

Introduced by: City Manager Healy
 Date: December 14, 2004
 Public Hearing: December 28, 2004
 Action: Postponed to January 25, 2005
 Date: January 25, 2005
 Action: Postponed to February 8, 2005
 Date: February 8, 2005
 Action: Adopted
 Vote: Unanimous

CITY OF PALMER, ALASKA

ORDINANCE NO. 648

AN ORDINANCE AMENDING CHAPTERS 2.04 (CITY COUNCIL) AND 2.44 (RECORDS RETENTION), ADOPTING CHAPTERS 2.05 (MAYOR), 2.06 (COUNCIL RULES), 2.07 (LEGISLATION), 2.08 (COUNCIL MEETINGS), 2.10 (CITY MANAGER), 2.11 (CITY CLERK), 2.12 (CITY ATTORNEY), REPEALING CHAPTERS 2.08 (COUNCIL MEETINGS) AND 2.12 (LEGISLATION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE PALMER MUNICIPAL CODE

The City of Palmer 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 provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Chapter 2.04 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 2.04

CITY COUNCIL

Sections:

2.04.010 Form of government-Adoption by reference of federal and state law.

2.04.015 Powers.

~~2.04.020 Compensation.~~

2.04.021 Composition.

2.04.040~~31~~ Qualifications ~~Terms~~ ~~Salaries.~~ Eligibility.

2.04.041 Term of office.

2.04.045 Council organization.

2.04.047 Prohibition regarding employment.

2.04.049 Quorum.

2.04.050 Absences.

2.04.051 Compensation.

~~2.04.060 Forms of legislation.~~

2.04.061 Vacancies.

- 2.04.065 Appointments.
- 2.04.070 Public meetings.
- 2.04.080 Meetings.
- 2.04.090 Executive session.
- 2.04.100 Agenda and agenda packets.
- 2.04.110 Order of business.
- 2.04.115 Communications and Appearance Requests.
- 2.04.120 Audience participation.

2.04.010 Form of government-Adoption by reference of federal and state law.

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 US Government or the state, 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, city clerk and city attorney. The city manager shall execute the laws and administer the government of the city. All applicable laws of the federal government or the state pertaining to home-rule municipalities are incorporated in this code as if fully set out herein.

2.04.03015 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 1, of the Alaska Constitution.

2.04.020 Compensation.

~~The salaries of the council members 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.~~

2.04.021 Composition.

The city council is composed of one mayor and six council members who are elected at large.

2.04.040031 Qualifications — Terms — Salaries. Eligibility.

- ~~A. To be eligible to file a nominating petition for election to a city office, a person must be a qualified voter of the city and must have been a resident of the city or of territory annexed to the city, or must have had a combination of residence in the city and in the annexed territory, for a continuous period of not less than one year immediately preceding the date of the election.~~
- ~~B. The council shall consist of the mayor and six councilmembers.~~
- ~~C. The terms of office of the mayor and of each councilmember shall be as prescribed in the Charter.~~
- ~~D. The compensation of each councilmember shall be:~~

1. ~~The mayor shall receive two hundred dollars per regular meeting and each councilmember shall receive one hundred dollars per regular meeting;~~
2. ~~The mayor and each councilmember shall receive twenty-five dollars per special meeting;~~
3. ~~The mayor shall receive one hundred dollars per work session and each councilmember shall receive fifty dollars per work session.~~

A person is eligible to be a council member or mayor if the person is a qualified city voter and has been a city resident or a resident of territory annexed to the city, or must have had a combination of residence in the city and annexed territory, for one continuous year immediately prior to the election.

2.04.041 Term of office.

The term of office of each council member shall be for three years and shall commence on the Monday following his or her election.

2.04.045 Council organization.

The council shall meet and organize on the first Monday following each regular election. At such meeting or within one week there after, the council shall elect from its membership a Mayor Pro Tempore.

2.04.047 Prohibition regarding employment.

A person who holds or has held an elective city office shall not be eligible for appointment to an office or for employment for which a salary is paid by the city until one year has elapsed following the term for which that person was elected or appointed. An exception may be made with the approval of five or more members of the council.

2.04.049 Quorum.

All meetings of the council require a quorum. Four council members shall constitute a quorum of the council, but a smaller number may adjourn from time to time and may compel the attendance of absent members.

2.04.050 Absences.

Neither the mayor nor any member shall absent him or herself from any meeting of the council except for good and sufficient reason.

2.04.02051 Compensation.

- A. The salaries of the council members 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;
- B. Salary changes ~~will not~~ become effective ~~until~~ on the first Monday immediately following the next general municipal election subsequent to the adoption of the salary change;
- C. 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;
- D. The compensation of officers appointed by the city council shall be by order of the city council and may be changed at any time;
- E. Each council member shall receive one hundred dollars per regular meeting;
- F. Each council member shall receive twenty-five dollars per special meeting; and

G. Each council member shall receive fifty dollars per work session.

2.04.060 Forms of legislation.

~~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."~~

2.04.061 Vacancies.

A. A council seat shall become vacant upon the occurrence of any of the following:

1. Expiration of the term of office;
2. Death of the incumbent;
3. Resignation approved by council;
4. A removal from office in the manner provided by law;
5. Ceasing to possess at any time the qualifications of eligibility required for elective office;
6. Final conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office;
7. Judicial determination that the incumbent is of unsound mind;
8. A decision of a competent tribunal declaring the election of the incumbent void;
9. Failure to take an oath of office within ten days of appointment or election to office or within such other time, not exceeding twenty days, as the council may fix;
10. Unless excused by the council, is physically absent from the city for ninety (90) consecutive calendar days;
11. Is convicted of a felony or a misdemeanor described in Alaska Statutes 15.56;
12. Is convicted of a violation of Alaska Statute 15.13; or
13. No longer physically resides in the city.

2.04.065 Appointments.

- A. When a vacancy occurs, except in the case of recall, the council shall within thirty days fill the vacancy by appointment;
- B. If the vacancy occurs less than twenty-four 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;
- C. Each appointment shall be for a term ending on the Monday following the next regular city election.
- D. Appointees shall qualify for and assume the duties of office within ten days after appointment, unless such time is extended by the Council for not more than sixty days.

2.04.070 Public meetings.

All meetings of the council, except for executive sessions, are open to the public and with the exception of work sessions, shall be electronically recorded.

2.04.075 Public meeting notification.

- A. All public notices must include the date, time and place of a meeting and if, the meeting is by teleconference, the location of teleconferencing facilities that will be used.

- B. Regular meeting. Public meeting notification shall be by means of posting and/or publishing the agenda for a regular meeting five days prior to the meeting.
- C. Special meeting. Public meeting notification shall be by means of posting and/or publishing the agenda for a special meeting twenty-four hours prior to the meeting.
- D. Emergency meeting. Public meeting notification shall be by means of posting and/or publishing the agenda with reasonableness related to the emergency.
- E. Work session. Public meeting notification shall be by means of posting and/or publishing the work session notice containing the topic of the work session three days prior to the session.

2.04.080 Meetings.

- A. Regular meetings of the council shall be held only on the second and fourth Tuesday of each month beginning at 7:00 p.m. in the council chambers, unless otherwise designated by the council. At least two regular meetings shall be held in each month. A regular meeting may be canceled by the council; however, if no quorum exists or there is an emergency, it may be canceled by the mayor.
- B. Special meetings of the Council shall be held at the regular meeting place of the Council. Special meetings shall be called by the City Clerk on the written request of the Mayor, of the City Manager, or of any two members of the Council.
- C. If a majority of the council members are given at least 24 hours' written or oral notice and reasonable efforts are made to notify all council members, a special meeting of the council may be held at the call of the mayor, city manager or two council members. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.
- D. Emergency meetings may be held and business may be legally transacted if all council members are present or if absent members have waived, in writing the required notice; or, if there is a quorum of the council. Waiver of notice can be made before after the meeting is held. A waiver of notice shall be made a part of the journal for the meeting. The clerk shall make reasonable attempts to notify all council members of the emergency meeting.
- E. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. The vote at a meeting held by teleconference shall be taken by roll call.
- F. No special notice to council members as required in subsection (C) shall be necessary in the case of a special meeting called by agreement of the majority of the council, reached at any regular or special meeting of the council.
- G. No business shall be transacted at any special or emergency meeting except that which is specifically stated in the notice of the meeting.
- H. The council shall adjourn not later than 11 p.m. and may not reconvene any earlier than 9 a.m. the next day. However, by two-thirds consent of the council members in attendance of the meeting may be extended for up to one hour, at which time adjournment is mandatory.
- I. If, after having been lawfully assembled in a properly designated location and the council determines that a condition exists which renders the location unsuitable, the council 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 shall be posted at the place originally designated by the clerk.

2.04.090 Executive session.

- A. If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions of subsection B of this section shall be determined by a majority vote of the council. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specified legal matter or pending labor negotiations.
- B. Upon adoption of a motion stating the purpose for an executive session, the council in closed session may discuss:
 - 1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
 - 2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
 - 3. Matter which by law, municipal charter, or ordinances are required to be confidential;
 - 4. Matters involving consideration of government records that by law are not subject to public disclosure.
- C. This section does not apply to quasi-judicial boards when holding a meeting solely to make a decision in an adjudicatory proceeding.

2.04.100 Agenda and agenda packets.

- A. The agenda for each meeting shall be prepared by the manager and the clerk after consultation with the mayor. The agenda shall include any item requested in writing and signed by the mayor or two council members. The request shall be made to allow the timeframes of 2.04.075.
- B. The clerk shall attempt to notify each council member at least 48 hours prior to a regular meeting. Notification shall be by means of a packet including information on the time and place of meeting and the agenda. Whenever practicable, minutes of the previous meeting, financial statements, and other background material pertinent to the agenda shall be included in the packet.

2.04.110 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. Approval of Agenda;
 - 1. Approval of Consent Agenda;
 - 2. Minutes of Previous Meetings;
- D. Pledge of Allegiance;
- E. Communications and Appearance Requests;
- F. Audience Participation;
- G. Action Memorandums;
- H. Public Hearing on Ordinances and Resolutions;
- I. Bids;
- J. Unfinished Business;
- K. New Business;

- L. City Manager's Report;
- M. City Clerk's Report;
- N. Record of Items Placed on the Table;
- P. Audience participation;
- Q. Council Comments;
- R. Adjournment.

2.04.115 Communications and Appearance Requests.

- A. A person wishing to speak before the council under the agenda item "communications and appearance requests" shall file an appearance request with the clerk specifying the topic on which the person intends to speak. The clerk shall place the appearance request on the next available regular meeting agenda;
- B. The clerk shall not accept appearance requests involving:
 - 1. Items that have other clearly defined channels of resolution by the administration;
 - 2. Items scheduled for public hearing on an agenda;
 - 3. Items upon which litigation involving the applicant or applicant's representative is currently pending.
- C. In lieu of appearance requests, the council shall accept brief written communications on any subject;
- D. Persons who do not wish to speak before the council under communications and appearance requests, and who do not wish to submit written communications, may be heard under "audience participation," which is scheduled for each regular meeting.
- E. All presentations to the council shall be limited to five minutes, unless otherwise ordered by the council.

2.04.120 Audience participation.

All presentations to the council shall be limited to three minutes per person, five minutes per group and also limited to a total time of not more than thirty minutes, unless the limitations are enumerable, in which case the mayor may set reasonable limits.

Section 4. Chapter 2.05 is hereby adopted to read as follows:

Chapter 2.05

MAYOR

Sections:

2.05.015 Office established.

2.05.020 Eligibility.

2.05.030 Term of office.

2.05.035 Prohibition regarding employment.

2.05.040 Duties.

2.05.050 Compensation.

2.05.060 Mayor Pro Tempore.

2.05.070 Vacancy.

2.05.010 Office Established.

The executive power in the City is vested in the mayor. The executive power means that the mayor acts as ceremonial head of the city, executes official documents on authorization of the council, and is responsible for additional duties and powers prescribed by the charter or by AS 29.20 as necessarily applied to a home rule city with a manager form of government.

2.05.020 Eligibility.

A person is eligible to hold the office of mayor if the person is a qualified city voter and has been a city resident or of territory annexed to the city, or must have had a combination of residence in the city and annexed territory, for one continuous year immediately prior to the election for office.

2.05.030 Term of office.

The term of office of the mayor shall be for three years and shall commence on the Monday next following his or her election.

2.04.035 Prohibition regarding employment.

A person who holds or has held an elective city office shall not be eligible for appointment to an office or for employment for which a salary is paid by the city until one year has elapsed following the term for which that person was elected or appointed. An exception may be made with the approval of five or more members of the council.

2.05.040 Duties.

A. The mayor shall possess all powers and shall exercise all duties provided or required by law or by the council;

B. The mayor shall preside at meetings of the council;

C. The mayor shall be a member of the council with all the powers and duties of that office;

D. The mayor shall advise the council concerning the affairs of the city and make recommendation thereon;

E. In emergencies, the mayor shall have the powers conferred by law upon peace officers and shall exercise such powers as chief executive officer to prevent disorder, to preserve the public peace and health and to provide for the safety of persons and property;

- F. The mayor shall appoint members of boards and commissions, subject to prior approval by the council; and
- G. The mayor shall not possess veto powers.

2.05.050 Compensation.

- A. The Mayor's salary shall be fixed by code provision and may be changed by amendment at any time except during the sixty-day period immediately preceding a general municipal election.
- B. A salary change becomes effective on the first Monday immediately following the next general municipal election subsequent to the adoption of the salary change.
- C. The mayor shall not be entitled to receive any other 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.
- D. The mayor shall receive two hundred dollars per regular meeting;
- E. The mayor shall receive twenty-five dollars per special meeting;
- F. The mayor shall receive one hundred dollars per work session.

2.05.060 Mayor Pro-Tempore.

- A. At the first meeting following the regular city election, council shall elect from its membership a Mayor pro-tempore and temporary Mayor pro-tempore to serve in the absence of the Mayor;
- B. The Mayor pro tempore shall succeed to the office of Mayor when a vacancy occurs in that office and shall have and exercise the powers and duties of the Mayor when the Mayor is absent or unable to perform the duties of office. When a doubt exists concerning the ability of the Mayor to perform the duties of office, the Council shall, by resolution, determine whether the Mayor pro tempore shall act in the place of the Mayor. The determination shall stand until the Council determines that the disability or inability ceases.

2.05.070 Vacancy.

- A. The office of mayor shall become vacant upon the occurrence of any of the following:
1. Expiration of the term of office;
 2. Death of the incumbent;
 3. Resignation approved by council;
 4. A removal from office in the manner provided by law;
 5. Ceasing to possess at any time the qualifications of eligibility required for elective office;
 6. Final conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office;
 7. Judicial determination that the incumbent is of unsound mind;
 8. A decision of a competent tribunal declaring the election of the incumbent void;
 9. Failure to take an oath of office within ten days of appointment or election to office or within such other time, not exceeding twenty days, as the council may fix;
 10. Unless excused by the council, is physically absent from the city for ninety (90) consecutive calendar days;
 11. Is convicted of a felony or a misdemeanor described in Alaska Statutes 15.56;
 12. Is convicted of a violation of Alaska Statute 15.13; or
 13. No longer physically resides in the city.

2.05.075 Appointment.

- A. When a vacancy occurs, except in the case of recall, the council shall within thirty days fill the vacancy by appointment;
- B. If the vacancy occurs less than twenty-four hours prior to the deadline for filing nominating petitions, the vacancy shall not be filed 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.
- C. Each appointment shall be for a term ending on the Monday following the next regular city election.

Section 5. Chapter 2.06 is hereby adopted to read as follows:

Chapter 2.06

COUNCIL RULES

Sections:

- 2.06.010 Parliamentary authority.
- 2.06.020 Speaking procedure.
- 2.06.030 Parliamentary inquiry of chair.
- 2.06.040 Point of order.
- 2.06.050 Second required.
- 2.06.060 Reduction to writing.
- 2.06.070 Amending amendments.
- 2.06.080 Ordering previous questions.
- 2.06.090 Withdrawal.
- 2.06.100 Division of question.
- 2.06.110 Motions to reconsider and rescind.
- 2.06.115 Motion to amend something previously adopted.
- 2.06.120 Rules-Amendment-Observance required-Transgression.
- 2.06.130 Conflict of interest and voting.

2.06.010 Parliamentary authority

- A. The presiding officer shall be charged with the responsibility of maintaining order and decorum at all times. The presiding officer shall make rulings as deemed necessary concerning points of order or concerning spectators. The presiding officer shall instruct members of the public to be as brief as possible and, when speaking as an individual, to contain remarks to three minutes, and if representing a group, to contain remarks to five minutes.
- B. A motion to appeal the challenge the ruling of the presiding officer may be made by any council member, subject to a second. The motion to appeal is not debatable. The presiding officer's ruling stands unless disapproved by a majority vote of the council.

2.06.020 Speaking procedure.

- A. Any council member, wishing to speak, shall address the presiding officer, and shall refrain from speaking until recognized.
- B. When two or more members request recognition simultaneously, the presiding officer shall determine which one shall speak first.
- C. Every member while speaking shall confine him or herself 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.
- D. Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to submit a parliamentary inquiry or make a point of order.
- E. No member shall speak more than twice or for more than ten minutes continuously to any one question, except that one or more additional periods of ten minutes may be granted by unanimous consent. The reading of papers desired by any member shall be read by the member or by the city clerk, within the member's time limitation.

2.06.030 Parliamentary inquiry of chair.

Any council member may make a parliamentary inquiry of the presiding officer at any time during the meeting.

2.06.040 Point of order.

Any member may request a point of order without a second. 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. No further business shall be conducted until resolution of the point of order.

2.06.050 Second required.

All motions shall require a second, unless otherwise provided.

2.06.060 Reduction to writing.

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

2.06.070 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 in order.

2.06.080 Ordering previous question.

When a motion requesting that the previous question be moved, stating the previous question to be ordered is made, all debate shall be suspended and a vote to accept the motion shall be taken. A two-thirds affirmative vote is required to order the previous question. If the motion is carried, the ordered previous question shall be voted on. If the motion to order the previous question fails, debate is resumed where previously left off.

2.06.090 Withdrawal.

After a motion is moved for and seconded and is stated or read by the presiding officer, it shall be deemed to be in the possession of the council and may not be withdrawn by the maker of the motion or the member seconding the motion. If a motion is made and seconded but not moved to the council for debate, the maker of the motion and the member seconding the motion may withdraw the motion.

2.06.100 Division of question.

Any member may make a motion to divide the question, when allowed.

2.06.110 Motions to reconsider and rescind.

- A. A motion to reconsider a vote may be made only by a member who voted with the prevailing side. The motion shall be made during the meeting at which the action is taken.
1. A proper motion to reconsider suspends implementation and the effect of the decision for which reconsideration is moved. Actions that cannot be reconsidered are defined in the current edition of Robert's Rules of Order Newly Revised.
 2. Only one motion to reconsider shall be entertained on any ordinance, resolution or other action even if the council overturns the original action. If a motion to reconsider a particular ordinance fails, a second motion to reconsider the same action shall not be in order.
 3. Debate on motions to reconsider shall be limited to thirty-five minutes and no member shall speak for more than five minutes.

B. A motion to rescind something previously adopted may be moved by any member. Action adopting an ordinance may not be rescinded after the effective date of the ordinance. Other actions that cannot be rescinded are defined in the current edition of Robert's Rules of Order Newly Revised.

1. A motion to rescind requires a two-thirds vote unless notice of the motion was given at the regular meeting immediately preceding the meeting when the motion is to be considered. If this notice was given only a majority of the council is required for approval. Upon failure of a motion to rescind for which previous notice has been given, no further motions or notices of intent to rescind the same action are in order.
2. Debate on motions to rescind shall be limited to thirty-five minutes and no member shall speak for more than five minutes.
3. No measure to rescind shall be reconsidered more than once.

2.06.120 Rules--Amendment--Observance required--Transgression.

- 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 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 the member 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 is in favor of the member so called to order, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the council to proceed in order.

2.06.130 Conflict of interest and voting.

- A. A member of the council shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;
 1. The presiding officer shall rule on the request to be excused from the vote;
 2. The decision of the presiding officer on the request may be overridden by a majority vote.
- B. Declaration to be excused must be made before the vote, and shall be decided without debate;
- C. A municipal employee or official, other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest;
- D. 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;
- E. 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.

Section 6. Chapter 2.07 is hereby adopted to read as follows:

Chapter 2.07

LEGISLATION

Sections:

- 2.07.005 Forms of legislation.
- 2.07.010 Ordinance format.
- 2.07.020 Ordinance enactment procedure.
- 2.07.030 Non-code ordinances.
- 2.07.040 Emergency ordinances.
- 2.07.050 Resolution format and passage procedure.
- 2.07.060 Codes of technical regulations.
- 2.07.070 Codification.
- 2.07.080 Revisor of ordinances.

2.07.005 Forms of legislation.

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."

2.07.010 Ordinance format.

- A. To be eligible for introduction, all ordinances shall be in a form to be determined by the clerk. Each ordinance must contain the following elements:
1. Header. Introduced by:, date:, public hearing:, action:, and vote: on the upper right-hand side of the document.
 2. Heading. City of Palmer, Alaska.
 3. Number provision. Ordinance No. ____.
 4. Title. A descriptive title, including references to penalties if imposed by ordinance.
 5. Premises or whereas clauses. As may be necessary to describe the reasons for the ordinance.
 6. Enacting clause. The City of Palmer ordains....
 7. Contents. Section one of the ordinance shall classify the contents of the ordinance as between those of a general and permanent nature, intended to be listed as part of the Palmer Municipal Code, and contents of a less permanent nature not intended for filing as part of the code. If of a permanent nature, the ordinance shall state: "This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code."
 8. Last section of ordinance. The last-numbered section of the code ordinance shall contain language as follows: "Section . Effective Date. Ordinance No. shall take effect upon adoption by the City of Palmer City Council. Passed/failed and approved/not approved this _____ date of _____, _____."
 9. Signature of mayor. An appropriate place shall be provided for the signature of the mayor.

10. Signature and seal of clerk. Appropriate places shall be provided for “attest” and “seal” by the clerk.
11. Amendment format. Amendments to an existing ordinance or code provisions shall be shown by underlining material which is added and by striking material which is deleted.

2.07.020 Ordinance enactment procedure.

A. The following procedure shall govern the enactment of all ordinances, except emergency ordinances:

1. Introduction. An ordinance may be introduced by two council members, the mayor or manager, at any regular or special meeting of the council. Each ordinance shall be assigned a serial number by the clerk. The clerk shall be provided with the original ordinance and shall make and distribute copies to the council, mayor, and manager for introduction.
2. Action. After introduction, an ordinance shall be set for public hearing by the affirmative vote of a majority of the council.
3. Publication. The proposed ordinance shall be published by title and with a notice setting out the time and place for public hearing on the ordinance, and the time and place for its consideration by the council. A copy of the proposed ordinance shall be available at the clerk’s office.
4. Hearing. The public hearing shall follow the publication by at least five calendar days. At the hearing, copies of the ordinance shall be distributed to any persons present who request them, or the ordinance shall be read aloud in full. All interested persons present shall have an opportunity to be heard. The hearing shall be only for the purpose of receiving testimony and comments concerning the ordinance. The hearing may be held separately or in connection with a regular or special meeting and may be adjourned as necessary.
5. Adoption. After the hearing, the council shall consider the ordinance and may adopt it with or without amendment, or reject it. The clerk shall print and make available copies of the adopted ordinance.
6. Effective date. Ordinances take effect upon adoption or at a later date specified in the ordinance.

2.07.030 Non-code ordinances.

- A. Ordinances of less than general and permanent nature, and not intended to become a part of the code shall conform to the requirements of PMC 2.07.010.
- B. Section one of the ordinance shall classify the contents as non-code. Subsequent sections shall contain the appropriate text.

2.07.040 Emergency ordinances.

- A. To meet a public emergency the council may adopt emergency ordinances that become effective upon the same date as introduction. Every emergency ordinance must contain a finding by the council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. Copies of adopted emergency ordinances must be available to the public at the meeting or the clerk’s office.

- B. An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.
- C. Emergency ordinances are effective for a period of sixty days.

2.07.050 Resolution format and passage procedure.

- A. Formal acts by the council not required by law to be enacted by ordinance and not being an act of general and permanent nature which should become a part of the code may be adopted by resolution. A resolution may be introduced by any council member, including the mayor, or the city manager.
- B. The form of resolution shall include:
 - 1. Header. Introduced by:, date:, action:, and vote: on the upper right hand corner of the document.
 - 2. Heading. City of Palmer, Alaska.
 - 2. Number provision. Resolution No. ____.
 - 3. Title. A short and concise title descriptive of its subject and purpose.
 - 4. Premise or whereas clause. Short premises or whereas clauses descriptive of the reasons for the resolution, if necessary.
 - 5. The resolving clause. NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council.
 - 6. Last section of ordinance. ADOPTED by the Palmer City Council this ____ day of _____.
 - 7. Signature by mayor. An appropriate place shall be provided for the signature of the mayor.
 - 8. Signature by clerk. Appropriate places shall be provided for "attest" and "seal" by the clerk.
- C. All persons who appear shall be given an opportunity to be heard. After such opportunity the council may pass or reject the resolution with or without amendments. The first reading of any resolution shall also be the final reading.
- D. Resolutions take effect upon adoption or at a later effective date as specified in the resolution.

2.07.060 Codes of technical regulations.

- A. The council may adopt any standard published code of technical regulations in a single ordinance which shall be governed, except as otherwise provided in this section, by the procedure and requirements prescribed for ordinances generally. Upon introduction of the ordinance, the council shall make available at least one copy for public inspection for 15 calendar days before adoption.
- B. The procedures in 2.07.060 shall govern the adoption of the ordinance;
- C. The council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

2.07.070 Codification.

- A. Each ordinance shall be codified after it is adopted, by being assigned a serial number or other permanent identifying number, together with the date of adoption and the designation of the adopting authority, and entered by the clerk into an indexed system maintained to organize and record the ordinances.
- B. The clerk, with the advice and assistance of the attorney, shall revise and republish the city code at least every five years unless the code is kept current by regular supplements.

- C. The clerk, with advice and assistance of the attorney, shall cause each ordinance having the force and effect of the law to be printed as promptly as possible following its adoption. The printed ordinances shall be sold to the public at no more than cost.

2.07.080 Revisor of ordinances.

- A. The clerk, with the advise of the attorney is the revisor of ordinances and shall revise for consolidation into the city code all ordinances of a general and permanent nature.
- B. The revisor shall edit and revise the ordinances for consolidation, without changing the meaning of any ordinance, in the following manner:
1. Assign numbers to sections, renumber sections, parts of sections, articles, chapters and titles;
 2. Change the wording of section or subsection titles, or delete subsection titles, and change or provide new titles for articles, chapters and titles;
 3. Change capitalization for the purpose of uniformity;
 4. Substitute the proper designation for the terms "the preceding section," "this act," and like terms;
 5. Substitute the proper calendar date for "effective date of this ordinance," "date of passage of this ordinance," and other phrases of similar import;
 6. Strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity;
 7. Correct manifest errors which are clerical, typographical, or errors in spelling, or errors by way of additions or omissions;
 8. Correct manifest errors in references to ordinances;
 9. Rearrange sections, combine sections or parts of sections with other sections or parts of sections, divide long sections into two or more sections, and rearrange the order of sections to conform to a logical arrangement of subject matter as may most generally be followed in the code;
 10. Change all sections when possible to read in the present tense, indicative mood, active voice and, if the use of personal pronouns cannot be avoided in a section, change the section to read in the third person, and singular number, or any other necessary grammatical change in the manner generally followed in the code;
 11. Delete or change sections or parts of sections if a deletion or change is necessary because of other council amendments which did not specifically amend or repeal them;
 12. Omit all temporary ordinances, all titles to ordinances, all enacting, amending and repealing clauses, all declarations of emergency, and all purpose, validity, whereas and construction clauses unless, from their nature, it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.
- C. The revisor shall edit and revise the ordinances as they are enacted by the council, without changing the meaning of any law, so as to avoid the use of pronouns denoting masculine or feminine gender.
- D. Any changes made by the revisor of ordinances pursuant to PMC 2.06.060(B) (11) above shall be reported to the council in an informational memorandum.

Section 7. Chapter 2.08 is hereby repealed.

Chapter 2.08

COUNCIL MEETINGS

Sections:

- ~~2.08.010 Presiding officer.~~
- ~~2.08.020 Clerk duties—Agenda—Oath of office.~~
- ~~2.08.030 Time and location—Public meetings required.~~
- ~~2.08.040 Special meetings—Notice.~~
- ~~2.08.045 Council meetings—Time of adjustment.~~
- ~~2.08.050 Location change.~~
- ~~2.08.060 Emergency special meetings.~~
- ~~2.08.070 Executive sessions.~~
- ~~2.08.080 Order of business.~~
- ~~2.08.085 Definitions.~~
- ~~2.08.090 Amending amendments.~~
- ~~2.08.100 Appeals from the chair.~~
- ~~2.08.110 Parliamentary inquiry of chair.~~
- ~~2.08.120 Point of order.~~
- ~~2.08.130 Ordering previous question.~~
- ~~2.08.140 Order of questions.~~
- ~~2.08.150 Motions—Defeat—Reconsideration.~~
- ~~2.08.160 Motions—Reduction to writing.~~
- ~~2.08.170 Motions—Rescinding vote.~~
- ~~2.08.180 Motions—Second required.~~
- ~~2.08.190 Motions—Division of question.~~
- ~~2.08.200 Motions—Questions under debate—Motions received.~~
- ~~2.08.210 Motions—Disposition—Withdrawal.~~
- ~~2.08.220 Rules—Amendment—Observance required—Transgression.~~
- ~~2.08.230 Speaking procedure.~~
- ~~2.08.240 Voting.~~
- ~~2.08.250 Conflict of interest.~~

~~2.08.010 Presiding officer.~~

- ~~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 provided in this chapter. 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.

2.08.020 Clerk duties—Agenda—Oath of office.

- 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 regular meeting of the city council shall be prepared by the city manager after consultation with the mayor; provided, however, said agenda shall include any item requested in writing and signed by the mayor or two council members which writing is delivered to the mayor or city manager at least five calendar days prior to the meeting. 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.

2.08.030 Time and location—Public meetings required.

- A. All regular meetings of the council shall be held on a Tuesday starting at seven 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 council chambers 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.

2.08.040 Special meetings—Notice.

- 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 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.

2.08.045 Council meetings--Time of adjournment.

The council shall adjourn all regular and non-emergency special council meetings not later than eleven p.m. and may not reconvene any earlier than 9 a.m. the next day. However, upon the consent of five members, the meeting may be extended for up to one hour, at which time adjournment of the meeting is mandatory.

2.08.050 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.

2.08.060 Emergency special meetings.

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.

2.08.070 Executive session.

- A. The council may go into executive session after first convening the meeting as a public meeting. The question of holding an executive session to discuss matters that come within the subjects listed hereafter in this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.
- B. The following subjects may be discussed in executive session:
1. Potential or pending litigation to which the city may become or is a party;
 2. Any matter, the immediate public knowledge of which would tend to adversely affect the finances of the city;
 3. Any matter, the immediate knowledge of which would tend to defame or prejudice the character or reputation of any person;
 4. Any other matter the discussion of which in executive session is authorized or required by law.

2.08.080 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. ~~Approval of agenda;~~
- D. ~~Pledge of allegiance;~~
- E. ~~Minutes of previous meetings;~~
- F. ~~Consent agenda;~~
- G. ~~Communications and appearance requests;~~
- H. ~~Borough representative's report;~~
- I. ~~Audience participation;~~
- J. ~~Hearings, ordinances and resolutions;~~
- K. ~~Bids;~~
- L. ~~Old business;~~
- M. ~~New business;~~
- N. ~~City manager's report;~~
- O. ~~Audience participation;~~
- P. ~~Council comments;~~
- Q. ~~Adjournment.~~

2.08.085 Definitions.

- A. ~~Consent Agenda. "Consent agenda" means items of a routine nature, not requiring any discussion or debate. If any councilmember desires an item on the consent agenda removed for discussion or debate, he/she should so indicate at the time the agenda is approved and the mayor or mayor pro tem will place it at the appropriate place on the agenda.~~
- B. ~~Communication 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 minutes, unless otherwise ordered by the council.~~
- C. ~~Audience Participation. All presentations to the council shall be limited to two minutes per person and also limited to a total time of not more than thirty minutes.~~

2.08.090 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.~~

2.08.100 Appeals from decision of chair.

~~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 judgment of the council?" It shall be deemed to be decided in the affirmative unless a majority of the votes are given to the contrary.~~

2.08.110 Parliamentary inquiry of chair.

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

2.08.120 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.~~

2.08.130 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 are in favor of ordering the previous question will so indicate." If four 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 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.

2.08.140 Order of questions.

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.

2.08.150 Motions—Defeat—Reconsideration.

- A. Any proposition or legislation which requires four affirmative votes for passage shall be deemed defeated if less than four 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 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 minutes and no member shall speak for more than five minutes. No measure shall be reconsidered more than once.

2.08.160 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.

2.08.170 Motions—Rescinding vote.

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.

2.08.180 Motions—Second required.

All motions shall require a second, unless otherwise provided.

2.08.190 Motions—Division of question.

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

2.08.200 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.~~

2.08.210 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.~~

2.08.220 Rules—Amendment—Observance required—Transgression.

- 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 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 appealed to, shall decide the question without debate. If the decision is 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.~~

2.08.230 Speaking procedure.

- ~~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 minutes continuously to any one question, except that one or more additional periods of ten 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.~~

~~2.08.240 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. Every member who shall be present when a question is put shall vote, unless the council excuses the member for special reasons or the presiding officer excuses the member because of substantial financial interest and the council does not override the presiding officer's action. Applications to be excused for special reasons must be made before the vote, and shall be decided without debate.~~
- ~~D. 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 presiding officer 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 question is seasonably expressed when the question is put, the presiding officer shall not proceed further under this rule, but instead shall call for a motion, which motion shall be handled in the regular manner.~~

~~2.08.250 Conflict of interest.~~

- ~~A. A member of the council shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter.~~
- ~~B. The presiding officer shall rule on a request by a member of the council to be excused from a vote.~~
- ~~C. The decision of the presiding officer on a request by a member of the council to be excused from a vote may be overridden by the majority vote of the council.~~

Section 8. Chapter 2.010 is hereby adopted to read as follows:

Chapter 2.10

MANAGER

Sections:

2.10.010 Power.

2.10.020 Appointment.

2.10.030 Duties.

2.10.010 Power.

The administrative power of the city is vested in the manager.

2.10.020 Appointment.

The manager shall be appointed by the council and serve at its pleasure. The manager shall be chosen solely based on executive and administrative qualifications, shall receive the compensation set by the council, and shall be subject to regulations as provided for city employees. The City Manager shall be a resident of the City during tenure in office. An elected official may not be appointed manager sooner than one year after leaving office, except as provided by statute.

2.10.030 Duties.

A. The manager is the chief administrative officer of the city. The manager is responsible for the proper administration of all city affairs placed in the manager's charge by law and ordinance and shall implement the policy of the city as established by the council. The manager shall:

1. Supervise and coordinate the work of the administrative officers and departments of the city, except those of the City Attorney and the City Clerk, and shall act as coordinator between these officers and the other administrative officers;
2. Prepare and submit an annual budget for consideration by the council and execute the budget as adopted;
3. Enforce the code and other acts of the council and administer all city contracts;
4. Employ or be responsible for the employment of all city employees and shall supervise and coordinate the personnel policies and practices of the city;
5. Exercise custody over all real and personal property of the municipality; and
6. Perform other duties required by law or the council.

Section 9. Chapter 2.11 is hereby adopted to read as follows:

Chapter 2.11

CITY CLERK

Sections:

2.11.010 Appointment.

2.11.020 Duties.

2.11.010 Appointment.

The clerk shall be appointed by the council and serve at its pleasure. The clerk shall be chosen solely based on executive and administrative qualifications, shall receive the compensation set by the council, and shall be subject to regulations as provided for city employees.

2.11.020 Duties.

A. The clerk shall:

1. Attend regular, special and emergency meetings of the council and keep a record of its proceedings;
2. Record and certify all actions of the council;
3. Administer all oaths required by law;
4. Have custody of the city seal and the official records of the city;
5. Assure ample notice of the expiration or termination of any term of office to the proper officials and when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements;
6. Administer all municipal elections;
7. Attest deeds and other documents;
8. Manage municipal records and develop retention schedules and procedures for inventory, storage and destruction of records as necessary;
9. Maintain and make available for public inspection an indexed file of all permanent city records, including the city ordinances, resolutions, rules, regulations and codes, provide for codification of ordinances, and authenticate or certify records as necessary;
10. Prepare ordinances and resolutions as required to carry out the functions of the council.
11. Prepare agendas and council packets as required by the council;
12. Assure that the municipality complies with 42 U.S.C. 1971-1974 (Voting Rights Act of 1965, as amended);
13. Act as the parliamentary advisor to the council; and
14. Perform other duties required by law or the council.

Section 10. Chapter 2.12 is hereby repealed.

Chapter 2.12

LEGISLATION

Sections:

- ~~2.12.010 Ordinance passage procedure.~~
- ~~2.12.020 Resolution passage procedure.~~
- ~~2.12.025 Drafting of ordinance or resolution.~~
- ~~2.12.030 Emergency adoption.~~
- ~~2.12.040 Initiative and referendum — Generally — Council action.~~
- ~~2.12.050 Initiative and referendum — Petition — Council action.~~
- ~~2.12.060 Referendum procedure.~~
- ~~2.12.070 Initiative and referendum — Prohibited use.~~

2.12.010 Ordinance passage procedure.

- ~~A. Every ordinance shall be introduced in writing and the title thereof shall be orally read before any vote for passage thereof is taken. An ordinance may be introduced by any council member, including the mayor, or the city manager. 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 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 adoption, every ordinance shall be copied and made available to the public. Also, every such ordinance that establishes a rule of conduct or behavior shall be codified and published in the Palmer Municipal Code, which shall be regularly supplemented. Ordinances may also be posted at city hall for a period of ten days following its adoption.~~
- ~~E. Every ordinance, unless it shall specify a later date, shall become effective following final passage, or if the ordinance is submitted at a referendum election when state law or city charter so requires, then upon a favorable requisite number of those voting thereon.~~

2.12.020 Resolution passage procedure.

- ~~A. Every resolution shall be introduced in writing and the title thereof shall be orally read before any vote for passage thereof is taken. A resolution may be introduced by any councilmember, including the mayor, or the city manager.~~
- ~~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 is 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.

2.12.025 Drafting of ordinance or resolution.

At a meeting the mayor or any two council persons may direct the city attorney or the city manager to draft an ordinance or resolution for introduction at a subsequent meeting; provided, however, the majority of the council may negate said direction upon a motion to that effect. Said direction and the motion to negate said direction may occur even though neither is on the agenda.

2.12.030 Emergency adoption.

Any ordinance may be adopted on first reading provided that an emergency is 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.

2.12.040 Initiative and referendum--Petition--Generally.

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 of the total number of votes cast at the last preceding general election or special election called for the purpose of electing city officers.

2.12.050 Initiative and referendum--Petition--Council action.

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 vote for the adoption of the ordinance, it shall thereupon become law and be in full force and effect.

2.12.060 Referendum procedure.

When a petition demands a referendum vote upon any ordinance or resolution, the city manager shall submit the ordinance to council, and the 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 the council shall submit the 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 vote for the ordinance or resolution, it shall remain in full force and effect, but if a majority vote to reject same, it shall thereupon stand repealed.

2.12.070 Initiative and referendum--Prohibited uses.

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 11. Chapter 2.14 is hereby adopted to read as follows:

Chapter 2.14

CITY ATTORNEY

Sections:

2.14.010 Appointment.

2.14.020 Duties.

2.14.010 Appointment.

The city attorney shall be appointed by the council, and shall serve at its pleasure.

2.14.020 Duties.

A. The city attorney shall:

1. Act as the legal advisor of and be responsible to the council;
2. Advise the City Manager and the City Clerk concerning legal problems affecting the city administration; and
3. Perform other duties as may be prescribed by the council.

Section 12. Chapter 2.44 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 2.44

RECORDS RETENTION MANAGEMENT

Sections:

~~2.44.010 Establishing records management program.~~

2.44.015 Purpose.

~~2.44.020 Records management officer.~~

2.44.025 Definitions.

~~2.44.030 Records management committee.~~

2.44.035 Management of public records.

~~2.44.040 General records retention schedule.~~

2.44.046 Regulations.

~~2.44.045 Amendments to retention schedule.~~

2.44.055 Duties of City departments.

2.44.065 Data collection/forms management.

2.44.0105 Establishing records management program. Purpose.

A. The management and preservation of Public Records Act (AS 40.21) provides for the orderly management of current local public records and preservation of noncurrent public records of permanent value. The Alaska State Archives has established guidelines in September 2001 entitled "State of Alaska Local Government General Records Retention Schedule Schedule Number 300".

B. This ordinance is intended to provide the City with a comprehensive system for the creation, acquisition, use, preservation, security, maintenance, transmission, retention, dissemination and disposal of City information contained in any record medium.

2.44.020 Records management officer.

~~The city clerk/city manager is designated the records management officer for the city.~~

2.44.025 Definitions.

A. Record. The term record includes all recorded information acquired or stored by the City for future use or preservation, including any document, paper, book, letter, photograph, microfilm, electronic record, map, drawing, chart, card, magnetic media or computer printout.

B. Record series (or record type). A record series (or type) is any group of identical or related records which are normally used and filed as a unit and which permit evaluation as a unit for retention scheduling purposes. Each record series shall be segregated according to series and the year of acquisition or creation.

C. Vital records. Vital records are those records necessary to assure continuance of essential governmental operations to protect the legal and financial operation of the City in the event of disaster or catastrophic loss of the City's records.

D. Legal value. A record has legal value if it relates to current or possible legal action by or against the City, and records relating to land, construction, legislative and judicial actions of the City Council, or potential court claims.

- E. Historical value. A record series has historical value if it will be useful at a later date in reconstructing a general history or the development and government of the City.
- F. Retention schedule. The retention schedule sets forth the length of time a record type shall be kept. Periods may be assigned for records stages such as on-site (office) retention, off-site (storage) retention, and total retention. Legal citations and related retention periods, if any, may be referenced.

2.44.030 Records management committee.

~~The city clerk/city manager, finance director and city attorney shall consist of records management committee whose responsibilities are to approve records retention schedules and disposal actions.~~

2.44.035 Management of public records.

- A. The City Clerk shall serve as the City Records Manager and shall have the primary responsibility for the development, maintenance and operation of the City's records management system. Each Department Head shall designate a records coordinator for its department. The records coordinator shall manage the department's records according to adopted procedures and regulations, and maintain the retention schedule. Each Department Head shall provide the name and contact information of its records coordinator in a memorandum to the City Clerk.
- B. The Records Manager shall cause an inventory of the City's record types by department for the creation of a records retention schedule. The Records Manager shall create a records disposal form for the documentation of the disposal of City records and create a retention schedule change form. Each department records coordinator shall maintain and abide by the retention schedule for proper retention and disposal of City records. No record shall be destroyed until the Records Manager has signed the records disposal form filled out by the department records coordinator.
- C. The Records Manager shall cause records stored in computer memory device systems to be reviewed, stored, and destroyed in the same manner and at the same time as if the records were maintained in written, printed or photographic form.
- D. The Records Manager may conduct random records management inspections in each department to ensure records management and retention regulations are followed in a timely manner.
- E. The Records Manager shall develop and provide for a records management procedures and regulations, and for the circulation of such procedures and the retention schedule.
- F. The City Council shall adopt by resolution a records retention schedule and any changes to that retention schedule setting forth time schedules for the retention of particular series of records. The Records Manager shall review and update the retention schedule bi-annually. Department records coordinators shall work with the Records Manager to review and update the department's records series and retention schedule bi-annually. Records coordinators shall fill out a retention schedule change form and submit it to the City Clerk for action.
- G. The Records Manager shall develop a schedule for the destruction or other disposal of obsolete records at the end of the retention period established for that type of record. The Records Manager shall maintain a permanent log of all record types that have been destroyed, and require department records coordinators to submit a record disposal form prior to record disposal.
- H. The Records Manager shall have the authority to provide for microfilming and/or electronic document imaging of records as designated for efficient management of active or inactive records.

- I. City Administration shall provide for the physical security of all microfilm, CDs and inactive records. Each department head with the records coordinator shall provide for the security and organization of that department's records and maintain the organization of that department's inactive records in offsite storage.
- J. The City Clerk may replace any original record which is lost, worn or damaged by a certified copy of that record and the replacement shall be considered an original record for all proposes.

2.44.040 General records retention schedule.

~~The city adopts the "State of Alaska Local Government General Records Retention Schedule, Schedule Number 300, September 2001," together with the amendments as set forth in Chapter 2.44.045, and, as may be amended from time to time, as the general records retention schedule for the city. Copies of the State of Alaska Local Government General Records Retention Schedule Number 300, September 2001, may be examined at the city offices.~~

2.44.046 Regulations.

The City Council may adopt regulations to effectuate this ordinance. The City Clerk's office shall submit regulations to the City Council for approval, by a motion, to carry out the proposed purposes as set forth in this ordinance.

2.44.045 Amendments to retention schedule.

~~The amendments to retention Schedule Number 300 (September 2001), are listed hereafter by item number and refer to the section of the Retention Schedule being amended:~~

- ~~A. Item No. PS-1 Complaint Cards Retain 10 years.~~
- ~~B. Item No. PS-2 Police Reports Retain 10 years.~~
- ~~C. Item No. PS-10 Logs/Indices, Miscellaneous Retain 5 years. Retain dispatch audio tapes for one year; then reuse.~~
- ~~D. Item No. PS-13 Criminal Background Checks Retain 3 years.~~
- ~~E. Item No. PS-19 Traffic Records Retain 3 years.~~
- ~~F. Item No. PS-24 Animal Control Files Retain 5 years.~~

2.44.055 Duties of City departments.

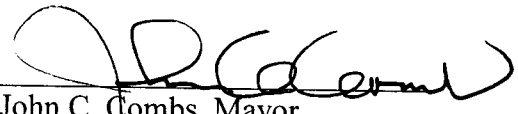
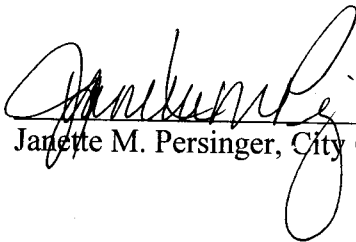
Each department shall establish and maintain a file system in the most organized and efficient manner possible and in compliance with any records management regulations approved by City Council.

2.44.065 Data collection/forms management.

- A. The purpose of this section is to provide for an efficient and economic system of coordinating the data collection efforts of each department and to reduce the burden on both citizens and businesses by minimizing the number of forms which each shall be required to complete and return to the City and to minimize forms redundancy with city forms used for interoffice purposes.
- B. The Records Manager shall establish regulations to economically combine, simplify or eliminate City forms to the extent possible without compromising administrative efficiency and shall consult with each department head to determine informational needs of each department. The City Clerk shall control the creation and use of forms which members of the general public are required to complete. Forms regulations may be placed in the Palmer Municipal Code.

Section 13. Effective Date. Ordinance No. 648 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this 8th day of February, 2005.


John C. Combs, Mayor
Janette M. Persinger, City Clerk