

**CITY OF WASILLA
ORDINANCE SERIAL NO. 05-16(AM)**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 2.04.040,
VACANCY ON COUNCIL.**

* **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 2.04.040, Vacancy on the Council, is amended to read as follows:

A. The council shall declare a council seat vacant when the person elected:

1. Fails to qualify or take office within thirty (30) **calendar** days after election or appointment;

2. Is physically absent from the **city** [MUNICIPALITY] for ninety (90) **consecutive** calendar days unless excused by the council;

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 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;

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

8. No longer physically resides in the city and the council [GOVERNING BODY] by two-thirds vote[S] declares the seat vacant, except that if a council member ceases to be a voter in the city, the member immediately forfeits [THE] office;

9. If a member misses three consecutive regular meetings unless excused.

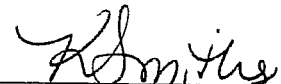
* **Section 3. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on February 28, 2005.



DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

[SEAL]

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



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

**RE: ORDINANCE SERIAL NO. 05-16: CODE AMENDMENT RELATING TO A
VACANCY IN OFFICE FOR THE OFFICE OF MAYOR AND COUNCIL
MEMBERS.**

Agenda of: February 14, 2005

Date: February 1, 2005

Originator: Kristie Smithers, City Clerk for Council Member Mark Ewing

Route to:	Department	Signature/Date
	Council Member Mark Ewing	
X	Finance *signature required	
X	Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER:

FISCAL IMPACT: yes\$ or no

Funds Available yes no

Attachments: Ordinance Serial No. 05-16

SUMMARY STATEMENT: Council Member Ewing is sponsoring Ordinance Serial No. 05-16 to provide consistency in declaring a vacancy for the office of council member.

Currently the council may declare a council seat vacant when a council member is physically absent from the city for ninety *calendar* days unless excused by the council.

The council may declare a vacancy in the office of mayor when the mayor is physically absent from the city for ninety *consecutive calendar* days unless excused by the council. Council Member Ewing would like to see the same requirement making the days "consecutive" for council members.

The proposed ordinance amends WMC 2.04.040, Vacancy on the Council, by adding the word "consecutive" to subsection A.2. The clerk and attorney have added a few other corrections to subsections A.1, 8, and 9 for clarity.