

**CITY OF WASILLA
RESOLUTION SERIAL NO. 11-47**

A RESOLUTION OF THE WASILLA CITY COUNCIL DIRECTING THE CITY CLERK TO SCHEDULE A SPECIAL ELECTION ON FEBRUARY 7, 2012, ON THE QUESTION WHETHER TO RECALL STEVE MENARD FROM THE OFFICE OF CITY COUNCIL MEMBER.

WHEREAS, an application for a recall petition for Council Member Steve Menard was filed with the City Clerk on September 2, 2011; and

WHEREAS, the application for recall petition filed on September 2, 2011, included an insufficient amount of sponsors, and on September 22, 2011, additional qualified sponsors were filed with the City Clerk; and

WHEREAS, the application for recall petition was accepted by the City Clerk on September 26, 2011, and a petition was prepared and issued to the sponsors requesting a petition; and

WHEREAS, on November 28, 2011, the petition was filed with the City Clerk by the sponsors as a single document; and

WHEREAS, after a thorough review of the petition, on December 1, 2011, the City Clerk certified that the petition bore the required 201 signatures of registered voters of the City; and

WHEREAS, A.S. 29.26.320 requires that if no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days, but not sooner than 45 days after the petition is submitted to the City Council; and

WHEREAS, the Voting Rights Act of 1965, as amended, requires the City to submit the date of any special election to the United States Department of Justice for

preclearance and the City Clerk will ask the United States Attorney General for expedited review of this special election.

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla City Council directs the City Clerk to schedule and conduct a special election on February 7, 2012; and

BE IT FURTHER RESOLVED, that the Wasilla City Council directs the City Clerk to place the following question, on the ballot, together with such other information as required by A.S. 29.26.330, including a statement from the elected official affected, if timely received:

“Shall Steve Menard be recalled from the office of Wasilla City Council Member?

Yes []

No []”

BE IT FURTHER RESOLVED, that this resolution shall take effect upon the earlier to occur of the following: (i) the date on which the United States Department of Justice issues its non-objection under the Voting Rights Act of 1965 to the changes effected by this resolution; and (ii) the date immediately following the last date on which the United States Department of Justice could object to the changes effected by this resolution under the Voting Rights Act of 1965, provided that no objection to any such change has been issued before that date. The City Clerk is authorized to determine the effective date of this resolution, which shall be set forth in the permanent records of City resolutions.

ADOPTED by the Wasilla City Council on December 12, 2011.


VERNE E. RUPRIGHT, Mayor

ATTEST:


KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Harris, Holler, Katkus, Sullivan-Leonard and Woodruff in favor. Menard abstained.



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RESOLUTION SERIAL NO. 11-47: DIRECTING THE CITY CLERK TO SCHEDULE A SPECIAL ELECTION ON FEBRUARY 7, 2012, ON THE QUESTION WHETHER TO RECALL STEVE MENARD FROM THE OFFICE OF CITY COUNCIL MEMBER.

Agenda of: December 12, 2011

Date: December 5, 2011

Originator: Kristie Smithers, MMC, Wasilla City Clerk

Route to:	Department	Signature/Date
X	Finance Director	<i>[Signature]</i> 12/5/11
X	Interim Deputy Administrator	<i>[Signature]</i> 12/5/11
X	City Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR VERNE E. RUPRIGHT: *[Signature]*

FISCAL IMPACT: yes \$4,000 or no Funds Available yes no

Account name/number: 001-4110-411-50-10, Elections

Attachments: Letter to George Taft dated December 1, 2011 (2 pp.)
Report of Petition Signature Certification (1 pp.)

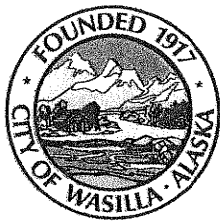
SUMMARY STATEMENT:

On November 28, 2011, a petition to recall Council Member Steve Menard, from the office of City Council Member, was filed in my office.

The petition was certified on December 1, 2011, with 203 registered voters of the City signing the petition; 201 signatures were needed. Please see attached Report of Petition Signature Certification. The recall petition will be submitted to the Council at the December 12, 2011, City Council meeting.

Resolution Serial No. 11-47, attached, is requested to direct the City Clerk to schedule a special election on Tuesday, February 7, 2012.

STAFF RECOMMENDATION: Adoption of Resolution Serial No. 11-47.



OFFICE OF THE CITY CLERK

CITY OF WASILLA
290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: 907.373.9090
FAX: 907.373.9092

COPY

December 1, 2011

Mr. George M. Taft, Jr.
2559 W. Shadow Leaf Circle
Wasilla, AK 99654

On November 28, 2011, Deanna Dedrickson, the alternate contact person for this petition, filed a petition to recall Council Member Steve Menard, with my office that contained 284 signatures, to include a statement stating the grounds for recall with particularity, as follows:

“City Council Member Steve Menard traveled to Sitka, Alaska, in his official capacity as Council Member, for the purpose of attending a meeting with that Alaska Municipal League. Menard, without good cause, failed to carry out his official duties. Menard remained overnight at the Westmark Hotel and while intoxicated he inflicted substantial damage to his hotel room and directed the hotel to bill the City of Wasilla for the damage. The damaged included urinating on two beds and a chair, vomiting on the carpet and setting fire to a mattress.

The Wasilla City Council convened on August 22, 2011 and debated what action it should take regarding Menard. The Council voted to: 1) sanctioned Menard by prohibiting him from traveling on City business for the remainder of his term, which expires in 2013; and 2) required him to make full restitution to the City for the \$1,404 cost of his travel/expenses, and the \$350 the City paid for damage to the hotel room.

The Council’s action of sanctioning Menard and requiring him to make full restitution for all cost are sufficient reasons to find Menard committed Misconduct in Office.”

I have reviewed the petition as required by A.S. 29.26.280 and 290 and have found the petition to be sufficient and have verified 203 signatures, in which 201 were required; who are registered voters of the City of Wasilla. The petition to recall Council Member Steve Menard is certified.

Mr. George Taft – Menard Recall
Page 2
December 1, 2011

COPY

A.S. 29.26.310 provides that I submit this to the Wasilla City Council to schedule a special election. A resolution will be placed on the December 12, 2011, Regular City Council Meeting Agenda.

If you have questions, please feel free to contact me.

Sincerely,

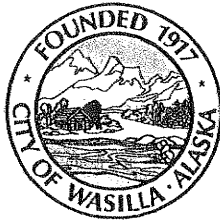
CITY OF WASILLA



KRISTIE SMITHERS, MMC
Wasilla City Clerk

Enclosure: Report of Petition Signature Certification dated December 1, 2011

Pc: Council Member Steve Menard
Mayor Verne Rupright
Deputy Mayor Holler
Council Members Harris, Katkus, Sullivan-Leonard and Woodruff
Richard Payne, City Attorney



OFFICE OF THE CITY CLERK

CITY OF WASILLA
290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9090
FAX: (907) 373-9092

COPY

**CITY OF WASILLA
REPORT OF PETITION SIGNATURE CERTIFICATION
FOR A RECALL PETITION FOR COUNCIL MEMBER STEVE MENARD**

As of December 1, 2011, my office has completed our review of signatures received from registered voters signing a petition to recall Council Member Steve Menard.

Total number of signatures of persons signing petition	284
Total number of signatures required to approve petition	201
Number of signatures reviewed	284
Number of signatures counted	203
Number of signatures not counted	81

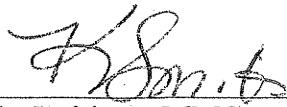
Report:

On November 28, 2011, the Division of Elections supplied us with a list of registered City voters, current through that date. During our review of the petition we found a number of names that were not listed in the list dated November 28, 2011. After further review, and discussions with the Division of Elections, we were able to match up several names. The anomaly occurred from petitioners who use their middle name as their first name, or who provided a maiden name. In those cases, we worked with the Division of Elections to ensure a date of birth matched, as well as a residence address match; these signatures were counted.

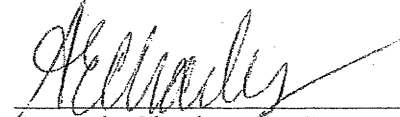
Additionally, there were several petitioners who provided addresses that did not match the list provided by the Division of Elections. However, due to the fact that the registered voter address and the current voter address both qualify as being within city boundaries, the signatures were counted.

We, certify that the information listed herein is a true and accurate accounting of the information received and canvassed during the petition certification process.

DATED this 1st day of December, 2011.



Kristie Smithers, MMC
City Clerk



Amanda Charles, CMC
Deputy City Clerk



U.S. Department of Justice

Civil Rights Division

TCH:RSB:JR:AJM:maf
DJ 166-012-3
2011-5227

*Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

January 20, 2012

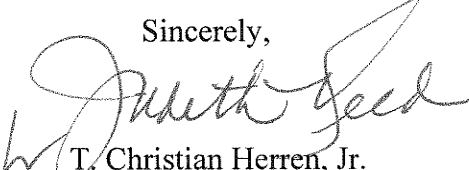
Ms. Kristie Smithers
City Clerk
290 East Herning Avenue
Wasilla, Alaska 99654-7091

Dear Ms. Smithers:

This refers to the procedures for conducting the February 7, 2012, special recall election for the City of Wasilla, Matanuska-Susitna Borough, Alaska, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on December 13, 2011; supplemental information was received on December 19, 2011.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41 and 51.43.

Sincerely,



T. Christian Herren, Jr.
Chief, Voting Section