

KETCHIKAN CHARTER COMMISSION

AGENDA STATEMENT

NO H-2

MEETING OF **June 2, 2004**

ITEM TITLE Review and/or Amend 2004 DRAFT Charter, Article II, Sections 2.04 (c), 2.05 (b), 2.09 (a) & (b); Article III, Section 3.02 (b) & (c), Section 3.03, 3.05; Article IV, Section 4.01; Article VIII, Section 8.03 (f); Article X, Section 10.03 (b);
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Article XI, Section 11.02 (a); Article XV, Section 15.02; and Article XVI, Section 16.01 (a) SUBMITTED BY Borough Clerk, Harriett Edwards
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SUMMARY STATEMENT

The attached memorandum details changes and/or corrections to the 2004 DRAFT Charter document suggested by Harriett Edwards, Borough Clerk.

RECOMMENDED ACTION:

"I move to make the corrections/changes suggested by Clerk Edwards in the attached memorandum."

Ketchikan Gateway Borough

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MEMORANDUM

TO: Charter Commission

FROM: Harriett Edwards, Borough Clerk

DATE: May 27, 2004

RE: Proposed Amendments to the Draft Charter

I recently reviewed the entire draft charter and would like to suggest the following changes:

Section 2.04 Vacancies and Forfeiture of Office

Paragraph (c) Filling of Vacancies.

The first sentence should stand alone.

- There is no need for the remainder of the paragraph because the first sentence states a procedure will be established by ordinance.

Section 2.05 Organization and Officers

Paragraph (b) Vice Mayor

The paragraph should be revised to read: "At the first regular meeting of the Assembly in November of each year, the Assembly shall elect from its membership a vice mayor who shall act as mayor during the absence, disability, or vacancy in the office of the mayor. The vice mayor shall vote as an Assembly member but shall never have the power to veto."

- It is necessary to be very clear when establishing timeframes for certain actions. In the event of the absence of the mayor the community would be without a vice mayor for only two or three weeks since certification of the election occurs about a week after election. This allows time for newly elected Assembly members to be considered and for a newly elected mayor to become familiar with the Assembly members.

Section 2.09 Voting

Paragraph (a) Quorum and Voting Requirements.

The number “four” in the first and second sentences should have asterisks before and after it.

- The number of Assemblymembers as listed in Section 2.02(a) are still under consideration. There should be some way to tie this number to any changes to Section 2.02(a) as a quorum should be a majority of the body.

Paragraph (b) Mayor’s Vote and Veto.

The last sentence should be amended to read: “An affirmative vote of two-thirds (2/3) of the total membership of the Assembly shall be required to pass an action, ordinance, or resolution which has been vetoed by the mayor, and the vote shall be by yeas and nays and shall be entered in the journal.”

- This would avoid conflicts if the number of Assemblymembers increases or decreases.

Section 3.02 Ordinances – General

Paragraph (b) Readings

The paragraph should be amended to read: “A proposed non-emergency ordinance shall be read in full or by title only, and an affirmative vote of a majority of the Assembly shall be required for advancing to public hearing and second reading. A non-emergency ordinance in which substantive amendments are made in first reading shall require an additional reading before passing to second reading. Notice of the public hearing containing a summary of the ordinance and the time and place for the hearing shall be published not less than five (5) days prior to the date of public hearing. Before a vote on final passage, a proposed non-emergency ordinance shall be read by title or in full and an affirmative vote of a majority of the Assembly shall be required for its final passage.”

- This change allows for a public hearing and that adequate notice is provided the public prior to final passage.

Paragraph (c) Passage, Publication, and Effective Date.

The paragraph should be amended to read: “Emergency ordinances and ordinances making, repealing, transferring, or otherwise changing appropriations shall go into effect immediately upon final passage unless they specify a later time. All other ordinances shall go into effect the day following the next regular meeting after the adoption of said ordinance unless the ordinance specifies otherwise.”

- This change deletes the first sentence because paragraph b provides for at least a five day interval between the first and second reading. The requirement to publish the ordinance would be redundant. Why spend money to publish something that is in effect. The time to publish notice of the ordinance is prior to final passage. Also, why wait 30 days? The revised effective date allows time for a reconsideration or veto to take place but does not unduly delay putting the ordinance into effect.

Section 3.03 Ordinances – Emergency

The ‘five’ should be revised to two-thirds (2/3) because of reasons previously stated (see Section 2.09 above).

Section 3.05 Ordinances – Codification

The paragraph should be amended to read: “The ordinances shall be codified and the municipal code shall be made available in electronic and printed form. Procedures for codification shall be set forth in ordinances adopted by the Assembly.”

- This amendment removes all the additional verbiage about the codification process which can be provided through ordinances adopted by the Assembly. Also, it allows for changes in the codification process as technology continues to grow.

Section 4.01 Municipal Manager: Appointment, Term, Qualifications, Removal

The last sentence should read: “The Assembly may suspend or remove the manager at any time by vote of the Assembly.”

- Unless it is the desire of the Charter Commission to require a vote greater than listed in Section 2.09(a) the above wording would be adequate.

Section 8.03 Utility Budget, Rates, and Borrowing

Paragraph (f) Audit

The reference to Section 10.13 should be changed to Section 10.14.

Section 10.03 Supplemental and Emergency Appropriations

Paragraph b.

The wording “shall be approved by all Assembly members present or by seven of its membership, whichever is the lesser number” is ambiguous (see Section 2.09 which requires a vote of four or more). If the intent is a unanimous vote the wording should be changed to “shall be approved by a unanimous

vote of all Assembly members present at a meeting attended by a quorum of Assembly members.”

Section 11.02 Notice of Bond Election

Paragraph (a)

The wording should be revised to read: “Before holding any election required by this article, the Assembly shall cause a notice of bond indebtedness to be published once a week for three consecutive weeks in a newspaper of general circulation in the municipality. ...”

- The “notice of election” as commonly used is where the public is advised of the offices that will be on the ballot; any propositions that will be on the ballot; and information about polling places and absentee voting. The notice required by Section 11.02 is something entirely different. The section title should be changed to “Notice of Bond Indebtedness.”

Section 15.02 Election

The wording should be changed to: “Proposed amendments shall be submitted to the qualified voters of the municipal at the next regular election after the adoption of the ordinance, the final report of the charter commission, or certification of the initiative petition.”

- Amending the charter is a major occurrence and should not be made in haste. Traditionally, the voters are more aware of the issues and there is greater voter participation in the regular election.

Section 16.01 Personal Financial Interest; Nepotism

Paragraph (a) Prohibition

In the first sentence the words “the presiding officer or” should be deleted.

- Rather than placing the burden on the presiding officer to determine a conflict of interest let the body decide.