

## LEGAL NOTICE

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(2) Shall have been a resident of the borough for not less than six (6) months preceding the date of the election at which he is a candidate.

(b) The mayor shall remain a resident of the borough while in office.

(c) No person who has been elected mayor of the Home Rule Borough for two full consecutive terms shall again be eligible to hold that office until one full term has intervened.

**Sec. 5.030 Compensation**

The compensation of the mayor shall be fixed by ordinance and shall not be reduced during his term of office without his consent.

**Sec. 5.040 Vacancy**

(a) A vacancy in the office of mayor occurring within six months before a regular election shall be filled by the assembly. The person designated shall serve until the next regular election and until a successor is elected and has qualified. If an assemblyman is chosen, he shall remain his assembly seat. If a vacancy occurs more than six months before a regular election, the assembly shall call a special election to fill the unexpired term.

(b) The office of the mayor becomes vacant on death, resignation, removal as defined by law, including removal for incapacity or forfeiture of office. The assembly shall by ordinance provide for the removal of the mayor on the ground of incapacity; provided that in no event shall temporary incapacity be the basis for removal.

(c) The mayor shall forfeit his office if he lacks any of the qualifications prescribed by this charter.

**Sec. 5.050 Assembly Participation**

The mayor may take part in the discussion of all matters before the assembly but may not vote.

**Sec. 5.060 Veto**

The mayor may veto any ordinance, resolution, motion or other action of the assembly and may, by veto, strike or amend any appropriation ordinance except for school budget items. The mayor shall submit to the assembly at its next regular meeting a written statement advising his veto and giving his reasons. His veto may be overridden by two-thirds of all the votes to which the assembly is entitled on the question.

**Sec. 5.070 Chief Administrative Officer**

(a) There may be a chief administrative officer, who may be appointed by the mayor and confirmed by the assembly, and who shall serve at the pleasure of the mayor. He shall be selected solely on the basis of his professional qualifications as an administrator. He need not be a resident of the borough at the time of appointment, but must be a resident while in office.

(b) The chief administrative officer shall serve as the principal assistant to the mayor in the overall conduct of the executive and administrative functions of the borough.

(c) The chief administrative officer may assume the powers and duties of the mayor except those powers described in Section 5.010 (b) (1), (2) and (4), during the temporary absence or temporary incapacity of the mayor.

**Sec. 5.080 Departmental Organization and Administration**

(a) The assembly may adopt by ordinance an administrative code which shall include:

- (1) The identity, functions, and responsibilities of each executive department and agency.
- (2) Personnel policies and rules which shall include provisions:
  - a. Establishing qualifications for employment,
  - b. establishing a merit system,
  - c. permitting appeal from personnel decisions,
  - d. recognizing collective bargaining,
  - e. protecting borough employees from arbitrary discharge, and
  - f. safeguarding against nepotism.
- (3) A provision for the central accounting for the borough unless otherwise provided in this charter.

(b) Rules of practice and procedures governing administrative proceedings.

(c) The assembly may, notwithstanding subsection (a) of this section, deal with the subject matter of subsection (a) by ordinance.

**Sec. 5.090 Unified Administration**

Each function or activity undertaken by the borough or either provided a law or on a service area basis, shall be administered by one department or agency.

## ARTICLE VI ELECTIONS

**Sec. 6.010 Regular Elections**

A regular election shall be held annually on the first Tuesday in October, or on such other date as the assembly may provide by ordinance. The date of holding regular elections shall not be changed by the assembly within one year of the date of the regular election affected.

**Sec. 6.020 Special Elections**

The assembly shall provide by ordinance for the holding of special elections.

**Sec. 6.030 Qualifications of Voters**

To be eligible to vote at any borough election, at the time of the election a person shall be:

- (a) Qualified to vote in State elections;
- (b) A resident of the borough for at least thirty (30) days;
- (c) Registered, if required by ordinance.

**Sec. 6.040 Nominations**

(a) Candidates for elective borough office shall be nominated by a petition signed by at least twenty-five (25) qualified voters who are residents of the borough.

(b) No nominating petition may be accepted unless accompanied by a signed acceptance of the nominee.

(c) All nomination papers comprising a petition shall be assembled

and filed in person with the clerk during office hours as one instrument not earlier than ninety (90) days, or later than thirty-five (35) days before the election, or sent to the borough clerk by certified mail and received no later than twenty (20) days prior to the election.

**Sec. 6.050 Election Procedures**

(a) All municipal elections shall be non-partisan.

(b) The assembly shall prescribe by ordinance the procedure for the conduct of municipal elections.

(c) The assembly shall provide by ordinance for absentee voting.

**Sec. 6.060 Determination of Election Results**

(a) The candidate who receives the highest number of votes in excess of forty (40) percent of the votes cast for his respective office shall be declared elected.

(b) If no candidate receives in excess of forty (40) percent of the votes cast for that office, the assembly shall cause a run-off election to be held within forty (40) days between the two candidates receiving the greatest number of votes. The run-off election shall be conducted according to procedure prescribed by ordinance.

**Sec. 6.070 Election Districts**

There shall be one at-large election district comprised of the entire borough.

**Sec. 6.080 Canvassing of Ballots**

The assembly acting as a canvassing board shall conduct the canvass according to procedures prescribed by ordinance.

## ARTICLE VII INITIATIVE, REFERENDUM AND RECALL

**Sec. 7.010 Reservation of Powers**

The powers of initiative and referendum are reserved to the residents of the borough in the manner prescribed by law, with reference to all legislative authority. The powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances relating to other measures appropriating funds.

**Sec. 7.020 Petition**

(a) The assembly by ordinance shall regulate the procedure for the exercise of the powers of initiative, referendum and recall. Such ordinance shall require:

- (1) The petition to initiate action be signed by qualified voters of the borough equal in number to at least twenty-five (25) percent of the total number of electors voting at the last regular election, and
- (2) The petition to the assembly shall be submitted to the voters at an election no later than ninety (90) days after submission of the petition to the borough clerk.

(b) The borough clerk shall transmit the petition to the assembly at its next regular meeting following submission to the clerk.

**Sec. 7.030 Results**

If a majority of the qualified voters voting on a proposed initiative measure vote in favor, it shall be adopted upon certification of the election and shall be treated in all respects in the same manner as if adopted by the assembly. If a majority of qualified voters voting on a referred measure vote for repeal, it shall be considered repealed upon certification of the election. If conflicting measures are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

**Sec. 7.040 Effects of Election**

(a) An ordinance adopted by the initiative procedure may not be amended or repealed by the assembly for a period of two (2) years after the date of the election at which it was adopted.

(b) Ordinance repealed by referendum shall be null and void from the day following the election.

**Sec. 7.050 Suspension of Referred Measures**

A measure which has not yet taken effect shall be suspended by a referendum petition. The suspension shall terminate on a determination of the insufficiency of the petition, as provided by law, or on a majority vote against repeal of a referred measure.

**Sec. 7.060 Recall**

(a) Elected Officials Subject to Recall

All elected public officials of the borough are subject to recall by the voters of the borough. Procedures and grounds for recall shall be as prescribed by statutes and the State of Alaska, this Charter, and authorized ordinances.

(b) Petition

Recall proceedings shall be commenced by petition. The petition shall be signed by a number of qualified municipal voters equal to at least twenty-five (25) percent of the votes cast in the borough at the preceding regular municipal election.

(c) Election

There shall be an election on a recall petition within forty (40) days of certification of the petition. If a vacancy occurs in the office in question after a recall petition is filed, the petition shall not be submitted to the voters.

(d) Subsequent Recall

If an official is not recalled at the recall election, a petition to recall the same official shall not be filed sooner than one (1) year after the recall election, unless different grounds for recall exist subsequent to the dates of the filing of the last recall petition.

(e) Filling of Vacancy

If the voters recall an official the vacancy shall be filled in the manner prescribed by Section 3.070 of this Charter.

## ARTICLE VIII PLANNING COMMISSION

**Sec. 8.010 Planning Commission**

(a) There shall be a Planning Commission consisting of five (5) members who shall be appointed by the mayor from among the qualified voters of the borough.

(b) Members of the Planning

Commission shall hold no other borough office. The commission shall make recommendations to the mayor, and through him to the borough, including the comprehensive plan, public services, fiscal policies and capital improvements program. The Planning Commission shall have the planning authority for the borough. The commission shall have administrative responsibility for land use control and zoning in the borough, and shall have the powers prescribed by law, together with any additional powers provided by state law with respect to municipal Planning Commissions and not prohibited by ordinance.

(c) The assembly by ordinance shall prescribe the terms of office of the members of the Planning Commission, and shall by ordinance provide for selection of officers and technical advisors of the Planning Commission.

(d) Members of the Planning Commission shall serve with compensation and shall receive their necessary expenses incurred in the performance of their duties. The compensation shall be fixed by ordinance. The term of said members shall be three (3) years.

(e) The ordinance prescribing other procedures and duties of the Planning Commission presently existing in the North Slope Borough shall be deemed to be adopted so long as they do not conflict with the provisions of this charter.

**Sec. 8.020 Land Use and Zoning**

The assembly shall by ordinance adopt land use and zoning regulations which shall include an official zoning map.

**ARTICLE IX EDUCATION**

**Sec. 9.010 Public School System**

There shall be a system of public education for the borough conducted in a manner prescribed by Title 14 of the Alaska Statutes. It shall be operated by a school board of seven elected members of such other number required of home rule boroughs by law.

**Sec. 9.020 School Board**

(a) Qualifications. To be eligible for nomination for the office of school board member and to serve in that capacity, a person shall have the qualifications of an assemblyman under Section 3.030 of this Charter.

(b) Term. The term of a school board member shall be three (3) years. The compensation of school board members shall be fixed by ordinance.

(c) Powers and Duties. The powers and duties of the school board shall be those set forth in Title 14, "Education," of the Alaska Statutes and the corresponding school laws of the State of Alaska.

(d) Vacancies. The office of school board member shall become vacant upon death, resignation, or removal from office in any manner authorized by this Charter, or by forfeiture of office as prescribed for Assemblymen in Section 3.080 of this Charter. Vacancies shall be filled in a manner prescribed by Title 14 of the Alaska Statutes.

**Sec. 9.030 Public Hearing**

All meetings of the school board shall be conducted as provided for the meetings of the assembly in Section 3.100 of this Charter. The school board shall fix the time and date of its regular meetings, and shall define the procedure for the holding of special meetings.

**Sec. 9.040 Budget**

The superintendent of schools shall submit a proposed annual budget to the board at such time as the board may direct. The budget shall be submitted to the board no later than the 1st day of January of the fiscal year next preceding the fiscal year to which the budget applies. This proposed school budget shall be a public record available from the time of its submission to the board for public inspection and distribution at a reasonable price. The board shall hold public hearings on the budget before approval and submission to the mayor for review prior to referral to the assembly. This submission by the board shall be no later than February 1st of the fiscal year next preceding the fiscal year to which the budget applies, and shall be accompanied by a six-year program for capital improvements and fiscal policy.

**Sec. 9.050 Joint Conferences of Assembly and School Board**

The assembly and school board shall meet jointly at least twice each year in public session to discuss matters of mutual interest.

## ARTICLE X BOROUGH UTILITIES

**Sec. 10.010 Operating Standards**

Each borough utility shall be operated in accordance with the general standards common to utilities providing the same utility service.

**Sec. 10.020 Accounting**

Each borough utility shall have a separate budget within the annual borough budget and the accounts of the utilities shall be separately kept and classified in accordance with the uniform accounting principles prescribed for public utilities providing the same utility service.

**Sec. 10.030 Management**

The operating and administrative manager of borough utilities shall be chosen from among persons who have demonstrated training and experience in utility operations. The administrator shall insure that the utilities are operated in accordance with rules and regulations approved by the Assembly.

## ARTICLE XI FINANCE

**Sec. 11.010 Fiscal Year**

The fiscal year of the borough shall begin on the first day of July and end on the thirtieth day of June of the following year.

**Sec. 11.020 Submission of Budget, Capital Improvements Program and Message**

Not later than March 1st of the current fiscal year, the mayor shall submit to the Assembly a budget for the following fiscal year, a capital

improvements program and an accompanying explanatory message of both.

**Sec. 11.030 Scope of Budget**

(a) The budget shall be a complete financial plan for all the operations of the borough, including the education function, showing all reserves, all estimated revenues from all sources and all proposed expenditures for all purposes.

(b) The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year, and estimated expenditures and estimated revenues for the current fiscal year.

(c) Proposed expenditures shall not exceed total estimated revenues and reserves.

**Sec. 11.040 Scope of Capital Improvements Program**

(a) The capital improvements program shall be a plan for capital improvements proposed for the following six fiscal years, together with the estimated cost of each improvement and the proposed method of financing it. It shall contain at least the following:

(1) A summary of current capital improvements which are unfinished.

(2) A summary of the estimated cost of the improvements and the proposed method of financing it.

(3) Capital improvements pending or proposed to be undertaken within the ensuing fiscal year, together with the estimated cost of each improvement and the proposed method of financing it.

(b) Capital improvements to be financed in the following fiscal year shall be included in the budget as well as in the capital improvements program.

(c) The capital improvements program shall be adopted by ordinance which establishes appropriations and proposed completion date.

**Sec. 11.050 Scope of Message**

The mayor's message shall contain an explanation of the budget and the capital improvements program. It shall also contain a description of the important features of the budget, an outline of the proposed financial policy of the borough for the following fiscal year, and an explanation of each capital improvement to be undertaken within the following six fiscal years.

**Sec. 11.060 Hearing on Budget and Capital Improvements Program**

By May 1st of the current fiscal year a public hearing shall be held on the budget and capital improvements program. All persons interested shall have an opportunity to be heard. The public hearing shall be noticed as in the case of ordinances.

**Sec. 11.070 Assembly Action on Budget**

The assembly by ordinance shall adopt a budget no later than June 15th of the current fiscal year. If it fails to do so, the budget submitted by the mayor shall be deemed adopted by the assembly as the budget for the following year.

The assembly by ordinance or resolution adopted by June 15th of the current fiscal year shall provide for the tax levies required in the budget. If it fails to do so, the tax levies required in the budget shall be deemed adopted by the assembly.

All ordinances on procedures presently exercised by the borough as referred to tax levies, tax calendar and resolutions are deemed to be adopted as part of the budget.

**Sec. 11.080 Assembly Action on Capital Improvements Program**

The assembly by ordinance shall adopt the capital improvements program not later than June 15th of the current fiscal year. If it fails to do so, the capital improvements program submitted by the mayor shall be deemed adopted by the assembly.

**Sec. 11.090 Certification and Distribution**

The budget and capital improvements program as adopted shall be certified by the mayor and clerk and shall be public record.

Distribution. Copies of the budget and capital improvements program as so certified shall be made available at the clerk's office for distribution to the public at such reasonable prices as the Assembly may direct.

**Sec. 11.100 Supplemental and Emergency Appropriations**

(a) Supplemental Appropriations. If during any fiscal year there are available revenues received from sources not anticipated in the budget from that year or revenues received in excess of budget estimates, the Assembly by ordinance may make supplemental appropriations for the year up to the amount of the additional revenues.

(b) Emergency Appropriations. Upon declaration by the Assembly that a public emergency exists and describing the emergency in clear and specific terms, the assembly may make emergency appropriations. Such appropriations may be made by emergency ordinance. If there are no available funds to meet such appropriations, the assembly may provide for supplemental tax levies by or for the borough.

If an appropriation is approved and enacted under the procedures outlined in Sec. 4.030.

**Sec. 11.110 Reduction and Transfer of Appropriations**

(a) If during any fiscal year it appears that revenues available will be insufficient to meet the amount appropriated, the mayor shall report to the assembly by resolution. Thereafter the assembly may reduce any appropriation, except for debt service or for cash deficit. No appropriation may be reduced by more than the amount of the unencumbered balance.

(b) The mayor may transfer part of all of any unencumbered balance between classified expenditures within a department, or between departments, or from one department to another excluding the education function. No transfer may be made from appropriations for debt service or for cash deficit.

(c) The fiscal procedures ordi-

nance may provide for a lapsed fund to be automatically transferred to a capital projects funds.

**Sec. 11.120 Lapse of Appropriations and Surpluses**

Every unencumbered surplus of the general fund or a service area shall lapse at the close of the fiscal year to the general fund or service area, respectively. All appropriations for capital improvements shall not lapse until its purpose has been accomplished or abandoned.

**Sec. 11.130 Administration of Budget**

(a) No payment may be made and no obligation incurred against the municipality except in accordance with appropriations duly made. No payment may be made and no obligation incurred against any appropriation until a major disbursement has been made and it is determined that there is a sufficient unencumbered balance in the appropriation and that sufficient funds are available to cover the obligation.

(b) Every obligation incurred and every authorization of payment in violation of this charter shall be void.

Every payment made in violation of the provisions of this charter shall be illegal. All officers or employees of the municipality who authorize or make such payment shall be jointly and severally liable to the municipality for the full amount so paid.

The mayor shall prepare and forward to the clerk a statement of the moneys collected by the municipality, unless otherwise directed by the assembly.

(c) Notwithstanding Sec. 11.130 (a) of this charter, the assembly by ordinance may require payment of funds from appropriations of a later fiscal year for any contract, lease or note or bond obligation, or federal or state debt, or any other federal or state program that the municipality may not otherwise participate in.

(d) Except as otherwise provided by the assembly by ordinance, the assembly shall provide that all funds of the municipality from whatever source, including the education fund, shall be deposited in a central treasury.

(e) Except as otherwise provided by the assembly by ordinance, the assembly shall provide for centralized accounting of all accounting functions of the municipality, including the education fund.

(f) Except as otherwise provided by the assembly by ordinance, the assembly shall provide for centralized purchasing of supplies, material, and equipment for the municipality, and its departments, agencies, and divisions, including the education fund.

**Sec. 11.140 Competitive Bidding**

The assembly by ordinance shall provide for competitive bidding and procedures for competitive bidding. Competitive bidding shall be required, and, whenever practicable, the purchase of supplies, materials, equipment, and services, except professional services and services of officers and employees of the municipality, shall be by competitive bid and awarded to the lowest qualified bidder. All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval.

**Sec. 11.150 Enterprise Funds**

Revenues from a municipal enterprise whether established before or after the ratification of this charter shall be first used for debt retirement, construction, acquisition, operation, maintenance, repair and capital improvements of the enterprise. Other uses of such revenues shall be only as authorized by ordinance or by budgetary action.

**Sec. 11.160 Audits**

The assembly shall provide annually for an independent audit of the accounts of the municipality. The audit shall be made by a certified public accountant designated by the assembly.

**Sec. 11.170 Assessments**

All real property to be taxed shall be assessed for purposes at full and true market value.

**Sec. 11.180 Sales and Use Tax**

Any sales tax or use tax or change in rate thereof shall be by ordinance ratified by a majority of qualified voters voting on the question at a public hearing.

**Sec. 11.190 Ordinances**

To the extent not inconsistent with this charter, the assembly may set forth by ordinance the fiscal procedure to be followed by the borough.

## ARTICLE XII BORROWING

**Sec. 12.010 Authority**

The borough may borrow money and issue such evidence thereof, hereinafter called "obligations," as the Assembly may determine necessary.

**Sec. 12.020 Revenue Anticipation Notes**

(a) The borough may borrow money in a fiscal year to meet appropriations for that fiscal year in anticipation of the collection of taxes and estimated revenues for the fiscal year and may issue its revenue anticipation notes as evidence of the borrowing.

(b) The assembly may, by ordinance, require the issuance of the revenue anticipation notes and prescribe the form and details of the notes and the manner of their execution. The assembly may delegate to the borough's chief fiscal officer the power to issue the notes from time to time under the terms and conditions of the ordinance or resolution which provides for the manner of their sale. Revenue anticipation notes and notes issued to renew notes previously issued mature not later than the end of the fiscal year in which they are issued.

(c) The aggregate amount of revenue anticipation notes at any time outstanding may not exceed 50 percent of the amount of revenues estimated to be collected in the fiscal year in which the notes are issued, less the amount of estimated revenues actually collected in the fiscal year before the issuance of the notes.

(d) The assembly, upon adop-

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