

By: City Clerk
Introduced: June 25, 2018
Public Hearing: July 9, 2018
Adopted: July 9, 2018
Yes: Burney, Dryden, Graham, Harvey, Ledford, O'Barr
No: None
Absent: None

**City of Wasilla
Ordinance Serial No. 18-22**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code 2.04.040, Vacancy, To Revise Criteria For Filling A Vacant Seat On The City Council.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of subsections. WMC 2.04.040 Vacancy, is hereby amended to read as follows:

C. If a vacancy occurs on the council, the remaining members shall appoint a qualified person to fill the vacancy within forty-five (45) days **in accordance with the guidelines below.** ~~If less than thirty (30) days remain in a term, a vacancy shall not be filled. If thirty (30) or more days remain in the term, and the notice of offices to be filled has already been advertised for the next regular election, the council shall appoint a qualified person to fill the vacancy at the first regular meeting following the regular election.~~

1. If less than thirty (30) days remain in a term, a vacancy shall not be filled consistent with AS 29.20.180.

2. If thirty (30) or more days remain in the term, the vacant seat is not up for election, and the notice of offices to be filled has already been advertised for the next regular election, the council shall

Bold & Underline, added. Strikethrough, deleted

appoint a qualified person to serve until a candidate is elected at the next year's regular election.

3. If the vacant seat is up for election, the council may determine that it is in the city's best interest not to make a short-term appointment and to fill the seat through the election process.

D. If membership is reduced to less than the number required to constitute a quorum, the remaining members shall, within seven calendar days, appoint the number of qualified persons necessary to constitute a quorum.

E. A person appointed to fill a vacated seat under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

Section 3. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on July 9, 2018.


BERT L. COTTLE, Mayor

ATTEST:


JAMIE NEWMAN, MMC, City Clerk

[SEAL]

Bold & Underline, added. ~~Strikethrough, deleted~~

CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 18-22: An Ordinance Amending Wasilla Municipal Code 2.04.040, Vacancy, To Revise Criteria For Filling A Vacant Seat On The City Council.

Originator: Jamie Newman, City Clerk

Date: 6/7/2018

Agenda of: 6/25/2018

Table with 4 columns: Route to, Department Head, Signature, Date. Rows include Finance Director, Deputy Administrator, City Attorney, and City Clerk with handwritten signatures and dates.

Reviewed by Mayor Bert L. Cottle: [Signature] 6/13/2018

Fiscal Impact: [] yes or [X] no Funds Available: [] yes or [] no

Attachments: Ordinance Serial No. 18-22 (2 pages)

Summary Statement: This ordinance is presented as a housekeeping measure. As currently written, code states:

- 1. If 30 or more days remain in the term; and
2. The notice of offices to be filled has already been advertised for the next regular election;
3. The council shall appoint a qualified person to fill the vacancy at the first regular meeting following the regular election.

This provision does not make sense in the following example:

- The term for Seat "A" expires in 2018, and the seat is on the regular election ballot.
• The incumbent resigns on September 1. At this point in time, the notice of offices to be filled has published and there is more than 30 days remaining in the term; therefore, the council could not fill the vacancy through an appointment, rather the seat would be filled through the election process.

Additionally, the proposed ordinance provides the Council flexibility in filling a seat through the appointment process, depending on when the resignation is received, and the seat is declared vacant, term expiration, and if there is sufficient time to fill the vacancy through the election process.

Staff Recommendation: Introduce and set the ordinance for public hearing.