

TENAKEE SPRINGS MUNICIPAL CODE

TITLE 02

CITY COUNCIL

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CHAPTER 02.01

CITY COUNCIL – GENERAL

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02.01.010 Definitions. Whenever the following words and terms are used in this title they shall have the meaning herein ascribed to them unless the context clearly indicated otherwise;

1. “Agenda” means a list of items to be brought up at a meeting.
2. “Chair” means the chairperson, the presiding officer.
3. “Division” means a vote whereby all who are in favor and all who are opposed to a motion stand separately in groups as the chair calls for “yes” and “no” votes.
4. “Division of Question” means to separate a motion so that different parts of it may be considered individually.

5. “Emergency Situations” are those situations beyond control or the ability to resolve within the formal framework of operation and management of the City Council or the mayor on a day-to-day basis. Unexpected loss of power and/or heat in the meeting place may be an emergency situation. Change of meeting time and/or place for convenience is not an emergency situation. Change of meeting time and/or place to insure the presence of a quorum may be an emergency situation only if the business to be conducted requires such attention of the City Council and the City Council so states for the record.
6. “Financial Interest” means an expectation of receiving a pecuniary benefit. A financial interest of a person includes any financial interest of a member of that person’s immediate family. A person has a financial interest in an organization in which that person has an ownership interest, or is a director, officer or employee. A person has a financial interest in a decision if a financial interest of that person will vary with the outcome of the decision. A financial interest does not include the following: (a) a personal or financial interest which is not of the magnitude that would exert an influence on an average, reasonable person; or (b) a personal or financial interest of a type which is generally possessed by the public or a large class of persons to which that official or employee belongs; or (c) an action or influence which would have an insignificant or conjectural effect on the matter in question.
7. “Floor” means the privilege of speaking before the City Council, when one “obtains the floor” one is granted an opportunity to speak.
8. “Immediate family” of a person means anyone related to that person by blood, marriage or adoption or who lives in that person’s household.
9. “Inquiry” or “Parliamentary Inquiry” means an investigation or checking to determine the proper course of procedure.
10. “Majority Vote” means the majority of the City Council members present.
11. “Majority Vote of the City Council” means the vote of four (4) City Council members.
12. “Motion” means a formal proposal to take a certain action.
13. “Move the Previous Question” means a demand that the chair take a vote on a motion (question) being discussed.
14. “Organization” means any corporation, partnership, firm or association, whether organized for profit or nonprofit.
15. “Question” means a proposition or motion that has been placed before the City Council by the chair.
16. “Reconsider” means to reconsider the question, secures further consideration and another vote on the question.
17. “Rescind” means to repeal action previously taken.
18. “Second” means the support of a motion by a second member.
19. “Substantial” means valuable, considerable in value, significantly large as to be worthwhile as a leverage to influence.
20. “Substantive Motion” means a motion creating, defining and regulating rights, duties, and obligations as opposed to a procedural motion or one enforcing methods or obtaining redress.

21. "Table" literally means the chairman's table, but "to lay on the table" or "to table," a motion means to delay action on it.
22. "Three-Fourths Vote" means three-fourths (3/4) of the City Council members present.
23. "Three-Fourths Vote of the City Council" means three-fourths (3/4) of seven (7), that is the vote of six (6) City Council members.
24. "Two-Thirds Vote" means two-thirds (2/3) of the City Council members present.
25. "Two-Thirds Vote of the City Council" means two-thirds (2/3) of seven (7), that is the vote of five (5) City Council members.
26. "Unanimous Vote" means the unanimous vote of all City Councilmembers present.
27. "Unanimous Vote of the Council" means the unanimous vote of the whole City Council, that is the vote of seven (7) members.

02.01.020 Powers. The City Council shall exercise the legislative and policy making powers of the city and shall provide for the performance of all duties and obligations imposed upon the city by laws and ordinance.

02.01.030 Composition. The City Council shall consist of seven (7) members elected by the voters at large. The City Council may by ordinance provide for election of members other than on an at-large basis for all members.

02.01.040 Qualifications.

- A. Council members shall be qualified city voters.
- B. A council member who ceases to be eligible to be a city voter immediately forfeits his or her office.
- C. In order to serve as a council member, a person must be a resident of the city for one year immediately prior to the date of the elections.

02.01.050 Election. An election is held annually on the first Tuesday of October to choose City Council members.

02.01.060 Terms.

- A. A member of the City Council is elected for a three (3) year term and until a successor qualifies.
- B. Terms of office shall be overlapping, with part of the City Council elected each year.
- C. The regular term of office begins on the first Monday following certification of election.
- D. Except when otherwise required by a change in composition or apportionment, if the term of a member of the City Council is changed by ordinance the term of the member holding office when the change becomes effective is not affected.

02.01.070 Oath of office.

- A. All members of the City Council before entering upon the duties of office shall take the following oath and affirmation: "I, _____, do solemnly swear that I will support the Constitution of the United States, and the State of Alaska, and the laws and ordinances of the City of Tenakee Springs, Alaska and that I will honestly, faithfully, and impartially perform the duties of the office of City Council member to the best of my ability."
- B. This oath shall be filed with the city clerk.

02.01.080 Compensation. A. The City Council may by ordinance fix compensation for the office of City Council member, except that a salary may not be increased during a term of office.

B. Pursuant to AS 29.20.620, an elected official may receive compensation for the service to the municipality in addition to any salary received as an elected official, provided, that the standards below are met.

1. City Council members may be employed by the city only if the following requirements are met:
 - a.) the council member must be qualified to perform the work for which he or she is hired. Qualified means possessing the necessary physical abilities and/or technical skills, as required in job descriptions for the position.
 - b.) if the position is supervisory, the council will approve the appointment, except that the mayor may assume pre-approval if timeliness is critical; and, he/she will report to the council at the next regular council meeting.
2. council members may be contractors to the city only if the following requirements are met:
 - a.) the council member must be qualified to contract for the work and meet any and all requirements of contract proposals, bidding, quotes, agreements and contract awards. Qualified means possessing the necessary physical abilities and /or technical skills as required in the contract proposal.
 - b.) before the award of a contract for work, the council will approve the award except that the mayor may assume pre-approval if timeliness is critical and he will report to the council at the next regular council meeting.
3. exceptions to the standards in (1) and (2) above may be granted only upon specific findings by the council that the exceptions are necessary, and a statement of the facts upon which those findings are based.

02.01.090 Conflict of Interest. A. A City Council member shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote in the matter.

B. Any City Council member may raise the question of conflict of interest of another City Council member and ask the presiding officer to excuse the member questioned from a vote, except that the question shall not be arbitrarily raised and shall be substantiated with fact.

C. The presiding office of the City Council shall rule on a request that a member of the City Council be excused from a vote and must consider the following:

1. Clear and substantial interest shall be any direct or indirect financial gain or gain of personal assets by the City Council member or the member's immediate family.
2. Any clear and substantial interest that the City Council member may gain during the member's term of office and for one (1) year following the term for which the City Council member is elected.
3. The approval of compensation to the City Council members for services other than service as City Council member as provided for in Section 02.01.070 of this chapter is not approval for a City Council member to vote on matters where the member has a clear and substantial financial interest.

4. The determinations of fact shall be stated for the record.
5. The presiding officer's rule shall not be construed as a vehicle to approve a City Council member's participation in an official action in the presence of clear and substantial conflict of interest.

D. The decision of the presiding officer, on a request for a ruling on questions of conflict of interest, may be overruled by the majority vote of the City Council when:

1. such action shall state determinations of fact on the consideration in C. above; or
2. this question shall be determined before the main question is voted upon; and
3. the affected member or members may not vote on the determination of conflict of interest; and
4. if there are not four (4) members in attendance qualified to vote, the matter shall be tabled until the next regular or special meeting at which there are sufficient members present to vote.

02.01.100 Vacancy. A. The City Council shall declare the office of City Council member vacant when the person elected or appointed:

1. fails to qualify or take office within thirty (30) days after the election or appointment;
2. is physically absent from the municipality for ninety (90) consecutive days unless excused by the City Council;
3. ceases to be a voter in the City of Tenakee Springs, immediately forfeiting office;
4. resigns and the resignation is accepted;
5. is physically or mentally unable to perform the duties of office as determined by two-thirds (2/3) vote of the City Council;
6. is convicted of a felony or of an offense involving a violation of the oath of office;
7. is convicted of a felony or misdemeanor described in AS 15.56 and two thirds (2/3) of the member of the governing body concur in expelling the person elected or appointed;
8. is convicted of a violation of AS 15.13;
9. no longer physically resides in the municipality and the City Council by two-thirds (2/3) vote declares the seat vacant; this paragraph does not apply to a City Council who forfeits office under #3 above; or
10. misses three (3) regular meetings in any twelve (12) month period and is not excused; or
11. is convicted of the violation of a municipal election law.

02.01.110 Filling a Vacancy. A. If a vacancy occurs in the City Council, the remaining members shall, within thirty (30) days, appoint a qualified person to fill the vacancy. If less than thirty (30) days remain in a term, or until the time of the next regular election, a vacancy may not be filled.

B. Notwithstanding A. of this section, if the City Council is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven (7) days, appoint a number of qualified persons to constitute a quorum.

C. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

02.01.120 Recall Petition. The voters of the city may recall a City Council member but only as prescribed by AS 29.26.240-29.26.360.

CHAPTER 02.02

MEETING AND ORGANIZATION

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	02.02.030	REGULAR MEETINGS
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02.02.010 Organization after Annual Election. The City Council shall meet and organize on the first Monday following certification of each regular election. At such meeting, or within one (1) week thereafter, the City Council shall elect from among its members a president and vice-president.

02.02.020 Meetings to be Public. All regular and special meetings of the City Council shall be public and the City Council shall provide reasonable opportunity for the public to be heard.

02.02.030 Regular Meetings. A. The City Council shall hold at least one (1) regular meeting each month.
B. The usual time for the regular meeting shall be the fourth Thursday of the month at 7 PM.
C. Any change in time for the regular meeting shall be posted at least one (1) week in advance of the usual time in at least three (3) public places.
D. Notwithstanding B. and C. of this section, time for regular City Council meetings may be changed without prior notice in emergency situations.

02.02.040 Special Meetings. A. If a majority of the members are given at least twenty-four (24) hours oral or written notice and reasonable efforts are made to notify all members, a special meeting of the City Council may be held at the call of the presiding officer or at least one-third (1/3) of the members.

B. A special meeting may be conducted with less than twenty-four (24) hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

02.02.050 Executive Session. A. The City Council may at any time during a public meeting go into a closed or executive session from which the general public may be excluded when the question to hold the executive sessions contains a matter from B. of this section and is determined by the affirmative vote of all members present or the affirmative vote of five (5) members of the City Council, whichever is less.

B. Only the following subjects may be discussed in an executive session:

1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the city;
2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
3. matters which by law, municipal charter, or ordinance are required to be confidential.

C. No subject may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question.

D. Confidentiality of executive sessions shall be maintained by swearing members, or any other person participating in such session, to not reveal anything that went on in the executive session.

E. No action may be taken at the executive session.

02.02.060 Work Sessions. A. The City Council may have work sessions, which shall be informal meeting in which no formal action is taken. Work sessions shall be open to the public.

02.02.070 Location. A. The meetings of the City Council shall be at a regular location that is a clearly known and accessible place and which shall become the usual location for meeting.

B. Any change in location from the usual place for meeting shall be posted twenty-four (24) hours prior to the scheduled meeting in at least three (3) public places.

C. Notwithstanding B. of this section, in emergency situations the place for meeting may be changed by posting notice of where the meeting is being held, at the regular location.

02.02.080 Notice. A. Unless elsewhere provided, reasonable notice of meetings is given if a statement containing the date, time and place of meeting is posted not less than twenty-four (24) hours before the time of the meeting in at least three (3) public places.

02.02.090 Presiding Officer. A. The City Council president shall be the presiding officer of the City Council. In the absence of the City Council president, the vice-president shall be presiding officer of the City Council. In the absence of the president and the vice-president of the City Council, the member with the longest accumulative time as a council member shall be the presiding officer of the City Council.

02.02.100 Quorum. A. A majority of the total membership of the City Council authorizes a quorum. A member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. A member attending telephonically will be considered present for purposes of constituting a quorum. In the absence of a quorum any number of members may recess or adjourn the meeting to a later date or time.

02.02.110 Journal. A. The City Council shall maintain a journal of its official proceedings that shall be a public record.

B. The minutes of City Council meetings shall constitute the journal of the City Council.

02.02.120 Absences. A. No City Council member shall be absent from meetings of the City Council except for good and sufficient reason.

CHAPTER 02.03

PROCEDURES

Sections:	02.03.010	ORDER OF BUSINESS
	02.03.020	AGENDA
	02.03.030	ENACTMENTS
	02.03.040	MINUTES
	02.03.050	DUTIES OF THE CITY CLERK

02.03.010 Order of Business. A. At every regular meeting of the City Council the order of business shall be as follows:

1. CALL TO ORDER/ROLL CALL
2. MINUTES
3. COMMUNICATIONS
4. REPORTS
5. PUBLIC PARTICIPATION
6. OLD BUSINESS
7. CONSENT AGENDA
8. NEW BUSINESS
9. COUNCIL COMMENTS
10. ADJOURNMENT

02.03.020 Agenda. A. For regular meetings, all reports, communications, resolutions, contract documents, or other matters to be submitted to the City Council shall be delivered to the city clerk by noon on the third day preceding the meeting day. Materials for special meetings shall be delivered to the city clerk in time to meet requirements of notice.

B. Agenda items shall be submitted by a member of the City Council.

C. Community members wishing to have an item on the agenda shall request that of City Council member.

D. The mayor shall arrange a list of such matters according to the order of business and the city clerk shall post this as the meeting agenda by 4pm on the third day preceding the meeting day, except that notices of public hearing, including time and place, shall be posted at least five days preceding the hearing day.

E. Consent Agenda items shall be limited to matters arising after close of the agenda for the regular meetings which cannot be delayed until the regular meeting of the following month. The consent agenda shall be posted by noon of the day preceding the regular City Council meeting.

F. Matters to be considered in work session shall be listed by the city clerk and posted twenty-four (24) hours prior to said work session.

02.03.030 Enactments. A. Actions of the City Council are adopted by a majority of the total membership of the City Council. Each member present shall vote on every question, unless required to abstain from voting on a question be 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”.

02.03.040 Minutes. A. Minutes of all meetings of the City Council, excluding executive sessions, shall be taken. All minutes shall be kept as a journal of the proceedings of the City Council. The minutes are public record and copies shall be distributed to three (3) locations that are open to the public; other copies shall be available at cost of copying as determined by the City Council by resolution.

B. The minutes may be approved without a reading if each member of the City Council has previously received a copy, unless a member requests a reading of the minutes.

C. A City Council member may request through the mayor the privilege of a verbatim record of the member’s statement. Unless a majority of the City Council members present object to the request, such statement shall be entered in the minutes. The presiding officer may rule that such statement be submitted in writing to the city clerk.

D. The subject matter covered at the City Council work sessions shall be noted and entered into the journal of proceedings of the City Council.

02.03.050 Duties of the City Clerk. A. The city clerk shall give notice of City Council meetings, shall attend all meetings of the City Council and keep the journal of the City Council proceedings, shall authenticate by signature and record actions of the City Council, shall arrange publications, maintenance and availability of city ordinances, resolutions and other duties prescribed by the City Council or this Code.

B. In the case of the temporary absence of the city clerk the City Council may appoint a clerk pro tempore, with all the powers, duties, and obligations of the city clerk.

CHAPTER 02.04

RULES OF ORDER

Sections: 02.04.010 **ORDER AMONG CITY COUNCIL MEMBERS**

02.04.020	CITY COUNCIL RULES - GENERAL
02.04.030	RULES OF CONDUCT
02.04.040	POINT OF ORDER
02.04.050	MOTIONS – GENERAL
02.04.060	ORDER OF MOTIONS
02.04.070	MOTIONS TO RECONSIDER AND RESCIND
02.04.080	VOTING
02.04.090	PUBLIC HEARINGS AND PARTICIPATION

02.04.010 Order among City Council Members. A. The City Council president, ex officio mayor, shall preside at all meetings of the City Council, preserve order and decorum among members and be responsible for conduct of all meetings in compliance with the rules of the City Council.

B. The City Council president, ex officio mayor, may at any time make such rules as deemed proper to preserve order among spectators during sessions of the City Council.

C. The City Council president, ex officio mayor, may at any time call any member to the chair during any meeting, such substitution to discontinue when he elects to resume the chair, and in no event beyond adjournment of the meeting at which such substitution is made.

D. In the temporary absence or disability of the City Council president, ex officio mayor, the presiding officer of the City Council shall be as prescribed in Section 02.02.090.

02.04.020 City Council Rules – General. A. A proposed amendment to, or repeal of, any rule of the City Council shall be submitted in writing. Upon presentation of such proposed amendment or repeal of City Council rules it shall be tabled and become the first item of unfinished business at the next regular meeting.

B. In all matters of parliamentary procedure not covered in this chapter, Robert’s Rules of Order Newly Revised, 1990 Edition shall apply and govern.

C. The City Council rules and order of business shall be observed in all cases, unless suspended temporarily by a vote of two-thirds (2/3) of the City Council members present. Any member may move for the suspension of any rule, provided there is no conflict with adopted rules or fundamental principals of parliamentary law, at any time there is no unrelated question pending, and such motion must be seconded to entitle it to consideration. Nothing which was not mentioned in the motion to suspend the rule can be done under the suspension.

D. If any member, in speaking or otherwise, transgresses the rules of the City Council, the presiding officer shall, or any member can, call such member to order; in which case the procedures in Section 02.04.040 Point of Order of this chapter shall be followed. If a decision on a Point of Order favors a member called to order, such member is at liberty to proceed; if otherwise, such member shall not proceed without the leave of the City Council.

02.04.030 Rules of Conduct. A. A member about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the presiding officer. When two (2) or more members request to speak at the same time, the presiding officer shall determine which one is recognized.

B. Every member while speaking shall confine himself to the subject under debate, shall refrain from personalities, and shall not refer to any other member of the City Council except in a respectful manner.

C. Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.

D. No member shall speak more than twice or for more than ten (10) minutes continuously to any one question, except that one or more additional periods of ten (10) minutes may be granted by unanimous consent. The reading of papers by any member shall be read by that member or by the city clerk within the member's time limitation unless permission for the city clerk to read such paper outside the time limitation is unanimously granted.

E. No appeal from any decision of the presiding officer shall be entertained unless it is seconded, and no other business shall be in order until the question on appeal has been decided. The question on the appeal is not debatable and shall be put as follows: "Shall the decision of the chair stand as the judgment of the City Council?" It shall be deemed to be decided in the affirmative unless a majority of the votes are to the contrary.

F. Any member may make a parliamentary inquiry of the chair at any time during a meeting.

02.04.040 Point of Order. A. Any member may make a point of order without a second at any time. The presiding officer may speak to points of order in preference to other members and shall decide all such questions.

B. Decisions on points of order may be appealed to the City Council by motion duly seconded and such appeal is not debatable and no other business shall be in order until the question on the appeal has been decided.

02.04.050 Motions – General. A. All motions shall require a second, unless provided by special rule.

B. After a motion is stated or read by the presiding officer, it shall be deemed to be in the possession of the City Council and shall be disposed of by vote.

C. The mover may withdraw a motion at any time before decision or amendment, with consent of the second.

D. Any member may require the division of a question, when the sense of it will admit.

E. Any motion must be reduced to writing if the presiding officer so requires or any member so demands, and no other motion shall be entertained until reasonable time (not more than <10> minutes) is afforded for compliance with this rule.

F. No motion or proposition of a subject different to that under consideration shall be admitted under color of an amendment.

02.04.060 Order of Motions.

A. When a question is under debate, the presiding officer shall receive any of the following motions but no other:

1. to adjourn;
2. to recess;
3. to raise a question of privilege;
4. to call for the order of business, or regular order;
5. to lay on the table;

6. to call for the previous question;
7. to limit or extend limits of debate;
8. to postpone to a certain time;
9. to refer;
10. to amend;
11. to postpone indefinitely.

B. Precedence shall be given to these motions according to the ranking listed above. The first seven (7) are not subject to debate. The motions to postpone to a certain time, refer, amend, or postpone indefinitely may be amended. A motion to adjourn shall always be in order provided that business of a nature to be recorded in the journal has been transacted since any previous motion to adjourn has been defeated.

C. When a matter has been assigned to be taken up at a fixed time, or at a certain stage of proceedings, any member may call for the matter at the fixed time or any time thereafter and such matter shall take precedence over all other business.

D. The presiding officer shall put all questions in the order in which they are moved unless a subsequent motion has precedence and except that motions of alternatives for names, sums, and times shall be put in the order prescribed by Roberts Rules of Order.

E. When the previous question is moved and seconded, all debate on the main question is immediately suspended and the question put as follows: "The previous question is moved on (specifying the motion on which the previous question is demanded), as many as are in favor of ordering the previous question will so indicate". If the majority assent, the previous question is ordered and immediately put to vote; if the majority dissent, debate immediately reverts to the pending question and amendment as if the previous question had not been demanded.

F. A motion to amend an amendment shall be in order; but a motion to amend an amendment to an amendment shall not be entertained.

02.04.070 Motions to Reconsider and Rescind.

A. Provided that the matter has not passed out of the control of the City Council, any City Council member who has voted on the prevailing side may move for reconsideration of a vote, by motion at the same meeting or, within three (3) days of the vote, by written notification to the other City Council members of the intent to so move at the next meeting. Such notification shall be certified by the city clerk and entered into the journal. If the motion to reconsider prevails the subject is open to debate and amendment in the same manner as the original question. Debate on a motion to reconsider shall be limited to twenty-five (25) minutes and no member shall speak for more than five (5) minutes. No measure shall be reconsidered more than once.

B. Any previous vote may be rescinded by vote of the majority of the City Council at any time, provided the subject has not passed out of the control of the City Council.

02.04.080 Voting.

A. The presiding officer shall declare all votes; but any member may call for a division of a vote. Upon such request, the presiding officer, without further debate, shall secure the call of individual members to express their votes, and shall declare these results.

B. Except where otherwise specified in this title and where a majority of the City Council is not required, when no motion is before the City Council, the chair may, in lieu of calling for or awaiting a motion, put the question in the following form: "Without objection, it will be so ordered". If no objection is heard, the chair shall announce: "It is so ordered", which will have

the same effect as if a motion had been made and voted upon favorably. If a single objection is reasonably expressed when the question is put, the chair shall not proceed further under this rule, but instead shall call for a motion, which motion shall be handled in the regular manner.

02.04.090 Public Hearings and Participation. A. The public shall not speak without recognition from the chair and are governed by the same rules regarding speaking and of conduct as are members of the City Council.

B. The mayor, with consensus of the City Council, may set a time limit on individual public comment and may require that public testimony be submitted in writing and be of a limited length in order to become a part of the record of the proceedings.