

CITY OF PALMER, ALASKA

ORDINANCE NO. 194

AN ORDINANCE ADOPTING CHAPTER 2 OF THE PALMER CODE OF ORDINANCES AND REPEALING ALL ORDINANCES HERETOFORE ENACTED WHICH ARE INCONSISTENT THEREWITH, SAID CHAPTER 2 RELATING TO THE ADMINISTRATION OF THE CITY.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1.

Chapter 2 of the Code of Ordinances of the City of Palmer, Alaska, attached hereto and incorporated herein by reference as though fully set forth, is hereby adopted.

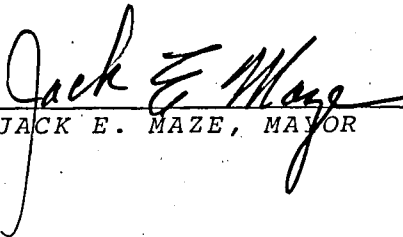
Section 2.

All ordinances heretofore enacted conflicting with the provisions of Chapter 2 or inconsistent with the Chapter are hereby repealed.

Section 3.

Publication of this Ordinance shall be by posting a copy hereof on the City Hall bulletin board for a period of thirty (30) days following its passage and approval.

Passed and approved by the City Council of the City of Palmer, Alaska, this 27th day of January, 1976.



JACK E. MAZE, MAYOR



WILLIAM E. CURTIS, CITY CLERK

CODE OF ORDINANCES

CHAPTER 2

CITY COUNCIL

Sections:

- 2.1 Council-Manager Government - Laws of governmental authorities incorporated.
- 2.2 Salaries - Fixing and changing.
- 2.3 Powers
- 2.4 Qualifications - Terms - Salaries
- 2.5 Council representation on Borough Assembly - Election - Term.
- 2.6 Absences
- 2.7 Procedure.
- 2.8 Presiding Officer - Responsibility - Absence.
- 2.9 Meetings - Clerk's Duties - Agenda - Annual Meeting - Installation of Officers.
- 2.10 Meetings - Time & Place - Regular meeting defined - Public.
- 2.11 Meetings - Special - Calling - Notice - Time and place.
- 2.12 Meetings - Location change.
- 2.13 Meetings - Emergency Special Meetings - Waivers.
- 2.14 Meetings - In executive session.
- 2.15 Meetings - Order of business.
- 2.16 Motions - Amending amendments.
- 2.17 Motions - Appeals from decision of presiding officer.
- 2.18 Motions - Parliamentary inquiries of chairman.
- 2.19 Motions - Point of order.
- 2.20 Motions - Ordering previous question.
- 2.21 Motions - Putting questions in order moved.
- 2.22 Motions - Defeated proposition or legislation - Motion to reconsider.
- 2.23 Motions - Reduction to writing.
- 2.24 Motions - Rescinding vote.
- 2.25 Motions - Second required.
- 2.26 Motions - Division of question.
- 2.27 Motions - Question under debate - Motions received.
- 2.28 Motions - Disposition - Withdrawal.
- 2.29 Ordinances - First Reading - Hearing - Notice - final passage - Posting.
- 2.30 Resolutions - Reading - Hearing - Final Passage - Posting.
- 2.31 Ordinances and resolutions - Oral reading waived - Emergencies.
- 2.32 Initiative and referendum - Petition in general.
- 2.33 Initiative and referendum - Procedure when petition for initiative presented.
- 2.34 Initiative and referendum - Procedure when petition for referendum presented.
- 2.35 Initiative and referendum - Matters to which inapplicable.
- 2.36 Council rules - Amendment - Suspension - Violation.
- 2.37 Council rules - Speaking - Rules of conduct.
- 2.38 Council rules - Voting.

CODE OF ORDINANCES

CHAPTER 2

CITY COUNCIL

Section 2.1 - Council-manager government-Laws of governmental authorities incorporated.

The municipal government shall be known as the "council-manager government." Pursuant to this code and subject only to the limitations imposed by the laws of the U. S. Government or the State of Alaska, all powers of the city shall be vested in an elective council and mayor. They shall, among other things, enact local legislation, adopt budgets, determine policies and appoint the city manager. The City Manager shall execute the laws and administer the government of the city. All applicable laws of the federal government or the State of Alaska pertaining to municipalities are incorporated in this code as if fully set out herein.

Section 2.2 - Salaries-Fixing and changing.

The salaries of the councilmen shall be fixed by code provision and when once so fixed may be changed by amendment of such code provision at any time except during the sixty-day period immediately preceding a general municipal election. Salary change will not become effective until the first Monday immediately following the next general municipal election subsequent to the adoption of the salary change. No elective or appointed official of the city shall be entitled to receive any other compensation or additional compensation from the city for any service to the city except as provided by this code. Remunerations from federal, state or local government authorities for positions to which an appointed or elected official is appointed shall not be construed as compensation from the city for the purposes of this proscription. The compensation of officers appointed by the city council shall be by order of the city council and may be changed at any time.

Section 2.3 Powers

The City may exercise all legislative powers not prohibited by law or charter. Such powers shall be liberally construed, in accordance with the provisions and intent of Article X, Section 11, of the Alaska Constitution.

Section 2.4 - Qualifications-Terms-Salaries.

- A. The qualifications of councilmen shall be that they be qualified electors of the city and shall have been residents of the city or of territory annexed to the city, or shall have had a combination of residence for a period of not less than two years preceding the date of filing nominating petitions for election to the council.
- B. The Council shall consist of the mayor and six councilmen.
- C. The terms of office of the mayor and of each councilman shall be as prescribed in the charter.
- D. The compensation of each council person shall be: the mayor shall receive \$50.00 per regular meeting and each councilman shall receive \$25.00 per regular meeting; compensation for mayor and each councilman for each special meeting shall be \$10.00.

Section 2.5 Council representation on Borough Assembly-Election-Term.

A. The representative of the city on the borough assembly shall be elected from among the members of the council by a majority vote of the council. The term of such person elected shall be for one year, or until the council organization meeting following the next succeeding general municipal election at which time the council shall again elect by a majority vote of the council, a member to serve on the borough assembly for a one year term.

B. An alternate member of the council not elected as representative shall be elected as alternate for the city representative for the same concurrent term as the city representative on the borough assembly is elected. The alternate may serve in case of the temporary absence of the representative.

C. In the event of any vacancy of the city representative on the borough assembly, the council shall elect from its membership within thirty (30) days a successor who shall serve the remainder of the one year term of the city representative whose office became vacant.

D. All members of the city council shall be qualified for either the office of the city representative or alternate on the borough assembly.

E. Council representatives elected to serve on the borough assembly may resign from their borough assembly office only for good cause shown by hardship and upon approval of a majority of the council; provided that such resignation from the borough assembly shall not be construed as a resignation from the council.

Section 2.6 Absences.

No member shall absent himself from any meeting of the council except for good and sufficient reason.

Section 2.7 Procedure.

The Council shall act only by ordinance, resolution, or order. All ordinances, resolutions, orders and motions shall be confined to one subject. Laws of a general, uniform and permanent nature shall be reduced to ordinance; laws of a more temporary or special character shall be reduced to resolution. When the council expresses anything by way of command, the form of expression shall be "ordered"; when it expresses opinions, principles, facts or propositions, the form shall be "resolved".

Section 2.8 Presiding Officer-Responsibility-Absence.

A. The mayor shall preside at all meetings of the council. He shall preserve order and decorum among the council members, and is responsible for conduct of all meetings in compliance with these rules. He may at any time make such rules as he deems proper to preserve order among the spectators in the city council chamber during sessions of the council. He may speak to points of order in preference to other members, and shall decide all points of order, subject to appeal by the council by motion duly seconded as herein provided. He may participate in the debate on any matter. He may at any time call any member to the chair during any meeting, such substitution to discontinue when he elects to resume the chair, and in no event beyond the adjournment of the meeting at which such substitution is made.

B. In the temporary absence or disability of the mayor, any member of the city council may call the council to order at any duly called meeting to elect a mayor pro tempore from among its number and the mayor pro tempore shall exercise all the powers of mayor during such temporary absence or disability of the mayor and may also vote.

Section 2.9 Meetings-Clerk's duties-Agenda-Annual Meeting-Installation of officers.

A. The city clerk shall give notice of city council meetings, shall attend all meetings of the council and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection and shall perform such other duties as shall be required by this code or as otherwise ordered by the council. In case of the temporary absence of the city clerk, the city council may appoint a clerk pro tempore, with all the powers, duties and obligations of the city clerk, who shall be duly qualified.

B. The agenda for each meeting of the city council shall be prepared by the city manager after consultation with the mayor. Such agenda shall be distributed by the city clerk to each member of the council at least twenty-four hours prior to the meeting, and no further items shall be added to the agenda except by unanimous consent.

C. The city council shall meet at the usual place for holding meetings on the first Monday in October following the regular general city election, at which meeting the councilmen-elect shall be sworn to the faithful discharge of their duties by the city clerk and at which meeting, or as soon thereafter as practicable, the council shall organize for the ensuing year and undertake its duties.

Section 2.10 Meetings-Time and place-Regular meeting defined-Public.

A. All regular meetings of the council shall be held on a Tuesday at 8:00 p.m. A regular meeting is any meeting called by the mayor for that day and time upon at least three days' notice; provided however, that the council may meet on the second and fourth Tuesdays of every month without such notice and the council shall only be required to hold two regular meetings in any month.

B. The usual place of council meetings shall be in the auditorium in the basement of the City Hall. In order to give the public a greater opportunity to attend and participate in the meetings of the city council, the council may hold regular meetings in public locations throughout the city other than the usual meeting place. A public location includes any public school within the city. In the selection of a meeting place other than the normal meeting place of the council, consideration shall be given to the reasonable accommodation of the public. When the council intends to hold a regular meeting at a public location other than the usual place of the council meeting, the city clerk shall give notice of the council meeting by posting advertisement thereof on the City Hall bulletin board. Such notice shall set forth with particularity the location of the meeting. The notice shall be posted at least three days prior to the scheduled meeting.

C. If a regular meeting is held at a location other than that specified above, the city clerk shall give notice, including time, place and date, by posting a copy of the same on the City Hall bulletin board no later than three days prior to the meeting and on the date of the meeting except as otherwise authorized under this chapter.

D. All regular meetings of the council shall be public meetings and the public shall have reasonable opportunity to be heard.

Section 2.11 Meetings-Special-Calling-Notice-Time and Place.

A. Special meetings of the council are those meetings which are called for by the city clerk, on written request of the mayor, or the city manager, or any two members of the council for a time different than that fixed for the regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.

B. All special meetings shall have at least six (6) hours' written notice given which designates the time, place and subject matter of the meeting, and no business shall be transacted at the meeting which is not included in the notice. Such notice shall be served personally on each member of the council or left at his usual place of business or residence by the city clerk or his designee. A copy of the notice shall also be posted on the City Hall bulletin board, but failure to post a copy shall not affect the jurisdiction of any special meeting. An affidavit of service of any notice required by this section shall be made a part of the record of the special meeting.

Section 2.12 Meetings-Location change.

If after having been lawfully assembled in a location properly designated, council determines that a condition exists which renders such location unsuitable, it may recess the meeting and reconvene at a different location suitable to the needs of the council. The location to which the meeting shall be reconvened shall be made known publicly prior to recess and notices thereof shall be posted at the place originally designated by the clerk.

Section 2.13 Meetings-Emergency-Special Meetings-Waivers.

In an emergency, any special meeting shall be a legal meeting if all members are present, or if there is a quorum present and all absent members have waived in writing the required notice. Such waivers may be made before or after the time of the meeting and any waivers shall be made a part of the record of the special meeting.

Section 2.14 Meetings - In Executive Session.

The Council may at any time, go into a closed or executive session from which the general public may be excluded by a vote of four (4) members taken at a public meeting, at which session only those subjects shall be considered as are mentioned in the motion for the executive session (for example, to consider the city engineer's estimate as to the cost of a capital project, or the comptroller's estimate as to the availability of funds therefor, prior to the call for bids, or to consider a problem involving personalities in a department), and no ordinance, resolution or order shall be passed or voted upon or claim allowed at such session.

Section 2.15 Meetings - Order of Business:

At every regular meeting of the city council the order of business shall be as follows:

- A. Call to order;
- B. Roll Call;
- C. Pledge of allegiance;
- D. Minutes of previous meetings.
- E. Communications and appearance requests (requests shall be in writing, submitted to the City Manager, and may be assigned an appropriate place on the agenda by him. All presentations to the council shall be limited to five (5) minutes, unless otherwise ordered by the Council);
- F. Hearings, ordinances and resolutions;
- G. Bids;
- H. Old Business;
- I. New Business;
- J. City Manager's Report;
- K. Borough Representative's Report
- L. Audience Participation;
- M. Council comments;
- N. Adjournment.

Section 2.16 Motions-Amending Amendments.

A motion to amend an amendment shall be in order; but a motion to amend an amendment to an amendment shall not be entertained.

Section 2.17 Motions-Appeals from decision of presiding officer.

No appeal from any decision of the mayor shall be entertained unless it is seconded, and no other business shall be in order until the question on appeal has been decided. The question on the appeal is not debatable and shall be put as follows: "Shall the decision of the chair stand as the judgement of the council?" It shall be deemed to be decided in the affirmative unless a majority of the votes are given to the contrary.

Section 2.18 Motions-Parliamentary inquiries of chairman.

Any member may make a parliamentary inquiry of the mayor at any time during the meeting.

Section 2.19 Motions-Point of order.

Any member may make a point of order without a second at any time. The presiding officer may speak to points of order in preference to other members, and shall decide all such questions, subject to appeal to the council by motion duly seconded; and no other business shall be in order until the question on the appeal has been decided.

Section 2.20 Motions-Ordering previous question.

When the previous question is moved by any member, all debate on the main question shall be suspended immediately and the presiding officer shall put the question in the following form: "The previous question is moved on (specifying the motion on which the previous question is demanded). As many as care in favor of ordering the previous question will so indicate." If four (4) members assent, the affirmative has it, the previous question is ordered, and the

chairman will proceed immediately to put to a vote the question on which the previous question was ordered. If less than four (4) members so indicate, the negative has it, the motion is lost, and the question reverts to the immediately pending question which is again open to debate and amendment as if the previous question had not been demanded.

Section 2.21 Motions-Putting questions in order moved.

The presiding officer shall put all questions in the order in which they are moved unless a subsequent motion shall be previous in its nature except, in naming sums and fixing times, the largest sum and the longest time shall be put first.

Section 2.22 Motions-Defeated proposition or legislation-Motion to reconsider.

A. Any proposition or legislation which requires four (4) affirmative votes for passage shall be deemed defeated if less than four (4) votes are cast for the measure, and any proposition or legislation which requires a large plurality shall likewise be defeated unless it receives the requisite plurality of all councilmen, and this rule shall govern even though less than the full number of councilmen vote upon the measure.

B. When a vote has been taken either passing or defeating any proposition or legislation, any councilman who voted on the prevailing side may move for reconsideration at the same meeting or at the next succeeding meeting whenever motions are in order, provided that the subject matter has not passed out of the control of the council. The term "prevailing side" includes the negative side which has prevailed because the affirmative side has failed to muster the requisite number of votes required for passage of the measure. A motion to reconsider requires four (4) affirmative votes and, if it prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debates on motions to reconsider shall be limited to twenty-five (25) minutes and no member shall speak for more than five (5) minutes. No measure shall be reconsidered more than once.

Section 2.23 Motions-Reduction to writing.

Any motion must be reduced to writing if the presiding officer so requires or any member so demands, and no other motion shall be entertained until reasonable time (not over ten (10) minutes) is afforded for compliance with this rule.

Section 2.24 Motions-Rescinding Vote.

Any previous vote may be rescinded by vote of four (4) members of the council at any time, provided the subject matter has not passed out of the control of the council.

Section 2.25 Motions-Second Required.

All motions shall require a second, unless otherwise provided.

Section 2.26 Motions-Division of question.

Any member may require the division of a question, when the sense of it will admit.

Section 2.27 MOTIONS-QUESTIONS UNDER DEBATE-MOTIONS RECEIVED.

A. When a question is under debate, the presiding officer shall receive any of the following motions but no other:

1. To adjourn;
2. To recess;
3. To raise a question of privilege;
4. To call for the order of the day, or the regular order;
5. To lay on the table;
6. For the previous question;
7. To limit or extend limits of debate;
8. To postpone to a certain time;
9. To refer;
10. To amend;
11. To postpone indefinitely.

B. When one of the above motions has been made, none of the others inferior to it in the order in which they stand above shall be made, and in proceeding to vote, motions pending shall be put in the order of their rank as above arranged. The first seven are not subject to debate. A motion to postpone to a certain time, refer, amend, or to postpone indefinitely may be amended; the previous question may be demanded before an amendment, which motion shall be decided without debate. A motion to adjourn shall always be in order provided that business of a nature to be recorded in the journal has been transacted since any previous motion to adjourn has been defeated. No motion or proposition of a subject different to that under consideration shall be admitted under color of an amendment. When a matter has been especially assigned to be taken up at a fixed time, or at a certain stage of proceedings, such matter shall, at the appointed time or at any time subsequent thereto, be in order upon the call of any member, and take precedence over all other business.

Section 2.28 MOTIONS-DISPOSITION-WITHDRAWAL.

After a motion is stated or read by the presiding officer, it shall be deemed to be in the possession of the council and shall be disposed of by vote, but the mover may withdraw it at any time before decision or amendment, by consent of the second.

Section 2.29 ORDINANCES-FIRST READING-HEARING-NOTICE-FINAL PASSAGE-POSTING.

- A. Every ordinance shall be introduced in writing and shall be orally read before any vote for passage thereof is taken. After passage on first reading the ordinance shall be published by posting a copy thereof on the City Hall bulletin board, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall be at least five (5) days prior to the time advertised.
- B. At the time and place so advertised by posting, or at any time and place to which such hearing shall from time to time be adjourned, all persons interested who appear shall be given an opportunity to be heard.
- C. After such hearing the council may finally adopt such ordinance with or without amendments. The second passage of any ordinance shall be final and no further passage shall be required.

- D. After final passage every ordinance shall be posted in full on the City Hall bulletin board. Every ordinance unless it shall specify a later date, shall become effective following final passage, or, if the ordinance be submitted at a referendum election when state law or city charter so requires, then upon a favorable requisite number of those voting thereon.

Section 2.30 RESOLUTIONS-READING-HEARING-FINAL PASSAGE-POSTING.

- A. Every resolution shall be introduced in writing and shall be orally read before any vote for passage thereof is taken.
- B. On any vote for passage of the resolution, all persons interested who appear shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments. First reading of any resolution shall be final and no further passage shall be required.
- C. After final passage, every resolution shall be posted in full on the City Hall bulletin board. Every resolution, unless it shall specify a later date, shall become effective following final passage, or, if the resolution be submitted at a referendum election when state law or city charter so requires, then upon a favorable vote of the requisite number of those voting thereon.

Section 2.31 ORDINANCES AND RESOLUTION - ORAL READING WAIVED-EMERGENCIES.

Oral reading of any ordinance and resolution may be waived by unanimous consent of all the council present. Any ordinance may be adopted on first reading provided that an emergency be declared with the unanimous consent of all the council present. In the event an emergency is declared, the council shall then proceed to give persons interested, who appear, an opportunity to be heard.

Section 2.32 INITIATIVE AND REFERENDUM-PETITION IN GENERAL.

In accordance with Section 4.6 of the Charter, an initiative vote may be taken on any proposed legislation, or a referendum may be had on any legislation passed by the city council, when a petition shall be presented to the city manager signed by a number of qualified electors residing within the city, equal to twenty-five percent (25%) of the total number of votes cast at the last preceding general election or special election called for the purpose of electing city officers.

Section 2.33 INITIATIVE AND REFERENDUM-PROCEDURE WHEN PETITION FOR INITIATIVE PRESENTED.

When a petition demands the enactment of an ordinance or resolution, the city manager shall present the petition to the council and council may, by appropriate legislative action, grant the prayer of the petition. However, if the prayer of the petition is not granted by the council, then the council shall submit the ordinance or resolution petitioned for to the qualified voters at the next general or special election, and if a majority of the electors voting thereon shall vote for the adoption of the ordinance, it shall thereupon become law and be in full force and effect.

Section 2.34 INITIATIVE AND REFERENDUM-PROCEDURE WHEN PETITION FOR REFERENDUM PRESENTED.

When a petition demands a referendum vote upon any ordinance or resolution, the city manager shall submit the ordinance to council, and council shall have power to repeal the ordinance in question. If the council fails to repeal the ordinance upon which the referendum vote is sought, then council shall submit said ordinance or resolution to the qualified voters of the city at the next succeeding general or special election, and if a majority of the electors voting thereon shall vote for the ordinance or resolution, it shall remain in full force and effect, but if a majority shall vote to reject same, it shall thereupon stand repealed.

Section 2.35 INITIATIVE AND REFERENDUM-MATTER TO WHICH INAPPLICABLE.

An initiative legislation shall not be used to dedicate revenues, to make or repeal appropriations, to create courts, to define the jurisdiction of courts, or prescribe their rules, or to enact special legislation. A referendum shall not be applied to dedications of revenue, to appropriations, or to laws necessary for the immediate preservation of the public peace, health or safety.

Section 2.36 COUNCIL RULES-AMENDMENT-SUSPENSION-VIOLATION.

A. A proposed amendment to, or repeal of, any rule shall be submitted in writing, be laid on the table at the meeting to which it is submitted, and shall become the first item of unfinished business at the next regular meeting.

B. In all matters of parliamentary procedure not covered by these rules, Robert's Rules of Order shall be applicable and govern.

C. The city council rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose of an emergency nature by a vote of four (4) members present. Any member may move at any time for the suspension of any rule, and such motion must be seconded to entitle it to consideration.

D. If any member, in speaking or otherwise, transgresses the rules of the council, the presiding officer shall, or any member can, call him to order; in which case the member so called to order shall immediately cease discussion unless permitted by the presiding officer to explain; and the council if appalled to, shall decide the question without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the council to proceed in order.

Section 2.37 COUNCIL RULES-SPEAKING-RULES OF CONDUCT.

A. A member about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the presiding officer. When two or more members request to speak at the same time, the presiding officer shall determine which one is recognized.

B. Every member while speaking shall confine himself to the subject under debate, shall refrain from personalities, and shall not refer to any other member of the council except in a respectful manner.

C. Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.

D. No member shall speak more than twice or for more than ten (10) minutes continuously to any one question, except that one or more additional periods of ten (10) minutes may be granted by unanimous consent. The reading of papers desired by any member shall be read by himself or by the city clerk within the member's time limitation unless permission for the clerk to read such paper outside the time limitation is unanimously granted.

Section 2.38 COUNCIL RULES-VOTING.

A. The presiding officer shall declare all votes; but if any member doubts a vote, the presiding officer, without further debate upon the question, shall request the members voting in the affirmative and negative respectively to so indicate, and he shall declare the result.

B. The vote upon all matters considered by the council shall be taken by "yes" or "no" votes which shall be entered upon the record, except that when the vote is unanimous, it shall be necessary only to so state.

C. No member shall vote on any question in which he is pecuniarily interested, directly or indirectly, and in which his vote may be decisive, except as provided in this section.

D. Every member who shall be present when a question is put, where he is not disqualified by personal interest, shall vote, unless the council for special reason excuses him. Applications to be so excused must be made before the vote, and shall be decided without debate.

E. Anything to the contrary in these rules notwithstanding, in all cases where an extraordinary majority is not required, and when no motion is before the council, the chairman may, in lieu of calling for or awaiting a motion to be made, put the question in the following form: "Without objection, it will be so ordered." If no objection is heard, he shall announce: "It is so ordered," which will have the same effect as if a motion to that effect had been made and voted upon favorably. If a single objection is seasonably expressed when the question is put, the chairman shall not proceed further under this rule, but instead shall call for a motion, which motion shall be handled in the regular manner.

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Note: This is the end of Chapter 2 of the Code of Ordinances, adopted by Ordinance No. 194.