

Date of Action: 7/8/13	
Approved <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>
By: <i>K. Smith</i>	

**CITY COUNCIL ACTION MEMORANDUM**

**AM No. 13-22: Direct the City Clerk to include Seat A, for a 2-year term, in the upcoming filing period for the upcoming October 1, 2013, regular City Election.**

Originator: *KS* Kristie Smithers, City Clerk and *RP* Richard Payne, City Attorney  
 Date: 7/2/2013 Agenda of: 7/8/2013

Route to:	Department Head	Signature	Date
X	City Attorney	<i>RP</i>	7/2
X	Finance Director	<i>[Signature]</i>	7/2/13
X	Deputy Administrator	<i>[Signature]</i>	7-2-13
X	City Clerk	<i>K. Smith</i>	7/2/13

Reviewed by Mayor Verne E. Rupright: *[Signature]*

**Fiscal Impact:**  yes or  no      **Funds Available:**  yes or  no

**Account name/number/amount:** 001.4110.411.50-10, Clerk Elections

**Attachments:** WMC 2.04.040 Vacancy on the Council

**Summary Statement:** Wasilla City Council Member Steve Lovell tragically lost his life on June 30, 2013. Council Member Lovell served in Seat A of the Wasilla City Council since October 2012.

The Code currently does not directly address the passing of a Council Member. However, in this circumstance, we feel that the Council does not need to declare a vacancy to Council Seat A.

After discussing the issue, we feel that WMC 2.04.040(C) controls this situation: “. . . If 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.”

The first date of the Notice of Offices to be Filled will publish on Friday, July 5; and therefore, should have addressed the vacancy to Seat A for a 2-year term; however, due to publication deadlines, this vacancy was not published. Therefore, it is requested, that the Council direct the City Clerk to include Seat A in the upcoming candidate filing period for the upcoming regular City election of October 1, 2013.

**Staff recommendation:** Direct the City Clerk to include Seat A, for a 2-year term, in the upcoming candidate filing period opening July 15, running through July 26, 2013, and in all future notices, for the upcoming regular City election of October 1, 2013. Per WMC 2.04.040(C), Seat A will remain vacant until filled by the voters during the October 1, 2013, regular City election.

## Wasilla, AK Code of Ordinances

**2.04.040 Vacancy on the council.**

A. The council shall, by two-thirds concurring vote, declare a council seat vacant only when the incumbent:

1. Fails to qualify or take office within thirty (30) calendar days after election or appointment;
2. Unless excused by the council, is physically absent from the city for ninety (90) consecutive calendar days;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of office;
5. Is convicted of a felony or of an offense involving a violation of the oath of office;
6. Is convicted of a felony or misdemeanor described in AS 15.56;
7. Is convicted of a violation of AS 15.13;
8. No longer physically resides in the city; or
9. Unless excused by the council, misses three consecutive regular meetings.

B. A council member who ceases to be a city voter immediately forfeits office and no council action is needed.

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. 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.

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 serves until the next regular election, when a successor shall be elected to serve the balance of the term. (Ord. 10-32(AM) § 2, 2010; Ord. 05-16 § 2, 2005; prior code § 2.04.050)

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