

CITY OF WASILLA  
ORDINANCE SERIAL NO. 04-13

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 2.16.060, DEPUTY MAYOR IN RELATION TO DELEGATION OF AUTHORITY DURING THE MAYOR'S TEMPORARY ABSENCE OR DISABILITY.**

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\* **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 2.16.060, Deputy mayor, is amended to read as follows:

2.16.060 **Temporary absence or disability** [DEPUTY MAYOR].

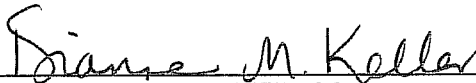
The mayor shall designate a council member [TO ACT] as [THE] deputy mayor **to preside at council meetings** during the mayor's temporary absence or disability. **The mayor, subject to council approval, shall designate a city employee, or series of city employees in order of succession, to perform the executive and administrative functions of the mayor during the mayor's temporary absence or disability** [IN THE MAYOR'S ABSENCE, THE DEPUTY MAYOR SHALL PRESIDE AT COUNCIL MEETINGS AND PERFORM THE DUTIES ASSIGNED BY THE MAYOR. THE DEPUTY MAYOR SHALL BE GRANTED NO POWER OR AUTHORITY NOT GRANTED AS A COUNCIL MEMBER].

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**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

\* **Section 3. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on February 23, 2004.

  
\_\_\_\_\_  
DIANNE M. KELLER, Mayor

ATTEST:

  
\_\_\_\_\_  
KRISTIE SMITHERS, CMC  
City Clerk

[SEAL]

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

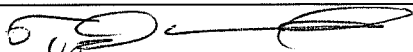
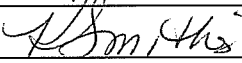


**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

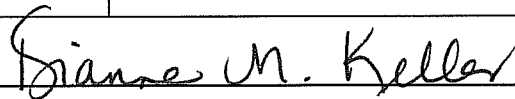
**RE: ORDINANCE SERIAL NO. 04-13: DELEGATION OF AUTHORITY DURING THE  
MAYOR'S TEMPORARY ABSENCE OR DISABILITY.**

Agenda of: February 9, 2004  
Originator: Mayor Dianne M. Keller

Date: January 26, 2004

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
	Public Works Planning	
X	Finance *signature required	
X	Clerk	

**REVIEWED BY MAYOR DIANNE M. KELLER:**



**FISCAL IMPACT:**  yes\$ or  no

Funds Available  yes  no

Account name/number:

Attachments: attorney opinion

**SUMMARY STATEMENT:**

This ordinance is drafted to clearly provide for the selection of a person to act in the place of the Mayor during the Mayor's temporary absence or disability and is recommended as a housekeeping measure.

VL R. HORTON (1944 - 1998)

RONALD G. BIRCH\*\*  
WILLIAM H. BITTNER  
KATHRYN A. BLACK  
SUZANNE CHEROT  
KIMBERLY A. DOYLE  
KATHLEEN TOBIN ERB  
MARK E. FINEMAN  
DOUGLAS S. FULLER\*  
MAX D. GARNER  
GRETCHEN L. GASTON\*\*

DAVID KARL GROSS  
TINA M. GROVIER  
WILLIAM P. HORN\*  
STEPHEN H. HUTCHINGS  
ROY S. JONES, JR.\*  
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THOMAS F. KLINKNER  
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STANLEY T. LEWIS  
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ELISABETH H. ROSS\*\*  
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December 3, 2003

via **FACSIMILE** and **FIRST CLASS MAIL**

Mayor Dianne M. Keller  
City of Wasilla  
290 East Herring Avenue  
Wasilla, Alaska 99654

Re: Line of Succession to Mayor in an Emergency  
Our File No. 505,780.55

Dear Mayor Keller:

The following responds to your request for advice on the procedure for the City of Wasilla (the "City") to designate persons to act in the capacity of Mayor upon the death, disability or absence of the Mayor in a time of emergency. State law provides the methods for selection of a successor if the office of Mayor is vacated by death or permanent disability. However, state law does not clearly provide for the selection of a person to act in the place of Mayor during the Mayor's temporary absence or disability. We suggest an ordinance revision to clearly provide for the selection of a person to act in the place of the Mayor during the Mayor's temporary absence or disability.

The council, by two-thirds concurring vote, shall declare the office of mayor vacant upon the occurrence of certain events, including when the Mayor "is physically or mentally unable to perform the duties of office."<sup>1</sup> If a vacancy in the office of mayor occurs no more than six months before a regular election, the council appoints a person to serve until the regular election, when a successor is elected for the unexpired term.<sup>2</sup> If a vacancy in the office of mayor occurs more than six months before a regular election, the council shall call a special election to fill the office for the unexpired term.<sup>3</sup>

<sup>1</sup> AS 29.20.280(a)(4); WMC 2.16.050.B.4.

<sup>2</sup> AS 29.20.280(b); WMC 2.16.050.A.

<sup>3</sup> *Id.*

Mayor Dianne M. Keller

December 3, 2003

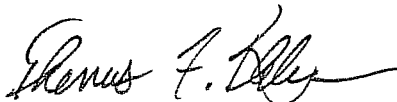
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I recommend that a specific order of succession among City officials not be stated in the Code, as the order of succession that the Mayor considers to be appropriate may change from time to time.

Please let me know if I may be of further assistance in this matter.

Sincerely,

BIRCH, HORTON, BITTNER and CHEROT

A handwritten signature in cursive script, appearing to read "Thomas F. Klinkner".

Thomas F. Klinkner