminate or lessen the effects of disasters on life and property;
- B. Provide expedient fallout shelter for the residents, and information and training on the effects of radiation and protective measures;
- C. Receive and disseminate warnings of impending threat;
- D. Identify a protected location for the use of city officials as an emergency operations center;
- E. Provide food and shelter to those residents of the city affected by a natural disaster;

F. Advise all residents that a severe local earthquake may be the only warning of a sea wave that they might receive, and to proceed to high ground immediately; and

G. Coordinate with the Alaska Disaster Office for state and federal assistance when local capability is not adequate to cope with disaster-related requirements. [Ord. 133 § 5, 1976.]

**2.28.070 Functions and services.**

A. The civil defense agency will provide notification of impending or actual attack upon the United States and, when available, notification of impending natural disaster. Primary communications are by telephone, with business and private shortwave radios used as a backup.

B. The civil defense agency will also provide for continuation of governmental functions, in the event of nonavailability of any or all of the city officials, by establishing a line of succession.

C. The volunteer fire department will train its members and establish a radiological monitoring capability. It will coordinate with and assist public works personnel in providing expedient fallout shelters and in decontamination of shelters and vital facilities, primarily by firehosing and limited strip decontamination. Boats are considered as primary expedient shelter, weather permitting.

D. The health officer is responsible for the health and welfare services and for providing such services as are available.

E. The city clerk is responsible for the provision of administrative and fiscal services.

F. The city will implement the federal general freeze order, stabilize prices, and establish consumer rationing upon notification from the Governor or the Alaska Disaster Office.

G. Primary responsibility for survival lies with the individual. When his resources and capabilities are taxed, he applies to the city, which will provide assistance to the full extent of its capabilities, and then to the state and federal governments. Individuals are also responsible for participation in the general survival and recovery efforts. [Ord. 133 § 5, 1976.]

**Chapter 2.40**

**Chapter 2.50**

**HARBOR DEPARTMENT**

**PLANNING DEPARTMENT**

Sections:

- 2.40.010 Harbormaster.
- 2.40.020 Powers and duties.

Sections:

- 2.50.010 Planning director.
- 2.50.020 Powers and duties.

**2.40.010 Harbormaster.**

There shall be a harbor department, the head of which shall be the harbormaster, appointed by the mayor, subject to confirmation by the council, for an indefinite term. The harbormaster shall have supervision and control of the harbor department and of City Dock, North Cove Small Boat Harbor, South Cove Small Boat Harbor, and all ancillary dock or harbor facilities, hereinafter referred to as Craig Boat Harbor. The harbormaster shall be responsible to, and subject to the supervision of, the city's chief administrative officer. [Ord. 336 § 5, 1992.]

**2.40.020 Powers and duties.**

In connection with the enforcement of the provisions of CMC Title 4, the harbormaster shall have the authority hereinafter specified:

A. Boarding of Boats. The harbormaster shall have the authority to board any boat within Craig Boat Harbor to abate a nuisance, to protect life and property, and to otherwise enforce the provisions of this title and CMC Title 4.

B. Posting. The harbormaster shall have the exclusive authority to post signs and to thereby designate the limit of boat speeds, classifications and use of Craig Boat Harbor areas, areas where reserved mooring is allowed, and such other signs and notices as will inform the public at large and all boat owners of authorized and prohibited uses of Craig Boat Harbor.

C. Issuance of Notice of Violation. The harbormaster shall have the authority to issue or cause to be issued a notice of ordinance violation against any person violating any provision of CMC Title 4. [Ord. 336 § 5, 1992.]

**2.50.010 Planning director.**

There shall be a planning department, the head of which shall be the planning director, appointed by the mayor, subject to confirmation by the council, for an indefinite term. The planning director shall be responsible to, and subject to the supervision of, the city's chief administrative officer, and shall have supervision and control of the planning department. [Ord. 337 § 4, 1992.]

**2.50.020 Powers and duties.**

The powers and duties of the planning director and planning department are those as specified in CMC Title 18 (Land Development Code). [Ord. 337 § 4, 1992.]

**2.54.050 Powers.**

- A. The authority may:
1. Sue and be sued;
  2. Have a seal and alter it;
  3. Acquire an interest in a project as necessary or appropriate to provide financing for the project, whether by purchase, gift, or lease;
  4. Lease to others a project acquired by the authority on the terms and conditions the authority may consider advisable, including, without limitation, provisions for purchase or renewal;
  5. Sell, by installment sale or otherwise, exchange, donate, convey, or encumber in any manner by mortgage or by creation of another security interest, real or personal property owned by it or in which it has an interest, including a project, when, in the judgment of the authority, the action is in furtherance of the authority's purposes;
  6. Accept gifts, grants, or loans, under the terms and conditions imposed under the gift, grant, or loan, and enter into contracts, conveyances, or other transactions with a federal agency or an agency or instrumentality of the state, a municipality, a federally recognized tribe, a Section 8(a) minority business, a nonprofit 501(c)(3) foundation, a private organization, or another person;
  7. Deposit or invest its funds, subject to agreements with bondholders;
  8. Purchase or insure loans to finance the costs of projects;
  9. Provide physical security as to any project of the authority within the boundaries of the authority;
  10. Enter into loan agreements for one or more projects on the terms and conditions the authority considers advisable;
  11. Acquire, manage, and operate projects the authority considers necessary or appropriate to serve the authority's purposes;
  12. Assist private lenders to make loans to finance the costs of projects through loan commitments, short-term financing, or otherwise;
  13. Charge fees or other forms of remuneration for the use or possession of projects under the agreements described in this subsection; other agreements relating to the projects, covenants, or representations made in bond documents relating to the projects; or regulations of the authority relating to the projects;

14. Regulate land use within the area of any project of the authority in a manner not prohibited by the planning and zoning ordinances of any participating municipalities of the authority;

15. Defend and indemnify a current or former member of the board, employee, or agent of the authority against all costs, expenses, judgments, and liabilities, including attorney fees, incurred by or imposed on that person in connection with a civil or criminal action in which the person is involved because of the person's affiliation with the authority if the person acted in good faith on behalf of the authority and within the scope of the person's official duties and powers;

16. Purchase insurance to protect and hold harmless its employees, agents, and board members from an action, claim, or proceeding arising out of the performance of, purported performance of, or failure to perform in good faith, duties for the authority or arising out of employment with the authority and to hold them harmless from expenses connected with the defense, settlement, or monetary judgments from that action, claim, or proceeding; the purchase of insurance is subject to the discretion of the board; insurance purchased under this subsection is not compensation to the insured person; and

17. Protect its assets, services, and employees by purchasing insurance or providing for certain self-insurance retentions.

B. The authority shall maintain casualty, property, business interruption, marine, boiler and machinery, pollution liability, and other insurance in amounts reasonably calculated to cover potential claims against the authority or a municipality for bodily injury, death or disability, and property damage that arise from or are related to authority operations and activities. [Ord. 611 § 5, 2010.]

**2.54.060 Limitations.**

The authority is not limited except as expressly set forth herein or in statute. [Ord. 611 § 6, 2010.]

**2.54.070 Debt.**

Subject to the provisions of AS 29.35.825 through 29.35.850, as amended, the authority may borrow money and may issue bonds on which the principal and interest are payable:

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

- 2.04 Officers and Council Rules**
- 2.06 Councilmember Participation in Lawsuit Negotiations**
- 2.07 Advisory Committees**
- 2.08 Election and Term of Officers**
- 2.12 Municipal Elections**
- 2.20 Craig Emergency Services Department**
- 2.24 Police Department**
- 2.26 Public Works Department**
- 2.28 Civil Defense Agency**
- 2.40 Harbor Department**
- 2.50 Planning Department**
- 2.54 Regional Solid Waste Management Authority**

## Chapter 2.04

### OFFICERS AND COUNCIL RULES

#### Sections:

- 2.04.010 Corporate seal.
- 2.04.020 Officers designated.
- 2.04.030 Books and records.
- 2.04.040 Powers and duties of mayor.
- 2.04.045 Mayor's compensation.
- 2.04.047 Powers and duties of administrator.
- 2.04.050 Duties of municipal clerk.
- 2.04.060 Duties of treasurer.
- 2.04.070 Duties of city attorney.
- 2.04.080 Duties of chief of police.
- 2.04.090 *Repealed.*
- 2.04.100 Bonds of officials.
- 2.04.110 Oaths of office.
- 2.04.120 Discrimination in employment.
- 2.04.130 Conflicts of interest.
- 2.04.140 Vacancies.
- 2.04.150 Council meeting date.
- 2.04.160 Quorum and voting at council meetings.
- 2.04.165 Teleconference participation.
- 2.04.170 Filling a vacancy.
- 2.04.180 Motions.
- 2.04.200 Acts required to be by ordinance.
- 2.04.210 Procedure for adopting ordinances.
- 2.04.220 Emergency ordinances.
- 2.04.230 Parliamentary procedure.
- 2.04.240 Committees.
- 2.04.250 Order of business.
- 2.04.260 Combining of offices.
- 2.04.270 Conflicts of interest act inapplicable.
- 2.04.280 Members of council – Salary.

For statutory provisions authorizing a city to establish municipal offices and to prescribe salaries for elected and appointed officials, see AS 29.48.010(1) and (2); for provisions regarding the office of municipal treasurer, see AS 29.23.390; for statutory provisions regarding conflicts of interest, see AS 29.23.555.

#### **2.04.010 Corporate seal.**

The city adopts a corporate seal consisting of two concentric circles between which are the words "City of Craig," and the words "State of Alaska." [Ord. 113 § 1, 1973.]

#### **2.04.020 Officers designated.**

The officers of the city are the mayor, six councilmen, the city attorney, the city administrator, the city clerk, the city treasurer (whose functions may be combined with that of the clerk), and the chief of police. The mayor and members of the council shall be elected by direct vote of the electors of the city. All other officers shall be appointed by resolution of the council and may be removed only by such resolution. New appointments shall be made after each regular election, and each officer appointed by the council shall hold office until terminated by the council or until his successor is appointed, whichever first occurs. [Ord. 677 § 4, 2015.]

#### **2.04.030 Books and records.**

The books and records of the city shall be kept by the clerk who shall deliver the same to his successor; except that other officers of the city may keep such records as are necessary for the performance of their duties, and the treasurer shall keep the financial books and records. When such records are no longer needed in the possession of such other officers the same shall be delivered to the clerk for safe keeping. Books and records of a permanent nature shall be destroyed only with approval of the council. [Ord. 113 § 3, 1973.]

#### **2.04.040 Powers and duties of mayor.**

A. The mayor shall be the executive officer of the city and the council. He shall exercise supervision over the general affairs of the city, including the enforcement of all ordinances and the performance of all duties by officers of the city.

B. The mayor shall preside at all meetings of the council except during his absence, at which time the council shall designate one of its members as acting mayor. The mayor shall not vote except to break a tie vote. The council may appoint a member of the council to act as mayor on all occasions when the mayor is outside the city. Such appointment shall be by resolution but shall expire on the first Monday after the date of the next regular election. The mayor shall have statutory power of veto respecting any ordinance, resolution, motion or other action of the council, except for actions of the council sitting as the board of equalization or the board of adjustment.

C. Except as to the fire chief as provided in CMC 2.04.090\*, and as to the superintendent of schools as provided by Alaska statute and as to the chief of police as provided by CMC 2.04.020, the mayor shall appoint all department heads, subject to confirmation by the council. The mayor shall be the chief administrative officer of the city and shall be the city's personnel officer empowered to appoint, suspend or remove subordinates in all departments. In cases of an emergency, the mayor may appoint a temporary police chief or temporary fire chief when necessary for the public health, safety or welfare, but such appointments shall be effective only until the next meeting of the council unless the council ratifies the appointments at such meeting.

D. The mayor may (in writing) revocably delegate to the city administrator any or all of the mayor's functions as chief administrative officer as set forth in AS 29.20.220 and 29.20.250, with the exception of his role in the appointment and dismissal of city officials and department heads (city clerk, city treasurer, city attorney, police chief, fire chief, harbor master and public works department director). The mayor may delegate to the city administrator the management of the day-to-day business of the city and the supervision of all city employees, including department heads, as well as all personnel actions below the level of department head. [Ord. 283 § 4, 1989; Ord. 226 § 4, 1984.]

#### **2.04.045 Mayor's compensation.**

The mayor of the city shall receive compensation, such compensation to be established by the city council by resolution. The mayor may not receive any other compensation for service to the municipality. Per diem payments or reimbursements for expenses are not compensation under this section. [Ord. 703 § 4, 2017; Ord. 198, 1982.]

#### **2.04.047 Powers and duties of administrator.**

The city administrator shall, under the direction of the mayor, perform and supervise administrative staff work of the city including fiscal, personnel, supply, training, public information and planning

services. To the extent the mayor delegates (in writing) any of the mayor's chief administrative officer functions, the administrator shall perform those delegated functions, and shall make such reports thereon to the mayor as the mayor may require. [Ord. 374 § 5, 1994; Ord. 320 § 4, 1991; Ord. 226 § 4, 1984.]

#### **2.04.050 Duties of municipal clerk.**

A. The municipal clerk shall:

1. Attend meetings of the governing body and its boards and committees as required and keep the journal;
2. Have custody of the official municipal seal;
3. Assure that notice and other requirements for public meetings are complied with and assure that public records are available for public inspection as required by law;
4. Manage municipal records and develop retention schedules and procedures for inventory, storage, and destruction of records as necessary;
5. Maintain an indexed file of all permanent municipal records, provide for codification of ordinances, and authenticate or certify records as necessary;
6. Prepare agendas and agenda packets as required by the governing body;
7. Administer all municipal elections;
8. Assure that the municipality complies with 42 U.S.C. Sections 1971 – 1974 (Voting Rights Act of 1965, as amended);
9. Take oaths, affirmations, and acknowledgements as necessary;
10. Act as the parliamentary advisor to the governing body;
11. Perform other duties required by law, the governing body, or the chief administrator.

B. In the absence of the clerk, the council may appoint a clerk pro tem. [Ord. 356 § 5, 1993.]

#### **2.04.060 Duties of treasurer.**

The treasurer shall have custody of all funds of the city and shall deposit the same as directed by the council. The treasurer and the clerk shall sign all checks, warrants and orders on banks for withdrawal of funds. In the absence of the treasurer or clerk, the administrator, mayor or acting mayor may sign such warrants, checks and orders in place of the absent treasurer or clerk. In the absence of

\*Code reviser's note: CMC 2.04.090 was deleted by Ordinance 677. Provisions concerning appointment of the fire chief can be found in CMC 2.20.030.



the treasurer, the clerk shall be the acting treasurer. The treasurer shall keep proper books of accounts showing all receipts and disbursements of the city and all assets and liabilities. The funds kept by the treasurer shall be kept in the general fund except as to funds required by the council to be kept in special funds. The books of the treasurer shall be audited annually by such auditor as is designated by the council and a report shall be rendered to the council. [Ord. 374 § 5, 1994; Ord. 320 § 4, 1991; Ord. 113 § 6, 1973.]

#### **2.04.070 Duties of city attorney.**

The city attorney appointed by the council shall be the legal advisor of all the officers of the city with respect to any legal matter affecting the city's interest. [Ord. 113 § 7, 1973.]

#### **2.04.080 Duties of chief of police.**

The chief of police is charged with the duty of enforcing all ordinances, the violation of which may be punished by imprisonment or a fine. He shall serve all legal process issued by the city. He shall supervise all peace officers of the city and preserve the peace of the community. [Ord. 113 § 8, 1973.]

#### **2.04.090 Fire chief – Duties and appointment.**

*Repealed by Ord. 677. [Ord. 160 § 5, 1979.]*

#### **2.04.100 Bonds of officials.**

The council shall, from time to time by resolution, determine which officers of the city, in addition to the treasurer, shall be bonded for the faithful accounting of all funds and property under their control. Such bonds shall be purchased from surety companies licensed to do business in the state in such amounts as the council shall determine and shall be in such form as is acceptable to the council. [Ord. 113 § 10, 1973.]

#### **2.04.110 Oaths of office.**

Municipal officers, before taking office, shall affirm verbally and in writing that they will honestly, faithfully and impartially perform their duties. The oaths shall be filed with the clerk. [Ord. 614 § 4, 2010; Ord. 113 § 11, 1973.]

#### **2.04.120 Discrimination in employment.**

No person may be appointed to or removed from municipal office or employment, or in any way favored or discriminated against with respect to a municipal position because of that person's race, religion, color or national origin, age, disability, sex, marital status, change in marital status, pregnancy or parenthood, or because of that person's political opinions or affiliations. All appointments and promotions of municipal officers and employees shall be made on the basis of merit. [Ord. 226 § 4, 1984.]

#### **2.04.130 Conflicts of interest.**

A. A member of the council shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;

B. The presiding officer shall rule on a request by a member of the council to be excused from a vote;

C. The decision of the presiding officer on a request by a member of the council to be excused from a vote may be overridden by the majority vote of the council; and

D. A municipal employee or official, other than a member of the council, may not participate in an official action in which the employee or official has a substantial financial interest. [Ord. 283 § 5, 1989.]

#### **2.04.140 Vacancies.**

An elected municipal office, except that of mayor or school board member, is vacated under the following conditions and upon the declaration of vacancy by the council. The council shall declare an elected office vacant when the person elected:

A. Fails to qualify or take office within 30 days after his election or appointment;

B. Is physically absent from the municipality for a 90-day period, unless excused by the council;

C. Resigns and his resignation is accepted;

D. Is physically or mentally unable to perform the duties of his office;

E. Is removed from office;

F. Misses three consecutive regular meetings unless excused;

G. Is convicted of a felony or offense involving the violation of his oath of office;

H. Is convicted of a felony or misdemeanor described in AS Chapter 15.56 and two-thirds of the members of the council concur in expelling the person elected;

I. Is convicted of a violation of AS Chapter 15.13;

J. No longer physically resides in the municipality and the council by two-thirds vote declares the seat vacant. [Ord. 283 § 6, 1989.]

#### **2.04.150 Council meeting date.**

A. Regular meetings of the council shall be held on the first and third Thursdays of every month in the council chambers unless public notice is given for a period of at least 24 hours to the effect that the meeting will be held on a different day and/or in a different place. Whenever a first or third Thursday of the month is a holiday or if it is found that there is not going to be a quorum for a meeting, the regular meeting scheduled for that day may be changed to a different day, hour or place, or it may be cancelled, so long as there is at least one regular meeting in the month, in accordance with AS 29.20.160(b), and proper notices have been posted as noted above. No notice of any regular meeting is required except that in the month of January of each year the clerk shall post a notice in three public places in the city stating the time and place of regular meetings of the council as provided by this chapter.

B. Special meetings may be held on the call of the mayor or two council members upon not less than 24 hours' written or oral notice communicated to each member and if reasonable efforts are made to notify all members. In an emergency, a special meeting called on less than 24 hours' notice is a legal meeting if all members are present or there is a quorum and all absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. Public notice of special meetings of the council shall be posted in two public places in the city when notice is given to council members. Notice of any special meeting shall state in general terms the topics to be presented at the meeting, but any and all business which may come before the meeting may be transacted. No irregularity in giving notice of the purpose of the meeting shall invalidate such special meeting.

C. Meetings of all municipal bodies shall be public as, and excepting as, is provided in AS 44.62.310. [Ord. 732 § 4, 2021; Ord. 358 § 4, 1993; Ord. 283 § 7, 1989; Ord. 226 § 4, 1984.]

#### **2.04.160 Quorum and voting at council meetings.**

Four councilmen constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution or motion. The final vote on each ordinance, resolution or substantive motion must be by a recorded roll call vote. All councilmen present shall vote unless required to abstain from voting on a question by law. [Ord. 283 § 8, 1989.]

#### **2.04.165 Teleconference participation.**

A. The use of teleconferencing at council meetings is for the convenience of government officials and the public. Teleconference participation by the mayor, council members and the public is authorized by AS 44.62.310(a) and 44.62.312. While physical presence of the mayor, council members and the public is the preferred method of participation at council meetings, the mayor, council members, and the public are allowed to participate at council meetings in the following manner:

1. Participation of Mayor and Council Members by Teleconference.

a. Any council member may participate in any council meeting by teleconference. Teleconference participation is solely at the discretion of the council member who requests this method of participation if the council member is out of town or nonambulatory. The council member shall notify the clerk to arrange for teleconference participation by 4:00 p.m. on the Friday before the Thursday regular council meeting, and at least 12 hours before any special council meeting.

b. The mayor, or the presiding officer in the absence of the mayor, may also participate in any council meeting by teleconference. The mayor, or the presiding officer in the absence of the mayor, shall notify the clerk to arrange for teleconference participation by 4:00 p.m. on the Friday before the Thursday regular meeting, and at least 12 hours before any special meeting. However, the mayor, or the presiding officer in the absence of the mayor, shall not preside over the council meeting when participating by teleconference.

c. The mayor and any council member participating by teleconference shall be deemed to be present at the meeting for all purposes, including for quorum and voting, except as provided in subsection (A)(1)(b) of this section.

d. The mayor and any council member participating by teleconference shall have the same right to participate in any matter as if physically present at the council meeting, executive sessions, adjudicatory matters, and presentations. Reasonable efforts shall be made to make available to the mayor and any council member participating by teleconference any pertinent documents that are to be discussed and/or acted upon, including the council packet.

e. The mayor and any council member participating by teleconference shall have the same right to vote on any matter as if physically present at the council meeting. All voting at the meeting shall be by roll call vote. The council member who is participating by teleconference, or the mayor when participating by teleconference, determines whether the member or the mayor has had the opportunity to evaluate all pertinent information, including any testimony and/or evidence, and is prepared to vote.

f. Teleconference participation at any council meeting is limited to four times a year by each council member or by the mayor.

g. Each council member and the mayor may attend additional teleconferences as a special exception if expressly approved for good cause in each instance by a vote of the council. Good cause may include, but is not limited to, absence required for extended medical care needed for the individual or the individual's immediate family. [Ord. 715 § 4, 2018.]

#### **2.04.170 Filling a vacancy.**

A. If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall within 30 days designate a person to fill the vacancy until the next regular election and until a successor is elected and has qualified. If less than 30 days remain in a term, a vacancy may not be filled. However, if the membership of the council 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.

B. If a vacancy in the office of mayor occurs within six months of a regular election, the vacancy shall be filled by appointment made by the council. The person shall serve until the next regular election and until the successor is elected and has qualified. If a councilman is chosen, he shall resign his council seat. If the vacancy occurs more than six months before a regular election, the council shall call a special election to fill the unexpired term. [Ord. 283 § 9, 1989.]

**2.04.180 Motions.**

When a motion is under consideration, no other motion shall be made except to adjourn, to lay on the table, for the previous question, to postpone to a time certain, to commit, to amend or postpone indefinitely, which several motions shall have precedence in the order in which they are herein mentioned. [Ord. 320 § 5, 1991; Ord. 113 § 19, 1973.]

**2.04.200 Acts required to be by ordinance.**

In accordance with AS 29.25.010 and other applicable state law, the council shall use ordinances to:

- A. Establish, alter or abolish municipal departments;
- B. Fix the compensation of members of the council;
- C. Provide for a fine or other penalty, or establish rules and regulations for violation of which a fine or other penalty is imposed;
- D. Provide for the levying of taxes, which levy may be by resolution;
- E. Make appropriations and supplemental appropriations or transfer appropriations;
- F. Grant, renew or extend a franchise;
- G. Regulate the rate charged by a (municipally owned) public utility;
- H. Adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map;
- I. Approve the transfer of a power to a borough from the city;
- J. Provide for the retention or sale of tax-foreclosed property;
- K. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitation set out in AS 36.25.025;
- L. Such other acts as Alaska statutes may require to be performed by ordinance. [Ord. 226 § 4, 1984.]

**2.04.210 Procedure for adopting ordinances.**

A. The following procedure governs the enactment of all ordinances except emergency ordinances. An ordinance shall be introduced by a member or committee of the council or by the mayor. An ordinance shall be set for hearing by the affirmative vote of a majority of the votes autho-

rized on the question. A summary of the ordinance and its amendments shall be published in a notice of time and place for public hearing. The hearing shall follow publication by at least five days. Publication shall be by posting on bulletin boards in three places in the city. At the hearing copies of the ordinance must be available to all persons present or the ordinance must be read in full. The council shall hear all interested persons wishing to be heard.

B. After the hearing, the council shall consider the ordinance and may adopt it with or without amendment. The clerk shall print and make available copies of adopted ordinances.

C. Ordinances take effect upon adoption or at a later date specified in the ordinance. [Ord. 113 § 21, 1973.]

**2.04.220 Emergency ordinances.**

A. To meet a public emergency, the council may adopt ordinances effective on adoption without a public hearing. Every emergency ordinance must contain a finding by the council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The clerk must print and make available copies of adopted ordinances.

B. An emergency ordinance may not be used to levy taxes.

C. Emergency ordinances are effective for 60 days. [Ord. 113 § 22, 1973.]

**2.04.230 Parliamentary procedure.**

Except as otherwise provided in this chapter, Robert's Rules of Order shall be followed in matters of parliamentary procedure. [Ord. 113 § 23, 1973.]

**2.04.240 Committees.**

Within 30 days after the annual election of members of the council, the council shall designate standing committees of the members of the council and such other committees as are required for the discharge of municipal business. The council may appoint special committees from time to time. The

members of the committee shall be appointed by the mayor, but any appointment may be vetoed by the council. [Ord. 113 § 24, 1973.]

**2.04.250 Order of business.**

At meetings of the council the following order of business shall be observed:

- A. Proof of service of any notice of special meeting shall be presented and filed;
- B. Roll call;
- C. Reading of minutes of previous meeting;
- D. Hearing of members of audience regarding ordinances or resolutions under consideration, proposals for action by the council, and other matters of public concern;
- E. Reports of standing committees;
- F. Reports of special committees;
- G. Reports of city officers;
- H. Reading of the correspondence;
- I. Consideration of resolutions, petitions and memorials;
- J. Consideration of proposed ordinances;
- K. Unfinished business;
- L. New business;
- M. Adjournment. [Ord. 113 § 25, 1973.]

**2.04.260 Combining of offices.**

No person shall serve simultaneously as mayor and as member of the council. Two or more administrative or appointive offices may be combined and a salary paid for each. Neither the mayor nor any member of the council shall serve in any administrative or appointive capacity except that the position of fire chief may be held by the mayor or a city council member, and the council may contract with the mayor or a council person for contractual services for a limited period of time where the person holding office has skills or a background which makes the person especially qualified to render the service contracted for. Except as provided in CMC 2.04.045, the council shall fix the compensation of city council members by a stand-alone ordinance. Compensation of city council members may not be reduced during a term of office. A city council member may not receive any other compensation for service to the municipality. Per diem payments or reimbursements for expenses are not compensation under this section. [Ord. 705 § 4, 2017; Ord. 703 § 4, 2017; Ord. 325

§ 4, 1991; Ord. 324 § 4, 1991; Ord. 214 §§ 4, 5, 1983; Ord. 113 § 26, 1973.]

**2.04.270 Conflicts of interest act inapplicable.**

The city of Craig voted at the 1976 general election to reject applicability of the state of Alaska's act relating to conflicts of interest to this municipality, said act as contained in the Codified Alaska Statutes as AS 39.50.010 through 39.50.200. Accordingly, municipal public officials shall not be required to file the requisite disclosures statements. [Ord. 136 § 10, 1976.]

**2.04.280 Members of council – Salary.**

Each member of the city council shall receive a monthly salary of \$50.00. [Ord. 217 § 4, 1983.]

**Chapter 2.06****COUNCILMEMBER PARTICIPATION IN  
LAWSUIT NEGOTIATIONS**

meeting (special or regular) and after public hearing on the proposed settlement. [Ord. 288 § 5, 1989.]

## Sections:

- 2.06.010 Appointment.
- 2.06.020 Procedure.
- 2.06.030 Confidentiality.
- 2.06.040 Approval of settlements.

**2.06.010 Appointment.**

The council may appoint as many of its members as it deems necessary (up to and including its entire membership) to participate as members of the city's negotiating team for settlement of a specific lawsuit. [Ord. 288 § 5, 1989.]

**2.06.020 Procedure.**

The council shall first meet in open session and use the standard procedure for going into executive session, said executive session to be for the publicly stated purpose of negotiating settlement of a particular, identified lawsuit. (That is, while in open session, the council (A) will state that the purpose of the executive session is to negotiate settlement of a particular, identified law suit, and (B) will vote on going into executive session.) The executive session may be continued from time to time (either for meetings of the city's negotiating team to consider strategy or for meetings of the city's negotiating team with the opposing party's negotiating team) without again taking a vote in open session, until the work of the city's negotiating team has been completed. [Ord. 288 § 5, 1989.]

**2.06.030 Confidentiality.**

Matters which either negotiating team (the city's or the opposing party's) requests the other negotiating team to keep confidential, shall be kept confidential. [Ord. 288 § 5, 1989.]

**2.06.040 Approval of settlements.**

Any proposal for settling a lawsuit, where such proposed settlement has been arrived at by the procedure set forth in this chapter, will not become final or bind the city until the settlement has been formally approved by the city council in open

**Chapter 2.07****ADVISORY COMMITTEES**

the council with a written report of its activities and recommendations at least annually. [Ord. 289 § 4, 1989.]

## Sections:

- 2.07.010 Advisory committees – Establishment.
- 2.07.020 Appointment to advisory committee.
- 2.07.030 Committee procedures.

**2.07.010 Advisory committees – Establishment.**

The council may, by resolution, appoint one or more advisory committees, composed of registered voters of the city who are not council members or employees of the city government. Members of advisory committees shall serve as volunteers, without compensation. Such advisory committees shall have no powers, but shall advise the mayor and the council in the subject area for which they were formed. The council may select one of its members to serve as liaison to each committee, but the council liaison person shall not have a vote on the committee. [Ord. 289 § 4, 1989.]

**2.07.020 Appointment to advisory committee.**

Appointments to committees shall be made by recommendation of the mayor and confirmation by the council. Each new member appointed to an advisory committee shall be given a copy of the ordinance codified in this chapter, and shall be given a copy of the Alaska Open Meetings Act and informed of its applicability to the committee's business. [Ord. 289 § 4, 1989.]

**2.07.030 Committee procedures.**

Each committee shall elect its own chairman and such other officers as the committee may find helpful to the conduct of its business. Committees may hold public hearings. Meeting procedures may be informal but shall be generally guided by Robert's Rules of Order. Every advisory committee shall generally keep the council informed of its activities (either through the council member appointed as liaison to the committee, or if there is no appointed liaison, then by periodic oral or written reports at council meetings), and shall provide

**Chapter 2.08****ELECTION AND TERM OF OFFICERS**

## Sections:

- 2.08.010 Election.
- 2.08.020 Terms of office.
- 2.08.030 Number of members of council and school board.

For statutory provisions regarding the city council see AS 29.23.200; for provisions regarding the mayor, see AS 29.23.240 et seq.; for provisions regarding school boards, see AS 29.23.310; for provisions regarding municipal elections, see AS 29.28.010 et seq.

**2.08.010 Election.**

A. The mayor, members of the council and members of the city school board shall be elected at the regular city election held on the first Tuesday in October each year when necessary to fill a term expiring that year or to elect a successor to fill a term which is vacant or has been filled by appointment under CMC 2.04.170.

B. If a vacancy in the office of mayor occurs other than by expiration of a term, the vacancy shall be filled by appointment made by the city council effective until his successor is elected at the next regular election, and qualifies if the vacancy occurs less than six months before the next regular election; but shall be filled by a special election called for that purpose if the vacancy occurs more than six months before such election. [Ord. 284 § 4, 1989.]

**2.08.020 Terms of office.**

An election of an officer to fill a vacancy caused by an elected officer vacating the office shall be for the unexpired term of such person causing the vacancy. Otherwise, the mayor shall be elected for a term of two years and the members of the council and the city school board shall be elected for terms of three years, and thereafter until their successors are qualified. [Ord. 111 § 2, 1973.]

**2.08.030 Number of members of council and school board.**

A. The council shall consist of six members. The mayor is not a member of the council. The city school board shall consist of five members.

B. The council shall be elected by the voters for designated seats on an at-large basis.

C. City council seats shall be designated as council seats A, B, C, D, E, and F. The seats shall be staggered for three-year terms. Council members shall be elected according to the seat designation and corresponding expiration of terms of office. [Ord. 733 § 4, 2021; Ord. 111 § 3, 1973.]



**Chapter 2.12****MUNICIPAL ELECTIONS**

## Sections:

- 2.12.010 Application of state law.
- 2.12.020 Nonpartisan.
- 2.12.030 Voter qualifications.
- 2.12.040 Voter challenges.
- 2.12.050 Notice of openings.
- 2.12.060 Candidates' qualifications.
- 2.12.070 Declaration of candidacy.
- 2.12.080 Time for filing for office.
- 2.12.090 Record of filing.
- 2.12.100 Withdrawing from candidacy.
- 2.12.110 Form of ballot.
- 2.12.120 Sample ballots.
- 2.12.130 Distribution of ballots.
- 2.12.140 Printing and posting voter instructions.
- 2.12.150 Voter instructions set forth.
- 2.12.160 Eligibility for absentee ballot.
- 2.12.170 Application for absentee ballot.
- 2.12.180 Examination of absentee ballot applicant.
- 2.12.190 Issuance of absentee ballot.
- 2.12.200 Casting absentee ballot.
- 2.12.210 Counting absentee ballots.
- 2.12.220 Election officials.
- 2.12.230 Dates and hours for elections.
- 2.12.240 Notice of elections.
- 2.12.250 Election supplies and equipment.
- 2.12.260 Voting procedure at the polls.
- 2.12.270 Unused and damaged ballots.
- 2.12.280 Counting of ballots.
- 2.12.290 Certificate of returns.
- 2.12.300 Prohibited practices.
- 2.12.310 Canvass of returns.
- 2.12.320 Counting absentee and challenged ballots.
- 2.12.330 Manner of canvass.
- 2.12.335 Tie vote.
- 2.12.340 Record of results.
- 2.12.350 Runoff elections.
- 2.12.360 Certificate of election.
- 2.12.365 Seating of a newly elected official.
- 2.12.370 Notice of election contest.
- 2.12.380 Investigation of protests.
- 2.12.390 Recount.
- 2.12.400 Appeal.

2.12.410 Initiatives, referendums and recalls.

2.12.420 Penalty for violation.

For statutory provisions regarding nominations for municipal offices, see AS 29.28.015. For statutory provisions regarding initiative and referendum elections, see AS 29.28.060 et seq.; for provisions regarding special elections, see AS 29.28.020(b).

**2.12.010 Application of state law.**

The general election laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom and contests thereof insofar as they are applicable and not inconsistent with the ordinances of the city. [Ord. 115 § 1, 1973.]

**2.12.020 Nonpartisan.**

All elections held by the city shall be conducted on a nonpartisan basis. [Ord. 115 § 2, 1973.]

**2.12.030 Voter qualifications.**

A person may vote at any city election who:

- A. Has passed his eighteenth birthday;
- B. Has been a resident of the state for at least 30 days before the election;
- C. Has been a resident of the city for at least 30 days immediately preceding the election, and has been a registered voter with a residence address within the city for at least 30 days immediately preceding the election;
- D. Is a citizen of the United States;
- E. Is not disqualified from voting under Article V of the State Constitution; and
- F. Is registered to vote in state elections. [Ord. 221 § 5, 1984; Ord. 195 § 5, 1981; Ord. 115 § 3, 1973.]

**2.12.040 Voter challenges.**

Registration for state elections is prima facie evidence of a voter's qualification. However, it shall be the duty of election officials to challenge any voter who they believe is not qualified. An election judge may question any person of doubtful qualification attempting to vote and may require identification of the voter. Any voter may be challenged by any qualified voter of the city; however, a person who frivolously, maliciously or in bad faith challenges a voter is guilty of a misdemeanor. [Ord. 115 § 4, 1973.]

**2.12.050 Notice of openings.**

At least 60 days before each general election the city clerk shall post in three public places in the city a notice of offices to be filled at the election and the manner of filing. [Ord. 381 § 4, 1994; Ord. 115 § 5, 1973.]

**2.12.060 Candidates' qualifications.**

A. A qualified elector who shall have resided continuously in the city during the 30 days immediately preceding the election may be a candidate for an elective city office.

B. A person may be a candidate for more than one office, but he may not serve simultaneously as mayor and as a councilman.

C. Neither the mayor nor any member of the city council may hold any city employment or any other compensated city office, except that the mayor may serve as a city employee in the capacity of mayor only, and in no other capacity. [Ord. 573 § 4, 2006; Ord. 507 § 4, 2002; Ord. 381 § 4, 1994; Ord. 115 § 6, 1973.]

**2.12.070 Declaration of candidacy.**

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, or her designee, on a form provided by the city clerk. The declaration shall state in substance:

A. The full name of the candidate and the manner in which he wishes his name to appear on the ballot;

B. The full mailing and residence address of the candidate;

C. That the candidate is a qualified voter and resident of the city of Craig;

D. The office for which the candidate declares;

E. That the candidate agrees to serve the term for the amount of time elected for. [Ord. 381 § 6, 1994.]

**2.12.080 Time for filing for office.**

A declaration of candidacy shall be filed at the city clerk's office not earlier than 60 days nor later than 32 days before the election. [Ord. 507 § 4, 2002; Ord. 381 § 6, 1994.]

**2.12.090 Record of filing.**

The city clerk shall 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. 381 § 6, 1994.]

**2.12.100 Withdrawing from 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's office. [Ord. 381 § 6, 1994.]

**2.12.110 Form of ballot.**

A. Preparation. Ballots shall be prepared as provided by state law (AS 15.15.030) except that the clerk shall prepare the ballots and be governed by this chapter where in conflict with the state law and provisions of state law which are not appropriate for city elections shall be disregarded.

B. Headings and Instructions. The official ballot shall contain, at the top thereof, the words, "Official Ballot," and the date of the election, whether such election is a general municipal election or a special municipal election, and such instructions to the voters as will enable them intelligently to mark their ballots for the candidates for whom they desire to vote, and to intelligently vote upon the questions which are submitted.

C. Referendum Questions. Following the offices and candidates there shall be placed on the ballot, or on separate ballots as the clerk may determine, all propositions or questions to be voted upon. The words "yes" and "no" shall be placed below the statement of each proposition or question. [Ord. 115 § 11, 1973.]

**2.12.120 Sample ballots.**

In addition to the official ballots as prescribed, there shall be printed under the direction of the clerk, on paper of any color except white, not less than 100 ballots, which shall be marked as "Sample Ballots," and may be distributed to the candidates for office by the clerk in such quantities as may be reasonably required. [Ord. 115 § 12, 1973.]

**2.12.130 Distribution of ballots.**

The clerk shall have the ballots in her possession at least 20 days before each election. Sufficient ballots for the registered voters of each precinct shall be delivered to the election board for that precinct.

A receipt shall be taken from the election board member to whom ballots are delivered, said receipt to be preserved with other records of the election for one year. No ballots may be taken from the polling place before the closing of the polls except under the direction of the clerk. [Ord. 694 § 4, 2017; Ord. 381 § 4, 1994; Ord. 115 § 13, 1973.]

**2.12.140 Printing and posting voter instructions.**

Instructions to voters shall be printed under the direction of the clerk, on cardboard or heavy paper, and one copy of such instructions shall be posted in each room where polling booths are located and in each of the voting booths provided for the election. [Ord. 115 § 14, 1973.]

**2.12.150 Voter instructions set forth.**

Voter instructions shall be as follows:

A. When entering a polling place, give your name, and, if required, your residence, to the judge of election.

B. If your name is found on the registration list and your vote is not challenged, one of the judges or a member of the election board will hand you a ballot. If your name is not on the register you can vote by the challenged ballot method.

C. If your vote is challenged, you will not receive a ballot until you have established your right to vote.

D. When you have received your ballot, retire at once, alone, into one of the voting booths and prepare your ballot for the ballot box by marking it.

E. At the top of the ballot you will find instructions for the marking of the ballot, and below the instructions you will find the names of all candidates for the respective offices to be voted upon under the proper heading of the respective offices to be filled. Do not mark your ballot in any way except as directed below, and do not make any erasures.

F. To vote for a candidate:

1. If voting a paper ballot, make an (X) or a check in the square preceding his or her name on the ballot; or

2. Fill in the oval on the optical scan ballot if voting with the optical scan unit.

G. Do not vote for more candidates to any office than there are to be elected to such office. If

you do so this portion of your ballot will be rejected.

H. Before leaving the booth:

1. If voting a paper ballot, fold your ballot so as to conceal marks you made on it; or

2. If voting the optical scan unit, conceal ballot in secrecy sleeve.

I. After leaving the booth, without numbering or otherwise marking it, you must deposit your paper ballot or optical scan ballot in the ballot box.

J. You will not be allowed to occupy a voting booth with another voter, and you will not be allowed to occupy a booth for more than four minutes if others are waiting to vote.

K. You will not be allowed to take a ballot from the polling place except a sample ballot marked as such.

L. If two or more ballots are found folded together in the ballot box, neither will be counted, and you will not be allowed to vote any ballot except the one you have received from the judge. If you spoil a ballot in preparing it, you must return to the judge and ask for another in place of it, but in no case shall a voter be entitled to receive more than three ballots. Do not vote a torn or mutilated ballot.

M. If you are unable to mark your ballot for any reason which does not at the same time render you ineligible to vote, upon request, you will be assisted by two of the election officers appointed for that purpose, and these officers will mark the ballot in the booth for you as directed by you. Intoxication will not be regarded as a physical disability, and if intoxicated no assistance will be given in marking any ballot. [Ord. 488 § 4, 2000; Ord. 115 § 15, 1973.]

**2.12.160 Eligibility for absentee ballot.**

Any qualified voter who expects to be absent from his election precinct or who will be unable to go to the polling place of that precinct for reasons of physical disability on the day of election may cast an absentee ballot. The provisions of this chapter effectuating the constitutional guarantee of absentee voting rights shall be liberally construed. [Ord. 115 § 16, 1973.]

**2.12.170 Application for absentee ballot.**

A. General Requirements. Any qualified elector desiring to vote an absentee ballot shall, not

more than 30 days before nor later than the opening of the polls before such election, apply in person or by letter to the clerk for permission to vote an absentee ballot. If other than by person, the application must be signed by the applicant and must state to the clerk the applicant’s reason for requesting an absentee ballot.

B. Emergency Application by Physically Disabled Voter. Any qualified voter who is a patient under the care of a physician in a hospital or a private home on the day of election and is unable to go to the polls, may request delivery of a ballot to him after the time for application for absentee ballots has lapsed. [Ord. 381 § 4, 1994; Ord. 115 § 17, 1973.]

**2.12.180 Examination of absentee ballot applicant.**

The clerk shall make an investigation of the applicant touching his qualifications as an elector and satisfy himself that such applicant is duly qualified. [Ord. 115 § 18, 1973.]

**2.12.190 Issuance of absentee ballot.**

Any qualified voter may cast an absentee ballot on or after the day the ballots are available from the municipal clerk up to and including election day in a location and at times determined by the municipal clerk. The clerk shall deliver to said elector either personally, by his duly authorized representative or by special mail and shall keep a register containing the number of the ballot issued, the name of the elector and the date of delivery or mailing. The clerk shall deliver to the elector the following:

- A. An unmarked ballot;
- B. A small envelope which shall have upon it only a blank certificate in the following form:

I, \_\_\_\_\_ hereby certify that on the date of this general or special municipal election, to be held in the City of Craig, Alaska, I am an elector qualified to vote; and that I have herein enclosed by ballot for such election, duly marked, in the presence of no other person.

Signed \_\_\_\_\_

Witness \_\_\_\_\_

C. A large envelope addressed to the clerk and marked “Ballot Enclosed”;

D. The following instructions either verbally or in writing if the ballot is to be mailed:

**INSTRUCTIONS TO ABSENTEE VOTERS**

- 1. Vote alone in the presence of no one else.
- 2. To vote for a candidate make an “X” in the square preceding his name if voting by paper ballot, or fill in the oval if voting on the optical scan unit.
- 3. At the top of the ballot you will find additional instructions for marking your ballot.
- 4. After marking your ballot put it in the small white envelope and seal the envelope. Fill out the certificate form on this envelope, sign it, and have it witnessed.
- 5. Put the small envelope in the large one already addressed to the clerk and mail it, postmarked or delivered personally not later than 8:00 p.m. of the day of the municipal election. It is recommended you mail your ballot as soon as possible.

[Ord. 694 § 4, 2017; Ord. 488 § 4, 2000; Ord. 115 § 19, 1973.]

**2.12.200 Casting absentee ballot.**

Except for ballots issued under an emergency application by physically disabled voters (CMC 2.12.170(B)), ballots must be either personally delivered to the clerk before the opening of the polls on election day or postmarked not later than the hour set for closing the polls on election day. Ballots issued under an emergency application by physically disabled voters must be delivered to the clerk or his duly authorized representative not later than the hour set for closing the polls on election day. [Ord. 115 § 20, 1973.]

**2.12.210 Counting absentee ballots.**

At the same time as the canvass of all regular ballots, the council shall open, count and canvass all absentee voters’ ballots that have been received. [Ord. 115 § 21, 1973.]

**2.12.220 Election officials.**

A. Election Supervisor. The clerk shall be the election supervisor. He shall conduct the election and have authority to take such actions as are necessary to carry out the intent of this chapter.

B. Judges. Prior to each election, the mayor with the approval of the council shall appoint at least three judges of election for each polling place. One judge shall be designated chairman and shall be primarily responsible for administering the election in that precinct. If a judge is not able or refuses to serve on election day, the clerk may appoint a replacement. A judge shall be a voter of the precinct for which appointed unless no voter is willing to serve.

C. Clerks. The clerk may appoint up to three election clerks at any polling place where they are needed to conduct an orderly election to relieve the election judges of undue hardship.

D. Election Officials to Be Qualified Electors. Each election official serving at a precinct polling place must be a qualified voter and reside within the precinct for which he is appointed.

E. Oath. The election official shall take or subscribe to the following oath:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will honestly and faithfully perform the duties of judge (or clerk) of election according to law; and that I will assiduously endeavor to prevent fraud, deceit, or abuse in conducting the election, to the best of my ability, SO HELP ME GOD.

F. Training Session. All election officials must attend a training session unless excused therefrom by the clerk. Any appointed official who fails to attend a training session without being excused will be subject to dismissal by the clerk who is authorized to make an appointment to fill the vacancy caused by such dismissal.

G. Compensation. The judges and clerks of election shall be paid such compensation for their services as is determined by resolution of the council. [Ord. 284 § 5, 1989; Ord. 115 § 22, 1973.]

**2.12.230 Dates and hours for elections.**

A. General Elections. A general election to elect officers and vote on propositions submitted

by the council shall be held on the first Tuesday in October of each year.

B. Special Elections. Special elections may be called and held at any time by resolution or ordinance specifying the purposes for which the same will be held.

C. Hours. The polls shall be open in each precinct for the purposes of voting from 7:30 a.m. to 8:00 p.m. on each election day. [Ord. 542 § 4, 2005; Ord. 115 § 23, 1973.]

**2.12.240 Notice of elections.**

The clerk, subject to any directions from the council, shall give at least 20 days' notice of each election, by posting notice thereof at three conspicuous and public places in the city, including one posting in each voting precinct of the city, or by publishing the notice in a newspaper of general circulation within the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon and the time of the election. If the entire city constitutes one voting precinct, the notice shall so state. If the city is divided into more than one voting precinct, the location of the polling place for each precinct shall be stated, and also a statement of where maps of the precincts are posted for inspection. [Ord. 284 § 6, 1989.]

**2.12.250 Election supplies and equipment.**

The clerk shall cause to be erected in the polling place(s), a sufficient number of booths, which shall be supplied with such supplies and conveniences as will enable the voter to mark his ballot for voting and in which the voter may prepare his ballot screened from observation. The ballot boxes shall be within plain view of the election officers and voters and persons within the polling place, outside of the booths. [Ord. 115 § 25, 1973.]

**2.12.260 Voting procedure at the polls.**

A. Before issuing any ballots, the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box then shall be closed and shall not be opened again or removed from the polling place until the polls have closed.

B. The voter shall give the election officials his name and address. If it is determined that he is a qualified voter of that precinct, he then shall place

his signature on the appropriate line in the registration book provided by the clerk. If any election official present believes the voter is not qualified, he shall immediately challenge the voter.

C. A person whose right to vote has been challenged may be issued a ballot if he first completes

and subscribes to an affidavit of his qualification. When the marked ballot is returned to the election officials, it shall be placed in an envelope to permit segregation before being cast in the ballot box. The clerk shall provide forms and materials for this procedure. All envelopes containing challenged ballots shall be returned to the clerk for delivery, unopened, to the council at the time of canvass.

D. If the voter is not challenged, or if he has complied with the challenged ballot procedure, the election officials will issue to him the ballot or ballots to which he is entitled.

E. Each voter shall retire alone to a booth or private area to mark his ballot. If a voter is blind or otherwise physically unable to mark his ballot alone, he may request assistance and it will be provided by two election officials. Immediately after marking the ballot, the voter shall return it to the election judge, having concealed the manner in which it is marked. The election official shall remove the numbered tab or tabs and deposit the ballot in the ballot box.

F. If a voter improperly marks or otherwise damages a ballot, he shall return it to the election officials, concealing the manner in which it is marked from view, and shall request a new ballot. The election officials shall destroy the damaged ballot after having recorded its number and shall issue a new ballot to the voter. A voter may request replacement of a damaged ballot no more than three times.

G. Fifteen minutes before the closing of the polls, the time remaining before such closure shall be proclaimed. When the polls are closed for the purpose of voting, that fact shall likewise be proclaimed and thereafter no ballot shall be issued except to those voters who were present and waiting their turn to go through the voting procedure at the time prescribed for closing the polls. [Ord. 115 § 26, 1973.]

#### **2.12.270 Unused and damaged ballots.**

The numbers of all ballots not issued shall be recorded and then all such ballots shall be segregated and removed from the area in which the counting is to take place before the ballot box is opened. The numbers of ballots damaged by voters and replaced pursuant to CMC 2.12.260(F) shall also be recorded. The record of ballots not issued and ballots damaged as well as the ballots them-

selves shall be delivered to the clerk with other election materials and shall be preserved for six months. [Ord. 115 § 27, 1973.]

#### **2.12.280 Counting of ballots.**

A. The opening of the ballot box and the counting of ballots shall be accomplished in full view of any persons present. The public may not be excluded from the area in which ballots are counted. However, the chairman of the election board 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.

B. Immediately following the closing of the polls and the disposition of unused ballots pursuant to CMC 2.12.270, the election officials shall open the ballot box and:

1. If paper ballots are used, count the number of ballots cast; or

2. If electronically counted ballots are used, the election judges shall separate those that are marked in a questionable manner. With necessary adjustment to account for the number of ballots required to present to each voter all of the offices and propositions on which he is entitled to vote, the number of ballots cast shall agree with the number of signatures on the registration book. If a discrepancy exists which cannot be resolved, the election officials shall explain the discrepancy to the best of their ability in writing for delivery to the clerk.

C. The clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy and to expedite the process. No person handling ballots may have a marking device in hand other than the rubber stamp provided pursuant to this section. Ballots not counted or parts of ballots not counted pursuant to AS 15.15.360 shall be marked "REJECTED." Ballots not counted shall be retained and with counted ballots be delivered to the clerk. [Ord. 488 § 4, 2000; Ord. 115 § 28, 1973.]

#### **2.12.290 Certificate of returns.**

When the tally of votes is completed, a certificate of returns shall be prepared and signed by three election judges. After completion of the certificate of returns, the counted ballots shall be placed in an envelope provided by the clerk and

shall be delivered to the clerk by noon of the day following, together with the rejected ballots to be preserved for six months, after which they shall be destroyed. [Ord. 115 § 29, 1973.]

**2.12.300 Prohibited practices.**

A. Prohibition of Political Persuasion. During the hours the polls are open no person who is in the polling place or within 200 feet of any entrance thereto may attempt to persuade any person to vote for or against any candidate, proposition or question. At their discretion, the election judges shall post warning notices to this effect on forms provided by the clerk.

B. Undue Influence by Force. Any person who directly or indirectly uses or threatens to use force, coercion, violence or restraint or who inflicts or threatens to inflict damage, harm, or loss upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question or to sign or not to sign any initiative or referendum petition is guilty of corrupt practice.

C. Undue Influence by Offer.

1. Any person who gives or promises to give, offers, or solicits, accepts, or agrees to accept any money or valuable thing to any person with the intent to induce him to vote for or restrain from voting for any candidate at any election or for any election proposition or question, or to sign or not to sign any initiative or referendum petition, is guilty of a misdemeanor.

2. The providing of refreshments of any nature on election day by any candidate, political party, or those acting for them or identified with them shall be within the above-stated prohibition.

3. The providing of refreshments of any nature by any person seeking to induce others to sign or not to sign any petition for initiative or referendum shall be within the above-stated prohibition.

D. Improper Subscription to Petition. Any person who signs any name other than his own to a petition proposing an initiative, referendum, or recall, or who knowingly signs his name more than once for the same proposition, question or candidate at one election, or who signs the petition knowing he is not a qualified voter, shall be guilty of a misdemeanor.

E. Undue Influence of Election Official. Any person who by force, threat, intimidation or offers of reward induces or attempts to induce any election official to fail in his duty, shall be guilty of a misdemeanor.

F. Penalty. Any person convicted of a violation of any of the above subsections shall be subject to punishment as provided in CMC 1.16.010. [Ord. 284 §§ 7 – 10, 1989; Ord. 115 § 30, 1973.]

**2.12.310 Canvass of returns.**

Not later than seven days after the election the council shall meet and canvass the election returns. The canvass may be postponed from day-to-day but not exceeding three postponements. The council shall declare the election results at the first meeting to canvass the election, record the results in the minutes of that meeting, and authorize the results to be certified. [Ord. 284 § 11, 1989.]

**2.12.320 Counting absentee and challenged ballots.**

A. Adjudication on Absentee and Challenged Ballots. The clerk shall provide such evidence as may be required to assist the council in judging the voter qualifications of those who cast absentee and challenged ballots. In full view of those present the council shall make a determination upon each of these ballots. To be counted in the election an absentee ballot must be received by the clerk before the date and hour of the canvass. Ballot envelopes received after that time shall not be opened but shall be marked "Invalid," the date and hour of receipt noted thereon, and shall be preserved for six months with other ballots of the election.

B. Manner of Counting. Accepted challenged and absentee ballots shall be counted in the following manner: The ballots shall be removed from the identifying outer envelopes and shuffled thoroughly. The envelopes shall also be shuffled thoroughly and delivered to the clerk to be preserved with other records of the election. The votes cast on these ballots shall then be tallied in the same manner as were other ballots of the election. [Ord. 115 § 32, 1973.]

**2.12.330 Manner of canvass.**

The canvass of all election returns shall be made in public by examining the judge's certificates of



returns and compiling these along with the tally of valid absentee and challenged ballots. Or, at the discretion of the council, actual recount may be undertaken under usual counting procedures and after due notice to candidates. [Ord. 115 § 33, 1973.]

**2.12.335 Tie vote.**

If there is a tie vote and there is a failure to elect after a recount process has been completed and the results remain in a tie, the election shall be determined fairly by the flip of a coin, or by some method determined by the council. [Ord. 625 § 4, 2010.]

**2.12.340 Record of results.**

The results of all elections shall be noted in the record of the proceedings of the council. The record shall contain a statement of:

- A. The total number of votes cast at each election;
- B. The votes cast for each person and for and against each proposition;
- C. The name of each person elected to office and the office to which elected; except that if no candidate receives at least 40 percent of the vote cast for any office, a certificate shall be issued to the two persons receiving the highest vote for the office, stating the number of votes received by each and certifying them as candidates in a runoff election. [Ord. 115 § 34, 1973.]

**2.12.350 Runoff elections.**

If no candidate receives in excess of 40 percent of the votes cast for his respective office, the council shall provide for a runoff election within three weeks of the date of certification of the election for which a runoff is required between the two candidates receiving the greatest number of votes for the office. Notice of the runoff election shall be published at least five days before the election. [Ord. 284 § 12, 1989.]

**2.12.360 Certificate of election.**

Immediately after the canvass is completed, the clerk shall make and sign a certificate of election of each person elected and on call deliver the certificate to him. A certificate so made shall be prima facie evidence of the truth of the statements contained in it. [Ord. 115 § 36, 1973.]

**2.12.365 Seating of a newly elected official.**

A newly elected official shall be seated when the regular term of office begins on the first Monday following certification of the election, or at the first city council meeting following certification of the election, whichever comes first. [Ord. 623 § 4, 2010.]

**2.12.370 Notice of election contest.**

Any person qualified to vote in the municipality who believes prohibited practices have occurred at an election shall deliver to the clerk prior to or at the time for the first canvass of election returns, a written notice of contest signed under oath, wherein shall be stated with particularity the ground for contest and citation of all alleged prohibited practices in approximately the following form:

NOTICE OF ELECTION CONTEST

The undersigned believes that the following prohibited practices occurred at the election held on \_\_\_\_\_. The undersigned states that the following persons violated \_\_\_\_\_ in the following manner: \_\_\_\_\_.

\_\_\_\_\_  
Signature of Person Contesting

SUBSCRIBED and SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

The city clerk shall apprise the council of receipt of the notice before canvass of the returns has commenced. [Ord. 115 § 37, 1973.]

**2.12.380 Investigation of protests.**

Upon receiving such notice of protest, the council shall order an investigation to be made by the clerk and mayor. The contestant, the person or persons whose election is contested and the public shall be allowed to attend all investigation proceedings which shall be conducted publicly. [Ord. 115 § 38, 1973.]

**2.12.390 Recount.**

If the contestant demands only a recount of the ballots cast at said election, the investigation to be conducted in accordance with CMC 2.12.380 shall be limited in its scope to a recount of the ballots by the election board which allegedly made the error. 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. After such recount the council shall review the results and determine the number of votes cast for each candidate whose votes were contested or for and against the proposition for which the recount was made. The results shall be entered in the record of the meeting at which such determination is made. [Ord. 115 § 39, 1973.]

**2.12.400 Appeal.**

After the council has made its final determination of the votes cast for each candidate and for and against each proposition, such determination shall be final but be subject to appeal as provided in AS 29.26.070. [Ord. 115 § 40, 1973.]

**2.12.410 Initiatives, referendums and recalls.**

Initiatives, referendums and recalls shall be conducted as provided in Article II of AS 29.26. [Ord. 115 § 42, 1973.]

**2.12.420 Penalty for violation.**

Any person who does any act or thing prohibited by the terms of this chapter is guilty of a misdemeanor and shall be punished upon conviction as provided in CMC 1.16.010. [Ord. 115 § 41, 1973.]

**Chapter 2.20**

**CRAIG EMERGENCY SERVICES DEPARTMENT**

Sections:

- 2.20.010 Establishment and purpose.
- 2.20.020 Structure.
- 2.20.030 Fire chief appointment and accountability.
- 2.20.035 EMS coordinator appointment and accountability.
- 2.20.040 Duties of fire chief.
- 2.20.045 Duties of EMS coordinator.
- 2.20.050 Membership.
- 2.20.060 Social officers.
- 2.20.070 Apparatus and equipment.
- 2.20.080 Prohibited acts.
- 2.20.090 Enforcement.

**2.20.010 Establishment and purpose.**

A department, known as the Craig emergency services department, is created. The purpose of the department is to prevent and respond to fire and emergency medical service incidents for the benefit of people and property in Craig. [Ord. 677 § 4, 2015.]

**2.20.020 Structure.**

The department consists of two components: a fire squad, led by the fire chief; and an emergency medical services squad, led by the EMS coordinator. The fire chief and EMS coordinator may provide for subordinate officers within their squads. [Ord. 677 § 4, 2015.]

**2.20.030 Fire chief appointment and accountability.**

A. The chief shall be appointed by the mayor and be subject to confirmation by the city council, for an indefinite period of time. The chief's tenure of office shall depend upon good conduct and efficiency. The chief shall be technically qualified by training and experience and shall have ability to command members of the squad and hold their respect and confidence. The chief is an at-will position and may be removed at any time by the council. The chief shall report to and take direction from the city administrator.

B. The chief shall be held accountable for the Craig volunteer fire squad only, and shall make written and verbal reports as the council may require. All fire squad volunteers shall be accountable to and subject to removal by the chief. [Ord. 677 § 4, 2015.]

#### **2.20.035 EMS coordinator appointment and accountability.**

A. The EMS coordinator shall be appointed by the mayor and subject to confirmation by the city council, for an indefinite period of time. The coordinator's tenure of office shall depend upon good conduct and efficiency. The EMS coordinator shall be technically qualified by training and experience and shall have ability to command the squad and hold their respect and confidence. The coordinator is an at-will position and may be removed at any time by the council. The coordinator shall report to and take direction from the city administrator.

B. The EMS coordinator shall be held accountable for the Craig EMS squad only, and shall make written and verbal reports as the council may require. All EMS volunteers shall be accountable to the EMS coordinator only, and subject to removal by the coordinator. [Ord. 677 § 4, 2015.]

#### **2.20.040 Duties of fire chief.**

A. The fire chief shall formulate a set of rules and regulations to govern fire squad volunteers, and shall be responsible for the personnel, morale and general efficiency of the squad.

B. The fire chief shall determine the number and kind of companies of which the fire squad is to be composed and shall determine the response of such companies to calls for service.

C. The fire chief shall conduct, at least once a month, suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the city, fire prevention, water supplies, and all other matters generally considered essential to safety of life and property from fire.

D. The fire chief is required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

E. The fire chief is empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections as provided

in Chapter 1.12 CMC, and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found.

F. Any person so served with a notice to abate any fire hazard or hazards shall comply therewith and promptly notify the fire chief.

G. The fire chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel, training, and other information about the work of the fire squad. Records shall be maintained in compliance with the state of Alaska statutes governing management and preservation of public records.

H. The fire chief shall report regularly to the council the condition of the apparatus and equipment; the number of fires since the prior report, their location and cause, and date of same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run, and any changes in membership.

I. The fire chief shall make a complete annual report to the council within one month after the close of the fiscal year, such report to include the information specified in subsection (G) of this section, together with comparative data for previous years and recommendation for improving the effectiveness of the department. [Ord. 677 § 4, 2015.]

#### **2.20.045 Duties of EMS coordinator.**

A. The EMS coordinator shall formulate a set of rules and regulations to govern EMS employees and volunteers, and shall be responsible to the council for the personnel, morale and general efficiency of the squad.

B. The EMS coordinator shall determine the number and kind of companies of which the EMS squad is to be composed and shall determine the response of such companies to alarms.

C. The EMS coordinator shall conduct, at least once a month, suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, and all other matters generally considered essential to good emergency services practices and safety of life and property.

D. The EMS coordinator shall see that complete records are kept of all calls, inspections, apparatus and minor equipment, personnel, train-

ing, and other information about the work of the department. Records containing patient information shall be stored and secured in compliance with state and federal law.

E. The EMS coordinator shall report regularly to the council the condition of the apparatus and equipment; the number of EMS calls during the month, the number and purpose of all other runs made; and the number of members responding to each medical emergency or other run; and any changes in membership.

F. The EMS coordinator shall make a complete annual report to the council within one month after the close of the fiscal year, such report to include the information specified in subsection (E) of this section, together with comparative data for previous years and recommendation for improving the effectiveness of the EMS squad. [Ord. 677 § 4, 2015.]

#### **2.20.050 Membership.**

A. The membership of the department consists of such persons as may be appointed by the chief and EMS coordinator for their respective squads.

B. Any member of the department may be suspended or discharged from the department by the chief and/or EMS coordinator at any time the chief or coordinator deem such action necessary for the good of the department.

C. Each member of the department shall be issued an identification card. [Ord. 677 § 4, 2015.]

#### **2.20.060 Social officers.**

A. The department may elect social officers. Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the department.

B. The functions and duties of social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire or emergency medical service activities of the department. [Ord. 677 § 4, 2015.]

#### **2.20.070 Apparatus and equipment.**

A. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property.

B. Recommendations of apparatus and equipment needed shall be made by the chief and/or EMS coordinator to the city administrator, and upon approval by the council shall be purchased in such a manner as may be designated by the council.

C. All equipment of the department shall be safely and conveniently housed in such places as may be designated by the council and such places shall be heated during the winter season.

D. No person shall use any department apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department.

E. No person shall enter any place where department apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by or having the permission of the city administrator, the city administrator's designee, or an authorized member of the department. [Ord. 677 § 4, 2015.]

#### **2.20.080 Prohibited acts.**

A. No person shall drive any vehicle over fire hose except upon specific orders from the chief or other officer in charge.

B. No person shall park any vehicle or otherwise cause any obstruction to be placed within 30 feet of the entrance to any department station or other place where department apparatus is stored, or within 10 feet of any fire hydrant.

C. No unauthorized person in any vehicle shall follow within 300 feet of any apparatus belonging to the department, nor park any vehicle within 300 feet of a fire.

D. No person shall maliciously turn in or cause to be turned in a false alarm. [Ord. 677 § 4, 2015.]

#### **2.20.090 Enforcement.**

A. Any person violating the provisions of CMC 2.20.040(F), 2.20.070(D) or (E), or 2.20.080 shall, upon conviction before the municipal magistrate, pay a fine of not less than \$50.00 or more than \$100.00 for each offense.

B. All regularly appointed members of the department are given the necessary special police powers for the purpose of enforcing the provisions of this chapter.

C. It is made the special duty of the chief of police and/or other peace officers to respond to all

calls for service and assist the department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of all sections of this chapter. [Ord. 677 § 4, 2015.]

**Chapter 2.24****POLICE DEPARTMENT**

## Sections:

- 2.24.010 Establishment.
- 2.24.020 Management and personnel.
- 2.24.030 Powers and duties.

**2.24.010 Establishment.**

There is established a police department for the city. [Ord. 226 § 5, 1984.]

**2.24.020 Management and personnel.**

The city council shall select a chief of police who shall serve for an indefinite term with compensation to be from time to time determined by the city council. The chief of police shall be responsible to, and subject to the supervision of, the city's chief administrative officer. The mayor may (in writing) delegate to the city administrator the mayor's functions as chief administrative officer and personnel officer with respect to the police department. The chief of police shall be an officer of the city and shall have supervision and control of the police department. The chief of police shall select personnel (subject to review and approval by the city's personnel officer) to serve as police officers and staff members. [Ord. 226 § 4, 1984.]

**2.24.030 Powers and duties.**

A. It shall be the duty of the police department to apprehend and arrest and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state laws as provided by law, and turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of policemen. The police department shall have charge of and operate the city jail.

B. It shall also be the duty of the police department and such officers as are assigned by the chief of police to enforce all traffic regulations and all of the state motor vehicle laws applicable to street and highway traffic of the city, to make arrests for traf-

fic violations, to investigate accidents and to carry out those duties especially imposed upon the department. [Ord. 137 § 5, 1976.]

**Chapter 2.26**

**Chapter 2.28**

**PUBLIC WORKS DEPARTMENT**

**CIVIL DEFENSE AGENCY**

Sections:

- 2.26.010 Establishment.
- 2.26.020 Functions.

Sections:

- 2.28.010 Short title.
- 2.28.020 Creation.
- 2.28.030 Purpose.
- 2.28.040 Situation and assumptions.
- 2.28.050 Organization and responsibilities.
- 2.28.060 Operational objectives.
- 2.28.070 Functions and services.

**2.26.010 Establishment.**

There is established a public works department, which shall be administered by a public works director. The public works director shall be appointed by the mayor, subject to confirmation by the council. The public works director shall be responsible to, and subject to the supervision of, the city’s chief administrative officer. [Ord. 227 § 4, 1984.]

For statutory provisions concerning local organization for civil defense, see AS 26.20.060; for provisions regarding civil defense generally, see AS Chapter 26.20.

**2.26.020 Functions.**

The public works department shall manage the functional operation and perform all routine maintenance of city-owned utility systems and roads and all city-owned capital improvements and property of whatever kind. The department shall, to the extent the city’s chief administrative officer may from time to time direct, participate in and/or manage the construction of new capital improvements. [Ord. 227 § 4, 1984.]

**2.28.010 Short title.**

The ordinance codified in this chapter shall constitute the city civil defense ordinance and may be cited as such. [Ord. 133 § 1, 1976.]

**2.28.020 Creation.**

There is created a civil defense agency for the city, to be composed of the mayor and such persons as may be appointed from time to time. The mayor may serve as the civil defense director or he may appoint a director and staff to serve at his pleasure for the city. All city officers and employees, together with those volunteer forces enrolled to aid them prior to or during a disaster, shall constitute the civil defense agency as provided by law. [Ord. 133 § 5, 1976.]

**2.28.030 Purpose.**

It is the goal of the city civil defense agency to provide maximum protection for life and property and to repair damage and recover from injury and damage caused by manmade or natural disaster affecting the city. [Ord. 133 § 5, 1976.]

**2.28.040 Situation and assumptions.**

A. Situation.

1. The city, a community of 467, is located on the west shore of Prince of Wales Island, some 60 miles west of Ketchikan, Alaska.
2. The city contains no major industrial complexes or strategic facilities and is not considered a prime target area.

B. Assumptions.

1. Coastal flooding could result from storm-driven waves.
2. Local and teleseismic tsunamis (seismic sea waves) are possible.
3. Winter storms and high winds constitute a threat to the city.
4. Fires, including forest fires, are also a threat to the community.
5. The city could receive dangerous radioactive fallout from nuclear weapons detonated elsewhere. [Ord. 133 § 5, 1976.]

**2.28.050 Organization and responsibilities.**

- A. The mayor of the city will assume command of all personnel assigned responsibility under this plan upon declaration of a state of emergency by federal, state or local authorities authorized to do so or upon receipt of warning of an impending disaster, or actual occurrence of a natural disaster.
- B. The civil defense director is the chief of staff for day-to-day administration and coordination of disaster preparedness activities and, if other than the mayor, advises the mayor in all matters pertaining to the agency's activities.
- C. Each department head will maintain liaison and coordination with the civil defense director.
- D. Business leaders of the city are responsible for cooperation with local government in planning and executing measures designed to assure continued functioning and rapid restoration of the local economy.
- E. Residents of the city are responsible for their own emergency needs and for participation in the general survival and recovery effort. [Ord. 133 § 5, 1976.]

**2.28.060 Operational objectives.**

The objectives of the civil defense agency are to:

- A. Eliminate or lessen the effects of disasters on life and property;
- B. Provide expedient fallout shelter for the residents, and information and training on the effects of radiation and protective measures;
- C. Receive and disseminate warnings of impending threat;
- D. Identify a protected location for the use of city officials as an emergency operations center;
- E. Provide food and shelter to those residents of the city affected by a natural disaster;

F. Advise all residents that a severe local earthquake may be the only warning of a sea wave that they might receive, and to proceed to high ground immediately; and

G. Coordinate with the Alaska Disaster Office for state and federal assistance when local capability is not adequate to cope with disaster-related requirements. [Ord. 133 § 5, 1976.]

**2.28.070 Functions and services.**

A. The civil defense agency will provide notification of impending or actual attack upon the United States and, when available, notification of impending natural disaster. Primary communications are by telephone, with business and private shortwave radios used as a backup.

B. The civil defense agency will also provide for continuation of governmental functions, in the event of nonavailability of any or all of the city officials, by establishing a line of succession.

C. The volunteer fire department will train its members and establish a radiological monitoring capability. It will coordinate with and assist public works personnel in providing expedient fallout shelters and in decontamination of shelters and vital facilities, primarily by firehosing and limited strip decontamination. Boats are considered as primary expedient shelter, weather permitting.

D. The health officer is responsible for the health and welfare services and for providing such services as are available.

E. The city clerk is responsible for the provision of administrative and fiscal services.

F. The city will implement the federal general freeze order, stabilize prices, and establish consumer rationing upon notification from the Governor or the Alaska Disaster Office.

G. Primary responsibility for survival lies with the individual. When his resources and capabilities are taxed, he applies to the city, which will provide assistance to the full extent of its capabilities, and then to the state and federal governments. Individuals are also responsible for participation in the general survival and recovery efforts. [Ord. 133 § 5, 1976.]



**Chapter 2.40**

**Chapter 2.50**

**HARBOR DEPARTMENT**

**PLANNING DEPARTMENT**

Sections:

- 2.40.010 Harbormaster.
- 2.40.020 Powers and duties.

Sections:

- 2.50.010 Planning director.
- 2.50.020 Powers and duties.

**2.40.010 Harbormaster.**

There shall be a harbor department, the head of which shall be the harbormaster, appointed by the mayor, subject to confirmation by the council, for an indefinite term. The harbormaster shall have supervision and control of the harbor department and of City Dock, North Cove Small Boat Harbor, South Cove Small Boat Harbor, and all ancillary dock or harbor facilities, hereinafter referred to as Craig Boat Harbor. The harbormaster shall be responsible to, and subject to the supervision of, the city's chief administrative officer. [Ord. 336 § 5, 1992.]

**2.50.010 Planning director.**

There shall be a planning department, the head of which shall be the planning director, appointed by the mayor, subject to confirmation by the council, for an indefinite term. The planning director shall be responsible to, and subject to the supervision of, the city's chief administrative officer, and shall have supervision and control of the planning department. [Ord. 337 § 4, 1992.]

**2.40.020 Powers and duties.**

In connection with the enforcement of the provisions of CMC Title 4, the harbormaster shall have the authority hereinafter specified:

A. Boarding of Boats. The harbormaster shall have the authority to board any boat within Craig Boat Harbor to abate a nuisance, to protect life and property, and to otherwise enforce the provisions of this title and CMC Title 4.

B. Posting. The harbormaster shall have the exclusive authority to post signs and to thereby designate the limit of boat speeds, classifications and use of Craig Boat Harbor areas, areas where reserved mooring is allowed, and such other signs and notices as will inform the public at large and all boat owners of authorized and prohibited uses of Craig Boat Harbor.

C. Issuance of Notice of Violation. The harbormaster shall have the authority to issue or cause to be issued a notice of ordinance violation against any person violating any provision of CMC Title 4. [Ord. 336 § 5, 1992.]

**2.50.020 Powers and duties.**

The powers and duties of the planning director and planning department are those as specified in CMC Title 18 (Land Development Code). [Ord. 337 § 4, 1992.]

## Chapter 2.54

### REGIONAL SOLID WASTE MANAGEMENT AUTHORITY

#### Sections:

- 2.54.010 Creation.
- 2.54.020 Participating municipalities.
- 2.54.030 Purpose.
- 2.54.040 Boundaries.
- 2.54.050 Powers.
- 2.54.060 Limitations.
- 2.54.070 Debt.
- 2.54.080 Administration.
- 2.54.090 Board of directors.
- 2.54.100 Bylaws and regulations.
- 2.54.110 Meetings.
- 2.54.120 Subject to public records and open meetings laws.
- 2.54.130 Development plan.
- 2.54.140 Annual report.
- 2.54.150 Audits.
- 2.54.160 Fidelity bond.
- 2.54.170 Taxation.
- 2.54.180 Withdrawal.
- 2.54.190 Dissolution.
- 2.54.200 Further acts.

#### **2.54.010 Creation.**

A. The city council of the city of Craig hereby authorizes the creation of a regional solid waste management authority pursuant to the Regional Solid Waste Management Authority Act (AS 29.35.800 through 29.35.925), which authority shall be known as the Southeast Alaska Solid Waste Authority (“authority”). The authority shall be a public corporation of the city of Craig and any other participating municipalities, if any, identified in this chapter.

B. The city of Craig intends, subject to voter approval of the ordinance codified in this chapter,\* to create the authority irrespective of whether one or more other participating municipalities identified in CMC 2.54.020(B) join the authority. [Ord. 611 § 1, 2010.]

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\* Code reviser’s note: Ord. 611 was passed by the voters at the October 6, 2009, municipal election.

#### **2.54.020 Participating municipalities.**

A. The city of Craig shall be known as “participating municipality.”

B. Subject to the approval of substantially similar ordinances as provided in AS 29.35.805, one or more municipalities located within the boundaries of the authority may join with the city of Craig as other participating municipalities authorizing and creating the authority.

C. The city of Craig and any of the other participating municipalities shall be known individually as a “participating municipality” and shall be known collectively as the “participating municipalities.” [Ord. 611 § 2, 2010.]

#### **2.54.030 Purpose.**

The authority is authorized and created to provide environmentally sound and cost-effective management of solid waste, including storage, collection, transportation, separation, processing, recycling and disposal to protect the public health, safety, and welfare, to strive to improve the environment within its boundaries, to recover resources and energy as practical, and to reduce pollution. [Ord. 611 § 3, 2010.]

#### **2.54.040 Boundaries.**

The boundaries of the authority shall include all the land, the tidelands and the submerged lands in the territory bounded on the north by the northern boundary of the city and borough of Yakutat as such is described in the certificate of boundaries which the state of Alaska issued on April 2, 1997, and which may be amended from time to time, which, if amended, shall be incorporated by the authority without further action by the participating municipalities, on the east by the International Boundary of the United States and Canada, on the south by the International Boundary of the United States and Canada, and on the west by the United States territorial limits. With respect to the boundaries of the authority that extend into Dixon Entrance or the Gulf of Alaska, notwithstanding the foregoing description, the jurisdictional limits of the authority extend only to the limits of the state of Alaska’s jurisdiction under AS 44.03.010. [Ord. 611 § 4, 2010.]

**2.54.050 Powers.**

- A. The authority may:
1. Sue and be sued;
  2. Have a seal and alter it;
  3. Acquire an interest in a project as necessary or appropriate to provide financing for the project, whether by purchase, gift, or lease;
  4. Lease to others a project acquired by the authority on the terms and conditions the authority may consider advisable, including, without limitation, provisions for purchase or renewal;
  5. Sell, by installment sale or otherwise, exchange, donate, convey, or encumber in any manner by mortgage or by creation of another security interest, real or personal property owned by it or in which it has an interest, including a project, when, in the judgment of the authority, the action is in furtherance of the authority's purposes;
  6. Accept gifts, grants, or loans, under the terms and conditions imposed under the gift, grant, or loan, and enter into contracts, conveyances, or other transactions with a federal agency or an agency or instrumentality of the state, a municipality, a federally recognized tribe, a Section 8(a) minority business, a nonprofit 501(c)(3) foundation, a private organization, or another person;
  7. Deposit or invest its funds, subject to agreements with bondholders;
  8. Purchase or insure loans to finance the costs of projects;
  9. Provide physical security as to any project of the authority within the boundaries of the authority;
  10. Enter into loan agreements for one or more projects on the terms and conditions the authority considers advisable;
  11. Acquire, manage, and operate projects the authority considers necessary or appropriate to serve the authority's purposes;
  12. Assist private lenders to make loans to finance the costs of projects through loan commitments, short-term financing, or otherwise;
  13. Charge fees or other forms of remuneration for the use or possession of projects under the agreements described in this subsection; other agreements relating to the projects, covenants, or representations made in bond documents relating to the projects; or regulations of the authority relating to the projects;

14. Regulate land use within the area of any project of the authority in a manner not prohibited by the planning and zoning ordinances of any participating municipalities of the authority;

15. Defend and indemnify a current or former member of the board, employee, or agent of the authority against all costs, expenses, judgments, and liabilities, including attorney fees, incurred by or imposed on that person in connection with a civil or criminal action in which the person is involved because of the person's affiliation with the authority if the person acted in good faith on behalf of the authority and within the scope of the person's official duties and powers;

16. Purchase insurance to protect and hold harmless its employees, agents, and board members from an action, claim, or proceeding arising out of the performance of, purported performance of, or failure to perform in good faith, duties for the authority or arising out of employment with the authority and to hold them harmless from expenses connected with the defense, settlement, or monetary judgments from that action, claim, or proceeding; the purchase of insurance is subject to the discretion of the board; insurance purchased under this subsection is not compensation to the insured person; and

17. Protect its assets, services, and employees by purchasing insurance or providing for certain self-insurance retentions.

B. The authority shall maintain casualty, property, business interruption, marine, boiler and machinery, pollution liability, and other insurance in amounts reasonably calculated to cover potential claims against the authority or a municipality for bodily injury, death or disability, and property damage that arise from or are related to authority operations and activities. [Ord. 611 § 5, 2010.]

**2.54.060 Limitations.**

The authority is not limited except as expressly set forth herein or in statute. [Ord. 611 § 6, 2010.]

**2.54.070 Debt.**

Subject to the provisions of AS 29.35.825 through 29.35.850, as amended, the authority may borrow money and may issue bonds on which the principal and interest are payable:

A. Exclusively from the income and receipts of, or other money derived from, the project financed with the proceeds of the bonds;

B. Exclusively from the income and receipts of, or other money derived from, designated projects or other sources, whether they are financed, insured, or guaranteed in whole or in part with the proceeds of the bonds; or

C. From its income and receipts or a designated part or parts of them. [Ord. 611 § 7, 2010.]

#### **2.54.080 Administration.**

A. The authority shall be governed by a board of directors (“board”), which shall exercise the powers of the authority.

B. The board shall hire a chief executive officer of the authority who shall be an at-will employee and serve at the pleasure of the board. [Ord. 611 § 8, 2010.]

#### **2.54.090 Board of directors.**

A. Number and Apportionment. The board shall be comprised of members designated as participating municipality directors and at-large directors whose number and apportionment shall be as follows:

1. In the event that the authority is comprised of a single participating municipality, the board shall be comprised of three directors as follows: one participating municipality director who shall be appointed to represent the appointing participating municipality, and two at-large directors.

2. In the event that the authority is comprised of two participating municipalities, the board shall be comprised of three directors as follows: two participating municipality directors with each participating municipality director appointed to represent the appointing participating municipality, and one at-large director.

3. In the event that the authority is comprised of three or more participating municipalities, the board shall be comprised entirely of participating municipality directors whose total number shall equal the number of the authority’s participating municipalities, with each participating municipality director appointed to represent the appointing participating municipality.

#### **B. Qualifications.**

1. Participating municipality directors shall be residents of and shall meet the minimum quali-

fications for election to the governing body of the participating municipality they are appointed to represent.

2. At-large directors may reside in any community within the boundaries of the authority and shall meet the minimum qualifications for election to the governing body of the community within which they reside.

#### **C. Appointment – Filling Vacancies.**

1. Participating Municipality Directors. To first appoint participating municipality directors to the board upon creation of the authority or upon receipt of board notification of its determination and declaration of vacancy, the governing body of the participating municipality shall, not later than 60 calendar days following the date of the notice of vacancy, appoint participating municipality directors of the authority by an affirmative vote of its members at a regular or special meeting.

2. At-Large Directors. To first appoint at-large directors, if any, to the board upon creation of the authority or upon receipt of board notification of its determination and declaration of an at-large director vacancy, the governing bodies of the participating municipalities shall appoint individuals to fill at-large director vacancies as provided in this section.

a. In the event that the authority is comprised of a single participating municipality, the governing body of the participating municipality shall, not later than 60 calendar days following the date of the notice of vacancy, appoint at-large directors by an affirmative vote of its members at a regular or special meeting.

b. In the event that the authority is comprised of two participating municipalities, each participating municipality shall nominate at least one qualified individual to fill the at-large director position. The board shall appoint the at-large director from nominations submitted by the participating municipalities. In the event that the board cannot reach a decision with regard to the appointment of an at-large director, the board shall select the individual for appointment to the at-large director position by coin toss.

#### **D. Terms.**

1. Participating municipality directors shall serve three-year terms; provided, however, that participating municipality directors first appointed after the creation of the authority shall be randomly

assigned to one of three groups, each group to be as nearly equal in number as possible. The directors assigned to one such group shall serve one-year terms; the directors assigned to the second such group shall serve two-year terms; and the directors assigned to the third such group shall serve three-year terms.

2. At-large directors shall serve three-year terms; provided, however, that in the event that the authority is comprised of a single participating municipality, one at-large director shall be randomly designated as the at-large director to serve a full director term or until the second participating municipality, if any, appoints its participating municipality director, and the other at-large director shall be randomly designated to serve a full director term or until the third participating municipality, if any, appoints its participating municipality director; and provided further, that in the event that the authority is comprised of two participating municipalities, the at-large director shall serve a full director term or until the third participating municipality, if any, appoints its participating municipality director.

E. Each director shall hold office for the term of appointment and until a successor has been qualified and appointed.

F. If otherwise qualified, a director is eligible to be appointed to the board for more than one term.

G. Determination and Declaration of Vacancy. The board shall declare a director position vacant when the director in question:

1. Fails to qualify or take office within 30 days after appointment;
2. Is physically absent from the participating municipality for 180 consecutive days unless excused by the board of directors;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the board of directors;
5. Is convicted of a felony or of an offense involving a violation of the oath of office;
6. No longer physically resides in the participating municipality; or
7. Misses three consecutive regular meetings and is not excused.

H. Notice of Vacancy. Upon determination that a board position is vacant, the board shall promptly furnish written notice of its determination and dec-

laration of vacancy in the board to the governing body of the participating municipality in the event of a participating municipality director vacancy, or to the governing bodies of all participating municipalities in the event of an at-large director vacancy. [Ord. 611 § 9, 2010.]

#### **2.54.100 Bylaws and regulations.**

A. The board shall adopt bylaws to carry out the purposes and functions of the authority as soon after the establishment of the authority as possible and may, from time to time, amend those bylaws. The bylaws may contain any provision not in conflict with Alaska statutes for the management of the business of the authority and for the conduct of the affairs of the authority, including the:

1. Time, place, and manner of calling, conducting, and giving notice of meetings of the board and committees of the board, if any;
2. Compensation of the board of directors, if any;
3. Allowance for per diem and for travel and other necessary and reasonable expenses incurred by directors in the conduct of the business of the authority, if any;
4. Appointment and authority of committees of the board, if any;
5. Appointment, duties, compensation, and tenure of officers, directors, chief executive officer, and other employees, if any;
6. Procedures for adopting regulations;
7. Procedures for adopting bylaws;
8. Procedures for making annual reports and financial statements; and
9. Other matters for the conduct of business by the board.

B. The board shall adopt regulations to carry out the purposes of the authority and to facilitate the day-to-day administration, operation and other functions of the authority. The board may amend those regulations from time to time. [Ord. 611 § 10, 2010.]

#### **2.54.110 Meetings.**

A. Quorum. A majority of the total membership of the board constitutes a quorum. A director disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum any director may recess or adjourn the meeting to a later date.

B. Actions. Actions of the board are adopted by a majority of the total membership of the board. Each director shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded “yes” or “no,” except that if the vote is unanimous it may be recorded “unanimous.”

C. Journal. The board shall maintain at its main office or any other office as designated by the board a journal of its official proceedings. The journal shall be a public record. [Ord. 611 § 11, 2010.]

#### **2.54.120 Subject to public records and open meetings laws.**

The authority is subject to AS 40.25.110 through 40.25.220 and to AS 44.62.310 and 44.62.312, as amended. [Ord. 611 § 12, 2010.]

#### **2.54.130 Development plan.**

A. The authority shall prepare, and shall maintain and keep current by amendment from time to time as necessary or appropriate, an authority project development plan (“development plan”).

B. The development plan shall contain, for each proposed project:

1. A general project description which shall identify the need for the project, identify development phases, if any, describe any existing improvements in the project area to be affected by the project, describe real and personal property, including municipal real and personal property, proposed to be conveyed or leased to or from the authority, discuss environmental issues associated with the project, list permits likely to be required to proceed with the project, and provide any other information necessary to adequately describe the project’s purpose and scope;

2. A development schedule including phases, if any;

3. The estimated development cost, including the estimated development cost of project phases, if any;

4. The estimated cost of operation;

5. The proposed method of financing the improvements;

6. Identification of anticipated revenues from use fees, leases or other contractual arrangements with respect to each project; and

7. Any other information which the board deems necessary to adequately describe the intent, purpose, schedule, and cost.

C. The authority shall submit the development plan and any subsequent amendments to that development plan to the governing bodies of the participating municipalities for review and for approval by resolution. Before the authority may consider its development plan approved for purposes of this section, all participating municipalities must have first approved the development plan, including any amendments to that development plan, by resolution.

D. The authority shall not undertake any project unless the board formally determines by resolution that the proposed project is consistent with the approved development plan, including any amendments to that development plan. [Ord. 611 § 13, 2010.]

#### **2.54.140 Annual report.**

Within 90 days following the end of the fiscal year of the authority, the board shall distribute to the governing body of each participating municipality a report describing the operations and financial condition of the authority during the preceding fiscal year. The financial report must itemize the cost of providing each category of service offered by the authority and the income generated by each category. The financial report may include suggestions for legislation relating to the structure, powers, or duties of the authority or operation of facilities of the authority. [Ord. 611 § 14, 2010.]

#### **2.54.150 Audits.**

A. The board shall have the financial records of the authority audited at least once annually by an independent certified public accountant.

B. To make the audits the board shall designate a public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the authority. The board may retain a public accountant who also serves as an accountant or auditor for any participating municipality upon a vote of two-thirds of the board.

C. Copies of the annual and any additional audits shall be available to the public upon request.

D. The authority shall make all of its financial records available to auditors appointed by the par-

participating municipality for examination. [Ord. 611 § 15, 2010.]

#### **2.54.160 Fidelity bond.**

The authority shall obtain a fidelity bond in an amount determined by the board for board members and each executive officer responsible for accounts and finances of the authority. A fidelity bond must be in effect during the entire tenure in office of the bonded person. [Ord. 611 § 16, 2010.]

#### **2.54.170 Taxation.**

A. Because the authority, exercising the powers granted by the enabling ordinance codified in this chapter under AS 29.35.800 through 29.35.925 as amended, is in all respects for the benefit of the people of the participating municipality and the people of the state in general, for their well-being and prosperity, and for the improvement of their social and economic condition, the real and personal property of the authority and its assets, income, and receipts are exempt from all taxes and special assessments of the state, or a political subdivision of the state, including but not limited to the participating municipality.

B. Bonds issued by the authority under AS 29.35.825 are issued for an essential public and governmental purpose; therefore, the bonds, the interest and income from them, and all fees, charges, funds, revenue, income, and other money pledged or available to pay or secure the payment of the bonds or interest on them are exempt from taxation except for inheritance, transfer, and estate taxes.

C. Notwithstanding the provisions of subsection (A) of this section, the authority may in its sole discretion enter into agreements under which the authority shall agree to pay to the participating municipality payments in lieu of taxes and special assessments on real and personal property of the authority within the taxing jurisdiction of that municipality.

D. Nothing in this section creates a tax exemption with respect to the interests of a business enterprise or other person, other than the authority, in property, assets, income, or receipts of that business enterprise or other person, whether or not financed under the provisions of AS 29.35.800 through 29.35.925 as amended. [Ord. 611 § 17, 2010.]

#### **2.54.180 Withdrawal.**

A. If the participating municipality is participating with one or more other municipalities, it may withdraw from participation without dissolving the authority by repealing the enabling ordinance adopted under AS 29.35.805(a)(2) or (b); provided, that:

1. The participating municipality intending to withdraw from the authority shall first provide not less than 60 calendar days' written notice to all participating municipalities of its intent to introduce in first reading an ordinance repealing the enabling ordinance adopted under AS 29.35.805(a)(2) or (b); and provided further, that:

2. The ordinance repealing the enabling ordinance adopted under AS 29.35.805(a)(2) or (b) shall be approved by an affirmative vote of at least two-thirds of the members of the governing body of the withdrawing participating municipality, and be approved by a majority of the qualified voters of that participating municipality voting on the question of withdrawing from the authority.

B. The participating municipality's contributions to the authority, if any, shall remain the property of the authority, and the participating municipality remains liable for obligations under any agreement with the authority or other participating municipalities, if any, unless the agreement is changed by the contractual parties. [Ord. 611 § 18, 2010.]

#### **2.54.190 Dissolution.**

A. The participating municipality or the last remaining participating municipality in the event the authority had once included two or more participating municipalities may dissolve the authority. Dissolution of the authority requires an affirmative vote of at least two-thirds of the members of the governing body of the single or last remaining participating municipality on a dissolution ordinance and approval of that dissolution ordinance by a majority of the qualified voters of that participating municipality; provided, however, that:

1. All holders of any revenue bonds issued by the authority and then outstanding are fully repaid including interest, or payment has been fully provided for; and

2. All creditors of the authority, including but not limited to lenders and trade creditors are

fully paid including interest, if any, or other provision has been made for that payment; and

3. All other obligations, agreements and commitments of the authority, including but not limited to agreements with customers of the authority, have been satisfied, or other provisions have been made for that satisfaction.

B. The dissolution ordinance shall include, but is not limited to:

1. Schedules and procedures for terminating the authority's functions and services;

2. Schedules and procedures for disposing of all the authority's assets, including distributing those assets of the authority which must be reconveyed in accordance with the provisions of AS 29.35.810(b) as amended to the participating municipality;

3. Schedules and procedures for satisfying all other obligations, agreements and commitments of the authority as set forth in subsection (A) of this section; and

4. Provisions for those other matters deemed necessary and prudent by the board for the proper dissolution of the authority. [Ord. 611 § 19, 2010.]

**2.54.200 Further acts.**

The mayor of the city of Craig, or the mayor's designee, is authorized to execute those documents and take those actions necessary to establish the authority as set out in this chapter, and to otherwise enter into agreements with the authority and others within the scope and the purpose of the authority. [Ord. 611 § 20, 2010.]