

TITLE 2

ADMINISTRATION^{1/}

Chapters:

- 2.05 General Provisions
- 2.10 Public Records
- 2.15 Mayor and Council
- 2.20 Officers and Employees
- 2.25 City Departments and Services
- 2.30 Boards and Commissions

^{1/} Editor's Note: Ordinance 82-2, ratified by the electorate on 10/6/81, exempted officers of the City from the requirements of AS 39.50.

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§ 2.05.010

§ 2.05.020

Chapter 2.05 -- General Provisions

Sections:

- 2.05.010 Equal employment opportunity, non-discrimination.
- 2.05.015 Administrative oversight.
- 2.05.020 Oath of office.
- 2.05.025 Definitions.
- 2.05.030 Councilmember conflict of interest.
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- 2.05.040 Presiding officer to rule.
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- 2.05.050 City employees and officials--conflict of interest.
- 2.05.055 Members of city boards or commissions--disclosure and participation.
- 2.05.060 City employees and officials--disclosure and testimony.

2.05.010 Equal employment opportunity, non-discrimination.^{1/}

No person may be appointed to or removed from office or in any way favored or discriminated against with respect to a city position because of his race, color, sex, creed, religion, national origin or, unless otherwise contrary to law, because of his political opinions or affiliations. Alaska Statutes Title 18.80 is applicable beyond the scope of this ordinance. The council is prohibited from using city funds in any transaction with any person at any time who discriminates against another because of race, color, sex, creed, religion, or national origin. (Ord. 77-01 (part), 1977)

2.05.015 Administrative oversight. The council, the mayor, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, or officer of the city and to make investigations in municipal affairs and compel the production of books, papers and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee of the city. (Ord. 77-01 (part), 1977)

2.05.020 Oath of office. All officers of the city, including mayor and councilmembers, shall, before entering upon the duties of his office, severally take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his office and trust, which oath shall be filed with the city clerk. (Ord. 77-01 (part), 1977)

^{1/} See AS 29.20.630 for state provisions prohibiting discriminating against persons appointed to municipal office.

§ 2.05.025

§ 2.05.025

2.05.025 Definitions. In this chapter, unless otherwise provided or the context otherwise requires, the following terms shall have the meanings set forth in this section.

City Official. Means a person who holds elective office under the ordinances of the city, or who is a member of a board or commission.

Immediate Family. Means anyone related to a person by blood or current marriage or adoption in a degree up to and including the second degree of consanguinity or affinity or any person who is a regular member of that person's household.

Official Action. Means a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a city official or employee, whether such action or inaction is administrative, legislative, quasi-judicial, advisory, or otherwise.

Organization. Means any business, corporation, partnership, firm, or association whether organized for profit or non-profit.

Substantial Financial Interest in an Official Action. Means a financial interest that could be affected by an official action, which might reasonably result in a pecuniary gain or loss exceeding three hundred dollars (\$300.00). When the pecuniary value of a financial interest is not apparent on its face or is otherwise at issue, the mayor or other presiding officer will make the determination of whether or not it constitutes a substantial financial interest in accordance with § 2.05.040.

a. A person's financial interest includes:

1. any financial interest of a member of that person's immediate family including involvement or ownership, or a professional or private relationship, that is a source of income, or from which the person has received, or expects to receive, a financial benefit.

2. any affiliation with an organization in which he has an ownership interest, holds a position of management, or is an officer, director, trustee, employee, or the like.

b. A financial interest does not include:

1. affiliation with an organization solely as a volunteer, club member, or the like.

2. a personal or financial interest of a type which is shared in common with all other citizens or a large class of citizens.

(Ord. 98-13, § 2 (part), 5-28-98)

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§ 2.05.030

§ 2.05.055

2.05.030 Councilmember conflict of interest. A city councilmember or mayor with a substantial financial interest in an official action to be taken by the council has a conflict of interest.

(Ord. 98-13, § 2 (part), 5-28-98)

2.05.035 Procedure for declaring. A city councilmember or mayor with a conflict of interest under § 2.05.030 shall so declare to the body as a whole and ask to be excused from voting on the matter. However, a city councilmember or mayor with a conflict of interest, regardless of whether excused from voting, shall not be allowed to participate in discussion about the matter.

(Ord. 98-13, § 2 (part), 5-28-98)

2.05.040 Presiding officer to rule. The mayor or, in his absence, the mayor pro tem or other presiding officer, shall rule on a request by a city councilmember to be excused from voting on a matter because of a declared conflict of interest. The mayor pro tem or other presiding officer shall rule on a request by the mayor to be excused from participating in a matter because of a declared conflict of interest.

(Ord. 98-13, § 2 (part), 5-28-98)

2.05.045 Governing body may override. A decision of the mayor or other presiding officer under § 2.05.040 may be overridden by a majority vote of the city council.

(Ord. 98-13, § 2 (part), 5-28-98)

2.05.050 City employees and officials - conflict of interest. A city employee, or a city official other than a member of the city council, may not participate in an official action in which he has a substantial financial interest, as defined in § 2.05.025(a) and (b).

(Ord. 98-13, § 2 (part), 5-28-98)

2.05.055 Members of city boards or commission - disclosure and participation. A city official or employee who is a voting member of a city board or commission shall disclose any financial interest in any matter before the board or commission before debating or voting upon the matter, and may not participate in the debate or vote upon the matter unless the board or commission determine that a financial interest is not substantial as defined in 2.05.025.

(Ord. 98-13, § 2 (part), 5-28-98)

§ 2.05.060

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2.05.060 City employees and officials--disclosure and testimony. No city official or employee may testify before the city council or a city board or commission without first disclosing any financial interest which the official or employee has in the subject of the testimony.
(Ord. 98-13, § 2 (part), 5-28-98)

Chapter 2.10 -- Public Records^{1/}

Sections:

- 2.10.010 City records public; Exceptions.**
- 2.10.015 Retention, disposal of public records.**
- 2.10.020 City personnel records.**

2.10.010 City records public; Exceptions. All records and accounts of every office and department of the city shall be open to inspection by any person. Except, that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended, may be withheld from inspection. Such records as are required by state law or city ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing. Also, all city personnel records, including employment applications and examination materials, are confidential and are not open to public inspection except as provided in §2.10.020. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the city clerk. (Ord. 77-01 (part), 1977; Ord. 96-4 § 3 (part), 1996)

^{1/} See AS 40.21.010 et seq. for state provisions as to public records and, specifically, records management for records of political subdivisions.

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2.10.015 Retention, disposal of public records. A. The mayor shall prepare a schedule of records specifying the records to be:

1. retained permanently;
2. destroyed; and

3. disposed of routinely in the regular course of public business.

B. The records retention schedule shall list, with sufficient detail for identification, records without legal or administrative value or historical interest to be destroyed and periodically disposed of by the city. Records to be destroyed shall be certified by the city clerk as having no legal or administrative value or historical interest. (Ord. 77-01 (part), 1977)

2.10.020 City personnel records. The following information is available for public inspection, subject to reasonable regulations on the time and manner of inspection: (1) the names and position titles of all city employees; (2) the position held by a city employee; (3) prior positions held by a city employee; (4) employment classification of a city employee; (5) dates of appointment and separation of a city employee; and (6) the compensation authorized for a city employee. A city employee has the right to examine the employee's own personnel files and may authorize others to examine those files. (Ord. 96-4 §3 (part), 1996)

Chapter 2.15 -- Mayor and Council

Sections:

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- 2.15.110 Mayor--Executive powers and responsibilities; Term.
- 2.15.115 Council--Composition.
- 2.15.120 Qualifications.
- 2.15.125 Election--Terms.
- 2.15.130 Oath of office.
- 2.15.135 Compensation--Mayor.
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- 2.15.145 Compensation--Not to be varied.
- 2.15.150 Presiding officer.
- 2.15.155 Vacancies.
- 2.15.160 Filling a vacancy.
- 2.15.165 Employment of elected officials prohibited.
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^{1/} See also Chapter 1.10, Code Adoption; Amendments.

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Article 1. Mayor; City Council

2.15.110 Mayor--Executive powers and responsibilities; Term.^{1/}

A. The mayor is elected at large. The mayor is the chief executive of the city. He shall preside at council meetings, act as ceremonial head of the city, and sign documents on the city's behalf upon council authorization. The mayor has veto power. The mayor is not a councilmember. The mayor's term shall be three years.

B. The mayor shall:

1. Appoint city employees and administrative officers, except as provided otherwise. He may hire necessary administrative

assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department;

^{1/} See AS 29.20.230 for state provisions regarding the mayor's term of office. See AS 29.20.220 for state provisions vesting executive power in the mayor.

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2. suspend or remove by written order city employees and administrative officers, except as provided otherwise;
3. supervise enforcement of city law;
4. prepare the annual budget and city construction program for the council;
5. execute the budget and construction program as adopted;
6. make monthly financial reports to the council on city finances and operations;
7. report to the council at the end of each fiscal year on the finances and administrative activities of the city;
8. prepare and make available for public distribution an annual report on city affairs;
9. serve as city personnel officer unless the council authorizes him to appoint a personnel officer;
10. execute other powers and duties specified in Alaska Statutes Title 29 or lawfully prescribed by the council. (Ord. 77-01 (part), 1977)

2.15.115 Council--Composition. The council shall consist of six members elected by the voters at large. (Ord. 77-01 (part), 1977)

2.15.120 Qualifications.^{1/} A. The councilmembers shall be qualified city voters.

B. A councilmember who ceases to be eligible to be a city voter immediately forfeits his office.

C. No person shall be elected to the office of councilmember unless that person has been a continuous resident of the City of King Cove for a period of three consecutive years prior to his election. (Ord. 77-01 (part), 1977; Ord. 78-03 (part), 1978; Ord. 82-09 § 4, 1982)

2.15.125 Election--Terms.^{2/} An election is held annually on the first Tuesday of October to choose councilmembers. Each year two councilmembers shall be elected to serve three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the certification of election. (Ord. 77-01 (part), 1977; Ord. 97-06 §1, 1997)

2.15.130 Oath of office. A. All officers elected or appointed before entering upon the duties of office shall affirm

^{1/} See AS 29.20.140 for state provisions allowing municipalities to set residency requirements for members of the governing body.

^{2/} See AS 29.20.150 for state provisions regarding councilmember terms of office. See Title 4 of this code for election provisions generally.

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in writing the following oath and affirmation:

I do solemnly swear that I will support the Constitution of the United States and the State of Alaska, and the laws and ordinances of the City of King Cove, State of Alaska, and that I will honestly, faithfully and impartially perform the duties of the office of, so help me God."

B. The oath is filed with the municipal clerk. (Ord. 77-01 (part), 1977)

2.15.135 Compensation--Mayor. The mayor shall receive two thousand dollars (\$2,000.00) per month that by resolution may be increased by resolution of the city council. Per diem payments and reimbursements for expenses are not compensation under this section. Other compensation provided is paid participation in the city's standard health insurance program coverage. (Ord. 77-01 (part), 1977; Ord. 84-04 § 4, 1984; Ord. 95-14, 1995; Ord. 2004-06, 2004)

2.15.140 Compensation--Council. Councilmembers shall receive fifty dollars (\$50.00) per member for each meeting attended. Other compensation provided is paid participation in the city's standard health insurance program coverage. (Ord. 77-01 (part), 1977; Ord. 88-12 § 4 (part), 1988; Ord. 2004-06, 2004)

2.15.145 Compensation--Not to be varied. The council may fix by ordinance the salaries of elected officers. The salary of the mayor may not be reduced during his term of office. An elected officer may not receive any other compensation for service to city. Per diem payments and reimbursements for expenses are not compensation under this section. (Ord. 77-01 (part), 1977; Ord. 82-03 § 4, 1981)

2.15.150 Presiding officer. Should the office of the mayor become vacant, or if the existing mayor is disabled or unable to act, the council may appoint a presiding officer, to serve until the mayor resumes his official duties, or until a new mayor is qualified; however, the presiding officer shall not have veto power and shall be a councilmember. (Ord. 77-01 (part), 1977)

2.15.155 Vacancies. An elected city office is vacated under the following conditions. The council shall declare an elective office vacant when the person elected:

1. fails to qualify or take office within 30 days after his election or appointment; or
2. is physically absent from the city for a 90-day period, unless excused by council; or
3. resigns and his resignation is accepted; or
4. is physically or mentally unable to perform the duties of his office; or

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5. is removed from office; or
6. misses three consecutive meetings, regular or special, or a combination of both, unless excused; or
7. is convicted of a felony or of an offense involving a violation of his or her oath of office. (Ord. 77-01 (part), 1977; Ord. 2004-20, 2004)

2.15.160 Filling a vacancy. If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled. The person appointed serves the balance of the term attached to the vacated seat. (Ord. 77-01 (part), 1977; Ord. 97-06 § 2, 1997; Ord. 2004-23, 2004)

2.15.165 Employment of elected officials prohibited. A. An elected official of the city may not be employed by the city or receive compensation for service to the city, except the salary received as an elected official.

B. Upon accepting paid employment with the city, an elected official is, without further action by such official, deemed to have resigned from the elected office, and the city council shall promptly declare the office vacant.

C. Upon taking the oath of office as an elected official of the city, a person employed by the city is, without further action by such employee, deemed to have resigned from such employment. The mayor shall promptly give written notice to the employee of the acceptance of such resignation and separate the employee from employment. (Ord. 2003-07, 2003)

2.15.170 Elected officials providing service as independent contractors. A. An elected official of the city may not be retained by the city as an independent contractor or receive compensation for service to the city, except the salary received as an elected official or as provided for in this section.

B. An elected official may only provide services as an independent contractor if the city council approves the contractual arrangement by resolution, after making the following determinations.

1. the services addressed in the contract are necessary municipal services or are necessary for the operation of the city;

2. that reasonable, good-faith efforts have been made to retain an independent contractor who is not an elected official; and

3. that the terms of the contract are fair and made in good-faith.

C. An elected official providing services as an independent contractor may not participate in any council discussion related to the services contract or his or her status as an elected official to influence any decisions regarding his or her services contract or regarding any municipal employee that provides oversight for his or her services contract. (Ord. 09-04, 2008)

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Article 2. Ordinances and Resolutions

2.15.210 Acts of the council. The council shall act only by ordinance or resolution. Law of a general, uniform and permanent nature shall be reduced to ordinance. When the council expresses opinions, principles, facts or propositions, it shall be in the form of a resolution. (Ord. 77-01 (part), 1977)

2.15.215 Acts required to be by ordinance. In addition to other actions which Alaska Statutes Title 29 (Municipal Government) requires to be by ordinance, the council shall use ordinances to:

1. establish, alter or abolish municipal departments;
2. amend or repeal an existing ordinance;
3. fix the compensation of members of the council;
4. provide for sale of city property values at more than twenty-five thousand dollars (\$25,000.00);
5. provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
6. provide for levying of taxes;
7. make appropriations and supplemental appropriations or transfer appropriations;
8. grant, renew, or extend a franchise;
9. regulate the rate charged by a public utility;
10. approve the transfer of a power to a borough; and
11. adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map. (Ord. 77-01 (part), 1977)

2.15.220 Ordinances confined to single subject. Every ordinance shall as far as is reasonably practicable be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be expressed in the title. (Ord. 77-01 (part), 1977)

2.15.225 Ordinance procedure. A. A proposed ordinance may be presented for consideration only by a member of the council or by the mayor at any regular or special meeting of the council. Upon presentation, a proposed ordinance shall be rejected, deferred, re-worded, or accepted as introduced. Promptly after acceptance by motion the council shall publish the proposed ordinance and a notice setting out the time and place for a public hearing on the proposed ordinance. The public hearing of a proposed ordinance shall follow publication by at least five days; it may be held at a regular or special council meeting. At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. All interested persons shall have an opportunity to be

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heard. If the proposed ordinance is amended after the hearing as to any matter of major substance, the proposed ordinance shall be treated as a newly-introduced proposed ordinance. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall print and make available copies of adopted ordinances.

B. As used in this section, the term "publish" means that the proposed ordinance and notice of hearing shall be posted in three public places for at least five days. (Ord.77-01 (part), 1977)

2.15.230 Ordinance form and content. A. All ordinances enacted by the council shall be in substantially the following form:

1. **Heading.** The proposed ordinance shall have a heading and number.

2. **Title.** A short summary of the ordinance's provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by the ordinance which are different than or additional to the general penalties set forth in Title 1.

3. **Enacting clause.** The enacting clause shall read: "BE IT ENACTED BY THE COUNCIL OF THE CITY OF KING COVE:"

4. **Substantive part of the ordinance.** The provisions of the ordinance will follow the enacting clause.

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5. **Signatures.** Appropriate places shall be provided for the signatures of the mayor and the clerk.

6. **Attestation.** The enactment and passage date of the ordinance shall be attested by the clerk.

B. Ordinances which amend, add to or repeal sections of the King Cove Ordinance Code shall refer to the code sections by number. (Ord. 77-01 (part), 1977)

2.15.235 Emergency ordinances. A. To meet a public emergency the council may adopt ordinances effective on adoption. Every emergency ordinance must contain a statement by the council of why an emergency exists and a statement of the facts about the emergency. 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. The council must print and make available copies of adopted emergency ordinances.

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 60 days. (Ord. 77-01 (part), 1977)

2.15.240 Signature. Each ordinance shall be signed by the mayor at its adoption and attested by the clerk, or in the absence of the mayor by the presiding officer of the council, in the absence of the clerk, by the deputy clerk or a member of the council. (Ord. 77-01 (part), 1977)

2.15.245 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed. (Ord. 77-01 (part), 1977)

2.15.250 Codes of regulations. The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption of the regulations at least five copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The council may sell the adopted code to the public. (Ord. 77-01 (part), 1977)

2.15.255 Formal acts by resolution.^{1/} A. Formal acts by the council not required by law to be enacted by ordinance and not

^{1/} See AS 29.25.060 for state provision requiring municipalities maintain a permanent file of adopted resolutions.

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being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

1. the heading, "City of King Cove, Alaska";
2. the space for a number to be assigned -- "Resolution, _____";
3. a short and concise title descriptive of its subject and purpose;
4. short premises or whereas clauses descriptive of the reasons for the resolution, if necessary;
5. the resolving clause, "Be It Resolved:";
6. provision for signature after the date, and designated lines for the signatures of the mayor and clerk; and
7. an attestation.

B. All resolutions adopted by the council, whether at the request of a third party, or on the motion of the council, shall conform to the requirements set forth in subsection A. above.

C. Resolutions shall not be included in any municipal code of ordinances. (Ord. 77-01 (part), 1977)

2.15.260 Resolution procedure. A. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.

B. On any vote to pass the resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments.

C. After adoption, every resolution shall be posted in full on the city bulletin board. Every resolution, unless it shall specify a later date, shall become effective following adoption. If the resolution is submitted at a city election when state law requires, then after a majority of favorable votes of the city voters has been certified by the council, the resolution may be adopted. (Ord. 77-01 (part), 1977)

2.15.265 Administrative rules and regulations--Posting. Any rule or regulation made by any administrative officer or board or commission shall be posted for ten days following its approval by the city council in three public places. (Ord. 77-01 (part), 1977)

Article 3. Meetings; Rules of Order

2.15.310 Meetings public.^{1/} Meetings of all municipal bodies shall be public. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings. (Ord. 77-01 (part), 1977)

^{1/} See AS 29.20.020 and AS 44.62.310 for state requirement that meetings be public.

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2.15.315 Regular meetings. A. All regular meetings of the council shall be held on the second Wednesday of each month, at 7 P.M.

B. The usual place of council meetings shall be at the corporation building; provided, however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the council, the meeting may be moved to the community school.

C. If it becomes apparent to the mayor prior to the date and time of a regular meeting that no quorum can be present at that time, the mayor may, on or before the regular meeting date, postpone the regular meeting to a specified later date and time by giving at least seven days' notice prior to the rescheduled meeting to the council members and the public. A regular meeting postponed to a specified later date and time under this subsection is not a special meeting. (Ord. 77-01 (part), 1977; Ord. 81-05 § 4, 1981; Ord. 88-12 § 4 (part), 1988; Ord. 2004-18, 2004; Ord. 07-06 § 3, 2007)

2.15.320 Special meetings. A. Special meetings of the council are those meetings which are called by the mayor 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. Advance notice of at least 24 hours preceding a special meeting shall be given to each councilmember. The notice shall specify the time, place and subject matter of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be served personally on each member of the council or left at his or her usual place of business or residence by the city clerk or his or her designee. (Ord. 77-01 (part), 1977)

2.15.325 Executive sessions. A. The following subjects may be discussed in an executive session:

1. matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;

2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

B. The following shall be discussed in executive session when the best interests of the city so require:

1. negotiations with labor organizations representing city employees; and

2. discussions of pending or threatened lawsuits in which the city has an interest.

C. If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting, and the question of holding executive session to discuss matters that come within the exceptions contained in subsections A. and B. of this section shall be determined by a vote of the body. No subjects may

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be considered at the executive session except those mentioned in the motion calling for the executive session unless pertaining to the main question. No action may be taken at the executive session. (Ord. 77-01 (part), 1977)

2.15.330 Teleconference meetings. The preferred procedure for city council meetings is that all councilmembers should be physically present at the designated time and location within the city for the meeting. However, physical presence may be waived by the mayor and a councilmember may participate in a council meeting by teleconference as provided in this chapter when in the opinion of the mayor the physical presence of the councilmember is not essential to effective participation or the conduct of business at the meeting. A councilmember participating by teleconference shall be deemed to be present at the meeting for all purposes. (Ord. 89-04 § 2 (part), 1989)

2.15.335 Teleconference procedures. A. A councilmember who cannot be physically present for a regularly scheduled council meeting shall notify the city clerk at least five days prior to the scheduled time for the meeting of his intent to appear at the meeting by telephonic means of communication.

B. The city clerk shall notify the mayor three days prior to the scheduled time for the council meeting of councilmembers intending to appear by teleconference. The mayor shall determine whether physical presence is necessary to effective participation or the conduct of business at the meeting. If the mayor determines that physical presence is required, the city clerk shall advise all councilmembers intending to appear telephonically that physical presence is required.

C. If the mayor determines that councilmembers may appear at a council meeting by teleconference, the notice of the meeting required by § 2.15.340 of the code shall specify that councilmembers will be appearing by teleconference and shall designate the teleconference sites. The notice shall also specify that members of the public may participate in the council meeting at the designated teleconference sites.

D. Sections A. and B. of this section do not apply to special meetings of the city council called under § 2.15.320 of the code. Councilmembers may appear at a special meeting by teleconference and be considered present for all purposes unless the mayor or the councilmembers calling the special meeting request the physical presence of councilmembers in the advance notice of the meeting.

E. The mayor may require that all councilmembers appearing telephonically be physically present at one teleconference site whenever such presence is possible.

F. The means used to facilitate a teleconference meeting of the city council must enable each councilmember appearing telephonically to clearly hear all other councilmembers and members of the public attending the meeting as well as be clearly heard by all other councilmembers and members of the public.

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G. The city clerk shall note in the journal of the proceedings of the city council all city councilmembers appearing telephonically. (Ord. 89-04 § 2 (part), 1989)

2.15.340 Notice. For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of the meeting is posted not less than 24 hours before the time of the meeting. (Ord. 77-01 (part), 1977)

2.15.345 Order of business. A. At every regular meeting of the city council the order of business shall be as follows:

- Call to order;
- Roll call;
- Approval of minutes of previous meeting;
- Approval of consent agenda and regular meeting agenda;
- Reports;
- Public presentations with prior notice;
- Public hearings;
- Ordinances, second reading;
- Ordinances, first reading;
- Resolutions;
- Unfinished business;
- New business;
- Audience participation;
- Council comments;
- Adjournment.

B. Consent agenda. Those items on the council agenda which are considered routine by the mayor and the city clerk shall be listed under that part of the agenda entitled "Approval of consent agenda". Unless the mayor or a councilmember specifically requests that an item on the consent agenda be considered under the regular meeting agenda, and thus removed from the consent agenda and considered separately on the regular agenda, these items so designated shall be approved, adopted, accepted, etc., by motion of the council and roll call vote. Those items approved under the consent agenda shall appear in the council minutes as if acted upon individually. (Ord. 77-01 (part), 1977; Ord. 96-6, 1996; Ord. 07-06 § 3, 2007)

2.15.350 Mayor the presiding officer at meetings. A. The mayor shall preside at all meetings of the council. He or she shall preserve order among the councilmembers, and is responsible for conduct of all meetings according to the rules of the council. He or she may at any time make such rules as he or she considers proper to preserve order among the spectators in the city council room during sessions of the council.

B. In the temporary absence or disability of the mayor, any member of the city council may call the council to order at

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any duly called meeting to elect a presiding officer from among its number and the presiding officer shall exercise all the powers of mayor except veto power during such temporary absence or disability of the mayor and may also vote as a councilmember. (Ord. 77-01 (part), 1977)

2.15.355 Clerk duties at meetings. 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 for public inspection. In case of the temporary absence of the city clerk, the city council may appoint a temporary clerk, with all the powers, duties and obligations of the city clerk. (Ord. 77-01 (part), 1977)

2.15.365 Minutes. Minutes of all regular and special meetings shall be taken. All minutes of regular and special meetings shall be kept in the journal of the proceedings of the council. The minutes are public record and are to be made available to anyone upon request. (Ord. 77-01 (part), 1977)

2.15.370 Rules of debate. A. A councilmember about to speak shall respectfully address the mayor or presiding officer, and shall not commence to speak until recognized by the mayor or presiding officer. When two or more members request to speak at the same time, the mayor or presiding officer shall determine which one is recognized.

B. Every member while speaking shall confine himself to the subject under debate, and shall not refer to any other member of the council except in a respectful manner. (Ord. 77-01 (part), 1977)

2.15.372 Motions--Second required. All motions shall require a second, unless otherwise provided by special rule. (Ord. 77-01 (part), 1977)

2.15.374 Motions--Disposition; Withdrawal. After a motion is seconded and stated or read by the mayor or presiding officer, it shall be considered to be in the possession of the council and shall be disposed of by vote, but the councilmember making the motion may withdraw it at any time before the vote, if the second agrees. (Ord. 77-01 (part), 1977)

2.15.376 Motions--Reduction to writing. Any motion must be reduced to writing if the mayor or presiding officer requires or if any councilmember demands. (Ord. 77-01 (part), 1977)

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2.15.378 Motions--Rescinding vote. Any previous vote on a motion may be rescinded by vote of the majority of the council. (Ord. 77-01 (part), 1977)

2.15.380 Voting--Quorum. A. Four councilmembers constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.

B. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All councilmembers present shall vote unless the council, for special reasons, permits a member to abstain.

C. The mayor or presiding officer shall declare all votes; he shall declare the result.

D. Every member who shall be present when a question is put, where he is not disqualified by personal interest, shall vote, unless the council for special reason excuses him. Applications to be so excused must be made before the vote, and shall be decided without debate. (Ord. 77-01 (part), 1977)

2.15.385 Voting--Mayor. The mayor is not a councilmember and may vote only in the case of a tie. (Ord. 77-01 (part), 1977)

2.15.390 Veto. The mayor may veto any ordinance, resolution, motion, or other action of the council and may, by veto, strike or reduce items in appropriation ordinances, except for school budget items. He shall submit to the council at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of five of the authorized membership of the council. (Ord. 77-01 (part), 1977)

2.15.395 Meetings--Time restrictions; Uncompleted agenda.

A. The council shall take no official legislative or adjudicatory action after 11:00 p.m. and shall adjourn any regular or special meeting no later than 11:00 p.m. The time for conclusion of legislative business and adjournment is mandatory. In the event that the legislative or adjudicatory business had not been completed by the time set herein, the council may adjourn the meeting to another day, call a special meeting to complete the agenda and adjourn, or adjourn.

B. If the meeting is adjourned without making other provision for completion of the agenda items, then such uncompleted matters shall be presented at the next regularly schedule council meeting under the agenda section for unfinished business.

C. The council shall not adjourn prior to 11:00 p.m. unless all presentation and comments by members of the general public have been heard.

(Ord. 98-15, § 2, 5-28-98)

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Sections:

Article 1. Miscellaneous Provisions

- 2.20.100 Administrator--Appointment; Term
- 2.20.115 Administrator--Functions

Article 2. City Clerk; City Treasurer

- 2.20.210 Clerk--Appointment; Term.
- 2.20.215 Clerk--Duties.
- 2.20.220 Clerk--Additional duties.
- 2.20.225 Acting clerk.
- 2.20.230 Treasurer--Appointment; Duties.
- 2.20.235 Treasurer--Additional duties.

Article 3. City Attorney

- 2.20.310 Attorney--Appointment; Term.
- 2.20.315 Attorney--Duties.

Article 4. City Assessor

- 2.20.410 Assessor--Appointment; Term.
- 2.20.415 Assessor--Duties.

Article 5. Purchasing Agent

- 2.20.510 Purchasing agent--Appointment.
- 2.20.515 Purchasing agent--Duties.

Article 1. Miscellaneous Provisions

2.20.100 Administrator-Appointment; term. A. The mayor may appoint a person as an administrative assistant to assist the mayor in the conduct of the city's business, whose title shall be city administrator. The appointment is subject to confirmation by the council.

B. Subject to the terms of any contract of employment, the administrator holds office at the pleasure of the mayor.
(Ord. 07-06, 2007)

2.20.115 Administrator-Functions. A. The city administrator may have and perform such administrative powers and functions as may be authorized by the mayor.

1/ See § 11.10.210 as to creation of the position of harbormaster.

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B. The city administrator shall be the city's personnel officer. As personnel officer, the city administrator may exercise all powers and functions of a personnel officer under city personnel policies and procedures of this code and state law.
(Ord. 07-06, 2007)

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Article 2. City Clerk; City Treasurer

2.20.210 Clerk--Appointment; Term. The city clerk shall be appointed by the council. He shall hold office at the pleasure of the council. (Ord. 77-01 (part), 1977)

2.20.215 Clerk--Duties. A. The city clerk shall:

1. give notice of the time and place of council meetings to the council and to the public;
2. attend council meetings and keep the journal;
3. arrange publication of notices, ordinances and resolutions;
4. maintain and make available for public inspection an indexed file including the city ordinances, resolutions, rules, regulations, and codes;
5. attest deeds and other documents; and
6. perform other duties specified in this title or prescribed in this title or prescribed by the mayor or by the council.

B. The council may combine the office of clerk with that of treasurer. (Ord. 77-01 (part), 1977)

2.20.220 Clerk--Additional duties. A. The city clerk shall record and certify all actions of the council.

B. The city clerk shall have the power to administer all oaths required by law.

C. The city clerk shall be custodian of the city seal and the official records of the city.

D. The city clerk shall give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.

E. The city clerk shall be the city election registrar and shall be responsible for the calling and supervision of all city elections. (Ord. 77-01 (part), 1977)

2.20.225 Acting clerk. In case of the temporary absence of the city clerk, the council may appoint an acting city clerk, with all the powers and obligations of the city clerk. (Ord. 77-01 (part), 1977)

2.20.230 Treasurer--Appointment; Duties. A. There shall be a city treasurer who shall be appointed by the council.

B. The treasurer is the custodian of all city funds. He shall keep an itemized account of money received and disbursed.

C. The treasurer shall give bond to the municipality in a sum which the council directs.

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D. The clerk may perform the duties of treasurer. (Ord. 77-01 (part), 1977)

2.20.235 Treasurer--Additional duties. The treasurer shall:

1. be responsible for all matters pertaining to the maintenance of all accounts of the city, and the maintenance and care of all property used by the city;
2. compile the annual budget of the city based upon detailed department estimates and work programs and control it under direction of the mayor;
3. prepare and submit to the mayor such financial reports and other data as may be required;
4. prescribe and control such procedures as are necessary to protect city funds and property;
5. perform such other duties as the mayor or council may require. (Ord. 77-01 (part), 1977)

Article 3. City Attorney

2.20.310 Attorney--Appointment; Term. There may be a city attorney who shall be appointed by the council. He shall hold office at the pleasure of the council. (Ord. 77-01 (part), 1977)

2.20.315 Attorney--Duties. The city attorney may:

1. be charged with the performance of all legal services of the city, including those of legal advisor to the council, the mayor, and to all departments and offices of the city;
2. upon the request of the city council, take the necessary steps to arrange for the prosecution of violations of the city ordinances;
3. represent the city in all matters, civil and criminal, in which the city is interested;
4. draft any ordinance when required by the city council or mayor;
5. perform such other duties as may be required by the city council or the ordinances of the city;
6. attend meetings of the city council;
7. report to the city council promptly all suits brought against the city;
8. call to the attention of the city council and the mayor all matters of law affecting the city;
9. render all opinions in writing, as far as is practicable;

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10. maintain a record of all of his opinions rendered and turn such record over to his successor in office. (Ord. 77-01 (part), 1977)

Article 4. City Assessor

2.20.410 Assessor--Appointment; Term. The city assessor shall be appointed by the council. He shall hold office at the pleasure of the council. (Ord. 77-01 (part), 1977)

2.20.415 Assessor--Duties. The city assessor shall:

1. once each year, or at such time as the council may direct, duly list and assess the taxable property of the city at its full market value;
2. file such list and assessment as soon as completed with the clerk and mail a notice of assessment of the same upon each property owner of record whose property has been assessed, subject to revision and final approval by the council;
3. fulfill all the duties of his office as to the levy of property taxes as set forth in the state statutes and the code of the city, as well as all other duties required of his office by this code or state law. (Ord. 77-01 (part), 1977)

Article 5. Purchasing Agent

2.20.510 Purchasing agent--Appointment. A. There shall be a purchasing agent of the city to make all purchases of supplies, materials, equipment, and contractual services for the offices, departments, and agencies of the city government.

B. The mayor or his designee shall be the city purchasing agent. (Ord. 77-01 (part), 1977)

2.20.515 Purchasing agent--Duties. A. The purchasing agent shall have the power and it shall be his duty to purchase or contract for supplies and contractual services needed by any using agency of the city and sell surplus personal property of such using agencies, in accordance with the ordinances of the city and such rules and regulations as shall be prescribed by the mayor and approved by the council.

B. The purchasing agent shall have the authority to join with other units of government in cooperative purchasing ventures when the best interests of the city would be served. (Ord. 77-01 (part), 1977)

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Chapter 2.25 -- City Departments and Services

Sections:

Article 1. Fire Department

- 2.25.110 Fire department established.
- 2.25.115 Volunteer fire department.
- 2.25.120 Fire chief.
- 2.25.125 Rules and regulations.
- 2.25.130 Training and records.
- 2.25.135 Equipment--City owned.

Article 2. Police Department

- 2.25.210 Police department established.
- 2.25.215 Police chief.
- 2.25.220 Police chief duties.
- 2.25.225 Department staffing.
- 2.25.230 Training and records.
- 2.25.235 Equipment--City owned.

Article 3. Civil Defense

- 2.25.310 Civil defense unit established.

Article 4. Parks and Recreation

- 2.25.410 Parks and recreation powers.
- 2.25.415 Rules and regulations.

Article 5. Library

- 2.25.510 Library established.
- 2.25.515 Librarian.
- 2.25.520 Administration.
- 2.25.525 Hours of operation.

Article 6. Department of Public Safety

- 2.25.610 Established

Article 1. Fire Department

2.25.110 Fire department established. There shall be a fire department in and for the city to be known as the "King Cove Volunteer Fire Department." It shall consist of the fire

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chief and assistant chief (or chiefs), and as many other officers and fire fighters as may be deemed necessary for the effective operation of the department. (Ord. 77-01 (part), 1977)

2.25.115 Volunteer fire department. A. **Organization.**

Members of the fire department may organize into a voluntary association with the election of their own officers and by-laws.

B. **Limitation on powers of volunteer department.** The functions and duties of the officers of the volunteer department shall not interfere with those of regular department officers who are charged with responsibility for all fire service activities of the department. The voluntary association shall in no way limit the power of the fire chief. All property used by the fire department shall be paid by check upon proper voucher by the regular city authorities.

C. **Funding by city.** From time to time, in such amounts as the council deems advisable, payments may be made to the volunteer department for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purposes in keeping with its functions. (Ord. 77-01 (part), 1977)

2.25.120 Fire chief. A. **Appointment.**

The fire chief shall be appointed by the mayor, subject to confirmation of the council, and shall serve at the pleasure of the mayor.

B. **Powers and duties.**

1. The fire chief shall determine the number and kind of companies of which the department is to be composed and shall determine the response of such companies to alarms.

2. He shall appoint all other officers and fire fighters (both paid and volunteer). Such appointments shall be insofar as possible, following fair and impartial competitive examination. All officers shall be accountable to the fire chief or his representative.

3. He shall annually submit a tentative budget for his department, upon request of the council.

4. He shall assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.

(Ord. 77-01 (part), 1977; Ord. 96-4 §1, 1996; Ord. 96-11 § 1, 1996)

2.25.125 Rules and regulations.

The fire chief shall maintain and enforce and up-date a comprehensive set of rules and regulations governing the discipline, training and operation of the fire department. Such rules, regulations
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deletions, changes or additions shall be effective when approved and filed with the council. The fire chief shall carry out strictly the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or fire fighter as provided in the rules and regulations. (Ord. 77-01 (part), 1977)

2.25.130 Training and records. A. The fire chief or his representative shall, at least once a month, provide for suitable drills covering the operation and handling of all equipment essential for efficient department operation. In addition, he shall provide, at least every two years, CPR training and basic first aid.

B. The fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other department activities. (Ord. 77-01 (part), 1977; Ord. 99-14, 3-2-99)

2.25.135 Equipment--City owned. A. The fire chief shall be responsible to the mayor for recommending such apparatus or other fire fighting equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents.

B. The fire chief or his authorized representative shall have power to assign equipment for response to calls for outside aid where agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection of this city.

C. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.

D. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by, or having the special permission of an officer or authorized member of the department. (Ord. 77-01 (part), 1977)

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Article 2. Police Department

2.25.210 Police department established. There shall be a police department in and for the city to be known as the "King Cove Police Department." It shall consist of a police chief and as many patrolmen as may be deemed necessary for the effective operation of the department. (Ord. 77-01 (part), 1977)

2.25.215 Police chief. A. The police chief shall be appointed by the mayor subject to confirmation of the council and shall serve at the pleasure of the mayor.

B. The police chief may hold other administrative positions in the city. (Ord. 77-01 (part), 1977; Ord. 96-4 § 2, 1996; Ord. 96-11 § 2, 1996)

2.25.220 Police chief duties. The police chief shall be the commanding officer of the police force. He shall:

1. Be responsible for the enforcement of law and order.
2. Direct the police training and police work of the city.

3. Arrange for the attendance of one or more police officers at every fire, to preserve order and to prevent theft and destruction.

4. Cause the streets and alleys of the city to be inspected regularly, and cause to be removed all nuisances, obstructions or impediments therein, causing offenders to be prosecuted when necessary to abate such nuisances.

5. Cause to be observed, and reported immediately to the city engineer, all defects and want of repair in streets and sidewalks, and all defective street lights.

6. Receive and deliver all notices and papers to members of the city council and to the city clerk and officers appointed by either, when requested by the city clerk, and make due return thereof.

7. Be responsible for the maintenance and care of all property used by the police department.

8. Investigate, or cause to be investigated, the cause and circumstances of any accident occurring for which the city may be liable; instruct all police officers to report to him such accidents; and notify the city clerk promptly of all such accidents. Whenever the attention of any police officer shall in any manner have been called to any accident for which the city may be liable, it shall be the duty of such police officer forthwith to communicate such facts and information as he may have, to the police chief.

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9. Investigate promptly all applicants for any license or permit when such application requires certification by the police chief, and either deliver promptly to the city clerk a certificate approving such license or permit, or promptly advise the city clerk of his refusal to so certify.

10. Maintain and staff the city jail and be responsible for the prisoners.

11. Daily, except Sundays and holidays, turn over to the city clerk all bail deposits, fines, impounding and towage and storage fees, other fees and all moneys received by the department, subject to such rules as may be prescribed by the mayor.

12. Perform such other duties as shall be required of him or her by the city council. (Ord. 77-01 (part), 1977; Ord. 07-06 § 3, 2007)

2.25.225 Department staffing. The number of regular and special policemen shall be determined by, and each such policeman shall be appointed by, the city council, except as it may delegate the appointive power to the police chief. Special policemen shall have the powers vested in the regular city policemen. Such special policemen shall, however, serve only when and as specifically required by the police chief, and shall function only under the direction of the police chief. They shall assist the police chief whenever called upon and whenever so called shall be compensated for services rendered, as the city council may determine. No special policeman shall be on duty as a special policeman at any time or place without being ordered to do so by the police chief, and no special policeman shall be paid for police services directly by any person other than the appropriate city official. (Ord. 77-01 (part), 1977)

2.25.230 Training and records. A. The police chief or his or her representative shall, at least two times per month, provide for suitable drills covering the operation and handling of all equipment essential for efficient department operation. In addition, he or she shall provide, at least four times per year, quarterly sessions of instruction to include such subjects as first aid, and other subjects related to police protection.

B. The police chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, and other department activities. (Ord. 77-01 (part), 1977)

2.25.235 Equipment--City owned. A. The police chief shall be responsible to the mayor for recommending such apparatus or other police equipment as may be required to

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maintain police department efficiency, and for providing suitable arrangements and equipment for reporting fires or other emergencies, and for notifying all members of the department to assure prompt response to such incidents.

B. No person shall use any police apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.

C. No person shall enter any place where police apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by, or having special permission of an officer or authorized member of the department. (Ord. 77-01 (part), 1977)

Article 3. Civil Defense^{1/}

2.25.310 Civil defense unit established. A civil defense unit is established to provide a civil defense plan for King Cove and to carry out the plan. The unit shall be designated by the city council and perform such functions as are prescribed by ordinance. (Ord. 77-01 (part), 1977)

Article 4. Parks and Recreation

2.25.410 Parks and recreation powers.^{2/} The City of King Cove assumes all powers necessary to provide parks and recreational services within the city limits. (Ord. 85-03 § 4 (part), 1985)

2.25.415 Rules and regulations. The city council is empowered to make such rules and regulations pertaining to the conduct and use of parks and recreation services as are consistent with this article and as are necessary to administer the same or to protect public property or the safety, health, morals or welfare of the public. (Ord. 85-03 § 4 (part), 1985)

^{1/} See AS 26.20.010 et seq. for state civil defence and disaster provisions; see AS 29.35.130 as to the establishment of emergency services communications centers.

^{2/} Revisor omitted prior ordinance reference to AS 29.48.030(15); no comparable statutory language replaced 1985 repealer.

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Article 5. Library

2.25.510 Library established. There is hereby established a community library, available to residents of the City of King Cove and all other persons who desire its use. (Ord. 88-01 § 4 (part), 1987)

2.25.515 Librarian. A public librarian shall be selected and trained by the school administration and the city will approve the selection of the librarian and pay salary costs for this position. The librarian shall be responsible for operation of the library, cataloging of materials by subject matter, ordering of materials, checking in and out of books, return of over-due books, accounting of funds appropriated and other library matters. The librarian shall make regulations, subject to § 2.25.520, for the operation of the library. (Ord. 88-01 § 4 (part), 1987)

2.25.520 Administration. The mayor is empowered to enter agreements with the King Cove School District and other parties to establish terms for operation of a public library. The manager shall consult with the city council for direction on library management. The manager and council may also establish a library board and the powers and structure of this board to assume this governing power. (Ord. 88-01 § 4 (part), 1987; Ord. 07-06 § 3, 2007)

2.25.525 Hours of operation. The hours of operation as a public library shall be determined by the city and public librarian in consultations with all appropriate parties. (Ord. 88-01 § 4 (part), 1987)

Article 6. Department of Public Safety

2.25.610 Established. There is hereby established a department of public safety. The department shall combine the city's existing police department, volunteer fire department and volunteer rescue squad as shown on the diagram attached to Ord. No. 07-01, and initially the city's police chief shall serve as director of the department. (Ord. 07-01 § 2, 2007)

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Chapter 2.30 -- Boards and Commissions

Sections:

- 2.30.010 Creation and membership.
- 2.30.020 Terms of members.
- 2.30.030 Vacancies.
- 2.30.040 Proceedings.
- 2.30.050 Duties and responsibilities.
- 2.30.060 Compensation.

2.30.010 Harbor Advisory Commission - Creation and membership. A. There is created the City of King Cove Port and Harbor Advisory Commission, referred to in this chapter as "the commission". The commission will be made up of five members: two city council persons and three residents who shall be nominated by the mayor and confirmed by the city council.

B. A chairman and vice-chairman of the commission shall be selected annually and shall be appointed from and by the appointive members.

C. The mayor and harbormaster shall serve as consulting members of the commission in addition to the five appointive members and may attend all meetings as consultants, but shall have no vote. (Ord. 97-08 §2, 1997; Ord. 07-06 § 3, 2007)

2.30.020 Terms of members. A. Members of the first commission shall be appointed for the following terms:

- 1. two members shall be appointed for three-year terms;
- 2. two members shall be appointed for two-year terms;

and

- 3. one members shall be appointed for a one-year term.

B. At the end of the respective terms set forth above, members shall be appointed for full three-year terms.

C. Any commissioner who shall have three successive unexcused absences shall be subject to removal by a majority vote of the members present.

D. Appointments to fill vacancies are for the unexpired term. (Ord. 97-08 §2, 1997)

2.30.030 Vacancies. A. A vacancy shall be declared and filled as above provided under the following conditions:

- 1. if a person appointed and confirmed to membership fails to qualify and take his or her office within 30 days;

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2. if a commissioner departs from the city with the intent to remain away for a period of 90 days or more, or moves his or her residence from the area he or she was appointed to represent for a period 90 days or more;

3. if a commissioner's resignation is submitted and accepted by the 29 council;

4. if a commissioner is physically unable to attend commission meetings for a period of more than 90 days; and

5. if a commissioner misses three or more consecutive regular meetings unless excused by the commission.

B. The clerk shall keep attendance records and notify the chairman when vacancies occur. (Ord. 97-08 §2, 1997)

2.30.040 Proceedings. The commission shall meet regularly and at the call of the chairman. Permanent records or minutes shall be kept of commission proceedings by the city clerk and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the city clerk and shall be public record open to inspection by any person. Every decision or finding shall be directed to the city council at the earliest possible date. (Ord. 97-08 §2, 1997)

2.30.050 Duties and responsibilities. A. It shall be the duty of the commission to act in an advisory capacity to the mayor and the city council on problems and development of the port and harbor facilities. Consideration may include the physical facilities, possible future development and recommendations on land use within the port and harbor areas, and recommendations on fee increases and financial operations.

B. The daily operation and maintenance of the port and harbor are the direct responsibility of the harbormaster, under the direction of the mayor. Any recommendation the commission or a commission member may have regarding the operation and maintenance of the facilities is to be directed to the mayor, not a port or harbor employee. The mayor will study the recommendation and refer it to the council, or the recommendations of the commission concerning policy issues shall be sent to the council upon the request of the commission.

C. The commission shall consider any specific proposal, problem or project as directed by the city council and any report or recommendations thereon shall be made directly to the council, unless otherwise directed by the council.

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D. The city council may at a future date expand or withdraw duties and responsibilities of the commission. (Ord. 97-08 § 2, 1997; Ord. 07-06 § 3, 2007)

2.30.060 Compensation. The compensation and expenses of the harbor advisory commission are paid as directed by the council. (Ord. 97-08 § 2, 1997)

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