

Introduced by: Mayor Johnson
 Date: March 8, 2011
 Public Hearing: April 26, 2011
 Action: Postponed to May 24, 2011
 Date: May 24, 2011
 Action: Adopted
 Vote: Unanimous

Yes:	No:
Best	
Erbey	
Brown	
DeVries	
Hanson	
Johnson	

CITY OF PALMER, ALASKA

ORDINANCE NO. 11-003 (SUBSTITUTE)

AN ORDINANCE OF THE PALMER CITY COUNCIL AMENDING PALMER MUNICIPAL CODE SECTIONS 2.04.031 ELIGIBILITY, 2.04.065 APPOINTMENTS, 2.05.020 ELIGIBILITY, REPEALING 2.05.075 APPOINTMENT, AND ENACTING 2.05.080 FILLING A VACANCY IN OFFICE, TO CLARIFY THE ELIGIBILITY REQUIREMENTS AND APPOINTMENT PROCESS CONCERNING VACANCIES IN OFFICE FOR COUNCIL MEMBERS AND MAYOR

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Section 2.04.031 is amended to read as follows (new language is underlined and deleted language is stricken):

2.04.031 Eligibility of council members.

A person is eligible to be a council member, whether by election or by appointment to fill a vacancy, ~~or mayor~~ if the person:

1. Is registered to vote as required by the State of Alaska and is a qualified to vote in the city voter; and
2. Has been a ~~city-resident or a resident~~ of the city or of territory annexed to the city, or shall ~~must~~ have had a combination of residence in the city and in the annexed territory, for one continuous year immediately prior to the election.

Section 4. Palmer Municipal Code Section 2.04.065 is amended to read as follows (new language is underlined and deleted language is stricken):

2.04.065 Appointments.

- A. When a vacancy occurs, except in the case of recall, the clerk shall publish public notice of the vacancy and, for 14 days after the first publication, receive applications from persons interested in being appointed to the vacant seat. The council may review the applications and/or interview applicants in any reasonable public manner. Not later than 45 days after the seat is declared vacant, the council shall appoint from among the applicants a qualified person to fill the vacant seat; ~~When a vacancy occurs, except in the case of recall, the council shall within 30 days fill the vacancy by appointment;~~
- B. If less than 30 days remain in a term, the council shall appoint, using the process described in subsection A, a qualified person to fill the vacancy no later than the second regular meeting following the election;
- C. If 31 or more days remain in the term and the notice of offices to be filled has already been advertised for the next regular election, the council shall appoint, no later than the second regular meeting following the regular election. The Clerk shall publish notice of the vacancy no later than 45 days prior to the first regular council meeting following the election and, for 14 days after the first publication, receive applications from persons interested in being appointed to the vacant seat. The council may review the applications and/or interview applicants in any reasonable public manner;
- ~~B. If the vacancy occurs less than 24 hours prior to the deadline for filing nominating petitions, the vacancy shall not be filled until after the regular city election. The vacancy shall be filled by appointment at the first regular meeting of the council following the regular city election;~~
- ~~D. E. Persons appointed to fill a vacancy shall serve until the next regular election, at which time a successor shall be elected to fulfill the remainder of the unexpired term of office; Each appointment shall be for a term ending on the Monday following the next regular city election;~~
- ~~E. D. Notwithstanding subsection (A) of this section, if the council's membership is reduced to fewer than four council members, then the remaining council members shall appoint as many qualified persons to the council as is necessary to once again constitute a quorum. The council shall utilize any procedure which is reasonable under the circumstances in making the appointments required by this subsection and shall make the appointments not later than seven days after the quorum was reduced to less than four members.~~
- F. Appointees shall qualify for and assume the duties of office within 10 days after appointment, unless such time is extended by the council for not more than 30 ~~60~~ days.

Section 5. Palmer Municipal Code Section 2.05.020 is amended to read as follows (new language is underlined and deleted language is stricken):

2.05.020 Eligibility of mayor.

A person is eligible to be the ~~a~~ council member, ~~or~~ mayor if the person:

1. Is registered to vote as required by the State of Alaska and is a qualified to vote in the city voter; and
2. Has been a city-resident ~~or a resident of the city or of territory annexed to the city, or shall~~ must have had a combination of residence in the city and in the annexed territory, for one continuous year immediately prior to the election.

Section 6. Palmer Municipal Code Section 2.05.075 is hereby repealed.

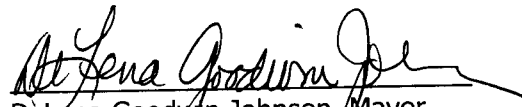
Section 7. Palmer Municipal Code Section 2.05.076 is hereby enacted to read as follows:

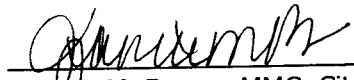
2.05.076 Filling a vacancy in office.

- A. When a vacancy in office occurs, except in the case of recall, the Deputy Mayor shall succeed to the office of mayor;
- B. When the Deputy Mayor has succeeded to the office of Mayor, his or her council seat shall be declared vacant and the provisions in 2.04.065 shall apply;
- C. The Deputy Mayor shall serve until the new Mayor has been elected by the voters, at either a special or regular election, and sworn in as Mayor. At which time the Deputy Mayor shall resume his or her council member seat, provided the Deputy Mayor's council member term has not ended;
- D. Once elected, the newly elected Mayor shall serve the remaining term of office for the outgoing Mayor.

Section 7. Effective Date. Ordinance 11-005 shall take effect upon adoption of the Palmer City Council.

Passed and approved this twenty-fourth day of May, 2011.


DeLena Goodyin Johnson, Mayor


Janette M. Bower, MMC, City Clerk