

**TENAKEE SPRINGS MUNICIPAL CODE**

**TITLE 03**

**MUNICIPAL GOVERNMENT**

Chapters:

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**CHAPTER 03.01**

**PUBLIC OFFICIALS AND OFFICERS**

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**03.01.010 Executive Officer.** A. The mayor is the chief executive officer of the city and is elected by and from the City Council for a one-year term serving until a successor is elected and qualifies. The mayor may serve only while a member of the council regardless of the term of the office of mayor. There is no limit on total number of terms or number of consecutive terms the mayor may serve.

B. The mayor acts as ceremonial head of government, executes official documents on authorization of the governing body, and is responsible for additional duties and powers prescribed by this code.

C. The mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend, or remove subordinates. As chief administrator the mayor shall:

1. appoint, suspend, or remove municipal employees and administrative officials, except as provided otherwise in this code;

2. supervise the enforcement of municipal law and carry out the directives of the city council;
3. prepare and submit an annual budget and capital improvement program for consideration by the governing body, and execute the budget and capital improvement program adopted;
4. make monthly financial reports and other reports on municipal financial and operations as required by the City Council;
5. exercise custody over all real and personal property of the municipality;
6. perform other duties required by law or by the City Council; and serve as personnel officer, unless the council authorizes the mayor to appoint a personnel officer.

**03.01.020 Mayor – Vacancy in Office.** A. The City Council shall, by two-thirds (2/3) concurring vote, declare the office of mayor vacant only when the person elected:

1. fails to qualify or take office within thirty (30) days after election or appointment;
2. unless excused by the council, is physically absent for ninety (90) consecutive days;
3. resigns and the resignation is accepted;
4. is physically or mentally unable to perform the duties of office;
5. is convicted of a felony or of an offense involving a violation of the oath of office;
6. is convicted of a felony or misdemeanor described in Alaska Statutes 15.56;
7. is convicted of a violation of Alaska Statute 15.13;
8. no longer physically resides in the municipality; or
9. misses three (3) consecutive regular City Council meetings and is not excused.

B. A vacancy in the office of mayor shall be filled by and from the City Council. A mayor appointed under this subsection serves the balance of the term to which appointed, except the mayor may serve only while a member of the council.

**03.01.030 Mayor Executive Absence.** The vice-mayor shall act as mayor during the mayor’s temporary absence or disability. The mayor shall designate, subject to council approval, a member of the City Council to act as the mayor during the temporary absence or disability of both the mayor and the vice-mayor; if the mayor has not so designated the qualifying presiding officer of the City Council as provided in Section 02.02.090 of this code shall act as the mayor.

**03.01.040 Mayor Salary.** A. The City Council shall by budget ordinance at the beginning of each fiscal year fix compensation for the office of mayor, except that a salary may not be increased during a term of office.

B. The office of mayor is filled on a part-time basis.

**03.01.050 (Reserved).**

**03.01.060 Appointive Officials.** A. The mayor shall appoint a municipal clerk, and may appoint such other officials as provided by this code or that the City Council may deem necessary. Unless otherwise provided in this code an official described in this chapter serves at the pleasure of the appointing authority and must be confirmed by the council.

B. No official shall be appointed for a term longer than one year nor beyond the term of the present City Council.

C. Before taking office a municipal official shall affirm in writing that the duties of the office will be honestly, faithfully, and impartially performed by the official. The oath is filed with the municipal clerk.

D. The compensation of all appointive officials shall be fixed by ordinance, except in cases where the position involved is funded through state or federal funds, in which case salary shall be set by council approval.

E. No person may be appointed to or removed from a municipal office or in any way favored or discriminated against with respect to the office because of race, color, sex, creed, national origin or, unless contrary to law, because of political opinion or affiliation.

F. Officials of the city shall disqualify themselves from participating in any official action in which the official has a substantial financial interest.

G. Resignations of officers shall be made in writing and filed with the city clerk who shall immediately notify the proper officials concerned.

H. An official leaving an office, for any reason, shall deliver forthwith to his successor, the municipal clerk, or the mayor, all property of the city such as books, working papers, money and effects, which are in his custody, possession or control.

**03.01.070 Municipal Clerk.** A. The municipal clerk shall:

1. give notice of the time and place of council meetings to the City Council and to the public;
2. attend council meetings and keep the journal;
3. arrange publication of notices, ordinances, and resolutions;
4. maintain and make available for public inspection an indexed file containing municipal ordinances, resolutions, rules, regulations and codes;
5. attest deeds and other documents;
6. have the power to administer all oaths required by law;
7. record and certify all actions of the City Council;
8. be custodian of the city seal and the official records of the city;
9. give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements;
10. be the registrar of the city and responsible for the calling and supervision of all city elections, unless provided otherwise by law; and
11. perform other duties specified in this code or prescribed by the mayor or by the City Council.

B. The mayor may combine the office of clerk with that of treasurer. If the offices are combined, the clerk shall, as required of the treasurer, give bond to the municipality for the faithful performance of duties as clerk/treasurer.

C. In case of the temporary absence of the municipal clerk, the City Council may appoint an acting municipal clerk, who is duly qualified, with all the powers and obligations of the municipal clerk. The acting municipal clerk shall in all cases sign all documents in the name of the municipal clerk, subscribing the signature as acting municipal clerk.

**03.01.080 Treasurer.** A. The treasurer is the custodian of all municipal funds and shall:

1. keep an itemized account of money received and disbursed;
2. pay money on vouchers drawn against appropriations;
3. be responsible for all matters pertaining to the maintenance of all fund accounts of the city, and the maintenance and care of all property used for finance;
4. compile the annual budget of the city based upon detailed department estimates and work programs and control it under the direction of the mayor;
5. certify all appropriation encumbrances as to availability of appropriation balances and funds;
6. furnish, together with a full statement of the present financial condition of the city, a full and detailed statement of receipts and expenditures of each fiscal year to the City Council for approval not more than thirty (30) days before each regular municipal election;
7. prepare and submit to the mayor such financial reports and other data as required;
8. prescribe and control such procedures as are necessary to protect city funds and property; and
9. perform such other duties specified in this code or prescribed by the mayor or the City Council.

B. The treasurer shall be bonded in an amount not to exceed ten thousand dollars (\$10,000) as determined by the City Council for the faithful performance of the duties of treasurer.

**03.01.090 Municipal Attorney.** A. There may be a municipal attorney who shall be appointed by the City Council. The municipal attorney shall hold office at the pleasure of the council.

B. The municipal attorney may:

1. be charged with the performance of all legal services of the city, including those of legal advisor to the City Council, the mayor, and to all departments and offices of the city;
2. upon the request of the City Council, take the necessary steps to arrange the prosecution of violations of this code;
3. represent the city in all matters, civil and criminal, in which the city is interested;
4. draft any ordinance when required by the City Council or mayor;
5. perform such other duties as may be required by the City Council or this code;
6. attend meetings of the City Council;
7. report to the City Council promptly all suits brought against the city;
8. call to the attention of the City Council and the mayor all matters of law affecting the city;
9. render all opinions in writing, as far as practicable; and
10. maintain a record of all opinions rendered as municipal attorney and turn such record over to a succeeding municipal attorney.

**03.01.100 Conduct in Office.** The City Council or the mayor shall have the power to inquire into the conduct of any office, department, officer, or employee of the city, make investigations into city affairs, and compel the production of books, papers, and other evidence.

Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee of the city.

## CHAPTER 03.03

### DOCUMENTS AND RECORDS

Sections:	03.03.010	<b>GENERAL PROVISIONS</b>
	03.03.020	<b>OPEN RECORDS</b>
	03.03.030	<b>ACCESS AND INSPECTION RECORDS</b>
	03.03.040	<b>COPIES OF RECORDS</b>
	03.03.050	<b>COMPILATION OR CREATION OF RECORDS</b>
	03.03.060	<b>EXEMPTIONS FOR PARTICULAR RECORDS</b>
	03.03.070	<b>APPEAL OF DENIAL OF REQUEST</b>
	03.03.080	<b>RECORDS MANAGEMENT</b>

**03.03.010 General Provisions.** The City Council of the City of Tenakee Springs recognizes the people's right to remain informed and have access to public records, and recognizes the people's right to privacy. It shall be the policy of the City of Tenakee Springs to provide access to municipal records and information and to protect the right to remain informed, while recognizing the competing interest of personal privacy.

**03.03.020 Open Records.** Except as provided by Section 03.03.050 of this code, or by other provision of municipal, state or federal law, the books, records, papers, files, accounts, writings and transactions of the city are open to inspection by the public under reasonable rules, during regular office hours. The City of Tenakee Springs recognizes the competing interest of personal privacy and the right of the public to have access to information concerning the conduct of the people's business.

**03.03.030 Access and Inspection of Records.** Public records may be inspected at the City Office where records are kept, during office hours. All city officers and employees shall, consistent with the orderly conduct of city business, make a good faith and diligent effort to respond to requests for inspection of records made pursuant to this Code. If one or more requests by a single requester within a calendar month are anticipated to require more than four person hours to complete, the city may require the requester to pay costs for the period in excess of four hours. The costs may not exceed the unit cost of salary and benefits for employees who are involved in the search. Except in the case of news organizations, authorized search costs must be paid before the records are searched.

**03.03.040 Copies of Records.** A. The city clerk shall give, on request and payment of costs, a certified copy of any public record required to be disclosed under this code.

B. The city shall provide copies of records only at the request of the requester and at the requester's expense.

C. The charge for copies (whether certified or not) may not exceed the cost to the city, which cost may include photocopy, clerical and other costs directly related to the provision of the copies. Payment for copies must be received before making the copies, except in the case of a request from an employee or agent of a news organization. The city clerk is authorized to establish rates and charges for copies of public records both certified and photographic, and for clerical time as set forth in Section 03.03.020 and in subsections A. & B. of this section. The city clerk may, in his or her discretion, waive charges for incidental copies.

**03.03.050      Compilation or Creation of Records.**      Nothing in this code shall require the city to create records, compile, summarize, outline or in other ways create information from existing public records. In those instances where the city official who is the custodian of the record determines that the city has the requisite resource to compile or create records to comply with a request for information, the city may charge the requester with the costs of such compilation or summary, which costs shall include the salary and benefits and overhead charges for the city employees who accomplished the work.

**03.03.060      Exemption from Particular Records.**      A. This Code shall not be construed to require disclosure of the following records or information:

1. personnel, payroll or medical files which reveal the financial, medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy;
2. records of vital statistics and adoption proceedings;
3. records pertaining to juveniles;
4. medical and related public health records;  
records required to be kept confidential by federal law or regulation or by state law;
5. trade secrets;
6. patented and /or copyrighted material;
7. organized, coordinated, collated, modified, created, interpreted or compiled information - Nothing in this chapter requires an agency to organize, collate, modify, create, interpret or compile records requested, and only a literal or verbatim record need be provided;
8. police investigation compiled by any agency as part of an investigation of criminal activity, except that such records may be released to other governmental agencies if necessary for the proper administration of justice- Police information practices in regard to criminal justice information shall be governed by the provisions of AS 12.62.010 et seq.;
9. records held by the City of Tenakee Springs or any public utility pertaining to any client, customer, tenant, operator, user or subscriber, the release of which would constitute an unwarranted invasion of privacy of that person or entity;
10. records of engineering, marketing, accounting or other technical or financial data, which, if released, would provide a competitive advantage to any other persons or business engaged in similar or related activities;

11. proprietary information which a manufacturer, consultant or provider reasonably expects to be kept privileged or confidential to protect the proprietary interests of persons providing the information or data;
12. city personnel records, including employment application and examination materials;
13. communications between any agency and the city attorney which contains legal questions concerning potential, pending or actual litigation – This subsection does not protect from disclosure documents which were public records prior to the commencement of the litigation, and public records which are otherwise subject to disclosure may not be protected from disclosure by mere submission to the attorney, however, any documents marked “Confidential” which are submitted to the agency from the municipal attorney’s office shall only be produced if the city attorney so authorizes.

**03.03.070 Appeal of Denial of Request.** In the event an individual requests information and is refused, the individual shall be notified in writing within five (5) working days of his right to appeal that decision to the mayor. If not satisfied with the ruling of the mayor, the individual shall be notified with five (5) working days of his right to appeal to the City Council at its next regularly scheduled meeting, which shall be the final and binding authority.

**03.03.080 Records Management.** A. The city clerk shall maintain the management of records for the City of Tenakee Springs to ensure that the city and its departments have the recorded information necessary to conduct municipal business, avoid waste, and preserve Tenakee Springs documentary heritage.

B. The legal authority for disposal of records shall be in a records schedule of uniform guidelines for the retention and disposition of common administrative, fiscal and personnel records.

C. The Records Retention Schedule shall be approved by City Council Resolution and become a part of the Tenakee Springs Regulations, Policies and Fees.