

CITY OF PALMER, ALASKA

ORDINANCE NO. 34

ORDINANCE REPEALING ORDINANCE NO. 26 AND AMENDING ORDINANCE NO. 22; ORDINANCE NO. 22 BEING AN ORDINANCE GOVERNING ELECTIONS AND ELECTED OFFICERS DESIGNATING THEIR TERMS OF OFFICE AND PROVIDING NOTICES OF ELECTION AND VACANCIES, ETC., COUNCIL RULES OF PROCEDURE, ETC.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF PALMER, ALASKA, THAT: ORDINANCE NO. 26 BE HEREBY REPEALED AND ORDINANCE NO. 22 SHALL BE AMENDED AS FOLLOWS:

I

Time of General Election. Annually, on the first Tuesday of October of each year, a general election shall be held in the City of Palmer for the election of vacant municipal offices and for the determination of such other matters as may be regularly placed on the ballot.

Notice of General Election. The City Clerk shall cause to be published in a newspaper of general circulation for four consecutive weeks preceding the annual general election a notice of election. The first publication shall commence thirty (30) days prior to the date on which the general election will be held.

Special Elections. Special elections may be ordered by the City Council upon appropriation resolution of that body made in accordance with law.

Notice of Special Election. The City Clerk shall cause to be published in a newspaper of general circulation in the City, a notice of election for each week until the election following the first publication thereof, which shall be not less than twenty (20) days prior to the date of election except where otherwise required by Territorial or Federal law.

Election Notices. Notices of election prescribed by the provisions of this chapter shall state:

- (a) The date of election;
- (b) The time of opening and closing the polling places;
- (c) The location of precinct polling places and a description of the voting precincts by boundary;
- (d) The qualifications of voters and the manner, time, method and place of registration;
- (e) The manner of nominating candidates;
- (f) The type of election, i.e., general or special.
- (g) The offices to be filled or propositions submitted to the electors.

Hours of Voting. The polls in each voting precinct shall be open from eight o'clock A.M. until seven o'clock P.M. on all election days.

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Appointment of Judges and Clerks of Election. The Council at their last regular meeting before any general municipal election shall appoint three judges for the City of Palmer precinct or precincts who shall be qualified electors of the City, and who shall constitute an Election Board for the election in the precinct in which they are appointed to act. At such meeting the Council shall also appoint two qualified electors to act as Clerks of such election at the City of Palmer precinct or precincts. The officers of the election so appointed shall be residents in the precinct in which they are to serve. If any judge or clerk so appointed shall fail or refuse to serve or attend at the time and place appointed, the election officers present, with approval of the City Clerk, shall choose a qualified elector to serve in the absentee's place.

Polling Places and Precincts of the City. The voting for municipal officers shall occur at the City of Palmer voting precinct at such place as shall be designated by the City Council, and shall be included in the election notice.

Oath of Election Officials. The election officers so chosen shall appear before the City Clerk-Registrar and each shall take or subscribe to the following oath: "I \_\_\_\_\_, do solemnly swear (or affirm) that I will honestly and faithfully perform the duties of judge (or clerk) of election according to law; that I will assiduously endeavor to prevent fraud, deceit, or abuse in conducting the election, to the best of my ability, SO HELP ME GOD."

Closing of Polls. Thirty (30) minutes before the closing of the polls on the day of election one of the judges shall proclaim the time remaining before the polls shall close, and when the polls are closed, the fact must be announced aloud, and after such proclamation no ballots shall be received except those of qualified electors present at the polls at the time for closing and waiting to vote. Before receiving any ballots, the Election Board must in the presence of any persons assembled at the polling place, open and exhibit to those present and close the ballot boxes, and thereafter they must not be removed from the polling place or presence of the bystanders until all ballots are counted, nor must they be opened again until the polls are finally closed.

Printing of Ballots. At all municipal elections to be hereafter held, the printing and distributing of ballots and instructions to voters shall be paid for by the City.

Form of Ballot. The names of all candidates to be voted for shall be printed on one ballot, including both candidates for Mayor and Council, and such other officials as shall be elected according to law. Preceding the list of candidates for each office there shall be placed the words: "Vote for not more than six" or "Vote for not more than one," or such other number as are to be elected to the office in question, as the case may be.

On the back or outside of the ballot, so as to be clearly visible when folded, shall be printed the words: "OFFICIAL BALLOT," date of the election, and a facsimile signature of the Clerk who has caused them to be printed. The ballots shall be of plain white paper, through which printing or writing cannot be read. The names of candidates shall be printed in capital letters, not less than one-eighth of an inch, or more than one-fourth of an inch in height, and at the beginning of each line in which the name of a candidate is printed, a square shall be printed, the sides of which shall not be less than one-fourth of an inch in length. Ballots shall be numbered consecutively. Candidates' names shall be arranged alphabetically and their positions changed in the manner required by Territorial law for Territorial General Elections. (38-5-6, ACLA '49)

Printing and Delivery of Ballots, Receipts Therefor. For all elections to which this chapter applies the City Clerk shall have charge of the printing of the ballots and shall deliver them to the Election Board preceding the opening of the polls on election day. Ballots shall be printed and in the possession of the officer charged with distribution of same at least one day before election and subject to the inspection of candidates and their agents; if any mistakes be discovered the same shall be rectified without delay. Such ballots shall be placed in separate sealed packages with marks on the outside, clearly designating the number of ballots enclosed by their printed numbers, and a receipt therefor taken from the Election Board to which they are delivered, which receipt shall be preserved in the Records of the City.

Instructions for Voters and Election Officials. The City Clerk shall publish full instructions for the guidance of voters as to how to obtain the ballots, as to the manner of marking them and the method of obtaining information, and as to procuring new ballots in place of any destroyed or spoiled, and he shall cause such instructions to be printed in large clear type on cards, and the clerk shall furnish to the judges of election a sufficient number of such cards of instruction to enable the Election Board to comply with the provisions of this Chapter.

Specimen ballots. The City Clerk shall also have printed a number of colored specimen ballots which shall be delivered to the Election Board in order to enable judges to comply with the provisions of this Chapter.

Voting Booths. It shall be the duty of the City Clerk to cause to be erected in the polling places designated by the Council, a sufficient number of booths, which shall be supplied with such supplies and conveniences,

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including shelves, pens, pen-holders, blotters and pencils as will enable the voter to mark his ballot for voting and in which the voter may prepare his ballot screened from observation. The ballot boxes shall be within plain view of the election officers and voters and persons within the polling place, outside of the booths; each of said booths shall have three sides enclosed. The expense of providing booths, and other things required to be furnished by this Chapter shall be paid in the same manner as other election expenses.

Voting Procedure. Any person desiring to vote shall give his name to the Election Board and sign such book or document as the judges shall maintain for the listing of all persons who vote. The Judges shall give the voter one and only one, ballot.

Upon receipt of the ballot the voter shall forthwith retire alone to the voting booth provided, and shall prepare his or her ballot, by marking in the appropriate margin or place opposite the name of the candidate of his or her choice; providing, however, that such voter shall not vote for more than the proper number of candidates for each office to be elected thereto. Before leaving the voting booth the voter shall fold his ballot in such a manner as to show and display the number thereon. He shall then hand the same to one of the judges of election who shall examine it, and if found to be correctly numbered shall deposit it in the ballot box, after tearing off the printed number thereon.

He shall mark his ballot without undue delay. No person shall take any ballots from the polling places before the closing of the polls. Any voter who shall through accident or mistake mutilate or spoil the ballot given him, shall upon returning same to the judges receive another in place thereof. Any voter who shall swear upon oath, to be administered by one of the judges of Election, that he cannot read the English language, and that by reason of a physical disability he is unable to mark his ballot, shall upon request be assisted in marking same by two of the election judges, to be agreed upon between the judges themselves; such judges nor either of them shall not divulge any information derived from so doing. The Election Board shall cause to be entered upon the voter's registration card after the name of a voter receiving assistance, a memorandum of such fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall receive assistance in marking his ballot.

Defective or Challenged Ballots. If the voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to tell the voter's choice for any office to be filled, the ballot shall not be counted, for such office. No ballot without the official number thereon shall be permitted to be deposited in the ballot box, and none but ballots complying with the provisions of this chapter shall be counted. Ballots not counted shall be marked "Defective" on the back thereof, and to which objection has been made shall be marked "Objected to" on the back thereof, and signed by the judges, stating why the ballot was not counted; and all defective ballots shall be enclosed in an envelope and so marked as to distinguish the contents. All ballots not voted, and all ballots spoiled by voters shall be returned by the judges of election to the City Clerk, and receipt taken therefor and same shall be kept for six months; such Clerk shall keep a record of the number of ballots delivered at the various polling places, the names of persons to whom delivered, the time when delivered, and he shall also enter upon such record the number and character of the ballots returned, with the time when, and by whom returned.

Rules for Rejecting Ambiguous Ballot. No ballot shall be rejected for the reason that purpose of same is obscure, either as to the person voted for or the designation of office if the judge can determine from an inspection of the ballot as to the person intended to be voted for, and the office designated.

Counting ballots. As soon as the polls are finally closed the judges shall open the boxes containing the ballots cast, and when the same have been counted and result ascertained the same shall be checked with the registration index, and all ballots replaced to be counted again as hereinafter provided for. In no case shall a ballot box be removed from the room in which any election shall be held, until all the ballots have been finally counted. The counting of ballots shall in all cases be public. The ballots, after having been counted and checked as herein provided, shall be taken out carefully, one by one by the judges of election, who shall open them, and read aloud the name of each person voted for, provided that no more ballots be drawn from the box than shall tally exactly with the registration index.

Tally. The judges shall write down each office to be filled and the name of each person to be voted for such office, and they shall keep the number of votes by tallies as they are read aloud. The counting of votes shall be continued without interruption or adjournment until all are counted.

Stringing and Preservation of Ballots. It shall be the duty of one of the judges to string the ballots at the time of the counting, and after all the ballots have been counted and strung, it shall be the duty of the judges to place them in a sealed envelope, and to write thereon:

"Ballots of Municipal Election of the City of Palmer, held this \_\_\_\_\_ day of October, 19\_\_\_\_,"

and to deliver said sealed envelope to the City Clerk, who shall keep the same unopened for one year, to be used only as evidence in case of contest when called for; and at the end of which time it shall be the duty of the Council of the City of Palmer to burn said ballots in the presence of two city officials as witnesses thereto, and make and keep a memorandum in writing of these facts.

Certificate of Election Board, Preservation of Election Materials. As soon as all the votes are read off and counted, a certificate shall be drawn upon each of the papers containing the poll lists and tallies, or attached thereto stating the number of votes each person voted for has received, and designating the office for which he was voted. Said certificate shall be signed by the Election Board, and the same, with the registration cards, tallies or tally papers, oaths of judges and oaths of voters and other papers, shall be sealed in an envelope by the judges and endorsed "Election Returns", and be delivered to the City Clerk.

It shall be the duty of the City Clerk or his duly authorized representative to pick up all election materials, e.g., ballots, tallies, certificates, etc., from the election boards immediately following the conclusion of their duties.

II

CANDIDATES: NOMINATIONS: QUALIFICATIONS FOR OFFICE

Qualifications for Municipal Office. No person shall hold any elective office, or be eligible to seek election thereto, unless he be a qualified elector of the City.

Petition Required. Nominations for elective officers shall be by petition only.

Form of Petition, Sponsors, Time of Filing. Any qualified elector of the City may be nominated for elective office by petition of any twenty-five (25) such electors, who shall be designated as his sponsors. No elector shall sign more than one such petition (except as to councilmen in which case as many petitions may be signed as there are vacancies for the position of councilmen), and should an elector do so, his signature shall be void except as to the petition first filed. With each signature shall be stated the place of residence of the signer, giving the street and number or lot and city block or other description sufficient to identify it. Nominating petitions shall be signed and filed with the City Clerk not earlier than twenty (20) days nor later than ten (10) days before the election, otherwise they shall be unacceptable, and shall be in substantially the following form:

NOMINATING PETITION

"We, the undersigned twenty-five electors of the City of Palmer, Alaska, hereby nominate and sponsor .....  
(full name of nominee)  
whose residence is .....  
(street and lot or block)  
for the office of .....  
(name of office)  
to be voted for at the election to be held on the ..... day of October,

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19.; and we individually certify that our names presently appear on the rolls of registered voters, that we are qualified to vote for a candidate for an elective municipal office, and that we have not signed any other nominating petition for the particular office this candidate seeks, except in case of councilmen, where we understand we can sign as many petitions as there are vacancies for the position of councilmen.

NAME	STREET AND NO. OR LOT AND BLOCK	ADDRESS FROM WHICH LAST REGISTERED, IF DIFFERENT	DATE OF SIGNING
_____	_____	_____	_____
_____	_____	_____	_____

(Spaces for a minimum of 25 signatures)

Acceptance of Nomination

I hereby accept the nomination for \_\_\_\_\_ and agree to serve if elected.

\_\_\_\_\_  
signature of candidate

Date and hour of filing: \_\_\_\_\_

This petition is filed by \_\_\_\_\_ whose

address is \_\_\_\_\_ . Received by:

\_\_\_\_\_  
City Clerk

Person Filing Petition Must be Known. The City Clerk shall take and preserve the name and address of the person by whom each nominating petition is filed.

Time for Withdrawing Candidacy. Any candidate may withdraw his nomination not later than the last day for filing nominating petitions by filing a written notice of withdrawal with the City Clerk.

Checking Sufficiency of Petition: New Petition. Within three (3) days after the filing of a nominating petition the City Clerk shall notify the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified electors. If insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to elective office shall be preserved by the City Clerk until the expiration of the term of office for which he was nominated.

III

CANVASS AND CONTEST OF RETURNS

Time of Canvass. On the first Wednesday after each election the Council shall meet and canvass all election returns. The canvass may be postponed for cause from day to day but not exceeding three postponements.

Contests. Any person who believes that prohibited practises occurred at an election shall appear before the Council at the meeting held on the first Wednesday following the election and deliver a written notice of contest signed under oath, wherein shall be stated the grounds of contest and citation of all alleged prohibited practices.

Notice of Election Contest

The undersigned believes that the following prohibited practices

occurred at the election held on \_\_\_\_\_  
The undersigned states that the following persons violated

\_\_\_\_\_

in the manner following:

\_\_\_\_\_  
SIGNATURE of person contesting

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
Notary public in and for Alaska

Investigation of Protest. Upon receiving such notice of protest, the Council shall order an investigation made by the City Attorney, and City Clerk. The contestant, the person or persons whose election is contested, and the public shall be allowed to attend all investigation proceedings which shall be conducted publicly.

Recount. If the contestant demand only a recount of the ballots cast at said election, the investigation to be conducted in accordance with the foregoing paragraph, shall be limited in its scope to a recount of the ballots by the Election Board which allegedly made the error. The contestant shall pay all costs and expenses incurred in any recount.

Prohibited Practices Alleged. If the contestant shall allege prohibited practices, the Council shall direct the City Clerk to open the boxes containing the duplicate registration cards for the purpose of discovering the alleged prohibited practices.

If the charges alleged by the contestant shall be sustained, the alleged votes shall be purged from the election returns and a recount made without counting such illegal votes. The results of such recount shall be reported forthwith to the Council.

Canvass of General and Special Elections. The canvass of all election returns shall be made in public by opening the returns and estimating the number of votes cast for each candidate and for and against each proposition voted upon at such election. If no contest be initiated under the provisions of this Article or if such contest be held and determined, the result of the election shall be publicly declared by the council and entered upon the records of the minutes of such meeting.

The record thereof shall show:

- (a) The number of votes cast in such election;
- (b) The names of the persons voted for and the propositions voted upon at such election;
- (c) The offices voted for; and
- (d) The number of votes cast for each candidate and for and against each proposition voted at such election.

Certificate of Election. The City Council shall authorize the City Clerk to make out and deliver to every person elected, a certificate of election signed by the Clerk and Mayor and authenticated by the corporate seal of the City of Palmer.

Oath of Elected Officers. All officers elected before entering upon the duties of office shall take and subscribe the following oath and affirmation.

"I \_\_\_\_\_ do solemnly swear  
(or affirm) that I will support the constitution of the  
United States, and the laws and the ordinances of the  
City of Palmer, Territory of Alaska, and that I will faithfully and honestly perform the duties of the office of  
\_\_\_\_\_  
So HELP ME GOD."

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## IV

PROHIBITED ELECTION PRACTICES

Territorial and Federal Law Incorporated. The provisions of Title 38, Chapter 1, Sections 1 to 9 inclusive, Compiled Laws of Alaska 1949 are hereby incorporated into this Article as if expressly set out herein, and any violations of said incorporated law are hereby made unlawful acts within the scope of this Code; the listing of prohibited practices hereafter in this Article shall be deemed supplementary to the territorial law herein incorporated and the actions hereafter made unlawful shall be deemed unlawful even though not specifically mentioned in said territorial law.

The following acts shall be considered unlawful and prohibited practises:

- (a) Falsely subscribing any affidavit required to be made under the provisions of this chapter.
- (b) Electioneering on election day within the polling place or within one hundred feet of the same.
- (c) Interfering with, interrupting, hindering or opposing any voter while approaching the polling place for the purpose of voting.
- (d) Making false statements as to inability to mark ballot.
- (e) Interference or attempted interference with any voter when marking his ballot.
- (f) Endeavoring to show a voter how any other voter marked his ballot.
- (g) Wilfully destroying, spoiling or tearing down, prior to election, any list posted in accordance with the provisions of this chapter.
- (h) During election, wilfully tearing down the cards of instruction or specimen ballots posted for voters' instruction.
- (i) During election, wilfully destroying any election supplies or conveniences.
- (j) Wilful hinderance or obstruction or interference with the voting of others.
- (k) The taking from polling places of official ballots or the substituting for them, or any of them, of any spurious ballot or ballots.
- (l) Making, using, circulating, or causing to be made, used or circulated for any official ballot any paper printed in imitation or resemblance thereof unless clearly marked "Specimen Ballot for Political Purposes."
- (m) Wilful destruction, defacement or spoilation of any ballot.
- (n) Wilful interference with or delay of the delivery of any ballot.
- (o) Wilful neglect of any public or election officer upon whom a duty is imposed by this chapter to perform such duty.

## V

QUALIFICATIONS, NUMBER, TERMS OF COUNCILMEN, COUNCIL RULES OF PROCEDURE, ETC.

The qualifications of councilmen for the City of Palmer, Alaska

## ORDINANCE NO. 34 (Cont'd)

shall be that they be qualified electors of the City as described in the ordinances of the City of Palmer and in 16-1-31, ACLA 1949.

The number of councilmen shall be six.

Their term of office shall be for three years beginning with the first Monday after the first annual general municipal election held on the first Tuesday of October and continuing until their term has expired and their successors are elected and qualified. At the election of the 7th of October, 1952 two councilmen will be elected for a three-year term ending on the Monday following the first Tuesday in October, 1955, and two councilmen will be elected for a two-year term ending on the Monday following the first Tuesday in October, 1954, and two councilmen will be elected for a one-year term ending on the Monday following the first Tuesday in October, 1953. At the October general municipal election of 1953 and annually thereafter, two councilmen will be elected for three-year terms.

Vacancies: Resignations: Filing of Vacancies. If a council member shall depart from the city with the intent of remaining absent more than ninety days, or shall have failed to attend the meetings of the council for a period of ninety consecutive days, or if he shall have attended less than five of the meetings of the council during any continuous period of five months, the council may declare the office of such member vacant.

A vacancy may also be created by the resignation of any council member in writing duly accepted by the council, or by the death of a member, or his removal from office by the court as in the ordinances of the City of Palmer provided, or if he shall fail after his election to qualify within thirty days after such election.

Whenever a vacancy occurs in the council the remaining members may elect some qualified person to fill such vacancy, which person so elected shall hold office until a successor be elected at the next annual election and qualified.

Council Rules of Procedure - Absence. No member shall absent himself from any meeting of the Council except for good and sufficient reason.

Actions. The Council shall act only by ordinance, resolution, order or resolve. 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."

Chairman or Mayor; Powers and Duties. The Chairman or 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 to 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 the Chairman elects to resume the chair, and in no event beyond adjournment of the meeting at which such substitution is made.

Chairman Pro Tempore or Acting Mayor. In the temporary absence or disability of the Mayor Chairman, any member of the City Council may call the Council to order at any duly called meeting to elect a chairman pro tempore or acting Mayor from among its number and the acting Mayor shall exercise all the powers of Chairman during such temporary absence or disability of the Chairman and also vote.



City Clerk. 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 the 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.

Meetings; Agenda. The agenda for each meeting of the City Council shall be prepared by the City Clerk after consultation with the Chairman of the Council or Mayor. Such agenda shall be distributed by the City Clerk to each member of the Council at least 24 hours prior to the meeting, and no further items shall be added to the agenda except by unanimous consent.

Meetings; Annual. The City Council shall meet at the usual place for holding meetings at ten o'clock a.m. on the first Monday in October following the regular general city election, and at said meeting the councilmen-elect shall be sworn to the faithful discharge of their duties by the City Clerk. At such meeting, or as soon thereafter as practicable, the Council shall organize for the ensuing year and undertake its duties.

*Amended by Ord. 63.*  
Meetings: Regular. The date and time of the regular meetings of the City Council shall be on Tuesday of each week at the hour of 7:30 P.M., unless said Tuesday shall fall on a Holiday, in which event said meeting shall be waived and the business which was scheduled, or required to be scheduled for said meeting, shall be scheduled for the following Tuesday meeting of the City Council. The place of such meetings shall be designated from time to time by the City Council. All meetings of the City Council shall be open to the public, and may be continued to another location.

Meetings: Special. Special meetings of the City Council may be called by the Mayor and in case of his absence, disability or refusal may be called by a majority of the City Council. Notice of such meeting shall be given each member of the City Council at least 24 hours before the time of holding such special meeting. The place of all special meetings shall be at the regular meeting place.

Meetings: Special Emergency. The City Council may meet upon shorter notice than 24 hours at any place, by unanimous consent of all of its members present, recorded in the record of such meeting, provided the Council unanimously finds and so votes at such meeting that there is an emergency justifying such meeting and the public interest so requires.

Meetings, Executive Sessions. 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 five 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 City Clerk'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, order or resolve shall be passed or voted upon or claim allowed at such session.

Meetings, Quorum, Requisite Number of Votes. At all meetings of the Council, five members or four members and the Mayor, shall constitute a quorum for the transaction of business, but no ordinance, resolution, resolve, or order shall be passed at any meeting unless it receives at least four affirmative votes. In case of the absence of the Mayor, if a regular quorum of five be present, they shall elect one of their members to preside, as hereinbefore provided, as acting mayor or chairman pro tempore.

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

Motions: Appeal. No appeal from any decision of the presiding officer 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 judgment of the Council?" and it shall be deemed to be

decided in the affirmative unless a majority of the votes given are to the contrary.

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

Motions; Order of. 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 orders 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.

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 at 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 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 matters 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.

Motions; Parliamentary Inquiry. Any member may make a parliamentary inquiry of the Chairman at any time during the meeting.

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.

Motions; 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 are in favor of ordering the previous question will so indicate." If four members arise, 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 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.

Motions: Procedure. 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 that in naming sums and fixing times, the largest sum and the longest time shall be put first.

Motions: Reconsideration. When a vote has been passed, any member who voted on the prevailing side may move a reconsideration thereof at the same meeting immediately after the announcement of such vote, 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. A motion to reconsider requires four votes; if such motion thus prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debate on motions to reconsider shall be limited to 25 minutes, and no member shall speak more than five minutes. No motion shall be reconsidered more than once.

Motions: Reduced 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 minutes) is afforded for compliance with this rule.

Motions: Rescind. Any previous vote may be rescinded by vote of four members of the Council at any time, provided the subject matter has not passed out of the control of the Council.

Motions: Second. No motion need be seconded except those which under these rules are specifically required.

Motions: 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 unanimous consent.

Order of Business. At every regular meeting of the City Council the order of business shall be as follows:

- (1) Roll call by the City Clerk.
- (2) Reading by the City Clerk of the records, not previously read and approved, of all preceding meetings.
- (3) Reading of communications by City Clerk.
- (4) Reports of City Clerk.
- (5) Unfinished business.
- (6) New business (ordinances, resolutions, orders or resolves.)

The above order of business shall not be departed from except by vote of a majority of the members present.

Ordinances and Resolutions: First Reading. Every ordinance shall be introduced in writing, and after passage on first reading a brief summary 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 days prior to the time advertised.

Ordinances and Resolutions: Public Hearing. 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 shall be given an opportunity to be heard.

Ordinances and Resolution: Final passage. After such hearing the Council may finally pass such ordinance with or without amendment. The second passage of any ordinance shall be final and no further passage shall be required.

Ordinances and Resolutions: Posting after passage. 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 territorial law so requires, then upon a favorable vote of the requisite number of those voting thereon.

Rules: Amendment of. 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.

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

Rules: Suspension of. 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 five 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.

Rules: Violation of. 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 appealed 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.

Speaking; Recognition. 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.

Speaking; Germaneness. 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.

Speaking; Interruption. 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.

Speaking; Limitation. No member shall speak more than twice or for more than 10 minutes continuously to any one question, except that one or more additional periods of 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.

Vote: Declaration of. 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.

Vote: How taken. In all meetings of the City Council the vote shall be taken by yeas and nays on the passage of all ordinances, resolutions, and authorizations for the payment of money, and on the passage of any order or resolve when called for by any member of the Council, and such yea and nay votes of each member shall be permanently entered on the record of the proceedings of the Council by the City Clerk. Other votes may be by show of hands.

Voting: Disqualification. No member shall vote on any question in which he is pecuniarily interested, directly or indirectly, and in which his vote may be decisive.

Voting: Required. 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 excused him. Applications to be so excused must be made before the vote, and shall be decided without debate.

Voting Without Objection. 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:

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"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.

## VI

ELECTION, TERM OF OFFICE, POWERS, ETC. OF MAYOR

Election: Term of Office. The Mayor shall be elected by direct vote of the qualified electors biennially in odd numbered years at the general municipal election held on the first Tuesday of October of said years for a term of two years, holding office until his term has expired and his successor is elected and qualified. His term shall be deemed to run from the first Monday after his election.

Powers and Duties. The Mayor shall preside at all meetings of the council; approve or disapprove of all ordinances or resolutions passed by the council; sign all warrants drawn on the city treasury; direct and supervise the business of the city to see that all ordinances and resolves are executed. He shall have no vote except in case of a tie. The Mayor shall have power to appoint a city treasurer and a municipal attorney, but all appointments shall be subject to confirmation by the council, such appointed officers shall hold office at the pleasure of the council, but not beyond the term of the mayor by whom they were appointed. He shall supervise police written examinations. He shall sign the special assessment rolls; he shall sign such evidence of bonded indebtedness as required by law; he shall nominate the City Planning Commission, subject to council confirmation, and act as ex-officio chairman of the Zoning Commission with right to vote only in case of a tie; he shall be ex-officio chairman of the Board of Adjustment for the building regulations of the City.

Veto Power of Mayor. Any ordinance or resolution passed by the council by only four affirmative votes, may be vetoed by the mayor at the time of its passage. Upon vetoing any ordinance or resolution the Mayor shall submit to the council at its next regular meeting, a written statement giving his reasons for vetoing same. Any ordinance or resolution so vetoed, thereafter passed, or adopted by the affirmative vote of five members of the council at any regular meeting shall become effective without the signature of the mayor and notwithstanding such veto.

Vacancy in Office of Mayor. Whenever the office of Mayor shall for any reason become vacant, such vacancy may be filled by the Council. Whenever a person elected for the office of Mayor fails to qualify as such within thirty days after his election, the office shall be deemed to be vacant.

Additional Responsibilities. The Mayor shall perform such additional duties as the Council may require not inconsistent with law and as are prescribed elsewhere in this ordinance.

In General. The Mayor shall have the power, subject to council approval, to create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this section. The Mayor, subject to council approval, may assign additional functions or duties to offices, departments or agencies established by this ordinance and may likewise transfer functions or duties from one such office, department or agency to another. The works of departments may be distributed among such divisions thereof as may be established by the Mayor.

## VII

That an emergency is hereby declared to exist; that the usual rules of procedure be suspended, and that this Ordinance shall be read in full, and again by its title and placed upon its final passage by the Council and approved by the Mayor and City Clerk.

Passed and approved this 31 day of March, 1953.

APPROVED: Alfred V Hagan

ATTEST: /s/ L. K. Mooers