

KETCHIKAN CHARTER COMMISSION

AGENDA STATEMENT

NO H-2

MEETING OF March 26, 2004

ITEM TITLE Introduction and review of Article XV, Charter Amendment, of the 2001 Ketchikan Charter in the first reading SUBMITTED BY John Harrington

SUMMARY STATEMENT

Attached is the section of the Ketchikan 2001 Charter document and alternatives from Sitka, Juneau and Haines of Article XV, Charter Amendment, for review and acceptance.

RECOMMENDED ACTION:

"I move to approve Article XV, Charter Amendment, of the Ketchikan 2004 DRAFT Charter in the first reading."

ARTICLE XV CHARTER AMENDMENT

Section 15.01 Proposal.

Amendments to this Charter may be proposed by:

- (a) An ordinance of the Assembly containing the full text of the proposed amendment;
- (b) Report of an elected charter commission created by Assembly ordinance or by initiative ordinance; or
- (c) Initiative petition.

Section 15.02 Election.

Proposed amendments shall be submitted to the qualified voters of the municipality at the next regular or special election occurring more than forty-five days after the adoption of the ordinance, the final report of the charter commission, or certification of the initiative petition. A notice containing the full text of each proposed amendment shall be published.

Section 15.03 Effective Date.

If a majority of the qualified voters voting on a proposed amendment approve the amendment, it shall become effective at the time fixed therein, or if no time is so fixed, thirty days after the certification of the election. If more than one amendment should be proposed, all of them except those which are so interrelated that they should be approved or rejected together, shall be submitted in such manner that the voters may vote on them separately.

Section 15.04 New Charter.

A new charter may be proposed and approved in lieu of this Charter in the same manner as an amendment to this Charter may be proposed and approved, except that the full text of the proposed charter need not be published.

[Haines Alternative] ARTICLE XVII CHARTER AMENDMENT

Section 17.01 Vote Required

This Charter may be amended by the Haines Borough electorate ratifying an amendment at a regular or special election.

Section 17.02 Procedure

Amendments to this charter may be proposed by ordinance approved by the assembly, by a charter commission established in the manner provided by law, or by initiative petition. Proposed amendments shall be submitted to the voters at the next regular or special election occurring more than forty-five days after the adoption of the ordinance, the final report of the charter commission, or certification of the initiative or referendum petition.

If the proposed amendment is approved by a majority of the voters, it becomes effective at the time set in the amendment; or, if no time is set, it takes effect thirty days after certification of the results of the election.

If more than one amendment is proposed, each amendment shall be submitted to the voters as a separate question.

Section 17.03 New Charter

A new charter may be proposed and approved in the same manner as an amendment.

Section 17.04 Ballot Form

When an amendment to this charter is proposed for adoption by the voters, the ballot

proposition shall contain any current wording that is proposed to be changed as well as any proposed wording that will replace it. As much surrounding language shall be included as needed to provide a context for understanding the change in the provision.

Section 17.05 Filing

Amendments to the charter shall be filed as follows:

- (a) the lieutenant governor -- two copies;
- (b) the Alaska Department of Community and Regional Affairs -- two copies;
- (c) the district recorder -- one copy;
- (d) the borough clerk -- one copy.

[Juneau Alternative] ARTICLE XIV — CHARTER AMENDMENT

Section 14.1. CHARTER AMENDMENT. Charter amendments may be proposed and adopted only in the manner set forth in this Article and as provided in Section 6.8 of this Charter.

Section 14.2. PROPOSAL BY THE ASSEMBLY. The assembly may propose Charter amendments by ordinance containing the full text of the proposed amendment and adopted by at least six votes of the assembly.

Section 14.3. PROPOSAL BY VOTERS. The voters may propose Charter amendments by petition governed by the same procedures as prescribed for initiative petitions in Sections 7.2 through 7.9 of this Charter. No petition for proposed amendments may contain more than one subject.

Section 14.4. PROPOSAL BY CHARTER COMMISSION. (a) Every ten years subsequent to 1970 the clerk shall place on the ballot for the next regular election the question: "Shall there be a Charter Commission to review or amend the Charter?" If a majority of the qualified voters voting on the question vote "no," the question shall not be placed on the ballot until the end of the next ten year period. If a majority of the qualified voters voting on the question vote "yes," nine qualified voters to serve as the Charter Commission shall be chosen at the next regular election or at a special election. The commission members shall be elected on the same basis of representation as assembly members. A vacancy shall be filled by the commission with a qualified voter representing the same area as the vacating member.

(b) Costs, fees, and other expenses of the Charter Commission shall be paid by the municipality. The assembly shall provide compensation for commission members.

(c) The Charter Commission by majority vote of its full membership shall adopt rules governing its organization and procedures. All meetings shall be open to the public.

(d) The Charter Commission shall have plenary power to review the Charter and may, by a vote of at least five of its membership, propose amendments to the Charter. (As amended by Serial No. 90-30 § 12, 1990).

Section 14.5. ELECTION. (a) Proposed amendments shall be submitted to the qualified voters of the municipality at an election announced by a notice containing the full text of each proposed amendment and published in a newspaper of general circulation in the municipality at least thirty days before the date of the election. At least thirty days before the date of the election copies of the notice shall be delivered to newspapers of general circulation in the municipality and to commercial radio and television stations operating in the municipality.

(b) The election shall be held not less than sixty days and not more than one hundred and twenty days after the amendment has been proposed. If no regular election is to be held within that period, the assembly shall provide for a special election on the proposed amendment. The ballot shall provide voters a choice to vote "For the Amendment" or "Against the Amendment."

(c) If a majority of the qualified voters voting on a proposed amendment vote for it, the amendment shall become effective at the time fixed in the amendment or, if no time is fixed, thirty days after certification of the election.

[Sitka Alternative] ARTICLE XVI CHARTER AMENDMENT

Section 16.01 Proposal

Amendments to this Charter may be proposed:

1. By ordinance of the Assembly containing the full text of the proposed amendment, or
2. By report of an elected Charter commission created by Assembly ordinance or by initiative ordinance, or

3. By initiative petition.

Section 16.02 Election

Proposed amendments shall be submitted to the qualified voters of the municipality at the next regular or special election occurring more than forty-five days after the adoption of the ordinance, the final report of the the Charter Commission, or certification of the initiative petition. A notice containing the full text of each proposed amendment shall be published.

Section 16.03 Effective Date

If a majority of the qualified voters voting on a proposed amendment approve, the amendment shall become effective at the time fixed therein or, if no time is so fixed, thirty days after certification of the election.