

**CITY OF WASILLA
ORDINANCE SERIAL NO. 00-18**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 2.04.020 - .050 AND 2.04.070, ADOPTING WMC 2.04.080, COUNCIL APPOINTEES, AND REPEALING 2.04.060 ALL IN REFERENCE TO THE CITY COUNCIL DUTIES.

BE IT ENACTED:

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 2.04.020, Qualifications, 2.04.030, Terms, 2.04.040, Salaries of Elected Officers, 2.04.050, Filling a Vacancy, are hereby amended to read as follows:

2.04.020 QUALIFICATIONS.

A person is eligible to be a council member if the person is a qualified city voter and has been a city resident or a resident of territory annexed to the city for one year immediately prior to the election.

2.04.030 TERMS.

A council member's term shall be three years. A qualified [AN ELECTED] candidate succeeds to the candidate's elected office at the next regular council meeting following the certification of election and upon taking an oath of office. No person shall serve on the council for more than two consecutive, full terms without a break in service for at least one full year.

2.04.040 COMPENSATION AND REIMBURSEMENT. [SALARIES OF ELECTED OFFICERS.]

(A) [THE COUNCIL SHALL FIX BY ORDINANCE THE SALARIES OF ELECTED OFFICERS. THE SALARY OF THE MAYOR MAY BE REDUCED VOLUNTARILY AT THE MAYOR'S DISCRETION. A DECISION BY THE MAYOR TO REDUCE THE MAYOR'S SALARY IS NOT BINDING UPON OR APPLICABLE TO FUTURE ADMINISTRATIONS. HOWEVER, THE SALARY OF THE MAYOR MAY NOT BE REDUCED BY COUNCIL ACTION DURING A MAYOR'S TERM BUT MAY ONLY BE RAISED BY A TWO-THIRD'S (2/3) VOTE OF THE CITY COUNCIL. AN ELECTED OFFICER MAY NOT RECEIVE ANY OTHER COMPENSATION FOR SERVICE TO THE MUNICIPALITY. PER DIEM PAYMENTS OR REIMBURSEMENTS FOR EXPENSES ARE NOT COMPENSATION UNDER THIS SECTION.]

(B) [THE SALARY FOR EACH] Council members shall be **compensated for service at the rate of** [FIFTY DOLLARS ([\$50[.00])] **for** [PER] each regular **or special** meeting **or work session** attended [OR ABSENT FROM, DUE TO CONFLICTING CITY BUSINESS COUNCIL AND TWENTY-FIVE DOLLARS (\$25.00) FOR EACH WORK SESSION, SPECIAL COUNCIL MEETING] and each Matanuska-Susitna Borough Assembly meeting attended as a city representative[SPOKESPERSON. THE ABOVE SALARY SHALL BE SUBJECT TO ALL APPLICABLE DEDUCTIONS FOR PERS AND OTHER PAYROLL DEDUCTIONS].

(C) **Reimbursement shall be provided for mileage and expenses, which are reasonable and necessary in connection with council meetings and regular council functions.**

2.04.050 [FILLING A] VACANCY ON THE COUNCIL.

(A) [THE A COUNCIL SEAT IS VACATED UNDER THE FOLLOWING CONDITIONS AND UPON THE DECLARATION OF VACANCY BY THE COUNCIL.] The council shall declare a council seat vacant when the person elected:

(1) Fails to qualify or take office within [THIRTY ([30])] days after [his] election or appointment;

(2) Is physically absent from the municipality for [NINETY ([90])] **calendar** days unless excused by the Council;

(3) Resigns and **the** [HIS] resignation is accepted;

(4) Is physically or mentally unable to perform the duties of [HIS] office **as determined by two-thirds vote of the council.**;

(5) **Is convicted of a felony or of an offense involving a violation of the oath of office;**

(6) **Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the council concur in expelling the person elected;**

(7) **Is convicted of a violation of AS 15.13;**

(8) **No longer physically resides in the city and the governing body by two-thirds votes declares the seat vacant, except that if a council member ceases to be a voter in the city, the member immediately forfeits the office** [IS REMOVED FROM OFFICE];

(9[6]) **If a member** misses three [(3)] consecutive regular meetings unless excused[; OR,

(7) IS CONVICTED OF A FELONY OR OF AN OFFENSE INVOLVING A VIOLATION OF HIS OATH OF OFFICE].

(B) If a vacancy occurs on [IN] the council, the remaining members shall, within 30 calendar days, appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled. [COUNCIL BY A FOUR (4) VOTE MAJORITY SHALL DESIGNATE A PERSON TO FILL THE VACANCY UNTIL THE NEXT REGULAR ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND HAS QUALIFIED.]

(C) If membership is reduced to less than the number of required members to constitute a quorum, the remaining members shall, within seven calendar days, appoint the number of qualified persons necessary to constitute a quorum [MORE THAN TWO (2) VACANCIES OCCUR IN THE COUNCIL, THE COUNCIL BY VOTE OF A MAJORITY OF ITS REMAINING MEMBERS SHALL DESIGNATE A PERSON TO FILL THE VACANCY UNTIL THE NEXT REGULAR ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND HAS QUALIFIED].

(D) A person appointed to fill a vacated seat serves until the next regular election, when a successor shall be elected to serve the balance of the term.

Section 3. Adoption of section. WMC 2.04.080, Council Appointees, is hereby adopted to read as follows:

2.04.080 COUNCIL APPOINTEES.

The council shall appoint the clerk and attorney. The appointees shall serve at the pleasure of the council.

* **Section 4. Amendment of section.** WMC 2.04.070, Disqualification, is hereby amended to read as follows:

2.04.070 **PROHIBITION**[DISQUALIFICATION].

During the term for which elected **or appointed**, and for one year [THERE]after, **a council member** [NO COUNCILMAN] may **not** be nominated or appointed to any paid city position which has been created, or the salary of which has been increased, while [HE WAS] a member of the council.

* **Section 5. Repeal of section.** WMC 2.04.060, Recall of Elected Officials, is hereby repealed in its entirety:

[2.04.060 RECALL OF ELECTED OFFICIALS.

THE VOTERS OF THE MUNICIPALITY MAY RECALL AN ELECTED OFFICIAL BUT ONLY AS PRESCRIBED BY ALASKA STATUTES 29.26.240-29.26.360.]

* **Section 6. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

DEFEATED by the Wasilla City Council, Alaska, on February 28, 2000.

SUBJECT: AMENDMENTS TO CITY COUNCIL DUTIES

REQUESTED BY: K. VanGorder, City Clerk

PREPARED BY: K. VanGorder

DATE: February 8, 2000

FOR AGENDA OF: February 14, 2000

SUMMARY:

This ordinance is being revised as part of the re-codification project, which is now in process. A detail of the changes is as follows:

Section 2. This section is being revised to clarify verbiage.

2.04.040 Please note this is an amendment to receive \$50 compensation for meetings attended which follows our present practice.

2.04.050 has been revised to be consistent with Title 29, in regard to the vacancy in office of the council and clarifies the procedure for filling a vacancy.

Section 3. Verbiage added stating who the council appoints.

Section 4. Verbiage clarified and section title changed to prohibition.

Section 5. Recall of elected officials is addressed in Title 29 and need not be addressed in our code.

FISCAL IMPACT: No Yes, amount requested: \$

Fund:

CLERK'S RECOMMENDED ACTION:

Introduce ordinance and set for public hearing.

Administration Initial: JWC

Presented with: Ord 00-18
Date: 2/28/00 Verified by: HY