

ALASKA ASSOCIATION OF MUNICIPAL CLERKS



HANDBOOK 2012

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Alaska Association of Municipal Clerks

What is a Municipal Clerk

Chapter One

CHAPTER ONE

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Historical Role: A Proud Profession

The clerk's position is one of the oldest in Alaskan municipal government. The earliest ordinances, generally Ordinances No. 1 or No. 2, establish the position of the municipal clerk and state that the responsibilities of the office are safe-keeping the corporate seal and all the papers and records of the city, attending council meetings, and keeping a record of the proceedings. Those early clerks were also the bookkeepers for their municipalities.

The earliest incorporated cities in the state were Skagway, Ketchikan, and Juneau in 1900 and Nome in 1901. Valdez, established in 1898, was governed by a Board of Trustees until its incorporation in 1901. Jeanne Donald, former City Clerk for Valdez, said her city was known as the "Gateway to the Interior" because miners traveled across the glacier to get to the Klondike.

Some of the first cities, such as Juneau and Nome, were established as a result of the discovery of gold in their vicinity. Skagway and Valdez served as gateways to the Klondike gold rush, and other cities with mining-related histories include Fairbanks and Eagle.

The two oldest settlements in Alaska, Sitka and Kodiak, were not incorporated as cities until 1912 and 1940, respectively. Sitka's early government was run by the military and customs agents.

There are many interesting incidents relating to records and the conditions under which they exist. De Ingwersen, former clerk for the City and Borough of Sitka, said that the early Sitka records were transferred to the State Archives and Records Center in Juneau and are still there. Jeanne Donald, former Valdez clerk, noted that Valdez Ordinances No. 1 through 49 were lost during the 1964 earthquake. They were returned

to the City in 1982, but were so deteriorated that the book cannot be opened. Do you know the history of your records?

It seems that the more things change, the more they stay the same. Are your responsibilities as clerk similar to those set out in the early ordinances in 1900 and 1901?

Historically, the municipal clerk is one of the oldest government professions in the world. In fact, the earliest records of the clerk's duties are in the Bible. Isaiah, Chapter 36, tells about the "scribe and the recorder;" Acts, Chapter 19, describes how "the town clerk quieted the crowd."

The early colonists set up local governments when they came to America, and the office of clerk was among the first to be established when the colony at Plymouth appointed a person to act as a recorder.

The clerk's profession has come a long way since the days of ancient Greece when the clerk opened each official meeting by reading a curse on anyone who would try to deceive the people.

Hub of Government

Municipal clerks are the hub of government, the direct link between residents and their local government. The clerk is the historian of the community, with the entire recorded history of the local government in the clerk's care.

The International Institute of Municipal Clerks quoted a statement by Professor William Bennett Munro, an eminent political scientist, about the office of the municipal clerk:

No other office in municipal service has so many contacts. It serves the Mayor, the Council, the Manager (when there is one), and all

administrative departments without exception. All of them call upon it, almost daily, for some service or information. Its work is not spectacular, but it demands versatility, alertness, accuracy, and no end of patience. The public does not realize how many loose ends of city administration this office pulls together.

These words, written several decades ago, are even more appropriate today, because the job is more demanding than ever before.

Appointment and Qualifications

The method of appointment and term of office of the municipal clerk in Alaska are determined locally by ordinance or home rule charter; the majority of clerks are hired by and work for the governing body (assembly or council).

If there is no local provision, state law calls for the clerk to be appointed by the chief administrator in municipalities that have not adopted the manager plan of government and by the manager in municipalities with the manager plan. The appointment must be confirmed by the governing body. State law does not establish a term of office for the clerk; the clerk serves at the pleasure of the hiring official. AS 29.20.360



Qualifications are established locally.

General Duties Mandated in State Law

Duties mandated by state law are listed in this section; in-depth descriptions of how to do them are arranged according to subjects in the rest of the Handbook.

1 Attend meetings and keep the journal

The clerk attends all meetings of the governing body and keeps a journal of its actions (minutes). This duty may be delegated, but the responsibility is still the clerk's (See Chapter Two – "Meetings"). AS 29.20.380(a)(1)

2 Retain official seal

The clerk has custody of the official municipal seal (see Chapter Four – Public Records). AS 29.20.380(a)(2)

3 Give notice of meetings

The clerk notifies governing body members and the public of the time and place for governing body meetings. The clerk ensures that notice and other requirements for public meetings are complied with and ensure that public records are available for public inspection as required by law. In most cases, the clerk prepares and publishes or posts these notices (see Chapter Two – Meetings). AS 29.20.380(a)(3) and AS 29.20.380(a)(1)

A list of situations requiring notice is included in the Appendix at the end of this Handbook.

4 Develop a retention schedule for municipal records

The clerk manages municipal records and develop retention schedules and procedures for inventory, storage, and destruction of records as necessary. AS 29.20.380(a)(4)

5 Maintain and make available for public inspection an indexed file containing municipal ordinances, resolutions, rules, regulations, and codes

The clerk is responsible for maintaining and indexing municipal records and for making them available to the public. The clerk also attests (confirms to be genuine) deeds and other documents, such as ordinances, resolutions, minutes, and contracts, by signing and affixing the municipal seal (see Chapter Four – Public Records). AS 29.20.380(a)(5)

6 Prepare agendas

The clerk prepares agendas and agenda packets as required by the governing body. Many clerks prepare agendas for meetings of the governing body; most prepare and distribute agenda packets (see Chapter Two – Meetings). AS 29.20.380(a)(6)

7 Conduct elections

The clerk administers all municipal elections and publishes, posts, and gives notice of elections. The clerk also prepares petitions and verifies signatures for initiative, referendum, and recall elections (see Chapter Five – Elections). AS 29.10.040, AS 29.26, AS 29.20.380(a)(7), and AS Title 15

8 Voting Rights Act

The clerk ensures that the municipality complies with the U.S. Voting Rights Act to make sure that minority-speaking residents are able to exercise their right to vote. This includes requesting election pre-clearance from the Department of Justice for special elections. AS 29.20.380(a)(8)

9 Oaths and affirmations

The clerk administers oaths and affirmations to new members of the governing body and on any other necessary occasion. AS 29.20.380(a)(9)

10 **Parliamentary advisor**

The clerk must thoroughly know the rules of the parliamentary procedures used by a governing body. The clerk advises governing body members on the appropriate use of parliamentary procedures. AS 29.20.380(a)(10)

11 **Perform other duties as set forth by state law and established locally**

Duties of the clerk vary from municipality to municipality, depending on the local government services provided and the number of employees. AS 29.20.380(a)(11)

12 **Receive campaign disclosure statements**

Candidates for elective municipal office and municipal officers file their campaign disclosure statements with the clerk, unless residents have voted to exempt them (see Chapter Five – Elections). AS 39.50.020

Customary and Locally Mandated Duties

Many customary and locally mandated duties are listed in this section; in-depth descriptions of how to do them are arranged according to subject in the rest of the Handbook.

1 **Serve as staff for governing body**

In many municipalities, the clerk is the only staff for members of the assembly or council. The clerk administers oaths of office to newly elected officials, follows up on actions taken at meetings, writes letters, drafts ordinances and resolutions, and reminds members of meetings (see Chapter Six – Public Relations).

2 Administer clerk's office

The clerk's office is organized to be helpful to the public and efficient in its operations (see Chapter Seven – Office Management). Some of the functions that may be administered by the clerk's office include:

- **Answer citizen inquiries/complaints**

Often the clerk is the main municipal person with whom the public has contact. The clerk answers questions, directs callers to the proper source, and provides a pressure valve for irate citizens (see Chapter Six – Public Relations).

- **Maintain tickler file**

The clerk establishes, whether it be paper or electronic, a “tickler” file (a reminder system) of deadlines and of public facility schedules, including meeting dates, report deadlines, expiration dates, and financial reporting dates (see Chapter Seven – Office Management).

- **Receive and distribute mail**

The clerk may date stamp all incoming mail, as well as set up a mail handling policy for the municipality (see Chapter Seven – Office Management).

- **Serve as staff for boards and commissions**

The clerk advertises for volunteers to serve on boards and commissions, arranges for interviews, writes appointment letters, and often attends meetings and takes minutes. Original recorded minutes of meetings of boards and commissions are also kept by the clerk (see Chapter Two – Meetings).

- **Issue licenses and permits**

Part of the clerk's duties may be to issue licenses and permits and to collect fees (see Chapter Nine – Miscellaneous).

- **Serve as treasurer and/or financial officer**

In some municipalities, the clerk is also the municipal treasurer; in others, the clerk serves as the financial officer. AS 29.20.380(b) “The governing body may combine the office of clerk with that of treasurer. If the offices are combined, the clerk-treasurer shall, as required of the treasurer, give bond to the municipality for the faithful performance of the duties as clerk-treasurer.” Many small community clerks are also the administrator, personnel officer, etc. (see Chapter Eight – Financial Duties).

- **Serve as ex officio assessor**

In some municipalities, the clerk serves as ex officio assessor (see Chapter Eight – Financial Duties).

- **Clerk duties as Notary Public**

There are two types of Notary Commissions:

1. **Regular Commissions:** These commissions are available to anyone who qualifies and may be used for any Notarial activity that is allowed by law. Clerks are liaisons between government and the public and often assume extra duties as a reflection of their sense of citizenship and public duty. A clerk who becomes a Notary Public performs a significant service for the conduct of public and private business within their community.

The basic function of a Notary Public is simple: a Notary is a person of proven integrity appointed by the state to serve the public as an official, impartial witness. In the most basic of terms, the Notary has the power to witness the signing of documents and to administer oaths. As public officials, Notaries must serve all persons in their jurisdictions and owe allegiance to the laws of their state.

2. **Limited Governmental Notary Commissions:** These commissions are only available to Federal, State and Municipal employees. Notarial activity under a Limited Governmental Notary commission is limited to

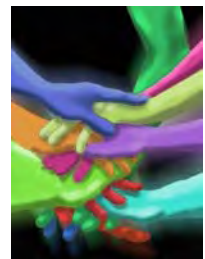
official government business. Applications for Limited Governmental commissions must include a properly completed Notary Commission Application form and Employer Approval form.

Notaries are recommended to maintain a journal of notarial acts as a detailed, chronological record of official acts. The Notary's journal can provide valuable evidence in the event a notarized document is lost or altered, or if certain facts about the transaction are later challenged. The journal can protect the rights of individuals and help Notaries defend themselves against false accusations of wrongdoing.

The statutes allow both types of commissions to be held concurrently if you desire. The clerk may apply for a Notary appointment by contacting the Lieutenant Governor's Office, P.O. Box 110017, Juneau, Alaska 99811-0017 or via email at Notary@alaska.gov or by calling 907-465-3509 or toll free (in Alaska) 1-877-764-1234.

Part of Management Team

As part of the management team, the clerk works with department heads and the manager/administrator, and/or mayor to form and implement policies of the governing body. It is essential to maintain communication, develop and maintain a working relationship, and be as familiar as possible with current policies and procedures.



Deputy Clerk

The role of the deputy varies from municipality to municipality. In most communities, the deputy is a full-time employee in the clerk's office and serves as an assistant to the clerk. In others, a municipal employee is designated deputy clerk, but serves only when

the clerk is absent. The responsibilities and duties are established locally, based on the needs in each municipality.

Where to Get Help!?!?

Clerk of similar size and class of municipality

Check the *Alaska Municipal Officials Directory*, available from the Alaska Municipal League

Alaska Association of Municipal Clerks (AAMC)

<http://www.alaskaclerks.org/>

Alaska Municipal League (AML)

<http://www.akml.org/>

217 Second Street, Suite 200

Juneau, Alaska 99801

(907) 586-1325; Fax: (907) 463-5480

Alaska Department of Commerce, Community & Economic Development (DCCED)

<http://www.commerce.state.ak.us>

Division of Community Advocacy

550 West 7th Avenue, Suite 1770

Anchorage, Alaska 99501

(907) 269-4580; (907) 269-4539

For addresses and phone numbers of regional DCCED offices and other state offices, refer to the *Alaska Directory of State Officials*. You can get a copy of this directory from the Legislative Affairs Agency. (907) 465-3800; Fax: (907) 465-5661

International Institute of Municipal Clerks (IIMC)

<http://www.iimc.com>

8331 Utica Avenue, Suite 200

Rancho Cucamonga, CA 91730

(907) 944-4162 or (800) 251-1639; Fax: (909) 944-8545

State Archives and Records Center – Department of Education

<http://www.archives.state.ak.us>

P.O. Box 110525

141 Willoughby Avenue

Juneau, Alaska 99811-0525

(907) 465-2270; Fax: (907) 465-2465

Division of Elections – Lieutenant Governor’s Office

<http://www.ltgov.state.ak.us>

<http://www.elections.state.ak.us>

P.O. Box 110017

Juneau, Alaska 99811-0017

(907) 465-4611; Fax: (907) 465-3203

Check the *Directory of State Officials* for information on regional offices of the Division of Elections

U.S. Department of Justice, Assistant Attorney General

<http://www.usdoj.gov/crt/crt-home.html>

Civil Rights Division
950 Pennsylvania Avenue, N.W.
Voting Section, NWB
Washington, DC 20530
Fax: (202) 307-3961; (202) 307-2569

Alaska State Library

<http://www.library.state.ak.us>

P.O. Box 110571
Juneau, Alaska 99811-0571
(907) 465-2910; Fax: (907) 465-2665

Check the *Directory of State Officials* for information on regional coordinators

Department of Law – Attorney General

<http://www.law.state.ak.us>

P.O. Box 110300
Juneau, Alaska 99811-0300
(907) 465-2133

Cooperative Extension Service

<http://www.usda.gov>

CES Building, P.O. Box 756180
Fairbanks, Alaska 99775-6180
(907) 474-5807; Fax: (907) 474-6971

Association of Records Managers and Administrators (ARMA)

<http://www.arma.org>

ARMA International
13725 W. 109th Street, Suite 101
Lenexa, KS 66215
(913) 341-3808; (800) 422-2762; Fax: (913) 341-3742

International City/County Management Association (ICMA)

<http://www.icma.org>

777 North Capitol Street, NE
Suite 500
Washington, DC 20002-4201
(202) 289-4262; Fax: (202) 962-3500

Alaska Municipal Management Association (AMMA)

<http://www.akml.org/amma.html>

Municipal Finance Officers Association (MFOA)

<http://www.agfoa.com/>

Alaska Municipal Attorneys' Association (AMMA)

<http://www.akml.org/affiliates.html>

Certification Programs

Clerks need technical and communication skills, administrative and management capabilities, continuous learning opportunities and the personal drive to seize these opportunities. Clerks must be flexible, willing to assume new and different tasks and undertake new initiatives to improve their status as professionals. They must be open-minded, able to think clearly, willing to adapt and change, and be progressive and proactive in their work environments. The challenge for all municipal clerks is to grow and develop in a constantly changing world.

The clerk's office is often the most accessed office in the municipality. Many people see the clerk as the person who "knows everything" (or should), and expect nothing less. Of course, it takes a lot of knowledge about your local community to be able to answer the myriad of questions that get forwarded to the clerk, as well as training to know how to be able to handle all the situations that might occur, or at least know where to go to get the right information.

- **Alaska Association of Municipal Clerks Conference.** The Conference is held in conjunction with Alaska Municipal League's Annual Local Government Conference on subjects important to clerks during November of each year. Attendance at the annual business meeting and academy all contribute points toward obtaining the professional designation as Certified Municipal Clerk.
- **Certified Municipal Clerk (CMC).**
The Certified Municipal Clerk designation program is designed by the International Institute of Municipal Clerks (IIMC) to enhance the job performance of the clerk in small and large municipalities. To earn the CMC designation, a municipal clerk must attend extensive education programs. These programs are offered through the Alaska Association of Municipal Clerks academy, the Northwest Clerks Institute, the Annual Conference of the International Institute of Municipal Clerks and also available through online courses offered by IIMC. The

designation also requires pertinent experience in a municipality. The program prepares the participants to meet the challenges of the complex role of the municipal clerk by providing them with quality education in partnership with 47 institutions of higher learning. The program has been in existence since 1970 and has helped thousands of clerks in various municipalities.

To review the requirements for designation as Certified Municipal Clerk, visit IIMC's website at iimc.org for more information. As part of the certification process, IIMC requires CMC applicants to be active members of IIMC for at least two years prior to applying for their CMC.

- **Master Municipal Clerk Academy.** To qualify for entrance into the Master Municipal Academy (MMCA), which prepares participants for achieving the MMC status, one must have earned the CMC designation. To earn the CMC designation, a municipal clerk must attend extensive education programs. The designation also requires pertinent experience in a municipality. The program prepares the participants to meet the challenges of the complex role of the municipal clerk by providing them with quality education in partnership with 47 institutions of higher learning.

The MMCA is an advanced continuing education program that prepares participants to perform more complex municipal duties. The program has an extensive and rigorous educational component, a professional and social contribution component, and a commitment to lifelong learning. The Academy members must demonstrate that they have actively pursued educational and professional activities and have remained informed of current socio-political, cultural, and economic issues that affect local governments and municipalities.

To review the requirements for designation as Master Municipal Clerk, visit IIMC's website at iimc.org for more information.

Code of Ethics

A copy of the IIMC Code of Ethics is included at the end of this chapter.

Supplement – Chapter One

1. IIMC Code of Ethics..... 18



INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

Professional, Personal

Code of Ethics

Believing in freedom throughout the World, allowing increased cooperation between Municipal Clerks and other officials, nationally and internationally, I

MEMBERS NAME

do hereby subscribe to the following principles and ethics which I affirm will govern my personal conduct as Municipal Clerk;

To uphold constitutional government and the laws of my community;

To so conduct my public and private life as to be an example to my fellow citizens;

To impart to my profession those standards of quality and integrity that the conduct of the affairs of my office shall be above reproach and to merit public confidence in our community;

To be ever mindful of my neutrality and impartiality, rendering equal service to all and to extend the same treatment I wish to receive myself;

To record that which is true and preserve that which is entrusted to me as if it were my own; and

To strive constantly to improve the administration of the affairs of my office consistent with applicable laws and through sound management practices to produce continued progress and so fulfill my responsibilities to my community and others.

These things I, as Municipal Clerk, do pledge to do in the interest and purposes for which our government has been established.

(member signature)

*This certificate granted by the authority of the
International Institute of Municipal Clerks.*

IIMC President

Attest:

IIMC Executive Director

Alaska Association of Municipal Clerks



Meetings: Assemblies, Councils, Committees

Chapter Two

CHAPTER TWO

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Open Meetings

State law requires that all meetings of all municipal bodies (assemblies, councils, committees, boards, and commissions) be open to the public and that there be reasonable public notice; even informal meetings are covered by the law. The notice must include the date, time, and place of the meeting and, if the meeting is by teleconference, the location of any teleconferencing facilities that will be used. There must be an opportunity for the public to be heard at all regular and special meetings. AS 29.20.020; AS 44.62.310 - .312

A copy of Alaska's Open Meetings Act: AS 44.62.310 - .312 (Government Meetings – Public) is included at the end of this chapter.

Remind your governing body (assembly or council) from time to time that the open meeting requirements apply to informal meetings, subcommittees, and to any meetings when a quorum of that body will be present. AS 44.62.310(h)

Although it may not be necessary, it is a good idea to give notice when all or some of the governing body members go to out-of-town meetings and conventions, such as the Alaska Municipal League Conference.

A sample of open meeting guidelines is included at the end of this chapter.

Type of Meetings

Regular

The governing body conducts most of the municipality's business at regular meetings. Regular meetings must be held at least once a month, unless otherwise provided by local ordinance or charter. Regular meetings are set for the same time each month (e.g. first Wednesday of each month). AS 29.20.160(b)

Special meetings

In general law municipalities, the presiding officer or one third of the governing body members may call a special meeting, if a majority of the members are given at least 24 hours notice and reasonable efforts are made to notify all members. AS 29.20.160(b)

Home rule municipalities may have different requirements; check local ordinance and/or charter.

Special meetings may be held for a variety of reasons. Some examples include certifying an election, adopting the budget or conducting business if immediate action is needed. **Special meetings must be restricted to the subject named in the notice; in these instances, the governing body may not act on other subjects.**

Emergency meetings

According to state law, a special meeting may be held with less than 24 hours notice if all members are present or if the absent members sign a waiver, either before or after the meeting. However, some municipalities permit this type of special meeting only in cases of an emergency or disaster. AS 29.20.160(b)

Executive session

An executive session is part of a meeting closed to the public. In addition to your local ordinance or charter requirements, the following subjects may be discussed:

- Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit.
- Subjects that might tend to prejudice the reputation and character of any person, although the person may request a public discussion.
- Matters which, by law, municipal charter, or ordinance are required to be confidential.
- Matters involving consideration of government records that by law are not subject to public disclosure.

Executive sessions can only be convened during a meeting of the governing body open to the public and for which proper public notice has been given. A proper motion must be passed to enter executive session. No action may be taken in an executive session. The subject may be discussed and debated, but all official action must be taken in open session. An executive session requires a motion, a second, and a vote. AS 44.62.310 - .312

In some municipalities, the clerk attends executive sessions; in others, the clerk attends and also tapes them; in still others, clerks are excluded. Each governing body decides the role of its clerk in each executive session. A clerk's role may change for each session.

Work session

Work sessions are informal meetings at which no official action can be taken. They are open to the public and notice must be given. Because no action is taken, minutes are not required, but often a summary of the discussion is prepared. Public comment is not always taken at work sessions.

Notices to the Public

Alaska's Open Meetings Act requires public notice for all meetings of the governing body and all meetings of municipal boards, commissions, committees, and subcommittees. The clerk prepares and issues these notices for regular, special, emergency, and informal meetings.

Time requirements

Time requirements for notices for regular meetings are set locally; in many municipalities, public notice is given five days before the meeting. Reasonable public notice must be given for special and emergency meetings. Check your local charter and/or code section for any special publication timeframe requirements. Some types of

actions – such as a public hearing on the budget ordinance, may have local code language requiring additional public notice and/or public notice with additional advance notice requirements prior to the date of the meeting.

Publication and posting

The clerk should publish notices of all meetings in a newspaper of general circulation in the municipality and/or broadcast them on other broadcast media. Many municipalities post their agendas and/or packets on the municipality's website. In areas with no local media outlets, post the notices for at least five days in at least three public places, such as the post office, municipal building, bank, grocery store, restaurant, laundromat, jail, and Native corporation headquarters. Prior to the end of the year, some municipalities clarify the actual dates of the upcoming year's regular meetings by ordinance or resolution. AS 29.71.800(18)

(A sample Certificate of Posting is included at the end of this chapter.)

Content

The notice should include information about the type of meeting, the day and time it is scheduled, where it will be held, and the date of publication or posting. For teleconference meetings, the notice must include the location of all the teleconferencing facilities that will be used during the meeting. In some municipalities, the proposed agenda is also included.

(A sample notice format is included at the end of this chapter.)

Agendas

An agenda is a framework for conducting meetings. The agenda outlines topics or items of business to be introduced, discussed, and acted on at the meeting.

Format

Each municipality selects the format best suited to its needs. (Sample formats are included at the end of this chapter.)

Preparation

In some municipalities, the clerk prepares the agenda; in others, the mayor, the presiding officer, members of the administration, or a combination of these people prepares it. In most municipalities, the clerk is responsible for agenda packets.

Start preparing the agenda for the next regularly scheduled meeting right after the last meeting. Many agenda items are carry-over and follow-up from the last meeting. Check the “tickler” system for items that should be included on the agenda (see the “Reminder and Follow-up Systems” section in Chapter Seven – Office Management for details on “tickler” systems).

Deadlines

In many municipalities, the deadline for submitting items for the agenda or agenda packets is four or five days before the meeting. The deadline is set locally. If the agenda is posted as official notice of the meeting, make sure all posting requirements are met.

Consent agenda

To make the most efficient use of meeting time, non-controversial items and routine items are sometimes grouped together on a “consent agenda,” with only one motion required for action. Items of business on the consent agenda may be considered individually at the time that the consent agenda is discussed if requested by a member of the governing body. Check local ordinances pertaining to consent agenda items.

Agenda Packets

Assemble, duplicate, distribute

The clerk should attach correspondence, reports, documents, and other information to the agenda as background and support material for the items on the agenda. The clerk may number agenda items and put corresponding numbers on the back-up materials.

Include in the packet a calendar of all meetings scheduled for the month.

Some municipalities include suggested wording for motions on agenda items to make it easier for the assembly or council members to act on the issues.

The clerk's office copies agenda packet materials for governing body members, staff, and the media. In addition, copies are often made for the use of citizens attending meetings.

Municipalities may distribute packets in hard copy, CD or e-mail, or any other number of methods. In some municipalities, agenda packets are distributed by hand or picked up by governing body members. If a certain agenda item has bulky materials to be copied, make a few and provide notice (or a note on the agenda) where they can be reviewed or borrowed.

Public inspection

Most municipalities have a copy of the agenda packet for public inspection at the clerk's office, the municipality's website, the library, or other public place before the meeting or at the meeting place during the meeting. State law requires general law municipalities to have copies of ordinances available for the public unless they are read in full during the meeting. Most home rule municipalities have a similar requirement. AS 29.25.020

Meeting Room Preparation

The clerk's responsibilities for meeting room preparation are different in each municipality. Some examples include making available public hearing materials and new material that came in after packets were distributed; setting out extra copies of ordinances, resolutions, and agendas for the public; providing sign-up sheets; hooking up and testing the recorder and microphones; distributing name plates, bringing gavel, extra tapes, code books, minutes of previous meetings, maps, and calendars; making

coffee; setting up tables and chairs; starting the furnace; unlocking the door before and locking up after; and, cleaning up after the meeting.

The clerk may find it helpful to make and use a checklist of what is required in the local municipality.

Parliamentary Procedures

Parliamentary procedures are rules adopted by the governing body for conducting meetings. The benefits of parliamentary procedures are clear:

- Expedite business
- Maintain order
- Ensure justice
- Provide equal treatment for all

Basic rules of order

The most common set of rules is Robert's Rules of Order. The state legislature and some municipalities use Mason's Rules. Others use a modified version, with changes made locally by ordinance, resolution or charter.

Quorum

The quorum is a majority of the total membership of the governing body; for example, four of six council members or five of nine assembly members. Unless there's a quorum present, the only action that can be taken is to recess or to adjourn. AS 29.20.160(c) and AS 44.62.310(h)

Parliamentarian

An expert in parliamentary procedure often is appointed parliamentarian to rule on questions about proper procedures. According to state law, the clerk shall act as the parliamentary advisor to the governing body. AS 29.20.380(a)(10)

(A summary of the types of motions, their order of precedence, and rules governing them is included at the end of this chapter.)

There are various distance education courses and reference materials offered by the National Association of Parliamentarians (<http://www.parliamentarians.org/>) and the American Institute of Parliamentarians (<http://aipparlipro.org/>)

Minutes – Journal of Proceedings

Purpose

Minutes are the official record of a meeting. They include a history of governing body actions and public comments.

State law requires each governing body to maintain a journal of its official proceedings. A journal, which must be open to the public, is a collection of minutes arranged in an organized way, usually chronologically. AS 29.20.160(e)

Contents

The clerk should include the following information in the minutes:

- The kind of meeting – regular or special
- The name of the governing body
- The date, location, and time of meeting
- The presiding officer, roll call of governing body members, and often a list of administration members who were present
- Whether the minutes of the previous meeting were approved
- If there were recesses or executive sessions during the meeting, the start time of these actions and the time the meeting reconvened
- Public hearing

- All motions and points of order and the votes taken on them. State law requires that the “final vote of each member on each ordinance, resolution, or substantive motion be recorded YES or NO, except that if the vote is unanimous it may be recorded UNANIMOUS.” AS 29.20.160(d)

It is not legal to just say that the motion passed or that it passed, four to two. How each member of the governing body voted must be recorded in the minutes, unless the vote is unanimous at the time of adjournment.

Preparation and approval

Minutes usually follow in chronological order the items of business listed on the meeting’s agenda. The minutes should identify each item of business and what the governing body did with it: that is, what motion or motions were made and how each member voted on those motions.

Some clerks have prepared a minutes shell document for a typical meeting in which they can insert the information on actions and the summaries of discussions.

The final draft of the minutes is given to the governing body at the next regular meeting for approval, with or without corrections.

Types of minutes

“Verbatim minutes” are a word-for-word record of everything said at a meeting. Verbatim minutes are used only in very special cases, like a court proceeding, and not for general meetings. When a member of a governing body makes a statement “for the record,” it should be recorded verbatim as closely as possible.

“Summary minutes” are usually used for municipal meetings. They summarize discussions and record motions and the votes on motions. It is good to summarize points of any lengthy discussion or actions to help explain the governing body’s thoughts.

“Action minutes” record only motions and votes on motions.

“Safe storage minutes” should be printed on acid-free or neutral paper and stored in permanent binders in a safe place, such as a vault, safe deposit box, or fireproof safe.

If the clerk saves minutes electronically, a back-up copy is recommended as with any electronic record. Check local laws pertaining to retention of minutes recordings. Keep paper copies of minutes in addition to any electronic file. Some municipalities microfilm their minutes and store them at a museum or a records management center. Disposal of audio tapes, etc., should also be addressed in the municipal record retention schedule.

Boards, Commissions, and Committees

Many clerks work closely with boards, commissions, and committees of their municipalities. Often the duties are similar to those of working with the governing body.

Membership

Most clerks keep track of appointments to boards, commissions, and committees. They advertise vacancies and maintain lists of responses.

(A sample packet, “How to Apply for a Board or Commission,” is included at the end of this chapter.)

Give notice of meetings

State law requires that all meetings of all municipal bodies (assemblies, councils, committees, boards and commissions) be open to the public and that there be reasonable public notice; even informal meetings are covered by the law. It is usually the clerk’s responsibility to notify members of a meeting and to publish or post public notice. Meetings must be held in a place open to the public. AS 44.62.310-312

Attend and take minutes

Whether it is the responsibility of the clerk’s office to attend and take minutes varies from municipality to municipality and from group to group within the municipality. Minutes and tapes of meetings are stored by the clerk. Copies of minutes of other groups are often included in packets prepared for the governing body.

Supplements – Chapter Two

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Article 06. OPEN MEETINGS OF GOVERNMENTAL BODIES

Sec. 44.62.310. Government meetings public.

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

(b) If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in (c) of this section shall be determined by a majority vote of the governmental body. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

(c) The following subjects may be considered in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;

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

(3) matters which by law, municipal charter, or ordinance are required to be confidential;

(4) matters involving consideration of government records that by law are not subject to public disclosure.

(d) This section does not apply to

(1) a governmental body performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff;

(5) meetings of the governmental body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline;

(6) staff meetings or other gatherings of the employees of a public entity, including meetings of an employee group established by policy of the Board of Regents of the University of Alaska or held while acting in an advisory capacity to the Board of Regents; or

(7) meetings held for the purpose of participating in or attending a gathering of a national, state, or regional organization of which the public entity, governmental body, or member of the governmental body is a member, but only if no action is taken and no business of the governmental body is conducted at the meetings.

(e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting and if, the meeting is by teleconference, the location of any teleconferencing facilities that will be used. Subject to posting notice of a meeting on the Alaska Online Public Notice System as required by AS 44.62.175 (a), the notice may be given using print or broadcast media. The notice shall be posted at the principal office of the public entity or, if the public entity has no principal office, at a place designated by the governmental body. The governmental body shall provide notice in a consistent fashion for all its meetings.

(f) Action taken contrary to this section is voidable. A lawsuit to void an action taken in violation of this section must be filed in superior court within 180 days after the date of the action. A member of a governmental body may not be named in an action to enforce this section in the member's personal capacity. A governmental body that violates or is alleged to have violated this section may cure the violation or alleged violation by holding another meeting in compliance with notice and other requirements of this section and conducting a substantial and public reconsideration of the matters considered at the original meeting. If the court finds that an action is void, the governmental body may discuss and act on the matter at another meeting held in compliance with this section. A court may hold that an action taken at a meeting held in violation of this section is void only if the court finds that, considering all of the circumstances, the public interest in compliance with this section outweighs the harm that would be caused to the public interest and to the public entity by voiding the action. In making this determination, the court shall consider at least the following:

(1) the expense that may be incurred by the public entity, other governmental bodies, and individuals if the action is voided;

(2) the disruption that may be caused to the affairs of the public entity, other governmental bodies, and individuals if the action is voided;

(3) the degree to which the public entity, other governmental bodies, and individuals may be exposed to additional litigation if the action is voided;

(4) the extent to which the governing body, in meetings held in compliance with this section, has previously considered the subject;

(5) the amount of time that has passed since the action was taken;

(6) the degree to which the public entity, other governmental bodies, or individuals have come to rely on the action;

(7) whether and to what extent the governmental body has, before or after the lawsuit was filed to void the action, engaged in or attempted to engage in the public reconsideration of matters originally considered in violation of this section;

(8) the degree to which violations of this section were willful, flagrant, or obvious;

(9) the degree to which the governing body failed to adhere to the policy under AS 44.62.312 (a).

(g) Subsection (f) of this section does not apply to a governmental body that has only authority to advise or make recommendations to a public entity and has no authority to establish policies or make decisions for the public entity.

(h) In this section,

(1) "governmental body" means an assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members;

(2) "meeting" means a gathering of members of a governmental body when

(A) more than three members or a majority of the members, whichever is less, are present, a matter upon which the governmental body is empowered to act is considered by the members collectively, and the governmental body has the authority to establish policies or make decisions for a public entity; or

(B) the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity;

(3) "public entity" means an entity of the state or of a political subdivision of the state including an agency, a board or commission, the University of Alaska, a public

authority or corporation, a municipality, a school district, and other governmental units of the state or a political subdivision of the state; it does not include the court system or the legislative branch of state government.

Sec. 44.62.312. State policy regarding meetings.

(a) It is the policy of the state that

(1) the governmental units mentioned in AS 44.62.310 (a) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies that serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;

(6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.

(b) AS 44.62.310 (c) and (d) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and to avoid exemptions from open meeting requirements and unnecessary executive sessions.

Article 07. LEGISLATIVE REVIEW OF RULES

Sec. 44.62.320. Legislative annulment of regulations and review.

(a) *[Repealed, Sec. 7 ch 164 SLA 2004].*

(b) At the same time a regulation is filed by the lieutenant governor, the lieutenant governor shall submit the regulation to the chairman and all members of the Administrative Regulation Review Committee for review under AS 24.20.400 - 24.20.460 together with the fiscal information required to be prepared under AS 44.62.195.

Presented by: The Manager
Introduced: 3/18/07
Drafted by: J.R.C.

RESOLUTION OF THE CITY OF EVERYWHERE, ALASKA

Serial No. 1278

A RESOLUTION ADOPTING GUIDELINES AND RECOMMENDATIONS OF THE AD HOC OPEN MEETINGS ADVISORY COMMITTEE.

WHEREAS, the Council, at its special meeting of February 7, 2007, by motion established the Ad Hoc Open Meetings Advisory Committee, and

WHEREAS, the committee was asked to review currently applicable open meetings requirements and thereafter provide the Council with recommendations for policies and procedures to aid compliance with such requirements, and

WHEREAS, the committee, having convened and considered a variety of open meeting issues and authorities, has prepared and submitted for Council review a set of open meetings guidelines and recommendations, and

WHEREAS, the Council has reviewed the committee's guidelines and recommendations, and has determined that they should be adopted by the Council, with certain amendments:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EVERYWHERE, ALASKA:

1. The Council adopts the attached Open Meetings Act Guidelines and Recommendations as submitted by the Ad Hoc Open Meetings Advisory Committee and thereafter amended by the Council.

2. The Council and all municipal boards, commissions, and committees, shall conduct their meetings in compliance with the standards and principles established by the guidelines, until such time as there may be a change in applicable law.

3. The committee's recommendations are adopted as goals to be achieved after the adoption or amendment of necessary ordinances and resolutions.

4. The Ad Hoc Open Meetings Act Committee is discharged with the Council's thanks for its hard work, careful thought, and valuable advice.

5. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 7th day of April, 2007.

Jack Black, Mayor

Attest:

Delores Ingwersen, Clerk

AD HOC OPEN MEETINGS ACT ADVISORY COMMITTEE GUIDELINES

As a member of a public body your prime responsibility is to represent your constituency. Representative government necessarily is a reflection of the diversity within the community. The actions of a public body should be consistent with this principle. Expedience, efficiency or personal discomfort are not grounds for ignoring this principle.

Alaska's courts have consistently ruled that the public must be afforded the right to observe all steps of the deliberative process on decisions by public bodies. The threshold determination for application of the open Meetings Act is deciding whether a meeting occurred. Clearly, court decisions hold that if there is a gathering of members of a public body where deliberations on public business occur, this meeting is subject to the Open Meetings Act. Any time a quorum of a municipal assembly, board, or commission discusses public business, it constitutes a meeting. Adequate public notice of the meeting must be provided and the public must be allowed to observe the deliberations. For gatherings of less than a quorum, the type of discussion is key to deciding whether the gathering is a meeting covered by the Act.

A gathering is a meeting when any discussion of public business that creates the possibility that a decision could be influenced occurs. This includes preliminary deliberations on public business, including collective discussions and collective acquisitions and exchanges of facts.

Here are some guidelines on how to comply with the Open Meetings Act:

- I. Q. What groups are covered by the Open Meetings Act?
 - A. The Assembly, all elected boards and commissions, all advisory committees appointed by the Assembly or municipal boards and commissions, and all subcommittees of those groups.
2. Q. As a member of a municipal board or Assembly, can I invite other board members to my home for social gatherings?
 - Q. Can we all go out for a drink together after the meeting?
 - Q. What restrictions are there on socializing with other members of my board or commission?
 - A. Social gatherings are not covered by the Act as long as they remain social gatherings. If small groups of a board get together in a corner of the party or other social gathering and discuss a matter of public business they are denying the public the right to observe all steps of the deliberative process. Avoid discussing public business in this context. The safest way to live under the law is keep municipal business out of social situations.
3. Q. Is a meeting of a group less than a quorum subject to the Open Meetings

Act?

- A. Yes. A group of less than a quorum meeting to discuss public business is subject to the Act. Adequate public notice must be given and the public invited. This would include formal or informal subcommittees of any public body. However, two, but not more than two, members of a body may meet to discuss public business so long as the discussion does not result in an express or implied commitment by both members to vote in a particular way. Members of subcommittees and other small subordinate groups should avoid unannounced meetings to discuss subcommittee business, even if only two members of such group attend.
4. Q. Can I have lunch with fellow board members and discuss public business?
- A. A meeting of more than two members for lunch where public business is discussed is permissible provided that adequate notice is given and the public is invited. Without public notice such actions cut the public out of the deliberative process on an issue and make the board vulnerable to a legal action. Even if it is a luncheon gathering at a local restaurant where public business will be discussed, give reasonable notice of the meeting and invite the public. Although this may sound impractical or inconvenient to board members who are accustomed to informal discussions about pending issues, it would be a way of continuing their informal discussions and acting in accordance with the Act. As you may remember from your high school civics class, nobody ever said democracy was an efficient, or even convenient, type of government. A lunch meeting of not more than two members of a public body to discuss public business does not require public notice, but is, however, subject to Guideline No. 3 above. Adequate public notice must be given for a lunch meeting of two or more members of a subcommittee or other small subordinate group to discuss subcommittee business.
5. Q. Must a public meeting be held in a public place?
- A. No, the Open Meetings Act only requires that the meeting be open to the public. Therefore, it would be legal to hold a public meeting in a public building, a restaurant or a private home. However, from a practical standpoint, it is questionable whether a normal restaurant setting is compatible with the objectives of the Open Meetings Act. Limited space, the implied obligation to buy and acoustical limitations are not conducive to public involvement.
6. Q. Is communication between individual board members, which is limited to informational and fact-gathering purposes, a violation of the Act?
- A. It's unreasonable to prohibit one board member from talking to another, especially in casual meetings common in Juneau. However, keep such conversations as general as possible. If you want to contact another board

member who lives in the Mendenhall Valley about the conditions of roads in the valley, it would be unreasonable to argue that such a conversation constitutes a public meeting. However, if the information and fact-gathering discussion results in an express or implied commitment by both members to vote in a particular way, the public is denied the opportunity to watch deliberations about an important decision.

7. Q. Can I serially talk to members of my board about the same topic?

A. No. Serial communications, no matter how general, imply intent to build a consensus. The court has previously declared that serial communications on the same topic violate the spirit, it not the letter, of the law because the action is for all practical purposes occurring during these private meetings.

8. Q. When are executive sessions allowed?

A. The law states that you can recess into executive session to discuss matters the immediate knowledge of which would be detrimental to city-borough finances or, under certain conditions, subjects that tend to prejudice the reputation and character of a person. That person must be given prior notice and may require that the session be held in public. The law also states that you can hold an executive session for matters which by law or municipal charter or ordinance are required to be confidential. Remember though, that to hold an executive session the law states that you must make a motion at a duly-noticed public meeting to recess into executive session. Once in executive session, you are to discuss only those specific issues for which the executive session was convened. Then, if the discussion leads to a vote, you must reconvene the public meeting and hold the vote in public.

9. Q. During a meeting, can we recess and hold off-the-record discussions (huddle in the corner) to resolve an impasse?

A. No. It cuts the public out of some of the deliberations. We suggest impasses be resolved in public. The chair could appoint an ad hoc committee of the body and recess the meeting. The committee could in short order resolve the impasse by discussing the conflict in public. The meeting could then be resumed.

10. Q. What if I think the Act has been violated?

A. If you think there may have been a violation, this should be disclosed in a public forum at the first opportunity. At that time, the meeting in question should be reconstructed as nearly as possible. The court has stated that a violation may result in the action being declared void. If the violation is serious enough for the action to be declared void, the court has held that the burden is on the public body to start the deliberative process again, from the beginning, and to prove this in court.

11. Q. How can we make sure we don't violate the Act in the future?

A. Familiarize yourself with the Act itself. Don't depend on someone else to do it for you. Then, to be absolutely safe, always keep in mind the general goal of keeping deliberations of public issues in the public arena.

AD HOC OPEN MEETINGS ACT ADVISORY COMMITTEE RECOMMENDATIONS

1. Grantees of public money should be included under the OMA in some fashion, but there is a difference between these bodies and a body of public officials and so their restrictions would be less inclusive. The Committee suggests that these grantee bodies (i.e., Volunteer Fire Department, Fourth of July Committee, Perseverance Theater, etc.):
 - (a) have open and announced meetings,
 - (b) have some provision for public input at these meetings, and
 - (c) be covered officially by resolution or ordinance for (a) and (b) above.
2. Ways to make life easier under the OMA and to achieve compliance:
 - (a) widespread dissemination of guidelines, and
 - (b) requirement that annual report mandated of Assembly advisory committees include efforts to comply with OMA.
3. Suggestions for parliamentary or organizational changes the Assembly might make to prevent the occurrence of OMA violations:
 - (a) formalized committee action prior to Assembly action,
 - (b) list committee agenda in newspaper, giving adequate public notice,
 - (c) committee agenda should be posted at city hall and municipal libraries,
 - (d) no committee action should occur on an issue until after it has appeared on an agenda,
 - (e) there should be a set membership for a committee, and the membership number should be less than 5 (other than Finance Committee and Committee of the Whole). The set membership for a committee might differ between committees.
4. There ought to be some mechanism, short of court action, for the public in cases of alleged OMA violations. The borough attorney will not offer an opinion because of the attorney's position relative to the Assembly.

In an effort to avoid litigation, the Committee recommends creation of an Open Meetings Review Board to investigate alleged violations of the OMA. This body would decide, based on their review, whether a violation occurred and issue a report containing its findings and recommendations as appropriate. The review board should be an independent and external body.

The review board process should not be activated until after the alleged violator has been advised by the person alleging the violation and given the opportunity to rectify the violation.

5. The Committee recommends the passage of an ordinance which would set a civil penalty in the \$100 to \$500 range. This penalty could be assessed by a court in the event that a matter reached that stage.

CITY OF EVERYWHERE, ALASKA

**AFFIDAVIT OF POSTING NOTICE of PUBLIC HEARING
ON ORDINANCE NO. 07-05**

I, DOLORES INGWERSEN, the duly appointed, qualified and acting City Clerk of the City of Everywhere, DO HEREBY CERTIFY that the attached is a true and accurate copy of the notice of public hearing on Ordinance No. 07-05 that was posted on July 29, 2007 in the following three public places within the City of Everywhere:

1. U.S. Post Office
2. IGA Store
3. City Office

IN WITNESS WHEREOF, I hereby affix my signature this 2nd day of August, 2007.

Dolores Ingwersen, City Clerk

(SEAL)

LEGAL NOTICE

The Council of the City of Everywhere will hold the next regular meeting June 4, 2007 at 7:00 p.m. in the Centennial Building.

Dolores Ingwersen
Municipal Clerk

PUBLISH: May 29, 2007

PUBLIC NOTICE

The Council of the City of Everywhere will meet in a work session on the sales tax ordinance, DOT/PF 6 year capital improvements program, and possibly other matters on Monday, June 4, 2007 at 7:00 p.m. at the Swan Lake Senior Center.

Dolores Ingwersen
Municipal Clerk

PUBLISH: May 29, 2007

EVERYWHERE CITY COUNCIL
REGULAR MEETING
March 15, 2007

A G E N D A

1. CALL TO ORDER
2. PLEDGE TO FLAG (Or PLEDGE OF ALLEGIANCE)
3. ROLL CALL
4. CONSENT AGENDA: All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.
5. MINUTES OF PREVIOUS MEETING: March 1, 2007
6. MAYOR'S REPORT:
 - A. Appointment for Southeast Alaska Marketing Council
 - B. Girl Scout Week Proclamation
7. AUDIENCE PARTICIPATION/APPEARANCE REQUESTS:
 - A. Tlingit-Haida Regional Housing Authority Representative
8. PUBLIC HEARINGS, ORDINANCE HEARINGS:
 - A. ORDINANCE NO. 07-474

AN ORDINANCE OF THE CITY OF EVERYWHERE, ALASKA, REPEALING AND REENACTING CODE SECTIONS 16.16.180 CONDUCTING BUSINESS IN THE HARBOR FROM ANY VESSEL.
- *9. BIDS/PROPOSALS RECEIVED:
- *10. REPORTS OF STANDING COMMITTEES:
- *11. REPORTS OF SPECIAL COMMITTEES:
12. REPORTS OF CITY OFFICERS/DEPARTMENT HEADS:
 - A. City Administrator
 1. Small Boat Harbor/CIP FY07 Transfers

2. EMT S35.00-Per-Day Reimbursement?
Everywhere Council
3/15/07 Regular Meeting
Agenda Page 2

3. Ferry Terminal Improvements
4. Humane Society Meeting 1/14/07

*B. Chief of Police

*C. City Treasurer

D. City Clerk

- *1. Liquor License Renewals

- *a. Fogcutter - Beverage Dispensary
- *b. Fort Seward Lodge

2. Every Where Janitorial - Cleaning Contract Renewal

*E. Fire Chief

*F. City Attorney

*G. Harbor Master

*H. Tourism Director

*I. Public Works Superintendent

*13. CONSIDERATION OF RESOLUTIONS, PETITIONS AND MEMORIALS:

14. CONSIDERATION OF ORDINANCES PROPOSED FOR INTRODUCTION:

A. ORDINANCE NO. 07-475

AN ORDINANCE OF THE CITY OF EVERYWHERE, ALASKA REPEALING
AND REENACTING CODE SECTION 6.08.010 LICENSING OF DOGS.

*15. CORRESPONDENCE:

*16. OLD BUSINESS:

*17. NEW BUSINESS:

18. SET COMMITTEE MEETING DATES:

19. COUNCIL COMMENTS:

20. ADJOURNMENT:

CITY OF EVERYWHERE, ALASKA

COUNCIL AGENDA

June 4, 2007

Centennial Building-7:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. FLAG SALUTE
- IV. CORRESPONDENCE
- V. REPORTS
 - A. Mayor
 - B. Administrator
 - C. Liaison Representatives
 - D. Others
- VI. PERSONS TO BE HEARD - Any matter not on the agenda
- VII. CONSENT AGENDA

All matters listed under Item VII, Consent Agenda, are considered to be routine by the Assembly and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Minutes of 5/21/07 Assembly meeting
- B. Games of chance and skill: EVERYWHERE ROTARY CLUB
EW COMMUNITY COLLEGE
- C. 1988 liquor license renewals: JERRY'S BAR
DOWNTOWN LIQUOR
HARBOR INN/GONZALES MEXICAN
EVERY WHERE NORTHERN SALES
- D. Ordinance 07-866: AMENDING EVERY WHERE GENERAL CODE CHAPTER 9.12, LITTER, TO DEFINE VEHICLE AND TO DESCRIBE THE EFFECT OF TRANSFER OF TITLE OF VEHICLES PREVIOUSLY DESIGNATED AS LITTER, JUNKED, OR ABANDONED VEHICLES UNDER, THAT CHAPTER. Introduction.

- E. Ordinance 07-867: PROVIDING FOR THE ISSUANCE OF \$1,880,000 IN GENERAL OBLIGATION BONDS OF THE CITY AND BOROUGH AS AUTHORIZED BY ORDINANCE NO. 85-681 AND APPROVED BY THE QUALIFIED VOTERS ON JANUARY 27, 1986; FIXING THE DATE, FORM, TERMS, MATURITIES, AND COVENANTS THEREOF; PLEDGING THE LEVY OF GENERAL TAXES TO PAY THE PRINCIPAL THEREOF AND INTEREST THEREON; AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE ALASKA MUNICIPAL BOND BANK AUTHORITY. Introduction.

VIII. UNFINISHED BUSINESS

- A. Public Hearings: Ordinance 07-863: MODIFYING THE ORDINANCES RELATING TO THE RIDING OF BICYCLES AND PROHIBITING THE OPERATION OF SKATEBOARDS AND OTHER DEVICES WITHIN CERTAIN AREAS OF THE CITY AND BOROUGH OF EVERY WHERE

Ordinance 07-864: AMENDING CODE PROVISIONS REGARDING OVERTAKING AND PASSING SCHOOL BUSES

- B. Board of Equalization and Public Hearing:

Ordinance 07-865: CONFIRMING THE RESULTS OF THE HEARING ON ASSESSMENTS TO BE LEVIED UNDER THE SMITH STREET LOCAL IMPROVEMENT DISTRICT NO. 88-1 AND CONCERNING THE TERMS THEREOF

- C. Presentation: APC views of impacts of proposed Tongass Legislation – FRANK ROPPEL
- D. Consideration: Endorsement letter for Southeast Conference Tongass Committee consensus report
- E. Report and bid award: CLEAN AND TREAT SHINGLE ROOFS ON HAPPY HARBOR SHELTER, CAMP SHELTER, READER'S LIBRARY, AND CENTENNIAL BUILDING

IX. NEW BUSINESS:

- A. Report and bid award: FURNISH AND INSTALL AUTOMATIC OPENING GATE AT THE EVERY WHERE AIRPORT
- B. Resolution 07-413: APPROVING THE SETTLEMENT OF CERTAIN CLAIMS AGAINST THE J-LO COMPANY

- C. Presentation: Everywhere Skating and Sports Arena Inc. – TOM FRANK, et al.
- D. 2007 liquor license renewals: WESTMARK INN – EVERYWHERE
WESTMARK SHEE ATIKA
- E. Consideration: Support of HJR 27 requesting compensation to commercial fishermen and the State of Alaska for high seas interception of salmon by foreign nations, specifically, Japan, South Korea, and Taiwan.
- F. Appoint two members to the PLANNING COMMISSION
- G. Appoint one member to the EVERYWHERE CONVENTION VISITORS BUREAU
- H. Consideration: Formation of Assembly subcommittee on fisheries
- X. PERSONS TO BE HEARD: Any matter
- XI. BILLS FOR APPROVAL
- XII. ADJOURN

PARLIAMENTARY PROCEDURE

Good rules of procedure help make a council or assembly meeting move smoothly, while allowing each member the opportunity for individual expression. Listed here are some of the highlights of Roberts Rules of Order, the set of procedures frequently adopted by governing bodies. The motions are listed in order of precedence, with the top motion the highest and then descending in order down the page.

Privileged Motions: Are of so great importance that they take precedence over any pending question, even though not related.

1. To Fix the Time to Which to Adjourn. Purpose is to set a time for a further meeting. Second required, undebatable, unamendable (except as to time and place), majority vote required; may be reconsidered, cannot interrupt a member on the floor.
2. Adjourn or Recess. Purpose is to stop a meeting. Requires a second, undebatable, unamendable, majority vote required, cannot be reconsidered, may be withdrawn.
3. Question of Privilege. Purpose is to get the attention of the chair at once, to ask a question or to attend to some matter that cannot wait. No second required, undebatable, unamendable, majority vote required, may be reconsidered, will interrupt a member on the floor. Usually decided informally without a vote.
4. Orders of the Day. Purpose is to force a meeting to return to the order of the agenda. No second required, undebatable, unamendable, 2/3 vote required in the negative to refrain from returning to the agenda, cannot be reconsidered, will interrupt a member on the floor. In order only when there is departure from the regular order of business.

Subsidiary Motions: May be applied to any "main motion"; must be decided before the "main motion".

1. Table. Purpose to lay aside business in such a manner that its consideration may be "renewed" later. Requires a second, undebatable, unamendable, majority vote required, cannot be reconsidered. ("Take from the Table" is not a subsidiary motion, but otherwise, above conditions apply.)
2. Previous Question. Purpose is to stop debate and order an immediate vote. Requires a second, undebatable, unamendable, 2/3 vote required, may be reconsidered.
3. Postpone to a Set Time. Purpose is to set a time when a matter must be considered. Requires a second, debatable only as to the propriety of

postponing, amendable as to time, majority vote required, may be reconsidered.

4. Commit. Purpose is to refer to a committee. Requires a second, debatable as to the propriety of committing, amendable, majority vote required, may be reconsidered.
5. Amend. Purpose is to change or modify a "main motion." Requires a second, debatable, amendable, majority vote required, may be reconsidered.
6. Postpone Indefinitely. Purpose is to kill a motion. Requires second, debatable both on the "main motion" and the propriety of postponing, unamendable, majority vote required, may be reconsidered.

Main Motions: Purpose is to introduce business. Requires a second, debatable, amendable, majority vote required, may be reconsidered. Any motion holds precedence over it; not in order when another motion is pending.

* * * *

This brief description of parliamentary procedure motions was compiled from several sources by Ginny Chitwood for the Alaska Municipal League Newly Elected Officials Seminar.

*[Check your own code/rules of procedure to determine if the below
"What Happens Next" info is the same for your community.]*

CITY OF EVERYWHERE, ALASKA

Thank you for your interest.

HOW TO APPLY FOR A BOARD OR COMMISSION

1. Application forms are available in Room 216 at the Municipal Building or can be obtained by telephoning 586-5278.
2. Fill out the application and mail or deliver it to:

City Clerk
205 Now Avenue
Everywhere, AK 99900

Qualifications to serve vary with the Board, but the most important ones are interest and a willingness to serve. Time requirements also vary from 3 hours per month to 20 hours per week.

WHAT HAPPENS NEXT - Consideration of Applicants

1. Your application will be acknowledged.
2. You will be considered for the Boards and Commissions for which you indicated interest as vacancies occur.
3. Vacancies occur throughout the year, and applications are accepted at any time. There are a total of 232 people serving on Boards and Commissions and about 385 people apply each year for approximately 77 openings.

Applications are held for one year for consideration.

The Committee on Committees of the Assembly recommends appointments to Boards and Commissions and submits the names to the Assembly for confirmation.

The Assembly seeks to have a broad representation from throughout the community so that in making appointments they consider many factors. The combination of factors to replace Ms. Y on the Hospital Board in April may be quite different from those to replace Mr. Z in June.

Applications are always welcome, and applicants should not feel discouraged if they are not quickly appointed. If you do hear of a vacancy in which you're interested, it is suggested you call to remind the City Clerk that you have an application on file.

205 Now Avenue, Everywhere, Alaska 99900

BOARD/COMMISSION _____
DATE _____ NOTE: Application expires one year from date received.

BOARD/COMMISSION APPLICATION

NAME: _____

RESIDENCE ADDRESS: _____

MAILING ADDRESS: _____

TELEPHONE: _____
Daytime Evening

Occupation: _____

BOARD/COMMISSION OF MOST INTEREST: Time available for Board/Commission work:
2hrs 5hrs 10hrs 20hrs _____ (per week/month)

Check the main reason(s) for applying:

- _____ I have expertise I want to contribute.
- _____ I am interested in the activities the Board/Commission handles.
- _____ I want to participate in local government.
- _____ I in strongly concerned with better government.
- _____ I want to make sure my segment of the community is represented.
- _____ Other _____

Please explain in greater detail those you have checked:

It is suggested you attach an outline of your education, work and volunteer experience, and other interests.

How did you learn of this vacancy (circle one):

Media Word of mouth Solicitation Other _____

SIGNATURE: _____

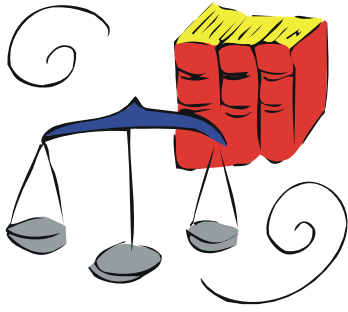
The following optional information is requested so appointments to board and commissions reflect the diversity of individuals within the community. **This information is not required.**

Race/Ethnic Group: ___White___Black___Hispanic___American Indian___AK Native
___Asian/Pacific Islander

_____ Birth date ___Age___Male___Female___Single___Married

RETURN TO CITY CLERK, 205 NOW AVENUE, EVERYWHERE, AK 99900

* PLEASE NOTE: Any information provided on or with this application is open for public inspection.



Alaska Association of Municipal Clerks

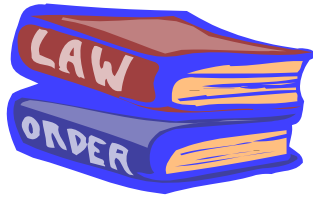
Ordinances & Resolutions

Chapter Three

CHAPTER THREE

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Ordinances

Ordinances and resolutions are two documents that the clerk deals with regularly; they accomplish different actions and are adopted differently.

Briefly, ordinances are laws and resolutions are not. Ordinances are adopted by the governing body and enforced within the municipality by local officials. They regulate behavior of people, such as traffic laws, and define how the municipality operates, such as dates for assembly/council meetings. In addition, ordinances may impose penalties for violating the law.

Resolutions express an opinion or desire of the governing body. For example, a governing body may pass a resolution supporting the construction of a new school by the State or state its intent to apply for a grant. Resolutions are not enforced and no penalties can be imposed for not complying with a resolution.

Ordinances are the laws of the municipality. Governing bodies (assemblies and councils) are authorized to adopt ordinances as long as they don't conflict with the laws and the constitutions of the State of Alaska and of the United States. In general, ordinances deal only with the local government that adopted them. To be valid, the governing body must properly enact an ordinance.

State law, Title 29 of the Alaska Statutes, requires general law governing bodies to use ordinances to exercise some of their powers. In other cases, state law may specify procedures for dealing with an issue, but allow governing bodies to establish their own procedures if adopted by ordinance.

Charters of home rule municipalities usually include requirements that certain actions be taken by ordinance.

Introduction and passage

State law lists ordinance procedures, including provisions for introduction, notice, availability, public hearing, and adoption. AS 29.25.020(b)

Home rule municipalities may adopt their own procedures.

Effective date

An ordinance may take effect when it is adopted, at another date set out in the ordinance, or when specified by charter or ordinance.

Emergency ordinances

To meet a public emergency, governing bodies of general law municipalities may follow different procedures to adopt emergency ordinances. An emergency ordinance may be amended, adopted, or rejected at the same meeting at which it is introduced, but must contain the facts of the emergency.

In general law municipalities, more than a majority vote is needed to pass an emergency ordinance - either a "yes" vote from every governing body member present or a "yes" vote from three-fourths of the total membership, whichever is less.

An emergency ordinance is effective as soon as it is adopted, but only for sixty days. It expires at the end of that time unless it is reenacted following regular procedures. 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. AS 29.25.030.

Home rule municipalities may adopt their own procedures for emergency ordinances.

How to Write an Ordinance




The following steps serve as a guide:

- 1 Determine the purpose of the ordinance.** Usually, the need for an ordinance is in response to a specific need of the municipality. The clerk should carefully consider what the purpose of the ordinance is in order to develop an ordinance that adequately addresses the municipality's needs.
- 2 List all the points that need to be covered in the ordinance.** After the clerk has determined the purpose, think of all the aspects of the issue that will have to be covered to address the problem.
- 3 Research the different points.** This may be research into the extent of the issue within the community. Other municipalities are a good source of information. See if they have dealt with a similar problem through an ordinance that may be adapted to the local situation. Always check Title 29 requirements, if any, on the subject. Also check with the State Division of Community, Commerce and Economic Development office for information or sample ordinances.
- 4 Write a first draft of the ordinance.** The draft should cover each of the points that have been determined to be included in the ordinance. Remember that an ordinance should address only one general subject area. Use simple language that everyone will understand. If technical terms are used, the ordinance may need a definitions section. Definition sections are generally placed in the first chapter or first section of a chapter. Refer to ordinances that have been previously adopted by the municipality for examples of form, etc.

- 5 **Review each sentence carefully.** Does it make sense? Are there typographical errors? Is the meaning clear and not subject to misinterpretation? If the ordinance refers to a penalty, have the penalty and its enforcement procedures been stated?
- 6 **Review the ordinance as a whole.** Does the draft address all the points necessary to deal with the issue? Does it follow the requirements of form established in the municipality's "General Provisions Ordinance?" This is the ordinance that establishes the rules or guidelines for the adoption of the municipality's ordinances. A "General Provisions Ordinance" is recommended for all local governments.
- 7 **Have the municipal attorney review the final draft.** Not all communities can afford to have an attorney. However, it is generally beneficial to have an attorney review the final draft. In the absence of an attorney, the clerk may request review by the Department of Commerce, Community and Economic Development.



Adopting Ordinances

Steps  **for passage of an ordinance.** *Below is a step-by-step procedure to follow when introducing an ordinance for consideration by the municipality.*

- 1 A draft ordinance is requested to be drawn up for presentation at a regular meeting.
- 2 If someone besides the clerk drafts the ordinance, they must notify the clerk that it is ready for introduction at the next meeting. If the title of an ordinance

appears sketchy or misleading, ask the person who drafted it to provide a summary for the published notice.

- 3 The clerk assigns the proposed ordinance a reference number. This number allows for organized filing of all proposed ordinances that have been presented to the assembly/council. The most common system of reference number has the year that an ordinance was introduced followed by serial numbering. For example, 07-3 represents the third proposed ordinance for calendar year 2007. The clerk schedules the introduction, or first reading, of the ordinance as an agenda item to meet public notice requirements.
- 4 The ordinance may be introduced to the assembly/council by a member or committee of the governing body, the mayor, or the manager. The proposed ordinances for introduction, or first reading, are identified in the agenda for introduction and generally the date for public hearing is also noted. If ordinances for introduction are approved by a separate motion for introduction, the motion should also include the date set for public hearing. If, however, the municipality approved introduction of ordinances under the consent agenda, which often includes other items, it is most important that the public hearing date be noted on the agenda. If an ordinance is substantially amended in first reading, it must be presented again as a first reading.
- 5 The clerk publishes or posts notice of the date of the public hearing. The notice must show the time, place of the meeting, and include a summary of the proposed ordinance. Generally the title of the ordinance is sufficient to give the public proper notice of the proposed action. In general law municipalities, at least five days notice is required for a public hearing to consider an ordinance. There are cases, however, where five days' public notice was determined insufficient because of the enormity of the issue. Therefore, if the ordinance addresses a substantive issue, the clerk may wish to allow more than the five days to ensure sufficient public notice. The clerk must publish the notice in a

local newspaper, local media, or post it in at least three public places. For proof of posting, put the date and locations of the posting on the bottom of the notice and put a copy in the files. Generally, extra copies of an ordinance are made available for the public and a file of back-up materials is maintained.

If a municipality publishes by posting the notice in public places, the five-day posting requirement does not begin until the notice has been physically posted for five days. The issue of what constitutes reasonable or sufficient public notice may depend on the regulations adopted by your municipality. It is important to check your municipality's charter or code.

- 6 The clerk prepares copies of the ordinance for interested persons who request copies prior to the meeting and for members of the public who attend the public hearing.
- 7 When the public hearing section of the assembly/council meeting opens, the mayor or presiding officer reads the title (or full text of the ordinance) and opens the public hearing. Testimony should be limited to the specific ordinance being discussed. In most municipalities, after all persons wishing to speak have testified, the public hearing is closed and the ordinance is returned to the assembly/council for action.
- 8 A roll call vote is required for the final vote on all ordinances. The general rule is that it takes a majority of the total authorized membership to adopt an ordinance. Note, however, that certain ordinances may require more than a majority and other ordinances may require ratification by the voters before the ordinance can take effect.

- 9 Official passage requires that the ordinance show its date of adoption, be signed by the mayor or presiding officer, and attested by the clerk. The clerk attests and seals the ordinance by signing below the mayor's signature at the end of the ordinance and by affixing the municipal seal, if the municipality has a seal. By attesting the ordinance, the clerk is stating that the signed original is what was passed by the governing body and that the clerk witnessed its signing by an authorized official. After an ordinance is adopted, dated, signed, attested, and sealed, make copies available to the public. In some municipalities, the clerk publishes a notice when an ordinance has been adopted.

Detailed information can be obtained from DCCED officials. A sample ordinance is included at the end of this chapter. Additional ordinances are in supplements to other chapters.

- 10 Home rule municipalities should follow the local ordinance.

The clerk's role in the ordinance process varies from municipality to municipality. The clerk is generally responsible, however, for giving notice of public hearings.

Codes of regulation

Governing bodies may adopt by reference a published code of municipal regulations, such as the Uniform Building Code of a particular year. They must follow the same steps as in adopting a regular ordinance, except that it isn't necessary to distribute the code of regulations or read it in full.

However, the municipality must make at least five (5) copies of the code of regulations available for inspection and have copies available for distribution at cost or less. Another difference in procedures is the notice period is at least fifteen days before the hearing instead of five days. AS 29.25.040.

Home rule municipalities may establish their own guidelines for adopting codes of regulation.



Codification

Codification is the process of organizing all permanent ordinances of the municipality in a book called the code of ordinances. Ordinances are numbered, dated, arranged by topic, and indexed with a cross-referencing system. This makes it easy for the public and the municipality to find out what the local law is on any given subject.

Not all ordinances are code ordinances. What is a code ordinance? Permanent, ongoing ordinances that regulate and govern the daily and continuing affairs of the municipality and members of the public are considered code ordinances. A non-code ordinance has a limited life. The budget ordinance is one example of a non-code ordinance; another is an ordinance that places a question on the ballot.

Statutory Requirements

State law requires all home rule and general law municipal clerks to have ordinances codified after they are adopted. The code must be revised and reprinted at least every five years, unless it is kept current by regular supplements. Keep an updated copy that has all the additions, deletions, and amendments adopted by the governing body. AS 29.25.050.

State Revenue Sharing

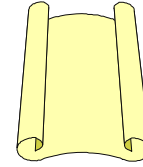
State law requires a municipality to codify its ordinances to qualify for the minimum municipal entitlement under the State Revenue Sharing Program (see Chapter Eight - Financial Duties for other revenue sharing requirements). AS 29.60.290(a)(4)

How to Codify

Some municipalities codify ordinances in-house, and some contract with a publishing company specializing in codes or a law firm to codify ordinances. Some may contract for the initial codification, but maintain the supplements between periodic reprinting. The Local Government Handbook has a step-by-step description of the codification process, and can be obtained from the State Department of Community, Commerce and Economic Development.

General Clean-up

In some municipalities, the clerk is authorized to make changes of a general clean-up nature, correcting such things as typographical errors, grammatical errors, and references to other parts of the code of ordinances when code sections are renumbered. Before making any changes, however, the governing body should adopt an ordinance giving the clerk general authority to make clean-up corrections.



Resolutions

Resolutions are official statements by the governing body of its opinion or position on issues that are important to the municipality, the state, or the nation. Resolutions are also used to approve and disapprove administrative actions and actions of subordinate bodies.

Examples of situations in which a resolution would be used instead of an ordinance include authorizing participation in a grant program, endorsing a bill in the state legislature, and commending an outstanding citizen.

Passage

While ordinances must be introduced and have a public hearing before final passage, resolutions may be introduced and passed at the same meeting with a simple majority vote. There is no state requirement for public hearings, but some municipalities' local laws require them.

Permanent file

State law requires all general law and home rule municipalities to maintain a permanent file of resolutions that have been adopted. Some municipalities also publish or post notice of adopted resolutions. AS 29.25.060.

Clerk's Role

The clerk is usually responsible for keeping the permanent file of resolutions and for giving whatever notice is required locally.

In some municipalities, the clerk drafts resolutions.

The clerk also attests adopted resolutions by signing below the official's signature and affixing the municipal seal, if the municipality has a seal.

(An example of the resolution format is included at the end of this chapter.)

How to Write Resolutions

Passage of a resolution entails only a few steps:

- 1 The wording is drawn up in the same fashion as an ordinance - to reflect the opinion or position of the governing body, and the title must be sufficient to notice the public.
- 2 Typically the mayor or assembly/council requests that the clerk draw up a resolution and schedule it on the agenda. The resolution is then given a reference number in the same manner as an ordinance and is placed on the agenda. Some municipalities require sponsorship of a resolution. Be sure to check local regulations.
- 3 If passed by a majority of the total membership, the resolution is approved and then becomes the official position or opinion of the governing body.
 - a. The same steps for signing and attesting are done for resolutions that are done for Ordinances. (See Ordinance step #9 on page 9 of this chapter). If this is a resolution stating the opinion or position of the governing body to another entity such as the Legislature or Congress, the clerk is usually tasked with ensuring signed copies are distributed to members of those groups.

Supplement – Chapter Three

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2.	Sample Resolution	15

Sponsor: Council Member Smith

CITY OF EVERYWHERE, ALASKA

ORDINANCE NO. 07-1574

AN ORDINANCE OF THE COUNCIL OF THE CITY OF EVERYWHERE, ALASKA AMENDING SECTION 2.04.030 OF THE EVERYWHERE MUNICIPAL CODE RELATED TO COMPENSATION OF MAYOR; AND AMENDING SECTION 2.04.040 OF THE EVERYWHERE MUNICIPAL CODE RELATED TO COMPENSATION OF COUNCILMEMBERS; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EVERYWHERE, ALASKA as follows:

Section 1. Amendment. Section 2.04.030 of the Everywhere Municipal Code entitled "Compensation of Mayor," is hereby amended to read as follows:

"2.04.030 Compensation of mayor. The mayor shall receive compensation at the rate three hundred thirty dollars for each regular meeting attended and one hundred eighty-seven dollars and fifty cents for each special meeting of the council attended. The mayor shall receive a monthly expense allowance of one hundred and ninety-five dollars."

Section 2. Amendment. Section 2.04.040 of the Ketchikan Municipal Code entitled "Compensation of Councilmembers," is hereby amended to read as follows:

"2.04.040 Compensation of councilmembers. Each member of the council shall receive compensation at the rate of three hundred dollars for each regular meeting attended and one hundred fifty dollars for each special meeting of the council attended. Each councilmember shall receive a monthly expense allowance of one hundred and five dollars."

Section 3. Effective Date. This ordinance is effective one month after its final passage and publication.

PASSED ON FIRST READING _____.

FINAL PASSAGE _____.

Jack Black, Mayor

ATTEST:

Dolores Ingwersen, CMC
City Clerk

Sponsor: Administrator

CITY OF EVERYWHERE, ALASKA

RESOLUTION NO. 07-10

A RESOLUTION OF THE COUNCIL OF THE CITY OF EVERYWHERE, ALASKA SUPPORTING THE APPLICATION FOR GRANT FUNDS TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Everywhere/Everywhere Fire Department desires to obtain funds to purchase a Tanker/Pumper Vehicle; and

WHEREAS, the Federal Emergency Management Agency has issued a Request for Applications for the "Fire Act Grant" due May 1, 2007; and

WHEREAS, the Council of the City of Everywhere is apprised of the fire protection needs for the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Everywhere, Alaska as follows:

Section 1. The Council of the City of Everywhere, Alaska supports the application for funds by the Everywhere Fire Department.

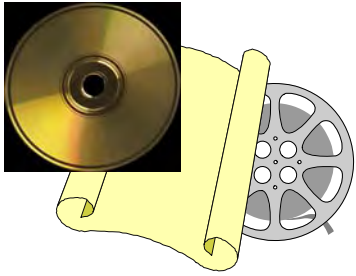
Section 2. This resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this 5th day of April 2007.

Jack Black, Mayor

ATTEST:

Dolores Ingwersen, CMC
City Clerk



Alaska Association of Municipal Clerks

Public Records

Chapter Four

CHAPTER FOUR

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Municipal Records Management

In most municipalities, the clerk's office is responsible for safely storing municipal records, for filing and indexing them in an orderly manner, and for making them available to the public. The clerk is the guardian of the public record. AS 29.20.380 (4)

The information contained in public records is a valuable resource to the municipality. If this resource is to be used in an effective and efficient way, a comprehensive records management program is needed, outlining where to keep each record, in what order, and for how long.

In addition to making it easy to know what to do with a record, a comprehensive records management program will increase the government's efficiency by expediting the process of finding information. It is usually the clerk's responsibility to develop this program.

Definitions

Record: As defined in Alaska Statute 40.21.150(4),(5) and (6), any document, paper, book, drawing, map, plot, photo, photograph, exhibit, magnetic or papertape, punched card, electronic record, or other document of any material, regardless of physical form or characteristic is a record of the municipality. This includes any information recorded in machine-readable form. In other words, just about everything in the municipal office is a record, including computer documents and e-mail!

- Electronic records should be treated like any other record. When setting up a records program include electronic records in the process since it is easier to do from the start rather than trying to include them after the fact. Electronic records are very prolific and lend themselves to a redundancy within the organization. Compliance with a good retention schedule can eliminate much of this duplication. A software program for filing would prove very helpful for all types of records.
- An expanded definition of "record" can be found in state law (see Chapter Four – Supplement). AS 40.21.150(5) and AS 40.21.150(6)
- Each municipality has an obligation to promote efficient records management. AS 40.21.070

Historical records:

Develop records inventory worksheets that note pertinent information about the records. Examples are included at the end of this chapter.

Historical records are those that have historical, legal, or social value for an indefinite period of time. Examples include minutes, ordinances, and resolutions of the governing body (assembly or council) and its boards and commissions; records on the development of the municipality and its departments, programs, and policies; random samples of normal/routine records from different times; and photographs and maps.

Inactive records:

Inactive records are used only a few times a year and, in some cases, stored in a less expensive storage area outside the office. Reading files (correspondence from the municipality arranged according to date) from previous years are one type of inactive record.

Transitory records:

These records are non-permanent in nature and are kept for a short period of time, such as travel arrangements, notices of absence from the municipality, an "items pending" file, and staff meeting memos.

Vital records:

Department heads should each identify certain records as necessary for the operation of the municipal government after a major disaster. These records are classified as "vital records." Some examples might include capital and property records, contracts, accounts receivable, and payroll records.

Other vital records are originals of extremely important papers, such as deeds, easements, grants, contracts, and cemetery burial records, which may not be necessary for continued functioning in a disaster but are important enough to be given special treatment for storage and retrieval purposes.

Non-records:

Non-records are materials that may be disposed of as soon as they have served their purpose, such as catalogs, copies of records, work drafts, telephone message slips, and letters of transmittal if they don't add information.

Steps for Developing a Records Management Program

Records management ordinance

Before starting a records management program, the governing body should pass an ordinance designating the clerk as the records management officer with authorization to develop policies and procedures for the storage, retention, and destruction of municipal records.

A sample records management ordinance is at the end of this chapter.

Inventory and appraise records

Meet with the chief administrator and department heads to explain the process to them. Depending on the size of the municipality, most of the inventorying of records may be done by the clerk, or the clerk may work with department heads and representatives who will do it. If other people prepare the inventory, it is important to explain carefully what information is required and to monitor their progress.

The next step is actually doing the inventory and compiling the worksheets.

Establish a retention schedule

A retention schedule is a system that establishes the length of time different types of municipal records and files should be kept. Retention schedules can also be used to show where records are being stored (i.e. office, warehouse), what media the record is on (i.e., paper, microfilm, tape), etc. Uses of a spreadsheet or other software programs are helpful for organization and ease of use.

Using legal requirements and recommendations on the worksheets, develop a draft retention schedule. The Alaska State Archives has prepared a manual, General Administrative Retention Schedule, which may be helpful in developing a draft schedule. A copy can be obtained from their website at <http://www.archives.state.ak.us/>.

The chief administrator, department heads, and municipal attorney should review the draft schedule, if the municipality has one.

After the schedule is finalized, it should be included by reference in a resolution for adoption by the governing body.

(A sample resolution is included at the end of this chapter.)

Transfer inactive records

If storage space in the office is limited, transfer inactive records to another area that has been designated as a records center.

Index records in office and storage

Update the index of what records exist and where they are stored if there is one. If there is no index, prepare one. Indexing systems vary from 5x8 cards arranged by subject to computerized lists with many subheadings. There are many excellent electronic database programs that can aid in retrieving records. It is essential to be able to research inactive and destroyed records.

Records management manual

Prepare a records management manual that includes objectives for the records management program, an ordinance and/or resolution from the governing body, and procedures for setting up files, transferring records to storage, and destroying records. Examples of forms can be found at the end of this chapter.

The following sample objectives are from the Fairbanks North Star Borough Records Management Manual:

- Provide an approved records retention schedule
- Provide safe and efficient storage and retrieval of inactive, historical, and vital records
- Provide an efficient, effective records system through state-of-the-art methods and technologies
- Provide uniform, written procedures for file maintenance, transfer of inactive records, disposition of records, and microfilming services
- Provide long-range records management planning

Records destruction

Follow procedures established in the manual. Many municipalities require confidential records to be destroyed by burning or shredding, although other records may be destroyed by burning, shredding, or burying. Keep a permanent list of records that have been destroyed. The clerk may want to establish cutoff dates for destruction. Example of a cutoff date would be “calendar year” or “fiscal year.” In these cases each area would send records for storage down to the records section on or about January (for calendar year) and July (for fiscal year, if this is when the fiscal year starts). Records stored in the warehouse would be scheduled for destruction on or these times. Department directors, the legal department and the records manager need to sign off on the destruction of records.

Safe storage

Examples of safe storage include fireproof file cabinets and/or vaults, off-site storage of extra copies, microfilm, microfiche, and acid-free or neutral paper. If material is stored electronically, adequate back-up measures are critical.

Record Storage Facility: Usually records are stored in an area outside the normal business offices, such as a warehouse. While not required to be climate controlled the area should afford protection from the elements and be comfortable to work in since records will be transported to the facility and records retrieval will take place if departments request inactive/stored records. If there are historical documents to be stored, a warehouse may be a less than optimum area due to dust and lack of climate control. Security is a factor to consider also in selection, as is potential damage (i.e. water pipes, pests, humidity, etc). If a warehouse is used for a records center and includes storage of sensitive media (i.e. CDs, DVDs, tapes, etc.), protection of this material may be needed.

Disaster Recovery Plan: This is a detailed plan of what would be done to recover records and equipment if a disaster were to strike the municipality. This should be accomplished in conjunction with the other departments of the local government that comprise the Disaster Recovery Team. There are many books and journals available through ARMA and on the Internet that have information on this subject.

Business Continuity Plan: This is detailed plan of what would be done to restart the daily business of the government as quickly as possible. Identification of vital records is of critical importance in the creation of this plan. While getting this plan on paper is important, practicing the plan is paramount. There are many books and journals available through ARMA and on the Internet that have information on this subject.

Analyze management problems

Review procedures annually and revise if necessary.

Records management organizations: While not necessary, it is helpful to join record/information management organizations. These organizations will help with the sharing of knowledge and information of the constantly changing aspects of records management. A helpful resource is:

ARMA International
13725 W. 109th Street, Suite 101
Lenexa, KS 66215
913.341.3808
800.422.2762
Fax 913.341.3742
hq@arma.org

ARMA International is an association for information management professionals and is a great resource for useful management books. AIIM International is an industry that connects the users and suppliers of document and business process management technologies and services.

Public Use of Records

Open to the public

State law requires that all public records, including municipal records, be open to public inspection unless specifically exempted. AS 40.25.110

Some statutory exemptions are records of vital statistics and adoption proceedings, records pertaining to juveniles, and medical and public health records. Other exceptions include some police records, personnel records, privileged information records, and private business records.

The clerk may restrict public inspection to regular office hours and may charge established fees for copies. The clerk may charge for search time if it takes more than five hours in one calendar month to produce the copies for one requester. AS 40.25.110

Public records ordinance

Each municipality should adopt its own public records ordinance, spelling out which records are confidential, what the copying charges are, and conditions when search time may be assessed or waived. With an ordinance in place the clerk's office will know what to say when a citizen walks in and asks, "May I get a copy of _____?"

Many municipalities use a records request form for non-routine requests and have established ways of dealing with these non-routine requests.

A sample ordinance can be found at the end of this chapter.

Municipal Seal

The clerk is the keeper of the municipal seal and affixes the seal by stamping an impression of it on official papers or documents, such as ordinances and resolutions, as part of the process of attesting them. AS 29.20.380(a)(2)

Supplements – Chapter Four

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CITY OF EVERYWHERE, ALASKA

ORDINANCE NO. 07-1417

**AN ORDINANCE OF THE CITY OF EVERYWHERE,
ALASKA AMENDING TITLE 1 OF THE EVERYWHERE
MUNICIPAL CODE, ADDING A NEW CHAPTER ENTITLED
"RECORDS MANAGEMENT PROGRAM" AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Alaska Statute 40.21.080 requires the governing body of each political subdivision to promote the principles of efficient records management for local public records, and

WHEREAS, the City of Everywhere does not have a records management program, and

WHEREAS, the City Council finds that it is in the public interest to establish an orderly system of records management in order to retain and dispose of public records, and

WHEREAS, Section 2-6 of the City Charter states the City Clerk is the custodian of such documents, records and archives as may be provided by law or ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EVERYWHERE, ALASKA, as follows:

Section 1. New Chapter. A new chapter, entitled "Records Management Program" to be numbered 1.05 is hereby added to Title 1 of the Everywhere Municipal Code as follows:

"CHAPTER 1.05

RECORDS MANAGEMENT PROGRAM

Sections:

- | | |
|----------|-----------------------------|
| 1.05.010 | Definitions |
| 1.05.020 | Ownership of Public Records |

Section 1.05.010 Definitions: (a) "City Clerk" means the clerk of the city of Everywhere, Alaska, or designee.

(b) "Public record" means all recorded information acquired or stored by the City for future use or preservation, including any document, paper, book, letter, photograph, microfilm, map, drawing, chart, card, magnetic media, computer printout or electronically transmitted data, including e-mail, developed or received under law or in connection with the transaction of official business and preserved or appropriate for preservation by the city, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the city or because of their informational value. Public records do not include:

(1) library and museum material developed or acquired and preserved solely for reference, historical or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications and processed documents;

(2) records deemed by law to be confidential or which are prohibited from being inspected by the public by law;

(3) reference files;

(4) transitory files.

(c) "Reference files" means copies of notes and similar working papers accumulated in preparation of a communication, study or other writing or record.

(d) "Transitory file" means transmittal letters, suspense copies when a reply has been received, routine requests for information and publications, tracer letters, feeder reports and the like.

(e) "Inactive records" means those records no longer required in active office areas but which require further retention due to legal, operating or historical reasons.

(f) "Maintenance of public records" means the creation, maintenance, protection, use, and disposition of all public records of the city, including the establishment and maintenance of a system of filing and indexing public records.

(g) "Record series" is any group of identical or related records which are normally used and filed as a unit and which permit evaluation as a unit for retention scheduling purposes.

(h) "Vital records" means those records necessary to assure continuance of essential governmental operations to protect the legal and financial operation of the city in the event of disaster or catastrophic loss of the city's records.

(i) "Legal value" means a record that relates to current or possible legal action by or against the city, and records relating to land, construction, legislative and judicial actions of the city council, or potential court claims.

(j) "Historical value" means records that will be useful at a later date in reconstructing a general history of the development and government of the city.

Section 1.05.020 Ownership of public records. (a) All public records shall be the property of the city unless otherwise provided by law and in this regard such records shall be delivered by outgoing officials and employees to their successors.

(b) The city clerk may initiate actions to recover records unlawfully removed from municipal possession.

Section 1.05.030 Management of public records. The city clerk shall have the primary responsibility for the development, maintenance and operation of the city's records management system.

Section 1.05.040 Records Advisory Committee. (a) A "Records Advisory Committee" is hereby established consisting of the city manager, Ketchikan Public Utilities manager, director of finance, city attorney and city clerk, or their designee.

Section 1.05.050 Disposal of Records and Other Materials. (a) No records may be destroyed until such time as the city council approves a record retention schedule by resolution.

(b) Reference files, transitory files and records disposable upon the occurrence of an event may be disposed of by city departments at their discretion when they are no longer required for the transaction of city business.

(c) The city clerk shall submit a list of documents scheduled for disposal, in accordance with the retention schedule adopted by the city council, to each member of the records advisory committee.

(d) Upon approval by the records advisory committee, the city clerk shall arrange for the destruction of the records in an appropriate manner. Records of a confidential nature shall be disposed of by shredding.

(e) The city clerk shall inform the city council after January 1 of all obsolete records destroyed during the preceding calendar year.

Section 1.05.060 Copies of public records. Public records, not otherwise required by law to be preserved in original form, and records that are worn or damaged, may be copied by photostating, photographic, microphotographing, microfilm or other mechanical process which produces a clear, accurate and permanent copy. When such a copy is retained in accordance with this chapter, the original may be destroyed. The copy shall be considered as the original record for all purposes.”

Section 2. Effective Date. This ordinance is effective one month after its final passage and publication.

PASSED ON FIRST READING: JUNE 3, 2007

FINAL PASSAGE: JUNE 17, 2007

Jack Black, Mayor

ATTEST:

Dolores Ingwersen
City Clerk

RECORDS INVENTORY WORKSHEET

DEPARTMENT _____ DATE _____

Format Code:

- A File Folders
- B Books
- C Cards
- D Printouts
- E Tapes
- F Drawings/Maps
- G Microfilm
- H Other (Specify)

Physical Location – Building _____ Room _____

Contact Person _____ Ph _____

Series Title and Function	Dates	Range	Format	Volume	Activity	Audit	Vital	Retention Time

FORMAT CODE

- A File Folders
- B Books
- C Cards
- D Printouts
- E Tapes
- F Drawings/Maps
- G Microfilm
- H Other (specify)

VOLUME	ACTIVITY	AUDIT	VITAL
Legal file drawer = 2 cu. ft. Letter file drawer = 1.5 cu. ft.	High – daily/weekly reference Medium – monthly reference Low – less than monthly	Must retain records until completion of outside audit	Essential to continue operation

RECORDS INVENTORY WORK SHEET						
YEARS	RANGE	AREA	LOCATION	EQUIPMENT	CU.FT.	ACTION
DESCRIPTION					OFF.	C.F.
					STOR.	C.F.
					VAULT	C.F.
RECORDS TITLE				ORGANIZATION		

RECORDS INVENTORY WORK SHEET						
YEARS	RANGE	AREA	LOCATION	EQUIPMENT	CU.FT.	ACTION
DESCRIPTION					OFF.	C.F.
					STOR.	C.F.
					VAULT	C.F.
RECORDS TITLE				ORGANIZATION		

PROGRESS WORKSHEET

DEPARTMENT	MTG W/ DIRECTOR TIME/DATE	INVENTORY COMPLETE DATE	SCHEDULE SIGNED DATE	TOTAL CU.FT.

RESOLUTION NO. 07-2008

A RESOLUTION PROVIDING FOR THE PRESERVATION,
RETENTION, AND DISPOSAL OF RECORDS OF THE
CITY OF EVERYWHERE, ALASKA

WHEREAS, it is necessary to manage, preserve, retain, and dispose of city records; and

WHEREAS, implementation of a records management plan will increase administrative efficiency, organize paperflow, and reduce administrative costs.

NOW, THEREFORE, BE IT RESOLVED by the City of Everywhere, Alaska Council that:

1. There shall be a records management program in the City of Everywhere, Alaska. The records management program shall provide for the orderly and efficient management, retention, preservation, and disposal of records for the City of Everywhere.
2. All records shall be transferred to the records center in accordance with the general retention schedule adopted under this section.
3. All records shall be disposed of in accordance with the approved general retention schedule. Records of a confidential nature shall be disposed of by shredding or burning. All other records shall be disposed of in an appropriate manner.
4. Records not otherwise required by law to be preserved in original form and records that are worn or damaged may be copied by photostatic, photographic, microphotographic, microfilm, or other mechanical process which produces a clear, accurate, and permanent copy. When such a copy is retained in accordance with this chapter, the original may be destroyed. The copy shall be considered as the original record for all purposes.
5. All records are the property of the city unless otherwise provided for by law.
6. A city official or employee shall deliver all of the records in his possession to his supervisor or successor at the end of his term of office or employment.

PASSED AND APPROVED THIS _____ DAY OF FEBRUARY, 2007.

Jack Black, Mayor

ATTEST:

Dolores Ingwersen, City Clerk

**CITY OF EVERYWHERE, ALASKA
RECORDS TRANSFER LIST**

Department/Division: _____ Date: _____ Page: _____ of _____

Records Coordinator: _____ Phone: _____

Schedule & Item No.	Description – Title, Range, Date	Department Container No.	Records Center Location No.

DEPARTMENTS, PLEASE NOTE IF RECORDS ARE CONFIDENTIAL

RECORDS CENTER

Received by: _____ Date: _____ Volume: _____

CITY OF EVERYWHERE, ALASKA
ORDINANCE NO. 07-2259

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF EVERYWHERE, ALASKA, AMENDING THE CITY
CODE RELATIVE TO ACCESS TO PUBLIC RECORDS

WHEREAS, the City Council of the City of Everywhere, Alaska, recognizes the people's right to remain informed and to have access to public records; and

WHEREAS, the City Council of the City of Everywhere recognizes the people's right to privacy; and

WHEREAS, it is the policy of the City of Everywhere to provide public access to municipal records and information so as to protect the right to remain informed while recognizing the competing interest of personal privacy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EVERYWHERE, ALASKA, HEREBY ORDAINS that:

Section 1. Sections 2-1 and 2-2 of the Everywhere City Code are hereby repealed and re-enacted to read as follows:

2-1.1 Open records. Except as provided by Section 2-5 of this Code, or by other provision of municipal, state or federal law, the books, records, papers, files, accounts, writings and transactions of the city are open to inspection by the public under reasonable rules during regular office hours. The City of Everywhere recognizes the competing interest of personal privacy and the right of the public to have access to information concerning the conduct of the people's business.

2-1.2 Access and inspection of records. Public records may be inspected at the city office where the records are kept during the regular office hours of that particular office. All city officers and employees shall, consistent with the orderly conduct of city business, make a good faith and diligent effort to respond to requests for inspection of records made pursuant to this Code. If one or more requests by a single requestor or agent of a requestor within a calendar month are anticipated to require more than four person-hours to complete, the city may require the requestor to pay costs for the period in excess of four hours. The costs may not exceed the unit cost of salary and benefits for employees who are involved in the search. Except in the case of news organizations, authorized search costs must be paid before the records are searched.

2-1.3 Copies of records.

(a) Certified copies. The city clerk shall give, on request and payment of costs, a certified copy of any public record required to be disclosed under this code.

(b) Photographic or other copies. The city shall provide copies of records only at the request of the requestor and at the requestor's expense.

(c) Charge for copies. The charge for copies (whether certified or not) may not exceed the cost to the city, which cost may include photocopy, clerical and other costs directly related to the provision of the copies. Payment for copies must be received before making the copies, except in the case of a request from an employee or agent of a news organization. The city clerk is authorized to establish rates and charges for copies of public records, both certified and photographic, and for clerical time as set forth in Section 2-1.2 and in Subsections (a) and (b) of this section. The city clerk may, in his or her discretion, waive charges for incidental copies.

2-1.4 Compilation or creation of records. Nothing in this code shall require the city to create records, compile, summarize, outline or in other ways create information from existing public records. In those instances where the city official who is the custodian of the record determines that the city has the requisite resources to compile or create records to comply with a request for information, the city may charge the requestor with the costs of such compilation or summary, which costs shall include the salary and benefits and overhead charges for the city employees who accomplished the work.

2-1.5 Exemptions for particular records. This code article shall not be construed to require disclosure of the following records or information:

(a) Personnel, payroll or medical files which reveal the financial or medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy.

(b) Records of vital statistics and adoption proceedings.

(c) Records pertaining to juveniles.

(d) Medical and related public health records.

(e) Records required to be kept confidential by federal law or regulation or by state law.

(f) Trade secrets.

(g) Patented and/or copyrighted material.

(h) Organized, coordinated, collated, modified, created, interpreted or compiled information. Nothing in this chapter requires an agency to organize, coordinate, collate, modify, create, interpret or compile records requested. Only a literal or verbatim record need be provided.

(i) Police investigation complied by any agency as a part of an investigation of criminal activity, except that such records may be released to other governmental agencies if necessary for the proper administration of justice. Police information practices in regard to criminal justice information shall be governed by the provisions of AS 12.62.010, et. seq.

(j) Records held by the City of Everywhere or any public utility pertaining to any client, customer, tenant, operator, user or subscriber, the release of which would constitute an unwarranted invasion of privacy of that person or entity.

(k) Records of engineering, marketing, accounting or other technical or financial data, which, if released, would provide a competitive advantage to any other persons or business engaged in similar or related activities.

(l) Proprietary information which a manufacturer, consultant or provider reasonably expects to be kept privileged or confidential to protect the property interests of persons providing the information or data.

(m) City personnel records, including employment application and examination materials.

(n) Communications between any agency and the city attorney which contain legal questions concerning potential, pending or actual litigation. This subsection does not protect from disclosure documents which were public records prior to the commencement of the litigation, and public records which are otherwise subject to disclosure may not be protected from disclosure by mere submission to the attorney. Any documents marked "Confidential" which are submitted to the agency from the municipal attorney's office shall only be produced if the city attorney so authorizes.

2-6. Appeal of denial of request. In the event an individual requests information and is refused, the individual shall be notified in writing within five working days of his right to appeal that decision to the city manager. If not satisfied with the ruling of the city manager, the individual shall be notified within five working days of that decision of his right to appeal to the City Council at its next regularly scheduled meeting, which shall be the final and binding authority.

Section 2. This ordinance shall take effect ten days following its enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF EVERYWHERE,
ALASKA, this 14th day of January, 2007.

THE CITY OF EVERYWHERE, ALASKA

JACK BLACK, MAYOR

AYES: DUNHAM, GIESELER, HILTON, MEEHAN, NOLL, O'BRIEN & SIMUTIS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

ATTEST:

APPROVED AS TO FORM:

Delores Ingwersen, CMC
City Clerk

Fred Smith, City Attorney
HUGHES, THORSNESS,
GANTZ, POWELL & BRUNDIN,
Attorneys for the City of
Everywhere, AK

(City Seal)

Introduced By: Simutis/Hilton
Introduction Date: 11/23/07
Public Hearing: 12/14/07
2nd Public Hearing: 01/14/07

Enactment Date: 01/14/07

Useful Alaska Statute References for Records Management Purposes:

Chapter 40.21 MANAGEMENT AND PRESERVATION OF PUBLIC RECORDS

Article 01 . PUBLIC RECORDS

Sec. 40.21.010. Purpose.

The purpose of this chapter is to provide for the orderly management of current state and local public records and to preserve noncurrent public records of permanent value for study and research.

Sec. 40.21.020. Archival and records management program creation and administration.

There is established in the Department of Education and Early Development the Alaska State Archives. The department shall establish and administer a state archives and records management program. To implement the program and head the Alaska State Archives, the department shall create the position of state archivist, and shall appoint as state archivist a person qualified by special training or experience in archival or historical work. The state archivist shall be the official custodian of the archival resources of the state.

...

Sec. 40.21.070. Records management for local records.

The governing body of each political subdivision of the state shall promote the principles of efficient records management for local public records kept in accordance with state law. The governing body shall, as far as practical, follow the program established for the management of state records. The department shall, upon request of the governing body of a political subdivision, provide advice and assistance in the establishment of a local records management program.

Sec. 40.21.080. Disposal of public records by political subdivision.

An official of a political subdivision of the state having legal custody of public records that are considered by the official to be without legal or administrative value or historical interest may compile lists of these records sufficiently detailed to identify them and submit the lists to the governing body of the political subdivision. The governing body may authorize the disposal and the method of disposal of the records in the list that it finds to be without legal or administrative value or historical interest. The governing body may also, upon request of the legal custodian of the records, authorize in advance the periodic disposal of routine records that the governing body considers to have no legal, administrative, or historical value. After receipt of written authorization from the governing body, the legal custodian of the records may dispose of the records. The legal custodian shall file in the office from which the records were drawn a descriptive list of the records disposed of and a record of the disposal itself. Copies of these

documents shall be transmitted to the governing body, which shall file and preserve them.

Sec. 40.21.090. Transfer of public records of political subdivision to department.

The governing body of a political subdivision of the state may authorize the transfer to the department of records that have legal, administrative, or historical value but that are not required for the transaction of current business. The official of the political subdivision having custody of the records shall prepare a list describing the records transferred in sufficient detail to identify them. Copies of the list shall be filed with the department and with the public corporation or political subdivision transferring the records. The department shall acknowledge receipt of the list. Listed records approved by the department for transfer may be transferred to a records center designated by the department. The records center shall transfer any permanent records to the archives. Records transferred remain the property of the political subdivision. The department is the legal custodian of records in its possession.

...

Sec. 40.21.110. Care of records.

Except for public records lawfully in the possession of a person other than the state, public records of existing or defunct agencies of the state, territorial, and Russian governments in Alaska are the property of the state and shall be created, maintained, preserved, stored, transferred, destroyed or disposed of, and otherwise managed in accordance with the provisions of this chapter and [AS 45.48.500](#) - 45.48.530. Records shall be delivered by outgoing officials and employees to their successors, and may not be removed, destroyed, or disposed of, except as provided in this chapter and [AS 45.48.500](#) - 45.48.530.

Sec. 40.21.120. Standards of clarity, accuracy, and permanency of copies.

When a public officer performing duties under this chapter is required or authorized by law to record, copy, recopy, or replace any public record, the officer may do so by photostatic, photographic, microphotographic, microfilm, or other mechanical or optical disk imaging system process that produces a clear and accurate copy or reproduction of the original record. If a record is considered to be of permanent or archival value, a reproduction of the record must meet archival standards approved by the department.

Sec. 40.21.130. Alteration and replacement of public records.

An original public record that is worn or damaged may be replaced by a reproduction made in accordance with this chapter. Certification by the agency having custody of the record that the replacement is a true and correct copy of the original shall appear at the end of the reproduction. When original public records are photographed or otherwise mechanically reproduced under the provisions of this chapter and the photographic or other mechanical reproductions are placed in conveniently accessible files and provisions made for preserving and using them, the original records from which they were made may be destroyed only with the approval of the state archivist.

Sec. 40.21.140. Use of copies and replacements as evidence.

Reproductions or replacements of records made under this chapter are considered original records for all purposes and are admissible in evidence as original records.

Article 02 . GENERAL PROVISIONS**Sec. 40.21.150. Definitions.**

In this chapter, unless the context otherwise requires,

(1) "agency" or "state agency" means a department, office, agency, state board, commission, public corporation, or other organizational unit of or created under the executive branch of the state government; the term does not include the University of Alaska;

(2) "archives" means

(A) the noncurrent records of a state agency or political subdivision of the state preserved, after appraisal, because of their value; also referred to as archival material or archival holdings;

(B) the agency responsible for selecting, preserving, and making available archival material; also referred to as an archival agency; or

(C) the building or part of a building where archival material is located; also referred to as an archival depository;

(3) "department" means the Department of Education and Early Development;

(4) "electronic record" means any information that is recorded in machine readable form;

(5) "local record" means a public record of a city or borough of any class, villages, district, authority, or other political subdivision unless the record is designated or treated as a state record under state law;

(6) "record" means any document, paper, book, letter, drawing, map, plat, photo, photographic file, motion picture film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card, electronic record, or other document of any other material, regardless of physical form or characteristic, developed or received under law or in connection with the transaction of official business and preserved or appropriate for preservation by an agency or a political subdivision, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the state or political subdivision or because of the informational value in them; the term does not include library and museum material developed or acquired and preserved solely for reference, historical, or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications and processed documents;

(7) "records center" means a records depository in the department for the storage and disposition of noncurrent records;

(8) "state record" means a record of a department, office, commission, board, public corporation, or other agency of the state government, including a record of the legislature or a court and any other record designated or treated as a public record under state law.

Chapter 40.25 PUBLIC RECORD DISCLOSURES

Article 01 . INSPECTION AND COPYING OF PUBLIC RECORDS

...

Sec. 40.25.110. Public records open to inspection and copying; fees.

(a) Unless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of the fee established under this section or AS 40.25.115 a certified copy of the public record.

(b) Except as otherwise provided in this section, the fee for copying public records may not exceed the standard unit cost of duplication established by the public agency.

(c) If the production of records for one requester in a calendar month exceeds five person-hours, the public agency shall require the requester to pay the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requester shall pay the fee before the records are disclosed, and the public agency may require payment in advance of the search.

(d) A public agency may reduce or waive a fee when the public agency determines that the reduction or waiver is in the public interest. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated. A public agency may waive a fee of \$5 or less if the fee is less than the cost to the public agency to arrange for payment.

...

(i) Electronic information that is provided in printed form shall be made available without codes or symbols, unless accompanied by an explanation of the codes or symbols.

Sec. 40.25.115. Electronic services and products.

(a) Notwithstanding AS 40.25.110(b) - (d) to the contrary, upon request and payment of a fee established under (b) of this section, a public agency may provide electronic services and products involving public records to members of the public. A public agency is encouraged to make information available in usable electronic formats to the greatest extent feasible. The activities authorized under this section may not take priority over the primary responsibilities of a public agency.

(b) The fee for electronic services and products must be based on recovery of the actual incremental costs of providing the electronic services and products, and a reasonable portion of the costs associated with building and maintaining the information system of the public agency. The fee may be reduced or waived by the public agency if the electronic services and products are to be used for a public purpose, including public agency program support, nonprofit activities, journalism, and academic research. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated.

(c) Notwithstanding (b) of this section, the fee for duplicating a public record in the electronic form kept by a public agency may not exceed the actual incremental costs of the public agency.

(d) Public agencies shall include in a contract for electronic services and products provisions that

(1) protect the security and integrity of the information system of the public agency and of information systems that are shared by public agencies; and

(2) limit the liability of the public agency providing the services and products.

...

(i) A public agency other than a municipality or the Alaska Railroad Corporation shall separately account for the fees received by the agency under this section and deposited in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the agency to carry out the activities of the agency.

...

Sec. 40.25.122. Litigation disclosure.

A public record that is subject to disclosure and copying under [AS 40.25.110](#) - 40.25.120 remains a public record subject to disclosure and copying even if the record is used for, included in, or relevant to litigation, including law enforcement proceedings, involving a public agency, except that with respect to a person involved in litigation, the records sought shall be disclosed in accordance with the rules of procedure applicable in a court or an administrative adjudication. In this section, "involved in litigation" means a party to litigation or representing a party to litigation, including obtaining public records for the party.

...

Sec. 40.25.125. Enforcement: Injunctive relief.

A person having custody or control of a public record who denies, obstructs, or attempts to obstruct, or a person not having custody or control who aids or abets another person in denying, obstructing, or attempting to obstruct, the inspection of a public record subject to inspection under [AS 40.25.110](#) or 40.25.120 may be enjoined by the superior court from denying, obstructing, or attempting to obstruct, the inspection of public records subject to inspection under [AS 40.25.110](#) or 40.25.120. A person may seek injunctive relief under this section without exhausting the person's remedies under [AS 40.25.123](#) - 40.25.124.

Sec. 40.25.140. Confidentiality of library records.

(a) Except as provided in (b) of this section, the names, addresses, or other personal identifying information of people who have used materials made available to the public by a library shall be kept confidential, except upon court order, and are not subject to inspection under AS 40.25.110 or 40.25.120. This section applies to libraries operated by the state, a municipality, or a public school, including the University of Alaska.

(b) Records of a public elementary or secondary school library identifying a minor child shall be made available on request to a parent or guardian of that child.

Sec. 40.25.151. Confidentiality of retirement records.

(a) Except as provided in (b) - (d) of this section, public records, including electronic services and products involving public records, containing information about a person and maintained under [AS 14.25](#), [AS 22.25](#), [AS 26.05.222](#) - 26.05.229, [AS 39.35](#), or former [AS 39.37](#) shall be kept confidential and are not subject to inspection or copying under [AS 40.25.110](#) - 40.25.120.

(b) Records described in (a) of this section concerning a person who is a member or former member of a state retirement system who is still living may only be released to

- (1) the person or the person's guardian;
- (2) the person's employer or former employer;
- (3) a state agency authorized to obtain confidential information;
- (4) another person if the person has

(A) written authorization for release from the affected member or former member or the member's or former member's guardian; or

- (B) a court order or subpoena to obtain the information.

(c) Records described in (a) of this section concerning a member or former member of a state retirement system who is deceased or a deceased member's named beneficiary may only be released to

- (1) the member's named beneficiary or the beneficiary's guardian;
- (2) the member's or former member's former employer;
- (3) a state agency authorized to obtain confidential information;
- (4) the personal representative of the member's or former member's estate;
- (5) another person if the person has

(A) written authorization for release from the member or former member, the member's named beneficiary, or the personal representative of the member's or former member's estate; or

(B) a court order or subpoena to secure the information.

(d) The name and address of a living person who is a member or former member of a state retirement system may be released to a retirement organization representing persons receiving benefits under a state retirement system if the retirement organization is affiliated with an organization representing employees of the employer under AS 23.40.070 - 23.40.260 (Public Employment Relations Act).

(e) In this section, "state retirement system" means the teachers' retirement system under [AS 14.25](#), the judicial retirement system under [AS 22.25](#), the retirement system for members of the national guard under [AS 26.05.222](#) - 26.05.229, the public employees' retirement system under [AS 39.35](#), or the elected public officers retirement system under former [AS 39.37](#).

Sec. 40.25.220. Definitions for [AS 40.25.100](#) - 40.25.295.

In [AS 40.25.100](#) - 40.25.295, unless the context otherwise requires,

(1) "electronic services and products" means computer-related services and products provided by a public agency, including

(A) electronic manipulation of the data contained in public records in order to tailor the data to the person's request or to develop a product that meets the person's request;

(B) duplicating public records in alternative formats not used by a public agency, providing periodic updates of an electronic file or data base, or duplicating an electronic file or data base from a geographic information system;

(C) providing on-line access to an electronic file or data base;

(D) providing information that cannot be retrieved or generated by the existing computer programs of the public agency;

(E) providing functional electronic access to the information system of the public agency; in this subparagraph, "functional access" includes the capability for alphanumeric query and printing, graphic query and plotting, nongraphic data input and analysis, and graphic data input and analysis;

(F) providing software developed by a public agency or developed by a private contractor for a public agency;

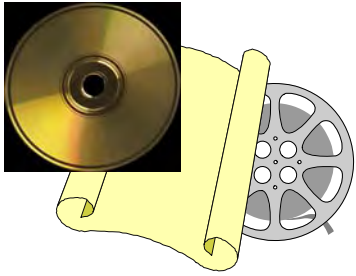
(G) generating maps or other standard or customized products from an electronic geographic information system;

(2) "public agency" means a political subdivision, department, institution, board, commission, division, authority, public corporation, council, committee, or other instrumentality of the state or a municipality; "public agency" includes the University of Alaska and the Alaska Railroad Corporation;

(3) "public records" means books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by a public agency, or by a private contractor for a public agency, and that are preserved for their informational value or as evidence of the organization or operation of the public agency; "public records" does not include proprietary software programs.

Sec. 40.25.295. Short title.

[AS 40.25.100](#) - 40.25.295 may be cited as the Alaska Public Records Act.



Alaska Association of Municipal Clerks

Elections

Chapter Five

CHAPTER FIVE

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Elections



In general law municipalities and in most home rule municipalities, the clerk is designated as election supervisor, with responsibility for conducting local elections. The governing body adopts the election ordinance; the clerk implements its provisions.

In addition to the local election ordinance, state law has requirements for conducting elections (Title 29 - Municipal Code and Title 15 - Election Code). The charter in a home rule municipality may have some requirements.

The Federal Voting Rights Act also applies to local elections. It requires that all proposed changes in local procedures be submitted to the U.S. Department of Justice for preclearance - a statement of "non-objection" - before they are implemented. Any changes to the elections ordinance or any special elections must be pre-cleared. Please read the Federal Voting Rights Act information at the end of this chapter.

Although the clerk can find descriptions of what needs to be done and "how to" suggestions in this Handbook, all federal, state, and local requirements should be reviewed to ensure elections are conducted properly.

Elections are often emotion-charged, and the clerk is often right in the middle. It is important to remain neutral at all times and refrain from expressing personal opinions.

For help in conducting elections, contact a clerk from a similar size and class of municipality, the Division of Elections, the Department of Commerce, Community and Economic Development (DCCED), and the Alaska Public Offices Commission (APOC). DCCED offers elections training. The names of clerks from Alaska's municipalities are listed in the Municipal Officials Directory, published annually by the Alaska Municipal League (AML) and DCCED; state offices are listed in the Alaska Directory of State Officials, published by the Legislative Affairs Agency.

Most clerks find that an election calendar and an election procedures manual are very helpful.

Calendar

An election calendar lists all election duties and responsibilities in chronological order. The calendar is a checklist and timetable of what steps must be taken and when they must be done.

As soon as one election is over, start preparing a calendar for the next election. When drafting a new calendar or revising an existing one it is important to study federal, state, and local election laws! A sample election calendar is included at the end of this chapter.

Procedures Manual

Some clerks develop an election procedure manual, which is a more detailed document than the calendar. Typically, the manual tells how to accomplish the steps listed in the calendar and includes examples of notices, letters, and other materials used for each election.

Here is one method used to write this manual:

- Compile every list, note, job, letter, creative thought, cost, legal advertisement, and election judge's comment in a folder
- Organize this material in a logical way, such as chronological, step-by-step, or topical
- Assemble the material in a loose-leaf notebook or clasp-on-side, hardcover file and label it with colored index tabs
- Update it after every election

Voter Qualifications

Legal qualifications

State law lists the qualifications for voting in Alaska. See AS 15.05.010 -15.07.200 and AS 29.26.050. In order to vote in any municipal election, a person must be

- At least eighteen years old
- A citizen of the United States
- A resident of the municipality for thirty days immediately before the election
- Registered to vote in the State of Alaska at least thirty days before the election at a residence address within the municipality (people may register to vote the day they arrive in the state)
- Additionally, Article V, Section 2 of the Alaska State Constitution states: No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

Municipal qualifications

By ordinance a municipality may adopt an additional municipal qualification requiring that a voter be registered to vote at a residence in a local election district or service area for at least thirty days in order to vote for a candidate or on a ballot measure relating to a specific election district or service area. AS 29.26.050(b).

Voter Registration

Definition

Voter registration is the process by which the records of qualified individuals are maintained on a master list of voters eligible to vote in state, municipal, regional, and local elections. A registration application is a form completed by qualified Alaskan residents that enables them to vote in any state or municipal election.

Statutory authority

Any person who wants to register to vote in Alaska must meet the qualifications listed in AS 15.05.010 - 15.07.200.

Purpose

State statutes require a person to complete the registration form in order to be officially enrolled in the voting process. A person can be registered in only one state at a time.

Changes in registration

When a voter changes residence or mailing address, name, or party affiliation, the change is recorded on the voter's file.

- ***Address change***

Because the voting district and precinct to which a voter is assigned is determined by the person's residence address, voters must keep their residence addresses updated. Mailing addresses should also be current because voting cards and polling place cards are sent to the mailing address. A mailing address change can be made by a telephone call to the regional supervisor's office.

- ***Name change***

A voter whose name is changed by marriage or court order must notify a registrar of this change. A name change **must** be made in writing because a copy of the voter's new signature must be on file. A telephone call is **not** acceptable for registering a name change.

- ***Party change***

A voter who wishes to change party affiliation should also do this in writing but according to the Region I Division of Elections Supervisor, a telephone call is acceptable for a party affiliation change.

Registrars

A registrar is an official appointed by the Division of Elections to provide registration services to the public. It is customary for the municipal clerk and sometimes other employees in the clerk's office to serve as registrars.

Duties of registrars

Registrars are responsible for administering voter registration duties in accordance with state law. Registrars must be available to the public for registration purposes.

- Registrars review all data provided by the registrant for completion accuracy.
- Registrars must process the registration forms in the manner prescribed by the Division of Elections.
- Registrars submit applications for registrations within five days of completion.
- Registrars may also serve as election board members on election day.

State responsibility

The Director of Elections is responsible for the registration of voters and maintenance of the statewide master rolls. Some municipal clerks provide training for the division.

Municipal responsibility

As a registrar appointed by the Division of Elections, the municipal clerk fulfills these duties:

- Trains office staff and other individuals who do not have easy access to the regional election office and makes sure that each trained registrar completes a "Registrar Agreement Form," which must be submitted to the regional supervisor
- Tells the regional supervisor about any new registrars
- Organizes registration drives prior to elections held in their municipal area, if necessary

- Sends registration forms to the regional supervisor's office within five days after they are completed.

The Division of Elections has an instruction booklet for registrars. To get a copy, contact the regional supervisor's office.

Voter lists are updated frequently and can be obtained from the Division of Elections.

Division of Elections Offices

Central Office	465-4611	P.O. Box 110017
Director	Toll Free: 1-866-952-8683	Juneau, AK 99811-0017
	Fax: 476-3203	Location: Court Plaza Bldg
	TTY: 465-3020	[240 Main Street, 4 th Floor]
[Southeast] Region I	465-3021	P.O. Box 110018
Election Supervisor	Fax 465-2289	Juneau, AK 99811-0018
(House Districts 28-35)	Toll Free: 1-866-948-8683	Mendenhall Mall Annex, Ste 3
[Southcentral] Region II	522-8683	2525 Gambell Street, Ste 100
Election Supervisor	Fax: 522-2341	Anchorage, AK 99503-2838
(House Districts 12-27)	Toll Free: 1-866-958-8683	
Mat-Su Region II	373-8952	1700 E. Bogard Rd., Bldg. B, Ste 102
Election Supervisor	Fax: 373-8953	Wasilla, AK 99654
(House Districts 7-11)		[Matanuska-Susitna Borough]
Region III (Districts 1-6, & 38-39)	451-2835	675 7th Ave., Ste. H3
(Fairbanks, Interior, Western Alaska, Eastern Mat-Su, Valdez)		
Election Supervisor	Fax: 451-2832	Fairbanks, AK 99701-4594
	Toll Free 1-855-720-2762	

Region IV (Districts 36-37, 40) **443-5285**

(Northern and Southwest AK, Aleutian Chain, Western Cook Inlet)

Election Supervisor

Fax: 443-2973

PO Box 577

Toll Free 1-866-953-8683 Nome, AK 99762-1577

Location: AK State Office Bldg. 103 E. Front Street, Nome

Absentee & Petition Office**375-6400**

619 E. Ship Creek Ave #329

Toll Free: 1-877-375-6508 Anchorage, AK 99501-1677

Fax: 677-9943

Notices

Notice of election

General law and home rule municipalities must give at least 20 days notice of any election, except run-off elections. AS 29.26.030. Some home rule municipalities may require greater advance notice so be sure to read your local charter or code for your municipality's timeframes.

General law municipalities must have at least five days notice for run-off elections. If required by charter or local ordinance, home rule municipalities may establish the notice period for run-off elections. AS 29.26.060(c)

The items listed below are usually included in an election notice:

- Type of election; that is, regular or special
- The date of the election and hours the polls will be open
- Polling places and description or map of the boundaries of each voting precinct. (Some municipalities publish or post a separate notice listing the location of polling places instead of including them in the general notice of election. If maps are published, indicating precinct boundaries by drawing lines on existing maps should be avoided. It is generally much clearer if the precinct is cut out from a map and placed against a white background for publication.)
- Voter qualifications

- Seats to be filled
- Issues to be voted on
- A sample election notice can be found at the end of this chapter.

How to give notice

Election notices are usually published and/or posted in the same way as other types of notices. They are published in a newspaper of general local circulation or posted in public places in the municipality. How the notices are to be given is established locally by the governing body.

Notice of candidacy

The timing for publishing or posting and the contents of the notice of candidacy vary from municipality to municipality, but typically the notice includes other information:

- Seats to be filled
- Beginning and ending dates of filing
- Where to file
- Candidate qualifications
- Requirements for declaration of candidacy statements and/or nominating petitions
- Information about conflict of interest and campaign disclosure forms required by APOC

A sample Notice of Candidacy can be found at the end of this chapter.

Notice of bond indebtedness

Before an election on a general obligation bond issue in a general law municipality, a notice of the total bond indebtedness of the municipality, cost of debt service, and the municipality's total assessed value must be published. The notice must be published at least once a week for three consecutive weeks, with the first one at least 20 days before the election. AS 29.47.190.

Home rule municipalities may establish their own requirements for information to be required prior to a bond election.

Miscellaneous notices

Other notices include those regarding absentee ballots, disabled voters, voter registration deadlines, and certification. Some of those items may be included in the general election notice. Samples are included at the end of this chapter.

Candidates

Qualifications

A municipal voter is eligible to be a candidate for office in that municipality. The governing body may adopt an ordinance establishing durational residency requirements of up to three years and district residency. However, a Kenai court case, upheld by the State Supreme Court, limits the residency requirement to one year. AS 29.20.140.

Nominations

General law municipalities must adopt an ordinance outlining procedures for the nomination of candidates, by either a declaration of candidacy statement or a nominating petition, or both. According to state law, if the municipality uses nominating petitions, it may not require signatures of more than ten voters. Some municipalities require candidates to pay a filing fee. AS 29.26.020(a)

Home rule municipalities may establish their own requirements for nominations.

A declaration of candidacy form usually includes information about where and when to file, a space to fill in the office sought, a space for the candidate's name (as it should appear on the ballot), and spaces for the candidate's name, address, phone number, and signature. A sample form is included at the end of this chapter.

A nominating petition form usually includes a space to fill in the office sought; the amount of time in this office, information on the number of signatures required, who is eligible to sign, where to file, and the deadline for filing; and, a space for the candidate's

name, address, phone number, and signature.

Some petition forms also have a statement for the candidate to sign in which he or she agrees to serve if elected. Some have statements that apply to the voters signing the petition stating that they have not signed more petitions than the number of seats that are open. Sample forms are included at the end of this chapter.

Preparation of Election Materials

The clerk prepares all election materials, including the ballots, tally sheets, various informational and legal notices, and materials for the election boards, various other boards, and absentee voting officials. Within a few days after the 30-day deadline to register to vote, a clerk should request a complete voter list for their municipality. This should include all the precincts within the municipality. The Division of Elections provides the list of registered voters in the form of a sign-in precinct register to be used on election day at the polling place. If a sign-in precinct register has not been received by one and a half weeks before the election, call (don't write) immediately. Make sure there is a new, updated list for each election.

Election Boards

Judges

Each polling place in a general law municipality must have an election board of at least three judges, one of whom serves as chair of the board. The board is appointed by the governing body, but usually it is the responsibility of the clerk to find enough judges to fill the board and the governing body appoints those people. Judges must be registered voters of the state and residents of the precinct, unless not enough voters in that precinct are willing to serve. AS 29.26.010

Home rule municipalities may establish their own requirements for size and qualifications of election boards.

Election clerks/counters

The municipality may appoint election clerks to assist during the election and counters to help tally ballots. Requirements for election clerks and counters are set locally, but usually they must at least be residents of the municipality and registered voters of the state. Often, the clerk is authorized to appoint election clerks and counters.

Judges' training

To minimize problems on election day, the clerk should carefully train judges in the election process, using training sessions with printed materials.

Election workers' compensation

Most municipalities pay election workers at the same rate as the State. State rates are \$10.50 per hour for the election board chair and \$9.50 per hour for all other members of an election board, counters, and members of other boards.

Preparation of Ballots

Hand-tallied ballots

If the municipality creates paper ballots, prepare a heading for the ballot that contains the name of the municipality, the type of election (regular or special), the type of ballot (official or sample), the date of the election, and a space in the upper right corner for numbering the ballots.

Gather material used to prepare the ballots, including nominating petitions or declarations of candidacy, and any ordinances or resolutions adopted by the governing body relating to bond issues, charter amendments, advisory votes, and other issues that have been placed on the ballot.

The ballots are organized by section, with general instructions noting that the ballot shall be marked with a an "x" mark, check mark, or plus sign, that only the indicated number of candidates shall be voted for, and that write-in votes must be written in the space provided. Other instructions to the voters may also be included.

Each seat designated is then named (for example, Seat A or Seat #1) and information is given on the number of candidates to be voted on (for example, "Vote for No More Than One"). Each candidate's name is listed, with a box on the left to mark the candidate's name (generally the box is 1/4" by 1/4" square), and a space is left at the end of the section for write-in candidates. The number of write-in spaces is the same as the number of seats to be filled. For example, if two seats are open, the ballot will have two write-in spaces.

After listing all the seats and the candidates who have filed for those seats, add any issues and space for marking "Yes" or "No" or "For" or "Against" for each issue. In preparing the ballots, be sure to follow any instructions in the election ordinance. Most municipalities require the use of white paper for official ballots and colored paper for sample ballots.

Rotation of candidates' names

Candidates' names may be rotated on the official ballots if the local ordinance requires it. A clerk who is preparing ballots and making the copies in the office should not try to rotate the names. When the names are rotated, the candidate's name appearing on the top line is dropped to the bottom of the section with each candidate's name having, as nearly as possible, an equal opportunity to appear at the top of the section. Many municipalities use ballots that are scanned electronically, and one issue to be aware of is that electronic programming does not accommodate a fold that crosses an oval. If a fold crosses an oval, then it will vote 20-30% of the time.

After the official ballots are prepared, keep them in a safe place and note the total number delivered to each election board chair and absentee voting official. This does not mean that the ballot number delivered to every voter must be recorded.

Computer ballots

Computer ballots are prepared in the same general manner as the paper ballots. Computer ballots must be prepared by a printer on special stock that is purchased for the ballots. The clerk works closely with the printer and the contractor to prepare the program for counting the ballots.

Ballot printing

In some municipalities, ballots are printed by an outside firm; in others, ballots are made using a copy machine. Check with other local clerks to get information about companies that print ballots.

The number of ballots to order is based on the number of voters registered in the municipality and the turnout expected. Keep in mind that there should be enough ballots for every voter who goes to the polls and who votes by absentee ballot. Some clerks order enough ballots for every registered voter, while others order fewer than that.

Ballot numbering

Each ballot should be numbered in the upper right corner. Paper ballots may be numbered by hand or with a numbering machine. Ballots printed by a commercial printer normally have a perforated numbered ballot stub.

Proofread

Proofread the draft copy of the ballot very carefully before it is sent to the printer or before it is copied. Proof the ballots when the printer provides a ballot proof. Ask the printer to make any corrections and provide another proof. Because the ballot should be perfect, ask some other person to proof the ballots also. One good idea is to read the ballot backwards. Ballots can never be over-proofed!

Sample ballots

The heading of the ballot should indicate if it is an official ballot or a sample ballot. Except for that, the two ballots are the same. In general, sample ballots are printed on

colored paper. Sample ballots should always be available because they can be used if there are not enough official ballots or if the official ballots are lost. If sample ballots are used, the election judge should fill out an affidavit of how many are used.

Distribute ballots

After the ballots have been printed or copied, review them to make sure they are as ordered. Prepare a ballot statement for each precinct indicating the total number of ballots given to each election board chair and the numbers of those ballots. In addition, keep track of the ballots retained for absentee voting. At the end of each day, check to see if the number of absentee voters matches the number of ballots used.

Examples of ballots are included at the end of this chapter.

Absentee Balloting

Definition

Absentee balloting is the way voters may vote if they are absent from their voting precinct on election day or if they are physically unable to go to the polling place.

Legal authority

Each municipality must outline procedures in its local election ordinance for voting by absentee ballot.

Any person who is eligible to vote in person in a municipal election may vote by absentee ballot. There are no restrictions on who may vote absentee, either in person prior to the election day or by mail. A qualified voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote a special needs ballot.

Municipal elections

Each municipality must decide what types of absentee voting are allowed for its municipal elections. In addition, the municipality must determine its absentee voting

procedures. Many codes refer to State statutes. If the local code does this, make sure to review the statutes annually for changes.

To make sure that municipal absentee voting programs run smoothly, the governing body must adopt a comprehensive ordinance covering the rules on absentee voting.

The ordinance should cover a variety of issues:

- Types of absentee voting allowed (e.g., by mail, in person, special needs voting, electronic, computer)
- Absentee voter qualifications
- Deadlines to apply for absentee ballots
- When absentee voting may take place
- Deadline for receipt of ballots, if by-mail absentee voting is allowed
- Procedure to review and count ballots

The clerk must:

- Provide notices and publicity to make sure voters know they can vote absentee and when they can do so
- Develop ballots, forms, and other related absentee voting materials used to document absentee voting activity and accountability
- Train staff to assist voters and process absentee ballots
- Furnish to the State a list of absentee voters who voted in regular municipal elections so that the voter's voter history can be recorded

In most municipalities, the clerk is responsible for these requirements.

Eligibility of ballots

Absentee voters must meet the 30 day registration and/or change of address requirements so their ballots can be eligible to be counted in both municipal and State-conducted elections.

Application for absentee ballot

A voter may apply to the clerk for an absentee ballot in four ways

By mail

Prepare an application form that includes the name of the absentee voter, the voter's residence address, the election for which the ballot is requested, the address to which the absentee ballot is to be mailed, an oath indicating that the voter is not voting in any other manner, the date, and the voter's signature. The local ordinance may specify the time frame before the election during which the application may be accepted and a time by which the absentee ballot application must be postmarked for it to be honored.

In person

The voter comes to the clerk's office, or other location, to apply for and vote the absentee ballot in person.

By electronic transmission

Some municipalities allow absentee voting by electronic methods. When voters request a ballot sent to them electronically, they must sign a statement acknowledging that their ballot may lose its secrecy. If the municipality allows for voting electronically, carefully check the procedures for processing these ballots.

By special needs voting

If a voter is unable to get to the polling place because of age, illness, or a disability, the voter can assign a special needs voting representative to bring the voting material to him or her and then return the voted ballot to the election official. When the clerk receives the written request, the clerk provides the envelopes and the ballot to the special needs voting representative (after verifying the identification of the special needs voting representative), who then takes the material to the voter. The voter votes the ballot and signs the affidavit envelope in the appropriate manner, and the envelope is then witnessed by the special needs voting representative. The special needs voting representative returns the voted ballot to the clerk or any polling place no later than 8:00p.m. on election day. Some clerks act as the personal representative and take their materials to the voter for this form of absentee voting.

Absentee voting materials

Absentee voting material consists of:

- The ballot(s)
- An instruction letter to the voter on how to complete and return the voted ballot
- A plain inner envelope or secrecy sleeve in which the ballot is initially sealed
- An affidavit envelope in which the inner envelope containing the ballot is placed and the affidavit completed

The clerk's office should keep a register or a list of the names of all absentee voters. Samples of absentee voting materials are included at the end of this chapter.

Review of absentee ballots

The affidavit envelope completed by the absentee voter is reviewed by the clerk or the Review Board (sometimes called the Canvass Board) to determine if the voter is registered to vote, if the voter's signature has been properly witnessed, if the voter signed the affidavit envelope, and if the ballot is postmarked or otherwise dated on or before election day. If the absentee ballot does not meet these qualifications, it is not counted. If the ballot is not counted, the voter must be notified of the reason for the refusal to count the ballot.

Precinct Boundaries and Polling Places

Statutory authority

State law gives the State Director of Elections the exclusive power to establish or abolish precinct boundaries and polling place locations. AS 15.10.020.

State responsibility

The Division of Elections regional supervisors oversee precinct boundaries and polling places in their jurisdictions. When making a determination for the selection, modification, or abolishment of a precinct boundary or polling place, the supervisors often contact local clerks' offices for comments and suggestions.

Municipal responsibility

It is the responsibility of municipal officials to work closely with Division of Elections regional supervisors to

- See that precinct boundaries are aligned with municipal assembly districts or other municipal boundaries, such as streets or subdivisions, whenever practical
- See that precinct boundaries within the municipality are changed as areas are annexed and/or detached
- Coordinate with State officials to incorporate the same boundary lines for state and local governments

The Division of Elections works with the clerk to find polling places. Local clerks are key advisors in notifying the Division of Elections about current polling places and when changes are advisable. The same location is usually used for both state and municipal elections, and the Division of Elections will usually pre-clear the polling place location. Polling places should, if possible, be accessible for persons with disabilities.

Planned changes

Polling place location changes may become advisable or necessary when:

- The current facility has been damaged, destroyed, or is undergoing construction
- The manager or owner of the facility has withdrawn permission to use the facility
- There are problems with heat, lights, or water in the facility
- Road construction or traffic routing would hinder accessibility to the polling place
- The polling place is no longer central to the major population because of residential expansion and development

Unplanned changes

Occasionally a polling place location change must be made at the last minute. With the concurrence of the election supervisor, the clerk may select a new polling place that will be used on an emergency basis for election day.

The clerk must submit an emergency pre-clearance request to the U.S. Department of Justice (DOJ). (Procedures for federal pre-clearance are explained later in this chapter.)

The clerk's request should also ask for pre-clearance on behalf of the State if the new polling place will be used in future elections. A copy of the pre-clearance request and the DOJ letter of pre-clearance should be forwarded to the Director of Elections as soon as possible.

Equipment storage and maintenance

Many municipalities borrow this equipment from the Division of Elections.

Arrangements for storing polling place equipment are worked out between the clerk and the election supervisor under a negotiated agreement.

If the equipment is damaged or misplaced during a municipal election, the clerk should notify the election supervisor so that the equipment can be serviced or replaced.

Costs for budget considerations

Usually polling place sites are donated. If not, the rental fee should be negotiated between the clerk and the owner or manager of the facility.

Many municipalities store equipment in their own facilities. If this is not possible, the municipality may have to pay to store the voting equipment at another location.

Whoever conducts the election pays to advertise polling place locations.

Polls

The clerk conducts municipal elections, including supervising the polls; appointing of election boards; arranging for all the supplies and materials; training the election officials; contracting for the delivery, set up, and removal of the ballot boxes, polling booths and other equipment; contracting for the programming of any computers used; and, preparing to certify the election. During the election, the clerk is frequently asked by the election boards to assist in resolving election problems.

Hours polls are open

The hours polls are open are set in the election ordinance, but generally are from 7:00 a.m. to 8:00 p.m.

Poll watchers

Check the local ordinance. Municipal elections rarely have poll watchers. Under Title 15, the State Election Code, poll watchers for state elections are appointed by the political parties and must have signed letters or cards stating they are authorized poll watchers. Each poll watcher is given a place from which to watch the election process. Poll watchers are not entitled to handle any election material or ballots.

Spoiled ballots

If a voter spoils a ballot, the voter returns the spoiled ballot to the election official, who records that a ballot has been spoiled, destroys the spoiled ballot, and issues the voter a new ballot. The voter can get no more than three ballots. Spoiled ballots are handled differently in each municipality and each local ordinance should be referred to for the correct procedure.

Questioned ballots

At the polls on election day, the names of some voters may not appear on the precinct register. Those voters are asked to vote a questioned ballot so the clerk, with the help of the canvass board, can determine later if they are eligible to vote with assistance from the Division of Elections. When a person votes a questioned ballot, they are given a regular ballot and a secrecy sleeve or plain white envelope to put the ballot in. The protected ballot is then put in an outer envelope. The outer envelope is clearly marked as containing a questioned ballot. The voter and the voting official both sign the envelope, which is put in the ballot box.

Special needs voting

A voter can vote by special needs voting up to and including election day. For more information, see the section titled “Special Needs Voting” under **Absentee Voting**.

Electioneering

Electioneering (or campaigning) is wearing campaign buttons in the polling place, discussing candidates or issues in the polling place, placing campaign signs or displaying bumper stickers within 200 feet of the entrance to the polling place or within the polling place itself, or handing out stickers or telling voters about write-in candidates. These activities are prohibited within the polling place or within 200 feet of the entrance to the polling place, and apply to all persons located in that area.

Exit Polling

Exit polling is a survey conducted by the news media or official polling group on election day about issues or candidates appearing on the ballot. It is designed to predict the outcome of the election, and is allowed just outside the entrance of the polling place area. The 200 feet campaigning rule does not apply to exit polling. Exit pollsters may approach only voters who have already voted and wish to participate in the process.

Tallying Ballots

Ballots that are not commercially printed

Guidelines for tallying include

- A voter may mark the ballot with an "x", check, or other mark
- The mark must be inside or touching the area indicated on the ballot
- Improper marks must not be counted
- If a voter marks fewer names than there are persons to be elected, the marks will be counted
- If a voter marks more names than there are persons to be elected, the marks in that section of the ballot must not be counted
- An erasure or correction invalidates that section of the ballot
- The clerk provides original and duplicate tally sheets. One election board member reads the ballots and two members tally the candidates' names and issues as they are read. As the votes are read, each time the two members marking the tally reach five tick marks, they will say "tally." Each set of tallies is

often alternated by ink color. For instance, the first set of five tick marks will be done in red ink, the second set in blue, third set in red, etc. This helps keep the tallying on track. Also, as the ballot reader reaches five ballots, turning the next five crossways will help in double checking any mistakes that may occur. Double tally sheets help ensure the accuracy of the count.

Computer procedures for counting of ballots

The program for the computer is prepared so the space to the right of a candidate's name is counted. The computer provides a printout that reflects the count of ballots for each precinct.

Canvass or Review Board

The Canvass or Review Board consists of voters who are residents of the municipality. In many second class cities, the city council serves as the canvass board. The board:

- Reviews and counts the absentee ballots that may not have been counted on election night
- Reviews all questioned ballots and counts them, except those that are to be rejected
- Reviews the election board materials and, if necessary, makes any corrections to them
- Certifies to the clerk the accurate results of the election
- As part of the canvass process, the board determines the number of persons voting at the election, determines the number of votes for each candidate and issue, and makes recommendations to the clerk and the governing body.

Certification of Election

Following each election, the clerk should give the governing body a report of the election results. To certify the election, the governing body adopts the report, either by motion or by resolution.

Recounts/Election Contests

Follow the procedures in the local election ordinance on how to handle a recount or an election contest. (An election contest is a situation in which someone challenges or attempts to invalidate an election.) In general, an application for a recount or election contest must be submitted to the clerk within a specified time frame.

A recount requires the appointment of counters, agreement on recount procedures, and the recounting of ballots.

For both a recount and an election contest, the persons have the option of appealing the clerk's decision to the court.

Voter History

What is it?

Voter history is the record of an individual's participation in a specific election. This history is maintained by the State Division of Elections and indicates the year and specific elections in which each voter participated.

Statutory authority

State law requires a voter history for each voter be kept for elections in which they participate. AS 15.07.130 & 137

Purpose

The purpose of maintaining voter history is to ensure that a voter remains on the master voter registration roles and is not dropped because of inactivity. Voting in elections helps maintain an active voter status.

State responsibility

The Division of Elections maintains the master record of voters registered in the state.

Voter history is recorded as soon as the precinct registers are received in the Division of Elections office. The state returns the municipal registers to the municipal clerks after completion of the voter history.

Municipal responsibility

Send all registers and the floppy covers from the Questioned and Absentee In Person envelopes, including the list of absentee voters, from municipal elections to the Division of Elections office no later than 60 days after certification of the election. The 60 day deadline is important because of the purge process, which deletes the names of inactive voters. It begins the first week in January.

Each precinct register should be in numerical order by precinct number and have the total number of signatures in the bottom left-hand corner of the page. A total of all voters should be recorded in the upper right-hand corner of the first page of the precinct register.

Purge

Definition

Purge is the removal of a voter's name from the master roll of registered voters whose mail from the division was returned as:

- Undeliverable if the voter meets the same requirements of 2 and 3 below,
- Who has not contacted the division in the past four years or,
- Who has not voted or appeared to vote in the last four years

Statutory authority/Process

Periodically, at times of the director's choosing, but no less than in January of each calendar year, the director shall examine the master register and shall send, by nonforwardable mail to the voter's registration mailing address, a notice requesting

address confirmation or correction to each voter who meets the above criteria. If the address confirmation card is returned as undeliverable or if the returned address confirmation card contains a forwarding address, the voter's mailing address will be updated to the forwarding address, and the voter is sent a second notice. The second notice informs the voter that if they do not respond within 45 days their voter registration will be inactivated. After 45 days from when the inactivation notice is mailed, any voter who has not responded will be inactivated. AS 15.07.130

Purpose

Purging the names of inactive voters keeps the registration rolls as accurate and up-to-date as possible. The purging system helps eliminate the names of voters who have moved out of state and forgotten to cancel their Alaska registration or voters who have died. It also helps update the records of voters who have moved to a new place within the state.

Municipal role

Municipalities participate in the purge process by

- Providing voter registration services to add new voters and update the records of already registered voters.
- Sending voting records to the regional supervisor after each election to make sure each voter's history record is current.
- Cutting obituary notices from the local paper and sending them to the Division of Elections.

Related issues

After notification from the Department of Vital Statistics, a relative, or an obituary, the Division of Elections removes the names from the voting rolls of voters who have died. The purging process is also a backup to remove the names of deceased voters from the rolls. The Division of Elections has provided a Notification of Death form for the public's use.

The voting record of a convicted felon is assigned a code, and the record is inactivated

to ensure that the person's name does not appear on precinct registers. The code is removed after the felon completes a jail sentence and/or parole. The Department of Corrections sends a notice to the Division of Elections, or the felon provides the division with a copy of the notification of unconditional discharge. The voter, however, must re-register to become an active voter.

What to do if...

Q: Two days before an election the owner calls to inform me that his building will not be available for use as a polling place. What can I do?

A: Call the precinct chair for suggestions of a new site. You may also know of a new location. It should meet the federal election committee requirements, but because this is an emergency situation these requirements can be waived. Post signs at the original location giving the address of the new location. If you have time, announce the change in the newspaper and/or on the radio.

Q: I receive complaints that the line is too long and waiting to vote is inconvenient. What can I do?

A: Split your precinct register. One line can service those whose names begin with A - M, and a second line, N - Z. Or for very large precincts, you can split the line into three parts.

Q: A candidate has parked a vehicle, with large campaign posters mounted on it, within the 200 foot campaigning limit and refuses to move the truck. What can I do?

A: Call the regional supervisor's office for a state election and the local police department if it is a municipal election. You can also take a black trash bag out to the vehicle and cover up the sign by taping the trash bag over it.

Q: The voter turnout is larger than expected. I just ran out of ballots.

A: Ask your election officials to make a note in the register cover that they have made use of “unofficial ballots” by using Sample Ballots in place of Official Ballots. The precinct workers should sign attesting that they are using these “unofficial ballots” in place of the Official Ballots. They also need to keep track of the number of “unofficial ballots” used for ballot accountability purposes. Have the voter mark the ballot with a pen or pencil.

Q: A gentleman called and said he voted a questioned ballot in the last election and is asking if his record will be credited with voter history.

A: Yes, his voter history will reflect his questioned voting in that election.

Q: When a voter requests and votes an absentee ballot, does the voter history show this information?

A: Yes.

Q: It has been two years since I have registered any voters. Is a refresher course required?

A: The registration form is constantly being revised. Encourage registrars to update their training so they are informed of all new forms and changes in registration procedures.

Q: A person has spoiled two ballots. How many can I give to a particular voter?

A: Inform the voter you can issue no more than three ballots. After the second spoiled ballot, ask the voter if you can provide assistance in voting. Be sure to check local ordinances.

Q: What election items should I remove from the polling place in case of fire?

A: The most important thing to remember first is your safety. If possible, however, one election official should take the ballot box with voted ballots inside; another election official should take the precinct register; and any remaining officials should remove the unvoted ballots.

Q: Where and how do I get precinct registers and voter lists?

A: Call the regional supervisor and request either the precinct register or the voter list that you want.

Initiative and Referendum Elections

**Please review your own local governing body charter and ordinances for any rules that may vary from the following section.*

What are they?

An initiative is a legislative action, usually an ordinance or resolution, which is proposed by citizens and voted on by municipal resident voters. A **referendum** is a repeal by the voters of an ordinance or resolution that was adopted by the governing body. Results of initiative and referendum elections are binding on the governing body and may not be changed for two years. [This timeframe may differ depending on your local rules.]

The term referendum is also used to describe a vote of the people required by state law to confirm action by the governing body or an advisory vote when the governing body is seeking the voters' opinion on an issue. The governing body is not required to follow the vote of the people at an advisory referendum election.

Article XI, Section 7 of the Alaska Constitution prohibits the use of an initiative to dedicate revenues or make appropriations and prohibits the use of a referendum to repeal an appropriation or an ordinance "necessary for the immediate preservation of the public peace, health, or safety." In addition, initiatives and referendums may not be used for administrative matters.

Procedures

The procedures that general law municipalities must follow are outlined in state law. AS 29.26.100 - .190

The main steps in the process are:

- Sponsors apply for a petition
- Clerk determines whether the application is in proper form
- If the application is for an initiative, clerk determines whether the matter is appropriate for an initiative
- Clerk prepares the petition
- Sponsors circulate the petition for signatures
- Clerk determines if there are enough signatures on the petition
- Residents vote on the issue at a regular or special election
- Home rule municipalities may adopt their own procedures.

Clerk's role

In addition to all the responsibilities the clerk has in any type of election, there are specific tasks that must be performed by the clerk for initiative and referendum elections.

Because the clerk must make complicated decisions, it is sometimes necessary to get legal advice about how to interpret and implement the law governing initiatives and referendums.

An application for petition must be filed with the clerk. It must include the ordinance or resolution to be initiated or referred and the name and address of a contact person and alternate. It must be signed by at least ten voters who agree to be sponsors.

The clerk must determine if the application is in proper form and meets the criteria listed in state law or the local election ordinance. If the application is acceptable, the clerk prepares the petition. The clerk's decision on whether the application is acceptable may be appealed to the courts.

For general law municipalities, the petition must contain:

- A summary of the ordinance or resolution to be enacted for an initiative or to be repealed for a referendum
- The complete ordinance or referendum
- The date the petition is issued by the clerk
- A notice that the sponsors have 90 days to get the necessary signatures
- Spaces for signatures, plus the printed name, mailing address, residence address, and date each person signed the petition
- A statement that the sponsors personally circulated the petition
- Space for the total number of signatures obtained
- Sample petitions are at the end of this chapter.
- Home rule municipalities may adopt their own procedures.

The clerk must figure out the number of signatures required and tell the sponsors. If the municipality has fewer than 7,500 residents, a petition must have signatures equal to at least twenty-five percent of the number of votes cast at the last regular election; for a municipality of 7,500 or more, fifteen percent is required. The signatures on an initiative or referendum petition shall be secured within ninety days after the clerk issues the petition.

After a petition is filed, the clerk has ten days to certify if the petition is sufficient. A petition is sufficient if it has at least the minimum number of legitimate signatures.

If the petition is insufficient, meaning that it does not have enough signatures, the clerk must notify the sponsors and give them ten more days to get the required number.

A petition signer may file a protest of the clerk's decision with the mayor within seven days of the certification. The governing body must rule on the protest at its next regular meeting.

Election

Unless the governing body adopts substantially the same measure that is on the initiative or repeals the one on the referendum, the matter must be submitted to the voters at the next regular election or, if already scheduled, special election occurring not sooner than 60 days after certification of the petition. If no election is scheduled to occur within 75 days after certification of a petition and the governing body determines it is in the best interest of the municipality, the governing body may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition.

Information sources

Sources for more detailed information on initiative and referendum elections are Title 29 of the Alaska Statutes, AS 29.26.100 - .190; local charter and ordinances for home rule municipalities.

When using resource material, be sure to cross check the information with state law to keep current with legislative changes.

Recall

**Please review your own local governing body charter and ordinances for any rules that may vary from the following section. Please also review Alaska Statutes 29.26.250 – AS29.26.360.*

What is it?

An official who is elected or appointed to an elective office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed. Recall means to vote out of office or remove from office.

Grounds for recall are:

- Misconduct in office
- Incompetence
- Failure to perform prescribed duties

The procedures listed in state law apply to both general law and home rule municipalities. AS 29.26.240 - .360

Procedures

The procedures for recall elections are similar to those provided for initiative and referendum elections:

- Sponsors apply for recall petition
- Clerk determines whether application is in proper form

- Clerk prepares petition
- Sponsors circulate the petition for signatures
- Clerk determines if there are enough signatures on the petition
- Residents vote on the question at a regular or special election

Clerk's role

The clerk's role in recall elections is similar to the clerk's role in initiative and referendum elections.

The sponsors must file an application for a recall petition with the clerk. It must contain a statement of the grounds for recall as well as the names and addresses of the contact person, an alternate, and at least ten voters* who agree to sponsor the petition. The clerk is in a particularly sensitive position when dealing with applications for recall petitions, and must remain neutral on the personalities and issues involved and to concentrate on the election process.

The clerk must determine if the application sets out the grounds for recall. The clerk does not have to decide if the allegations are true but must decide if the allegations fit one of the *three grounds for recall. If the clerk is unsure if they fit, call the municipal attorney.

The recall petition must contain:

- The name of the official to be recalled

- The statement of the grounds for recall that was on the application
- The date the petition is issued by the clerk
- A notice that sponsors have sixty days* to get the necessary signatures
- Spaces for signatures, plus the printed name, mailing address, residence address, and date signed for each person signing the petition
- A statement that the sponsors personally circulated the petition
- Space for the total number of signatures obtained

A sample recall petition is at the end of this chapter. The clerk must figure out the number of signatures required and notify the sponsors. If the petition seeks to recall an official who represents the municipality at large, there must be signatures of at least 25%* of the number of votes cast for that office at the last regular election. For an official representing a district, signatures equal to at least 25% of the number of votes cast in the district for that office at the last regular election are required.

Sponsors may not file a recall petition until the official has served the first 120 days of the term or if there are fewer than 180 days left in the official's term of office. After a petition is filed, the clerk has ten days to certify if the petition is "sufficient." A petition is sufficient if it has at least the minimum number of legitimate signatures.

If the petition is insufficient (not enough signatures), the clerk must notify the sponsors and give them ten more days to get enough signatures. If the petition is still insufficient, an application for a petition to recall the same official may not be filed for at least six months.

Election

If the petition is sufficient, give it to the governing body at its next meeting*. The governing body must submit the recall question to the voters at a regular election, if one is scheduled 45 to 75 days after the governing body receives the petition. If no regular election is scheduled during the time frame, the governing body has 45 to 75 days to schedule one. It is recommended that there be more than 60 days notice to allow time for federal pre-clearance of the special election date.

Form of ballot

The recall ballot must contain:

- The grounds for recall as stated on the petition
- A statement by the official named on the recall petition, if the statement is filed with the clerk at least 20 days before the election
- The question: "Shall (name of person) be recalled from the office of (office)? YES NO"

A sample recall ballot is at the end of this chapter.

Information sources

A source for more detailed information on recall elections is Title 29 of the Alaska Statutes, AS 29.26.240 - .360. When using resource material, be sure to cross check the information with state law to keep current with legislative changes and your own municipal charter and/or code sections.

Federal Voting Rights Act – Pre-clearance

Purpose

The U.S. Congress enacted the Voting Rights Act in 1965 to end discriminatory practices that prevented or hindered members of racial and language minority groups from voting.

Definition of pre-clearance

All changes in election laws or practices, voter or candidate eligibility requirements, precinct boundaries, polling places, or other election functions must be approved by the U.S. Department of Justice (DOJ) prior to being put into effect. This approval is known as "pre-clearance."

Pre-clearance involves making a formal written request to the DOJ for review of the proposed changes. The pre-clearance request is usually a letter that discusses the type of change being made and the reason for the change. It includes documentation showing that the changes will not discriminate against racial or language minorities.

Any changes that directly affect or have the potential to affect voting rights must be pre-cleared.

Examples of changes that directly affect voting rights are:

Changes in voter qualifications

- Changes in balloting or voter assistance procedures
- Reapportionment of election districts or service areas
- Changes in polling places
- Changes in petition procedures
- Changes in the method used to put issues on the ballot
- The conduct of elections at times other than regular election day (special elections, for example: a run off election)
- Changes in candidacy requirements or terms of office
- Changes in the method of counting ballots
- Changes in the method of determining the winner of an election (plurality vote, run-off election, etc.)

Examples of changes that have the potential to affect voting rights are:

- Enabling legislation or ordinances that allow the municipality to make changes in election procedures, even if no change is being made at the time
- Changes in the way annexations are processed
- Changes in municipal status (second class city to first class city, unification, etc.)

Statutory authority

Pre-clearance is required under Section 5 of the Federal Voting Rights Act. The state and all local governments and jurisdictions are required to comply with this requirement. As a whole, the Federal Voting Rights Act does three things:

- It prohibits the use of any voting procedure, qualification, or practice that would result in denial of voting rights of members of racial or language minorities.

- It requires that election materials be available in minority languages in specific jurisdictions in which certain federally established criteria apply
- It requires pre-clearance from jurisdictions meeting established criteria. Under the criteria established by the federal government, Alaska and all its municipalities fall under the Section 5 pre-clearance requirement.

State responsibility

The Division of Elections is responsible for pre-clearing all changes in election procedures initiated or implemented by the state legislature or the administration.

These changes include:

- New state laws or amended statutes enacted by the legislature that impact voting at the state level or at the local level
- Regulations related to election procedures for state, local, or regional elections adopted by the administration
- Statewide reapportionment plans under which the alignment of house districts is implemented
- Precinct boundary changes
- Polling place changes for state-conducted elections and on behalf of the municipality when they use the same polling place
- Incorporation of a new municipality
- Changes in administrative procedures used in the conduct of state elections

If the change of subject matter of the pre-clearance affects municipalities as well as the state, pre-clearance is requested on behalf of the municipality. For example, if a polling place has to be changed by the state before the primary election and the change is to be a permanent one to be used by the municipality as well, the state will also request preclearance on behalf of the municipality.

Municipal Clerk's Responsibility

The clerk is responsible for submitting pre-clearance requests for all changes in election procedures, ordinances, and practices initiated by the municipality for municipal elections.

Preparing the pre-clearance submission. Submit pre-clearance requests to

Department of Justice
Voting Rights Section – NWB
950 Pennsylvania Avenue N.W.
Washington DC 20530

Fax: 202-616-9514

For full information, go to their website at: <http://www.justice.gov/>

As soon as a change is made that will require pre-clearance, start a file and put all information about the change in it.

As the change is discussed or when any action is taken, put a copy or a notation in the file. If a letter is received about the change or there are news stories about the change in the local newspaper, put a copy in the file. Then when it is time to send in the pre-clearance request, most of the work will already be done. The letter to DOJ can be brief because enclosures from the file will provide a good deal of the information required for pre-clearance.

Under Section 5, a person preparing a preclearance request must do the following:

- Include a copy of the ordinance, order, regulation, or procedure, which is being changed.
- Explain the change and the difference between the new procedure and the old one if the change is not clear in the ordinance, procedure, or order.
- Include the name, title, address, and telephone number of the person making the submission. Also make sure the name of the municipality and the state are clear. Often the municipality's letterhead stationery includes most of this information. (If a city is in a borough, include the name of the borough, too.)
- Identify the name of the person or body responsible for making the change and how the decision was made. Example:

Person or Body

Method

Assembly/Council

By ordinance

Clerk

By administrative decision

- State the statute, ordinance, or other legal authority that allows that change to be made and describe the procedures required to make the change. Usually it is sufficient just to make reference to the statute or ordinance by its number or citation, but sometimes it may be helpful to send a copy of the statute or ordinance with the request. The clerk may also provide evidence of compliance by adding enclosures such as minutes of assembly or council meetings, ads placed to give public notice, etc.
- Identify the date on which the change was adopted and the date on which the change is to go into effect.
- Include a statement that the change has not yet been enforced or administered; or, if such a statement cannot be made, an explanation of the circumstances that required enforcement before preclearance could be obtained.
- If the change affects only a part of the municipality, include a map of the municipality showing the area affected.
- Explain the reason for the change and describe the circumstances which prompted the change. (The reason for the change could be the receipt of a petition, the need to resolve a recurring administrative problem, reapportionment, etc.).
- Explain clearly the effect of the change on minorities. Remember that the goal is to make sure that minorities are not discriminated against or disenfranchised. For example, "The change will not deny or abridge the voting rights of any individual on the basis of race or language spoken."

Then provide evidence that supports the statement

- Provide demographic information showing the number or percent of minority population making up the local municipality. Use figures from the Census, the Alaska Departments of Labor and Workforce Development or Community and Economic Development, or the local municipality. An estimate may be used if it is made clear that it is just an estimate.
- Include the name, address, and contact phone number of minority leaders in the community who have a good understanding of the change being made. DOJ often contacts these references. These leaders can be members of the

governing body, individuals who participated in proposing the change, or other interested parties from whom information was solicited.

- A mailing list of Alaska Native and other minority leaders is helpful. Routinely send them copies of proposed changes and provide them with an opportunity to comment. Include the mailing list with the submission. Even if there was no response, this will document that the information about the proposed change was made available.
- Sometimes a change may have an impact on minorities. For example, a special election may have to be scheduled while many voters will be away during peak fishing or logging seasons or while pursuing general subsistence activities. In such a case, explain the reason why the election or change must be implemented at the time selected. (Remember that a special election is a "change" because its date is not on a regular election day.).
- To offset the possible impact on minorities, describe procedures that will be used to help alleviate the problem, such as absentee voting opportunities.
- Include a statement identifying any past or pending litigation concerning the change. In most cases, there won't be any, and a simple statement to that effect will be sufficient.
- If appropriate, include a statement that the prior practice or procedure was pre-cleared and give the date. (If it wasn't pre-cleared, address the issue in the letter.).
- If the municipality includes a large number of voters who do not read or write English, include information about the bilingual assistance available to the voter.

Pre-clearance requests should be no longer than necessary to present the basic information required. That is why a complete file, which includes advertisements, documents, letters, and all other related information, will be useful. The letter can be brief, because the enclosures provide the details.

Timing

There are 3 important considerations to keep in mind when planning a change that must be pre-cleared. Plan ahead!! Don't forget that:

- Changes cannot be pre-cleared until they are in final form and have been adopted
- Once adopted, changes cannot be enforced until they have been pre-cleared
- By law, DOJ has a full 60 days to review any request for pre-clearance. The first day of the 60 day review period begins on the day after the submission is received by DOJ. Under some circumstances, an expedited review may be requested; however, it is best to allow plenty of time before the change is due to go into effect to allow for pre-clearance. In an emergency, or if required by state law or local ordinance or otherwise it is found necessary to implement a change in less than 60 days, DOJ will try to comply with the request.

If DOJ does not respond at the end of the 60 day period, the change is considered "pre-cleared" and may be enforced.

A sample pre-clearance request and a sample of a typical response from DOJ are included at the end of this chapter.

Technical assistance

The Division of Elections and Department of Law have prepared a handbook, *The Federal Voting Rights Act: Meeting the Standards*, which explains the law and how to comply with it. This handbook is available from any of the participating agencies.

The Code of Federal Regulations, 28 C.F.R. Part 51 covers the procedures and standards for preclearance submissions.

For more information, contact

- Division of Elections
- U.S. Department of Justice, Voting Section

Alaska Public Offices Commission (APOC)

The Alaska Public Offices Commission (APOC) is a citizen commission created by the legislature to enforce the laws enacted to make known to the public:

- Who pays how much to support or oppose a candidate or issue
- What the financial interests of candidates and public officials are
- Who pays lobbyists how much to do what

The laws require:

Candidates and public officials to report their financial interests

- Candidates and political action committees to report all contributions and campaign expenses
- Contributors to political campaigns to report all contributions of more than \$250
- Lobbyists and those they represent to report all expenditures made to influence the legislature and state government

Contact the APOC office with any questions or to request forms.

Alaska Public Offices Commission
2221 E. Northern Lights Blvd Room 128
Anchorage, Alaska 99508
Phone: 276-4176; Fax: 276-7018
<http://doa.alaska.gov/apoc/>

Conflict of Interest

The State conflict of interest law applies to municipal officers unless residents of the municipality voted to exempt them. Mayors, managers, and members of assemblies, councils, planning and zoning commissions, elected utility boards, and school boards are all considered municipal officers. Service area boards and charter commission members are not included. AS 39.50.010 - .200.

Who must file?

Organizations that support ballot issues, municipal officers and candidates for elective municipal office, except service area boards and charter commission members, must file conflict of interest statements disclosing their personal financial interests.

These statements are filed with the clerk and must be kept for six years. They are public records, open for public inspection. If requested, the clerk must provide a copy of the statement and may charge a reasonable fee for it. Recent changes in state law require some municipalities (for populations over 15,000 residents) to file their Public Official Financial Disclosure forms electronically through their MyAlaska profile on the state website.

Deadlines

Candidates must file the conflict of interest statements when they file for office. Their names may not be put on the ballot if they have not filed their conflict of interest statements. By March 15th of each year, they must file an updated statement for the previous calendar year if they held public office. Other municipal officers must file within 30 days of taking office and update their statements by March 15th each year.

APOC will notify you of available forms and instructions before the deadlines. APOC must be notified if someone does not file on time.

Candidates for State offices

Do not accept conflict of interest statements from candidates for statewide offices, even if they live in the municipality. They must file directly with APOC or the Division of Elections.

Campaign Disclosure

The state's campaign disclosure law applies to municipalities with more than 1,000 residents, unless the residents have voted to exempt themselves. The law also allows municipalities to adopt ordinances setting out their own regulations for campaign contributions and expenditures. AS 15.13.010 - .130

Forms for candidates

Before each election, APOC will send a packet of instruction manuals, exemption forms for candidates who raise and spend less than \$5000, and regular reporting forms. State regulations require the clerk to have copies of these forms available in the office for the candidates. 2 AAC 50.310.

The clerk does not have to distribute the forms, and does not have to collect them. The candidates are responsible for picking up the forms and for delivering them to APOC.

Municipal expenditures

Municipalities that spend money to influence the outcome of an election or to provide information about a ballot issue must report those expenditures to APOC. APOC defines influence as all election-related communications, except election notices and expenses that are required by local ordinance, home rule charter, or state law.

If a municipality receives contributions for an election campaign, the names, addresses, and occupations of the contributors, the amount of the contributions, and how the contributions are spent must be reported to APOC. The municipality must be registered and report as a group. If the municipality does not raise or spend contributions, it may

report as an individual.

These provisions on municipal expenditures apply to municipalities over 1,000 in population that have not exempted themselves from the campaign disclosure law.

For more information on how a municipality can exempt itself from the state laws governing conflict of interest and campaign disclosure, contact APOC.

Lobbying

Elected and appointed municipal officers and municipal employees, when they are representing their municipality are exempt from the state regulation of lobbying law. AS 24.45.011 - .181.

If a municipality hires a lobbyist, the municipality must file all the reports required of employers.

In some municipalities, clerks file these reports; in others, a different employee is responsible. Forms and instruction manuals are available from APOC.

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Regular Election – October 2, 2007

<u>(Fill in date)</u>	90 days before election
<u>(Fill in date)</u>	First day to file candidate (Everywhere Municipal Code 2.40.040)
<u>(Fill in date)</u>	First day to apply for absentee ballot (EMC 2.40.050)
<u>(Fill in date)</u>	First ad for offices to be filled (EMC 2.40.020)
<u>(Fill in date)</u>	Second ad for offices to be filled
<u>(Fill in date)</u>	Last meeting to introduce ordinances for ballot measures
<u>(Fill in date)</u>	Third ad for offices to be filled
<u>(Fill in date)</u>	Line up polling places
<u>(Fill in date)</u>	Line up use of rooms for election night at _____ location _____
<u>(Fill in date)</u>	45 days: last day for charter changes (EMC 2.40.100)
<u>(Fill in date)</u>	Last Council meeting for passage of ordinances and resolutions for ballot measures
<u>(Fill in date)</u>	Fourth ad for offices to be filled
<u>(Fill in date)</u>	Make arrangements for programming of ballots (EMC 2.40.360)
<u>(Fill in date)</u>	40 days before election
<u>(Fill in date)</u>	5 p.m. deadline for filing candidate petitions (EMC 2.40.090)
<u>(Fill in date)</u>	Ballot information to printer – WHEN WILL BALLOTS BE READY? (EMC 2.40.180)
<u>(Fill in date)</u>	Mail list of candidates and mailing addresses to APOC
<u>(Fill in date)</u>	First ad – Notice of election – 30 days prior – EMC 2.40.270
<u>(Fill in date)</u>	Pick judges and polling place workers (EMC 2.40.250)
<u>(Fill in date)</u>	Call elections office about precinct lists
<u>(Fill in date)</u>	30 days before election
<u>(Fill in date)</u>	Get precinct supplies and forms ready
<u>(Fill in date)</u>	Second ad – Notice of election
<u>(Fill in date)</u>	Third ad – Notice of election
<u>(Fill in date)</u>	Remind all poll workers of training – reminder to polling places
<u>(Fill in date)</u>	Absentee ballots available (EMC 2.40.170)
<u>(Fill in date)</u>	Remind Public Works of deliveries to precincts
<u>(Fill in date)</u>	Arrange for use of copy machine on election night
<u>(Fill in date)</u>	Training of poll workers
<u>(Fill in date)</u>	Last day absentee requests can be postmarked (EMC 2.40.200)
<u>(Fill in date)</u>	Election day – polls open 7 a.m. to 8 p.m.
	Absentee ballots postmarked no later than this day
	Special needs ballots accepted until 8 p.m. at all precinct polling places
<u>(Fill in date)</u>	Advertise when absentee/questioned ballots to be counted
<u>(Fill in date)</u>	Public Works to pick up voting equipment for storage
<u>(Fill in date)</u>	Council meeting to certify election results (EMC 2.40.440)

NOTICE OF ELECTIONS

Notice is hereby given that on Tuesday, October 2, 2007 the regular municipal election of the City of Everywhere, Alaska will be held in accordance with Alaska Statutes 29.26.040, for the purpose of electing the following officials.

- (A) One councilmember, Seat D, 3-year term
- (B) One councilmember, Seat F, 3-year term

In addition, voters will consider the following proposition:

PROPOSITION NO. 1

Shall the City of Everywhere, Alaska, adopt the manager form of government?

Yes
 No

A person may vote who (a) is a citizen of the United States (b) is at least 18 years of age (c) has been a resident of the State and of the election district for at least 30 days before the election and (d) has registered to vote at least 30 days before the election.

Polling places are as follows:

- Precinct 1: Veterans' of Foreign Wars, 316 There Street, Everywhere, AK
- Precinct 2: City Hall, 205 Now Avenue, Everywhere, AK

The polls will be open from 7:00 a.m. until 8:00 p.m. on election day.

Absentee ballots will be available for voting in the City Clerk's Office two weeks before the election until 5:00 p.m., October 2, 2007. Any qualified voter who is entitled to secure and cast an absentee ballot may do so by applying to the City Clerk in person, by a personal representative, or by mail. Applications for absentee ballots are available upon request from the City Clerk, 205 Now Avenue, Everywhere, Alaska 99900.

Dolores Ingwersen
City Clerk

NOTICE OF OFFICES TO BE FILLED

The regular election for the City of Everywhere will be held October 2, 2007. Nominating petitions may be filed with the City Clerk's office, 205 Now Avenue from August 8, 2007 through August 26, 2007, 8:00 a.m. to 5:00 p.m. for the following seats:

COUNCIL SEATS

Two Council seats 3-year terms

SCHOOL BOARD SEATS

Two School Board seats 3-year terms

SERVICE DISTRICT ADVISORY BOARD SEATS

Service District #1
Two Advisory Board seats 3-year terms
One Advisory Board seat 2-year term

Fire District #1
Two Advisory Board seats 3-year terms

QUALIFICATIONS

A qualified voter who has resided within the city for a period of one year prior to filing his/her declaration of candidacy is eligible to be a council member or school board member. A qualified voter residing within the service district may have his/her name placed on the ballot for an advisory board seat.

All elected officials are elected at large, with the exception of service district advisory boards.

Candidates for all offices are nominated by petition of ten qualified voters of the City of Everywhere. Petitions for service district offices must be signed by residents of the particular service district. A "Conflict of Interest" statement must be filed with the City Clerk at the time of filing petition.

Petitions for nomination may be obtained at the City Clerk's Office, 205 Now Avenue, Everywhere, Alaska.

* * *

Publish: August 1 and 8, 2007

LEGAL NOTICE

Notice is given that the following offices are to be filled through a regular election of the City of Everywhere to be held on October 2, 2007:

Two council members – three-year terms
Two school board members – three-year terms

Qualifications for Candidacy: A qualified voter who has resided continuously in the city during the twelve months immediately preceding the election may be nominated for an elective city office or school board.

Nomination Petition: Nomination petitions for candidates may be obtained from the office of the city clerk and such petition shall be signed by not less than ten registered voters of the City of Everywhere. With each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient description.

No candidate shall sign more than one petition for each office to be filled. If he does so, his signature shall be valid only on the first sufficient petition filed for that office.

Affidavit of Circulator of Petition: The circulator of the petition must sign an oath that each of the signatures on a nomination petition was made in the presence of the circulator and is the genuine signature of the person whose name it purports to be.

Acceptance of Petition: Nominating petitions will be accepted by the city clerk only if accompanied by the candidate's Conflict of Interest Statement and sign acceptance of the nomination by the person nominated. The acceptance shall indicate the candidate's voter registration number and the length of time s/he has resided in the municipality.

Filing of Nomination Petitions: All nomination papers comprising a petition shall be assembled and filed with the city clerk as one instrument, not earlier than 90 days or later than 35 days before the election.

The deadline for filing is August 31, 2007 at 5:00 p.m. No nominating petition may be corrected, amended, or withdrawn after this date.

Dolores Ingwersen
City Clerk

Publish: July 8, 22, August 12 and 26, 2007

DECLARATION OF CANDIDACY
CITY OF EVERYWHERE, ALASKA

I, _____ a qualified voter and resident of Everywhere, Alaska hereby declare myself a candidate for seat X, for the office of Everywhere City Council Member. Seat X is a term of three years. Upon election, I agree to serve in office for this term.

Signed:

Name

Address

City, State, Zip

Attest:

Date

City Clerk

**CITY OF SOMEWHERE SPECIAL, ALASKA
Clerk's Mailing Address
Somewhere Special, Alaska 99911**

NOMINATING PETITION – MAYOR SEAT

We, the undersigned qualified voters of the City of Somewhere Special, in the State of Alaska, hereby nominate and sponsor _____, whose residence is _____, _____ for the office of MAYOR, to be voted for at the election to be held on the ____ day of October, 20____.

We individually certify that we are qualified to vote for a candidate for the office this candidate seeks, and that we have not signed other nominating petitions for this office exceeding in number the vacancies in this office to be filled in this election.

<i>Signature</i>	PRINTED NAME	Residence Address Street & No. or Lot & Block	Please Provide One ID#: (Voter #, Last four # of SSN, or Birth Year)
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____
15.	_____	_____	_____
...			

ACCEPTANCE OF NOMINATION – MAYOR SEAT

I hereby accept the above nomination and agree to serve if elected and declare that I qualify for the office for which I am nominated, as outlined in [Charter/Code section(s) _____]

I am a qualified voter of the municipality, and have been a resident of the municipality for at least one year immediately preceding election to office.

Signature of Candidate

Show How Candidate's Name is to Appear on the Ballot: _____

Residence Address: _____

Mailing Address: _____

Please provide ONE of the following for public use, the rest are optional:

Home Telephone: _____

Work Telephone: _____

Home Fax Number: _____

Work Fax Number: _____

Home Email: _____

Work Email: _____

This Petition is Filed By: _____

Whose Address Is: _____

BELOW AREA FOR CLERK'S OFFICE USE ONLY

Received By: _____
Election Official

Date and Hour of Filing Above: _____

_____ POFD Statement Attached

_____ # of Valid Signatures

Candidate Notified of Petition Status _____

Line# of each valid signature on the petition:

_____, _____, _____, _____, _____, _____, _____, _____, _____, _____,
_____, _____, _____, _____, _____, _____, _____, _____, _____, _____,
_____, _____, _____, _____, _____,

**OFFICIAL BALLOT
KETCHIKAN GATEWAY BOROUGH
REGULAR BOROUGH ELECTION
TUESDAY, OCTOBER 7, 2008**



**OFFICIAL BALLOT
KETCHIKAN GATEWAY BOROUGH
REGULAR BOROUGH ELECTION
TUESDAY, OCTOBER 7, 2008**

Completely fill in the oval opposite the name of each candidate for which you wish to vote: ●

BOROUGH MAYOR (3-year term) Vote for not more than one (1)	SCHOOL BOARD MEMBER (3-year term) Vote for not more than two (2)
KIFFER, Dave <input type="checkbox"/>	LIEBEN, Dave <input type="checkbox"/>
WILLIAMS, Jr., Joe <input type="checkbox"/>	JOHNSTON, Patrick E. <input type="checkbox"/>
Write-in <input type="checkbox"/>	Write-in <input type="checkbox"/>
Write-in <input type="checkbox"/>	Write-in <input type="checkbox"/>
BOROUGH ASSEMBLY MEMBER (3-year term) Vote for not more than three (3)	PROPOSITION 1
HARRINGTON, John A. <input type="checkbox"/>	"Shall Ordinance 1496 authorizing the acquisition of the South Point Higgins Beach funded through the sale of Borough lands and authorizing issuance of notes or other debt instruments in connection with the acquisition in an amount not to exceed \$1,170,000.00 be approved?" YES <input type="checkbox"/> NO <input type="checkbox"/>
CARRO, Justin L. <input type="checkbox"/>	
PHILLIPS, Todd <input type="checkbox"/>	
RETTKE, Ty <input type="checkbox"/>	
GIBBONS, Janine <input type="checkbox"/>	
SHOEMAKER, Jim <input type="checkbox"/>	
Write-in <input type="checkbox"/>	
Write-in <input type="checkbox"/>	
Write-in <input type="checkbox"/>	

FRONT Card 1 SEQ#1



OFFICIAL BALLOT

CITY OF KETCHIKAN

REGULAR MUNICIPAL ELECTION

OCTOBER 7, 2008

Completely fill in the oval opposite the name of each candidate for which you wish to vote:

CITY COUNCIL (Three-year term) Vote for not more than three (3)	Proposition No. 1 Shall a new section 2-17 be added to the Charter of the City of Ketchikan, Alaska to read as follows: <u>Financial Disclosures</u> <u>Section 2-17.</u> The manager, candidates for elective city office, and elected city officers shall file statements giving income sources and business interests under oath and on penalty of perjury. The statements shall be in a form prescribed by ordinance and shall contain substantially the same information, as may be adjusted for inflation, which the manager, candidates for elective city office, and elected city officers were required to disclose under the Alaska Public Officials' Financial Disclosure Act and regulations in 2006. Candidates for city elective office shall file the statements at the time of filing a nominating petition, declaration of candidacy, or other required filing for appointment or election to elective office. Elected city officials shall file current statements annually by a date set by ordinance. The manager shall file current statements within thirty days of taking office and annually thereafter by a date set by ordinance. All forms shall be filed with the city clerk and shall be made available to the public upon request and without deletions. City officers and candidates for city elective offices shall be exempt from the requirements of the Alaska Public Officials Financial Disclosure Law (Alaska Statutes 39.50) and any amendments thereto.
HARRIS, Jason <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
ELLIS, Peter R. <input type="checkbox"/>	
EDWARDSOM, Charles <input type="checkbox"/>	
JACKSON, Joel W. <input type="checkbox"/>	
MCNALLY, Michael <input type="checkbox"/>	
TINDER, Mark <input type="checkbox"/>	
HARRIS, KJ <input type="checkbox"/>	
WEST, Marty <input type="checkbox"/>	
Write-in <input type="checkbox"/>	
Write-in <input type="checkbox"/>	
Write-in <input type="checkbox"/>	
CITY COUNCIL (One-year term) Vote for not more than one (1)	
WILLIAMS, III, Lew <input type="checkbox"/>	
Write-in <input type="checkbox"/>	

BACK Card2 SEQ#1

CITY OF EVERYWHERE, ALASKA

GENERAL ELECTION BALLOT

INSTRUCTIONS

Mark only by use of "X" marks. Place marks in squares at the left of the candidates' names or propositions you wish to vote for.

DO NOT vote for more than one person for each office. To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below the list of candidates.

If your ballot is marked incorrectly or if you wish to change your vote, return your ballot to the election judge who will issue you a new ballot.

CITY COUNCILMEMBER
SEAT D: THREE YEARS
(VOTE FOR ONE)

- Jim Jones
- Monty Python
- Walter Hudson
- _____

CITY OF EVERYWHERE, ALASKA

Return to:
City Clerk's Office
190 Now Street
Everywhere, Alaska 99000
907-228-5658 or 907-228-5604

ELECTION FOR 2008
(Check all that apply)

- Regular Election of October 2, 2007
- Special Election of _____
- Any Special Election for the Calendar Year 2007

APPLICATION FOR ABSENTEE BALLOT

Name: _____
(Please print)

Everywhere Residence Address: _____

Registered in Precinct No. _____

Address to which absentee ballot should be mailed:

Contact Phone Number: _____

Voter Identification: (One of the following)

Voter ID No: _____

Social Security No: _____

Birth date: _____

Signature _____

Date _____

<u>Office Use Only</u>
Received by _____
Date _____
Ballot mailed: _____

All applications must be received two week prior to any election date.

CITY OF EVERYWHERE, ALASKA
APPLICATION FOR ABSENTEE BALLOT

Name

Registration No., Social Security No., or
Birth Date

Hereby requests an absentee ballot to vote in the election of

Date

Please mail my ballot to:

Street or P.O. Box No.

City, State, Zip

I am a qualified, registered voter of the State of Alaska, I am NOT requesting a ballot from any other state and am not voting in any other manner in this election, except by absentee ballot and have not claimed to be a resident of any other state for any purpose in the past 30 days.

Signature

Name (Please print)

Mail request form to: City Clerk, 205 Now Avenue, Everywhere, Alaska 99900

OFFICIAL USE ONLY

Date Request Rec'd _____

Rec'd by _____

Date Ballot Mailed _____

CITY OF EVERYWHERE, ALASKA
APPLICATION FOR ABSENTEE BALLOT
BY PERSONAL REPRESENTATIVE

(Please Print)

I, _____, request that _____,
(voter) (personal representative)

bring me an absentee ballot, as I am unable to go to the polling place due to a disability
and that the information on this form is accurate and complete to the best of my
knowledge. I further certify that I am a resident of Alaska and I have not been convicted
of a felony, or having been so convicted, have been unconditionally discharged from
incarceration, probation, and/or parole. I am not registered to vote in another state, or I
have taken the necessary steps to cancel that registration. I am or have been a
registered voter in Alaska at some time in the last 4 years or am newly registering. I
have not and will not vote in any other manner in this election.

As required by 6AAC 25.090, I am providing at least one of the following for
identification purposes:

Voter No. _____

You must also provide your date of birth:

Social Security No. _____

_____ Day _____ Mo _____ Year

State ID No. _____

I understand that if I have opted to provide my social security number it will remain
confidential and be used for no other purpose.

(Voter's Signature)

(Date)

REPRESENTATIVE CERTIFICATION

I, _____, do hereby certify that _____

_____ is unable to go to the polling place because of physical
disability. I will not vote the ballot for the voter or coerce the voter into voting for a
specific candidate or issue. I will not divulge the way the voter votes the ballot.
WARNING: Unlawful interference with voting is punishable under AS 15.56.030. By
signing, I am witnessing to the best of my knowledge, the voter is the person s/he
claims to be and this certification was made in my presence.

Representative signature

Date

**CITY OF EVERYWHERE
REGULAR ELECTION – OCTOBER 2, 2007
INVENTORY LIST OF SUPPLIES**

INSTRUCTIONS

Official Procedures for Election Boards
Individual Assignment Sheets – Election Workers

REGISTERS

Precinct Register Cover & Precinct Register (contains Oath of Office, Spoiled Ballots and Ballot Statement)
Special Needs Register
Questioned Voter Register
List of Absentee Voters

SECRECY SLEEVES

Secrecy Sleeves for Regular Voters

QUESTIONED VOTERS

Questioned Ballot Oath and Affidavit Envelopes
Secrecy Sleeves for Questioned Ballots

SPECIAL NEEDS VOTING

Special Needs Voting Envelopes (and secrecy sleeves)

ENVELOPES

Voted Ballots
Questioned Voter Envelopes and Questioned Voter Register
Special Needs Voter Envelopes
Ballot Stubs
Zero and Totals Tape
Precinct Register and Cover/Special Needs Voter Register
Completed Timesheets/Completed Death Notification Forms

POSTERS

How To Vote
Vote Here – Campaigning (Electioneering) Notice
Have Identification Ready
Vote Here Banner
Disabled Access Poster

PRECINCT MAPS

Precinct Boundary Map

FORMS TO BE COMPLETED

Timesheet for Precinct Workers

MISCELLANEOUS FORMS

Death Notification Form
Sample Ballots

SUPPLIES

Miscellaneous Supply Bag with Contents Card
Plastic Ballot Magnifier
Envelope with "I Voted" stickers
Flag

List of Supplies for Supply Box

- 1 Roll String
- 1 Box Push Pins
- 1 Box Paper Clips
- 1 Garbage Bag
- 1 Bag Rubber Bands
- 2 Box Knife
- 1 White Table
- 1 Small Post It Pad
- 1 Medium Post It Pad
- 2 Rolls Desk Pins
- 1 Roll Strapping Tape
- 1 Roll Scotch Tape
- 1 Pencil Sharpener
- 1 Black Clip
- 2 Rings
- 2 Tie
- 1 Scissors
- 5 Blue or Black Pens
- Pencils (amount according to the booths)

CITY OF EVERYWHERE, ALASKA
REGULAR MUNICIPAL ELECTION

This is to certify that I have received from the City Clerk the following items for the municipal election of October 2, 2007.

1. Election Ballot Receipt
2. Official Ballots
3. Sample Ballots
4. Voter Registration List/Voter Register
5. Chapter 7 of the Code of Ordinances
6. Certificate of Return
7. Certificate of Ballots
8. Questioned Ballot Envelopes
9. Challenged Ballot Envelopes
10. Affidavit of Qualification
11. Oath of Qualification
12. Register for Spoiled and Questioned Ballots
13. Pens, pencils, tablets, clips, rubber bands, etc.
14. Voter Registration Applications

Election Judge

Precinct Number

CERTIFICATE OF RETURN

This is to certify that all ballots, tally sheets, all paper and memoranda pertaining to the election have been replaced in the locked ballot boxes, and said ballot boxes with keys have been returned to the city clerk by two or more election judges.

Election Judge

Election Judge

Signed and sworn to before me this _____ day of _____, _____
at Everywhere, Alaska.

Notary Public in and for the State of Alaska
My Commission expires: _____

CITY OF EVERYWHERE, ALASKA
BALLOT STATEMENT

- 1. The number of official ballots received _____
- 2. The number of persons voting (including questioned and challenged ballots) _____
- 3. The number of ballots spoiled _____
- 4. The number of unused ballots _____
- 5. The number of absentee ballots by personal representative _____
- 6. Total number of all ballots (add lines 2, 3, 4, and 5. Lines 1 and 6 must agree) _____
- 7. The number of questioned ballots voted _____
- 8. The numbers of unused ballots destroyed from _____ through _____

Date _____

Chairman

Judge

Judge

Clerk

Clerk

CITY OF EVERYWHERE, ALASKA
OATH OF ELECTION OFFICER

I, _____, do solemnly swear that I will honestly and faithfully perform the duties of judge or clerk of the regular municipal election of October 2, 2007 according to law, that I will endeavor to prevent fraud, deceit or abuse in connection with the election, to the best of my ability, so help me God.

Election Officer

ATTEST:

City Clerk, City of Everywhere, Alaska

Date

INITIATIVE PETITION

SUMMARY OF ORDINANCE TO BE INITIATED

(Summary)

ORDINANCE TO BE INITIATED

(Ordinance)

This petition is issued on (_____). Signatures on this petition must be secured within 90 days from this date.

Signature	Printed Name	Residence Address	Mailing Address	Date

The total number of signatures on this petition is: _____

STATE OF ALASKA)
)
 FIRST JUDICIAL DISTRICT)

STATEMENT OF (name of sponsor who circulated petition)

I, (name of sponsor who circulated petition), having been first duly sworn, swear that I personally circulated this petition, that all signatures were affixed in my presence, and that I believe them to be those of the persons whose names they purport to be.

 Date

 Name

Subscribed and sworn to before me on _____ day, _____, _____.

 Notary Public in and for the State of Alaska
 My Commission expires: _____

REFERENDUM PETITION

SUMMARY OF ORDINANCE TO BE REFERRED

(Summary)

ORDINANCE TO BE REFERRED

(Ordinance)

This petition is issued on (_____). Signatures on this petition must be secured within 90 days from this date.

Signature	Printed Name	Residence Address	Mailing Address	Date

The total number of signatures on this petition is: _____

STATE OF ALASKA)
)
 FIRST JUDICIAL DISTRICT)

STATEMENT OF (name of sponsor who circulated petition)

I, (name of sponsor who circulated petition), having been first duly sworn, swear that I personally circulated this petition, that all signatures were affixed in my presence, and that I believe them to be those of the persons whose names they purport to be.

Date

Name

Subscribed and sworn to before me on _____ day, _____, _____.

Notary Public in and for the State of Alaska
My Commission expires: _____

RECALL PETITION

This petition seeks to recall (name of official) from the office of (name of office).

The grounds for this recall petition are:

(state grounds)

This petition is issued on (_____). Signatures on this petition must be secured within 90 days from this date.

Signature	Printed Name	Residence Address	Mailing Address	Date

The total number of signatures on this petition is: _____

STATE OF ALASKA)
)
 FIRST JUDICIAL DISTRICT)

STATEMENT OF (name of sponsor who circulated petition)

I, (name of sponsor who circulated petition), having been first duly sworn, swear that I personally circulated this petition, that all signatures were affixed in my presence, and that I believe them to be those of the persons whose names they purport to be.

Date

Name

Subscribed and sworn to before me on _____ day, _____, _____.

Notary Public in and for the State of Alaska
My Commission expires: _____

RECALL BALLOT

GROUND FOR RECALL

(Grounds as stated in 200 words or less from the recall petition)

STATEMENT OF (name of official sought to be recalled)

(Statement of 200 words or less by official if
filed with clerk for public publication and
inspection within 20 days before election)

Shall (name of official sought to be recalled) be recalled from the office of (name of
office)?

Yes ()

No ()

EVERYWHERE, ALASKA

(907) 555-6413

Office of the Mayor
205 Now Avenue
Everywhere, Alaska 99900

February 20, 2007

Department of Justice
Voting Rights Section – NWB
950 Pennsylvania Avenue N.W.
Washington DC 20530**SUBJECT:** Request for Preclearance Under Section 5, Voting Rights Act –
Date of Special Liquor Option Election

Dear Sir or Madam:

Preclearance is hereby requested for the April 20, 2007 date selected for a special liquor option election to be held in the City of Everywhere, Alaska which is located in the Aurora Borough of Alaska. The purpose of this election will be to vote on the question, "Shall the sale and importation of alcoholic beverages in the City of Everywhere be prohibited? (YES or NO)." This election was ordered by the City Council on February 19, 2007 under the authority of local Ordinance No. 07-1249, and pursuant to AS 04.11.502 which provides that "whenever a number of registered voters, equal to at least 35% of the number of votes cast at the last regular municipal election petition the local governing body to do so," the question shall be placed before the voters at the next regular or special election. On February 8, 2007 such a petition was filed with the city clerk, and subsequently certified as having the required number of qualified signatures with 685 of the 1896 registered voters signing.

A consistent and recurrent practice, and in accordance with AS 29.26.170, regarding special local elections resulting from the petition process, local options are scheduled not less than 45 nor more than 75 days from the certification of the petition. April 20, 2007 was selected with no objection by the prime sponsor of the petition. All registered voters residing within the municipal boundaries shall be eligible to vote in this election.

The selection of this date will in no way deny or abridge any voter's right to vote on the basis of membership in a racial or language minority. According to 2000 U.S. Census data, the population of Everywhere, Alaska is approximately 75% Caucasian and 25% Alaska Native. We estimate, however, that the percent of Alaska Native population may be somewhat lower based on school enrollment figures compiled by race by the Department of Education. English is widely spoken; however, bilingual assistance will be made available at the city clerk's office where voters may vote absentee in person from April 12 through April 20. Public service announcements advertising this service will be aired on the local radio station. The April 20 date will not conflict with subsistence activities of Everywhere's Native voters.

The election and public notice procedures prescribed in AS 29.26.010 – AS 29.25.070 and local Ordinance No. 81-1204, as amended, shall be implemented in the conduct of

this election. Election Ordinance No. 81-1204 was amended in June of 1989, and was precleared on August 26, 1989, your reference No. M99999. No past or pending litigation concerns this change or related election practices.

The following minority leaders may be contacted for further information:

Alex Nikolai, City Councilmember
P.O. Box 421
Everywhere, Alaska 99900

Alice Krupeanoff, Secretary
Everywhere Native Council
P.O. Box 94
Everywhere, Alaska 99900

Sincerely,

Dolores Ingwersen
City Clerk

Enclosures: Copy of Certified Petition
Order of Election
Public Service Announcement
Sample Ballot
Minutes of City Council Meeting, 2/12/07

U.S. Department of Justice

WBR:RSB:PRD:dvs:gmh
DJ 166-012-3
M0639

Washington D.C. 20530

April 18, 2007

Ms. Dolores Ingwersen
205 Now Avenue
Everywhere, Alaska 99900

Dear Ms. Ingwersen:

This refers to the procedures for conducting the April 20, 2007 liquor option election for Everywhere, Alaska, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on February 25, 2007.

The Attorney General does not interpose any objection to the change in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such a change. In addition, as authorized the Section 5, the Attorney General reserves the right to re-examine this submission if additional information that would otherwise require an objection comes to his attention. See also 28 C.F.R. 51.42 and 51.48.

Sincerely,

John Smith
Assistant Attorney General
Civil Rights Division

By: Sven Johnson
Chief Voting Section



Alaska Association of Municipal Clerks

Public Relations

Chapter Six

CHAPTER SIX

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Public Relations

Public sentiment

Many years ago, Abraham Lincoln noted that: "With public sentiment, nothing can fail. Without it, nothing can succeed." Since the municipal clerk is the main contact citizens have with their government, a unique opportunity exists to mold favorable public sentiment. By responding to citizens in an efficient and willing manner, with a courteous and helpful attitude, good public relations between the municipal government and the community can be assured.

Traditionally, the clerk's office has been considered the main communications point between citizens and the governing body (assembly or council). This is the office where the general public can research records, request information, and file complaints.

The clerk's office also is the main link between the governing body and the administration in the preparation of official agendas, documents, and minutes. In addition, the clerk may handle many duties relating to the official business of municipal committees and commissions.

To properly do the job, it is important to be both responsive and diplomatic when dealing with elected officials, appointed administrative staff, the general public, and the media.

Elected Officials



The clerk is usually the principal staff for members of the governing body. The clerk writes letters, maintains municipal calendars, sends out meeting reminders, and generally ensures awareness of pending activities.

Other staff duties may include drafting ordinances and resolutions (see Chapter Three - - Ordinances and Resolutions) and researching issues that will be coming before the governing body.

The clerk is often a sounding board for the governing body. It is important to listen and remain impartial. Do not take sides in conflicts among governing body members and do not play favorites. Be close-mouthed.

Elected officials also rely heavily on the clerk's office and other municipal staff to research and supply the information they need to make sound decisions

When reviewing agenda items and other documents, be sensitive to elected officials' concerns about the way things are presented and make sure that all the facts are included.

Administrative Staff



The clerk is often the main communications link between the elected officials and the municipal staff. Some clerks prepare a list of what was requested or directed by the governing body. Often the clerk administers the oath of office to new members of the administration.

Meeting with the staff on a regular basis helps keep the lines of communication open and facilitates follow-up on governing body actions.

The clerk, who usually works for the governing body, is often outside the administration's chain of command and should remember that department heads work for the manager or mayor. Be diplomatic.

The clerk is vital to a smoothly run government, which requires being a good team member and maintaining a good working relationship with the administration.

The clerk's office frequently serves as a liaison with state and federal agencies.

General Public



The clerk's office is a service agency and, historically, the oldest office in municipal government. It is the citizen information center, where the general public, as well as elected officials and the administration, look for information about the operations of the municipality.

The clerk's office should be staffed and equipped to fulfill whatever duties are delegated to it, because one of the most important links between a municipal government and its citizens occurs through accurate and prompt communications, whether it be in person, on the telephone, online, or through written correspondence.

Some duties include responding to requests for information, listening to complaints, and distributing notices, brochures, calendars, correspondence, and other information about municipal activities.

Since there is a constant demand for information and the records are maintained in the clerk's office, an efficient filing and retrieval system should be set up to keep the paperwork flow moving in an orderly way. More information on filing systems is located in Chapter Seven - "Office Management".

If citizens get courteous and prompt treatment in response to their inquiries, most will react favorably to the municipality. The public's first impression is often based on what they see when they walk through the door, so a neat personal appearance and tidy work area are important. It is important to maintain a list of resources, in order to accurately refer or direct

people to those who can best assist them with solutions. The "bureaucratic run-around" creates a lasting bad impression.

Since the clerk's office is under constant scrutiny, there is a need to promote the highest standard of public relations, while at the same time protecting the municipality's interests and rights. Fulfilling both functions sometimes requires a delicate balancing act.

Often the clerk serves as an unofficial ombudsman, looking into citizens' complaints against the government. Be diplomatic in this role, and use tact and sensitivity when dealing with people.

In many municipalities, the office of the manager or administrator also has a lot of public contact. It is helpful to agree ahead of time about which types of citizen inquiries each office should handle.

The clerk sometimes serves as an ambassador for the municipality by representing the mayor and governing body at out-of-town conferences and meetings. In addition, the clerk often sits as the official representative of the municipality on local boards and commissions.

Handling citizen complaints

When handling citizen complaints, maintain a courteous and helpful attitude and smile, even on the phone. Employees who are "quick tempered" should not deal with the public.

Get the complaining person's name early in the conversation and use it during the conversation. Thanking complaining citizens for their interest in the municipality often turns a potentially negative situation into a positive one - the complaints become constructive ways to improve the municipality and the citizens feel good about making worthwhile contributions to the community. A sample complaint or input form is in the supplemental materials section.

Let the person talk

General George C. Marshall's formula for handling people was:

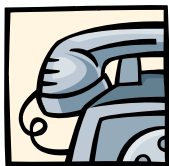
- Listen to the other person's story
- Listen to the other person's full story
- Listen to the other person's full story first

Sometimes an upset citizen will calm down after having had a chance to fully explain a problem. Jot down questions while the person is talking and wait until the end of the presentation to ask them. Interrupting an angry person often increases the anger.

Offer apologies, but not excuses. A person doesn't think rationally when angry. Trying to reason with a person and offering excuses usually makes the person even angrier. Instead of offering excuses, express regret that the person did not receive the desired service.

Offer assistance as quickly as possible; however, do not make promises that cannot be kept. Get back to the person as soon as possible, even if it is only with a progress report. A lower voice and slower talking will sometimes calm an angry person.

Telephone Communications



A good telephone personality will win friends. Keep a smile in the voice and be as friendly, courteous, and tactful on the phone as if talking in person.

A good telephone voice is:

- Alert:** Show alertness and interest by voice tone. Give the listener complete attention.
- Pleasant:** Build a pleasant municipal image with a "voice with a smile." Using basic phrases of courtesy - please, thank you, and you're welcome is one way to put a smile in a voice. Being pleasant is contagious.
- Natural:** Use simple, straightforward language. Avoid repetition of mechanical words or phrases. Avoid technical terms or slang.

Distinct: Speak clearly and distinctly. Talk directly into the mouthpiece.

Expressive: Use a normal range of tone, avoiding extremes of loudness or softness. A well-modulated voice carries best over the telephone. Talk at a moderate rate, not too fast or too slow. Vary the tone of voice to add emphasis, help bring out the meaning, and add color and vitality to the conversation.

When receiving calls, answer promptly and courteously. Many clerks identify themselves to the caller when answering a phone call. Be friendly, interested, and attentive to the caller by being a good listener. Continuing a conversation with someone else after answering the phone or making side comments during the conversation is inconsiderate and irritating.

Apologize for errors or delays. Being courteous and sincere will help smooth the way when things do not go right.

Keep promises to call back. When asking someone to return a call, suggest an appropriate time for call back.

When putting a caller on hold to check for information, ask, "Will you wait or shall I call you back?" If it takes longer to find the information than expected, give periodic updates to the caller and repeat the offer to call back. After getting the information, thank the caller for waiting.

When transferring calls, explain the need to transfer the call, give the caller the option of having someone return the call instead of being transferred, and provide the name and phone number where the call is being transferred in case the transfer does not go through.

To close a call and hang up, try to say goodbye in a way that leaves the caller feeling satisfied. If possible, let the caller hang up first to avoid cutting off further comments.

When answering the telephone for others, take accurate messages. Do not hesitate to ask people to spell their names or repeat phone numbers. Deliver the message as soon as possible.

Be tactful when explaining a co-worker's absence. It is better to say, "Sally Brown is away from her office right now. May I ask her to call you?" instead of "She's not in yet" or "She's out for coffee."

When calling long distance:

- Remember time zone differences
- Be sure of the number
- Allow time to answer
- Identify that the call is long distance and the reason for the call
- Take time for courtesy. Any person who comes into the clerk's office should have priority over phone calls. When meeting with someone, request that messages be taken. Be sure to return the phone calls promptly.

Treat co-workers like any other caller. Handle inside calls with as much care and courtesy as outside calls, although more informally.

Written Communication

Procedures for handling incoming correspondence vary from municipality to municipality. In some cases, the clerk's office receives, opens, and distributes all the mail for the municipality; in others, the clerk just gets the mail for the clerk's office and the governing body.



When dealing with mail addressed to the governing body, follow local procedures. No matter what the other practices are, all mail should be date stamped, with the year, month, and day that it is opened. This is for legal reasons and in case someone wants to refer to it

in the future. Some clerks include an "Office of the Clerk" designation on the date stamps to differentiate the clerk's office from the other municipal offices. Purchase general date stamps from office supply stores or order personalized ones from them.

Some mail should not be opened, but the outside envelopes should still be date stamped when received. Examples include bids, absentee ballots, anything marked "personal," and in some cases, police department mail.

The clerk's office often gets legal and public sentiment petitions with many signatures. It is usually sufficient to correspond with the first name listed on the petition if information needs to get out to these people.

Some of the specific procedures for handling legal petitions are outlined in Chapter Five - Elections. If unsure about how to handle a legal public sentiment petition, check with the attorney or the Department of Community, Commerce and Economic Development.

Public sentiment petitions may be handled the same way as other correspondence to the governing body - date stamped, duplicated, and distributed to the governing body.

Threatening correspondence should be turned over to the chief administrator or the police department for possible follow-up action.

When preparing outgoing correspondence, be courteous just as in face-to-face communications.

The clerk's office often receives routine, general inquiries about the community, the municipal government, and past actions of the governing body that can be answered easily by the clerk's office. Refer more technical matters to the appropriate department for an answer, but send a note to the letter writer advising of the referral and include a copy of the note with the inquiry.

To streamline the letter-writing process, keep samples of letters to use over again with minor changes. It is very simple to keep standard form letters that can be personalized.

Proclamations and resolutions of commendation and appreciation are good public relations tools to show recognition for a job well done. They are appreciated by the recipients, especially when properly ribboned, gold sealed, and delivered with a letter from the clerk and/or the mayor. Keep samples to use as references when drafting new ones. The International Institute of Municipal Clerks (IIMC) publishes a pamphlet, "Sample Proclamations," which includes many samples. IIMC's web page is: www.iimc.com

E-mail and other electronic communication

E-mail and other electronic means of communication, provide an easy opportunity to correspond with multiple people rapidly and is quickly becoming used as the primary form of correspondence in some instances. When corresponding by email or other electronic means, keep in mind that the content should be done in as professional a manner as when you are corresponding by letter or memorandum. Do not put anything in an electronic communication that you would not want to see on the front page of your local newspaper. Be sure to keep copies of electronic transmissions in the same manner as you would any other correspondence per your records retention schedule. See Chapter 4 for the records management guidelines or for a sample, please see the State of Alaska email retention policy included in the supplements to this chapter or refer to the State's webpage at <http://doa.alaska.gov/ets/messaging/Archiving/policy.html>.

Maintain an accurate record of all correspondence sent from the clerk's office by keeping a reading file that contains a copy of every letter in order of date sent. Many people keep their reading files in three-ring binders so they are easy to refer to. Keep in accordance with your local records retention schedule. (See Chapter 4 for details.)

Press Relations



Maintaining good public relations with reporters is beneficial to the municipality and the community. Being open and helpful can build trust and understanding, which will usually result in fair and sometimes favorable treatment from the press.

No matter how good a relationship is with the press, it is important to remember that a reporter's agenda is different than the clerk's agenda. Most radio and television stations and newspapers are privately owned and must build audiences; public stations must do the same.

The press, as well as the general public, has the right to review most records of the municipality. However, restricting the review time to normal office hours is appropriate.

Depending on the issue, it is often better for the clerk to refer reporters' questions to the mayor, city manager, or members of the governing body, or public relations officer. When speaking with reporters, be careful about what is said. Think before speaking, give the facts, and do not offer an opinion. Remember, there is no such thing as "off the record." Be consistent and remain pleasant, no matter how difficult it may be.

Treat all members of the media impartially. News releases may be used and should be available to all news media at the same time. A sample news release is included at the end of the chapter.

Supplement - Chapter Six

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CITY OF EVERYWHERE205 Now Street, Everywhere, Alaska 99900

FOR IMMEDIATE RELEASE
NOVEMBER 13, 2007FOR MORE INFORMATION, CONTACT
DELORES INGWERSEN
CITY CLERK (907) 555-2121**BLACK AND SMITH NAMED MUNICIPAL OFFICIALS OF 2007;
SLAJER HONORED**

Lieutenant Governor Fred Smyth awarded Jack Black, Mayor of the City of Everywhere, and Sally Smith, Clerk of the Everywhere Borough, the Alaska Municipal League Municipal Official of the Year Awards for 2007 at the awards banquet of the Alaska Municipal League's 40th Anniversary Local Government Conference, held in Anchorage, November 14-16, 2007. Judi Slajer, Financial Officer of the Fairbanks North Star Borough, was awarded the Outstanding Contribution Award for her contributions to local government in the state of Alaska and to the Alaska Municipal League.

This is the second year for Municipal Official of the Year Awards (both the Elected Official of the Year and the Municipal Employee of the Year) and the Outstanding Contribution Awards. Part of the Alaska Municipal League's Excellence in Local Government Program, these awards are designed to recognize the contributions of Alaska municipal officials to local government statewide, within their municipalities, and to the Alaska Municipal League.

(SEE ATTACHED FACT SHEETS FOR INFORMATION ON INDIVIDUAL AWARD WINNERS)

CBJ E-mail/FAX TRANSMISSION

To: Media & Public
Fax #: *Juneau Empire: 586-3028*
Capital City Weekly: 789-0987
KJNO: 463-3685

Date: _____
Pages: 1 total
KINY: 586-3266 KTOO: 586-3612
KJUD: 463-3041
Star 102.7: 586-3802

From: _____
 City & Borough of Juneau, Alaska
 Phone: (907) _____, Facsimile: (907) _____

Subject: PSA – [Subject Title Here]

Comments: Please read on air and announce the following information in the Community Calendar, Around Town, and any other news forums available. This message is intentionally being sent to both newspapers and radio. If it fits within your publishing schedule, please include. Thanks!

**Enter a short message here using 'just the facts' type of scenario,
 be sure to include the following info:**

**Name of the group who will be meeting or holding an event and the name of the
 event if it is different
 Date/Time/Location**

**Brief description of what it is about (this piece is optional and may come before or
 after the date/time/location info depending on what sounds best.)**

And contact info in the below format:

For additional information, please contact name of contact person and/or, title at
[phone number] or via email at _____.

###

An example of the above would be:

**There will be a Special Assembly Joint Meeting with XYZ Board to discuss the
 following agenda items:**

**Capital Improvement Projects, Personnel Issues, and Long Range Planning
 Monday, May 3, 2010 at 6pm in the Assembly Chambers.**

**An agenda for the meeting can be found linked to the Assembly pages on the CBJ
 website at www.juneau.org.**

**For additional information, please contact the Municipal Clerk's Office at 586-5278 or
 via email at City_Clerk@ci.juneau.ak.us.**

State of Alaska

E-mail Archiving Policy

[Email Retention Policy](#) PDF Version

POLICY

Emails, including attachments, are subject to the same records retention requirements that apply to any other electronic or non-electronic records. Like paper records, if an email is subject to multiple records retention requirements, it must be archived for the longest applicable period. The applicable records retention requirements are the State of Alaska executive branch records retention schedules imposed pursuant to AS 40.21 and any implementing regulations, and the requirements imposed pursuant to a notification of a legal hold in connection with judicial or administrative litigation, or imposed because of a request under the Alaska Public Records Act, AS 40.25.100 - 40.25.220.

Accordingly, all executive branch employees are responsible for archiving into the designated executive branch email archiving system their sent and received emails (including any attachments) in accordance with the policy identified here.[\[1\]](#)

All Executive Branch Employees

When executive branch employees conduct state business through email they must, whenever feasible, use the state's electronic mail system. In some circumstances, employees may need to use, or may inadvertently use, private email accounts to conduct state business. In those instances, employees must send copies of those messages to their state email accounts.

Under no circumstance may State of Alaska personally identifiable information (PII) be sent to or from an executive branch employee's private email account. PII is defined in AS 45.48.590(4).[\[2\]](#)

Employees are required to follow the executive branch email policy. Failure to do so may result in discipline up to and including dismissal.

Executive Employees

Any email sent or received by an executive employee[\[3\]](#) may be deleted within 90 days unless the email is subject to a records retention requirement, public records request or legal hold. If within that 90-day period a sent or received email becomes subject to a

records retention requirement, public records request or legal hold then it cannot be deleted unless the requirement, request, or hold is lifted before the end of the period. All email not deleted within 90 days will be automatically archived.

Non-Executive Employees

If a records retention requirement applies to a sent or received email of a non-executive employee, then within 90 days after the email was sent or received, it must be archived into the state's designated email archiving system in accordance with the records retention requirement. If an email is subject to multiple records retention requirements, it must be archived for the longest applicable period. Any email not archived within 90 days after it was sent or received will be automatically deleted.

Education

All employees with an email account must be educated on the executive branch email policy. Any new employee with an assigned email account must be educated on the policy before the account is activated. The education portion of this policy does not take effect until the state implements the email archiving system.

[1] Guidelines for determining what types of emails must be archived can be found in the document entitled "Email: FAQ and Rules," linked on the Division of Archives home page and found at http://www.archives.state.ak.us/pdfs/records_management/email.pdf

[2] Definition of Personally Identifiable Information:

AS 45.48.590(4): "personal information" means (A) an individual's passport number, driver's license number, state identification number, bank account number, credit card number, debit card number, other payment card number, financial account information, or information from a financial application; or (B) a combination of an individual's (i) name; and (ii) medical information, insurance policy number, employment information, or employment history"

[3] Definition of Executive Employee:

The following persons are executive employees: (1) the Executive Branch employees defined as "public officials" in AS 39.50.200(a)(9); and (2) the persons employed in the following job classifications:

- Assistant Commissioner
- Executive Director
- Assistant Director
- Labor Relations Manager
- State Accountant
- State Leasing and Facilities Manager
- Department of Public Safety Liaison
- Chief, Worker's Compensation Adjudication
- Veterans Affairs Administrator

- Administrator, Violent Crimes Compensation Board
- Administrator, Highway Safety Planning Agency
- Marine Highway Transportation Services Manager

Positions placed in the partially exempt service under AS 39.25.130(a)(1) or (2) will be added to this list.

\signed\ Annette Kreitzer, Commissioner
Chief Information Officer,
Department of Administration
State of Alaska
August 7, 2009
Authority: AS 44.21

Alaska Association of Municipal Clerks



Office Management

Chapter Seven

CHAPTER SEVEN

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Planning and Organization



The clerk's office should operate like any organized business office that deals with the public and handles a wide variety of functions. Whether the clerk works alone or supervises a large staff, some fundamental principles apply.

The old saying "Plan your work and work your plan" is as appropriate today as it was when it was written years ago. A basic plan of operation helps to keep routine work flowing smoothly. It also helps when dealing with emergencies and special demands that are a big part of every clerk's work life.

Set aside time on a regular basis for planning, reviewing present procedures, studying new methods, and planning for the future. Minutes spent on planning today will save hours next week.

Work inventory

The first step in preparing a basic plan of operations is to inventory the workload - make a complete list of all tasks and the amount of time it takes to do each one. The inventory should include all functions, regardless of the degree of importance. Functions and scheduling will vary from municipality to municipality, be sure to check your local municipal charter and/or code sections for regulatory duties. Some typical functions include:



Daily: Mail, telephone

Weekly:	Meetings, packets, advertising, payroll, filing
Semi-monthly:	Meetings
Monthly:	Notices, bills, grant reports, financial reports, meetings
Quarterly:	Taxes, codification, financial reports
Semi-Annually:	Budget amendments (supplements), teleconference with legislators and other law makers
Annually:	Retention schedule review, elections, license renewals, conflict of interest statements, budgeting, end-of-year financial reports, advisory boards, evaluations, review of goals and objectives, planning calendar development

NOTE: Include an estimate of the amount of time to do each function.

Work distribution and flow

After completing the inventory, schedule the work by priorities and assign staff to specific duties. Some functions, such as publishing or posting legal notices, have deadlines and a high priority. Others, like filing, must be done on a regular basis but do not have to meet specific time requirements. It is important that any work schedule be flexible to allow for the inevitable interruptions and special requests.



Consider employees' aptitudes and interests when assigning staff to specific duties to promote a sense of identity and pride of position.

Cross-training employees is important. Employees who are cross-trained can fill in for others when they are on leave or resign. This will create a better understanding of the "big picture" of the clerk's office.

For maximum productivity, work areas should be organized to permit a smooth flow of work from employee to employee, with easy access to machines, equipment, files, and work areas.

Provide a service counter for public use. If possible, set it up in an area that is convenient for the public, but outside the employees' traffic flow to allow citizens to state their requests or problems without interruptions. Employees serving the public should be located close to the service counter.

Procedures manuals



Develop detailed procedures manuals for all major functions performed by the clerk's office. A manual is a reminder and checklist for experienced employees and an invaluable training tool for new ones.

To create a procedures manual

- Assemble information about the function - put every idea, note, list, letter, cost figure, etc., in a folder
- Organize the information in a logical order, such as chronological, step-by-step, or topical
- Periodically review and update the manual to keep it current
- Test the procedures manual. Have someone with no experience in performing the task take the manual and perform the task from start to finish with no help. The ultimate goal is to have the individual to be able to follow the step-by-step instructions and successfully complete the task without having to ask questions.

Ask clerks in other municipalities for copies of their procedures manuals.

Work simplification

Review office operations regularly to look for ways to increase efficiency and eliminate unnecessary tasks. Substitute intelligence for activity.

Some steps for work simplifications are:

- Develop forms and templates. Check with other clerks for forms they may have already created.
- Prepare information packets covering the questions asked most often
- Break large projects into small, manageable units
- Keep filing up to date - filing is much easier in small batches than in big ones
- Review and update procedures periodically
- Follow a previously prepared schedule

Technology

Clerks are using technology in many ways to increase the efficiency of operations and expand capabilities. Computers simplify tasks such as preparing agendas, minutes, resolutions, ordinances, personalized form letters, and public notices. They can be used for other tasks as well, such as records management and indexing minutes.



In addition to basic computers, there are many electronic devices to help the clerk's office operate more efficiently. Some examples are:

- Copy machines - available with many options
- Scanner for automatic inputting of printed information to computers
- Facsimile (FAX) machine for sending printed information through telephone lines

- Postage meter
- Date stamp clock
- Paper folder/envelope stuffer
- Binding machine
- Paper shredder
- TDD – (telephone display devices)
- TTY – (telephone for the hearing impaired)
- Programs and systems for posting items to the city website, teleconferencing and video-conferencing systems, TV Scanner Channels, Building Security Systems, meeting room sound systems, and any other systems that the Clerk staff is required to oversee.

Because office technology changes constantly, talk to other clerks before making any purchases. IIMC surveys office technology frequently, and the Alaska Municipal League may also be able to help evaluate options. Clerks often become the default “go to” people for help with technological equipment in the Assembly Chambers and/or other municipal meeting rooms they might control. Become familiar with the equipment and who to call when there are any problems that need troubleshooting.

Budget



Although budgeting practices vary from municipality to municipality, the clerk is usually responsible for preparing the budget for the clerk’s office, elections, and the governing body.

Before preparing the budget, review prior and existing year operations and develop a plan for future operations.

The budget should show revenues, with sources and projected amounts, and expenditures, broken into specific categories.

Clerk's office

Typical categories of expenditures are

- **Salaries/benefits:** Wages and benefits, such as vacation, sick leave, retirement, health insurance, workers' compensation insurance, and car/mileage allowance
- **Temporary hires and overtime:** Wages and car/mileage allowance benefits, if any, for temporaries and estimates for the amount of overtime
- **Office supplies:** Stationary, office machine supplies, file supplies, staplers, rubber stamps, and paper for copiers and computers
- **Contractual services:** Municipal code services (codification), microfilming, and printing jobs for special reports and brochures
- **Postage and communications:** Mailing expenses, monthly telephone, fax and internet access charges, estimated long distance charges, and express deliveries
- **Training and education:** Registration fees, transportation, hotels, and meals for attending conferences, workshops, and seminars
- **Advertising/printing:** Ordinances, notices to bidders, notices of hearings, annexations, and foreclosures
- **Equipment purchases:** Office furniture, computers, software, tape recorders, postage meters, copiers, and other office equipment
- **Membership dues & subscriptions:** Dues in professional organizations, newspaper and magazine subscriptions, reference and technical books
- **Maintenance contracts:** Contracts to maintain equipment

Elections

Typical expenditure categories for general and special elections (e.g., run off elections) are

- **Salaries/benefits or contractual services:** Elections boards, computer ballot processing, absentee voting officials
- **Miscellaneous supplies:** Pins, pencils, pens, paper, and tape

- **Communications:** Phone calls, fax messages, postage, absentee by mail, special elections by mail, ballots, voter pamphlets, notices
- **Travel/per diem/food:** Election judges and clerk
- **Advertising/printing:** Ballots, election notices
- **Rent:** Polling places, absentee voting stations

Governing body

Typical expenditure categories are

- **Compensation/benefits**
- **Office supplies**
- **Professional services:** Legal fees, audits, secretarial services
- **Communications:** Phone calls, fax messages
- **Travel/per-diem:** Official business of assembly/council members
- **Monthly expense allowances and membership dues:** Expenses for assembly/council; memberships in such organizations as Alaska Municipal League, National League of Cities, or National Association of Counties, Southeast Conference, Resource Development Council; other fees such as subscriptions
- **Honorarium Account:** Official business of assembly/council members

Additional information on preparing municipal budgets is available from the Department of Commerce, Community and Economic Development.

Personnel

Supervision

A good supervisor understands that the way to operate effectively is to encourage team effort work, to create a climate of participation while emphasizing the importance of the individual employee. A good supervisor also understands the necessity for continuing education and professional development. Reviewing employee job descriptions periodically ensures



the job descriptions are accurate and the employee is performing the required tasks.

One technique for increasing employee motivation is regular problem-solving discussions. This technique improves operations when workable suggestions are implemented. Another proven method is to delegate authority and responsibility. A person with some decision-making powers is more dedicated to the job than one who is simply told what to do.

Practical approaches to employee relations have been developed using group dynamics and motivation theories. For more information, contact the library or professional associations for the names of textbooks and reference materials describing these theories and practices.

Performance evaluations

A supervisory responsibility is evaluation of employees' performances. In most municipalities, performance evaluations are scheduled every six or twelve months, with new employees evaluated after a three-month probationary period.

An evaluation reports how well the employee is performing the job, sets out employee's job goals for the next period, and suggests areas for improvement. The process works best when it is positive, with the emphasis on developing ways for the employee to increase job productivity.

Evaluations are used to determine compensation; placement and promotion; training needs; and, in some cases, the need for disciplinary action.

Every municipality has its own procedures.

Training

The broad topic of training includes

- Training for the clerk
- Training for new employees and continued training for existing staff
- Training for the governing body

Training for the clerk



Training helps keep the clerk current with changes in office procedures, interpersonal relations, technical areas, and expands knowledge in all aspects of the job.

Each fall, the Alaska Association of Municipal Clerks (AAMC) offers a one-day Academy in conjunction with the AAMC Annual Conference and the Alaska Municipal League Annual Conference. AAMC also presents educational workshops to further enhance training throughout its annual conference. Additional training is available through Northwest Clerks Institute, and also online through ARMA at <http://www.arma.org/> and IIMC at www.iimc.com.

Training new employees and furthering the education of experienced ones

This, too, is a continuous process. In addition to offering technical information, training sessions motivate employees and promote team spirit.

A good rule to remember in training situations is "What is routine to you seems very complex and confusing to a newcomer." The more complete the information presented, the better the learning process is.

Because people have different learning styles, it is helpful to present information in a variety of ways. The four-step process, covering "hearing, seeing, and feeling," works for most people and most training situations. The four steps include:

- Explaining the process and asking if there are questions
- Providing written procedures manuals and checklists
- Working with the employee to do some hands-on examples
- Giving employees a general explanation of the services provided by the clerk's office and the value of those services to the community (provide a list of other municipal employees and their main duties and responsibilities)

Training for governing body members

In addition to training employees and furthering individual education, clerks play a role in promoting training for members of the governing body. Training opportunity notices should be presented to the governing body to encourage the members to attend. AML publishes an Elected Officials Handbook and offers newly elected officials' training at its fall conference. New members also need to understand what the clerk's office does. If possible, it is good to have the new members attend an orientation in your own municipality prior to the new members attending the AML Newly Elected Officials training either through a training session or by meeting with the mayor and/or city manager and department heads.

Personnel Rules and Regulations

State law directs general law municipalities to appoint and promote employees on the basis of merit, except that the governing body may adopt an ordinance exempting some confidential or managerial positions. AS 29.20.410.

This section of state law also authorizes the governing body to provide a personnel system: a set of written personnel rules and regulations or policies and procedures. A personnel system is important because it

- Establishes an equitable procedure for dealing with personnel matters
- Assures that appointments and promotions are made on the basis of merit
- Provides a reasonable degree of job security for qualified employees

Although personnel rules and regulations vary from municipality to municipality, they should include policies and procedures on

- Annual, sick, and other leave
- Work week and holidays
- Hiring practices
- Administration of benefits – workers' compensation, health/life insurance, deferred compensation, and retirement
- Grievance procedures and/or arbitration for employee complaints
- Job descriptions and specifications
- Travel policies, including trip and expense reports
- Drug and alcohol non-tolerance and testing policy
- Sexual harassment policy
- ADA (Americans with Disabilities Act) policy

Personnel records

Employee personnel files usually include

- Employment application
- Interview records and notes
- Notification of hire
- Salary history and benefits package
- On-the-job accident reports and workers' compensation claims
- Employee evaluations
- Employment actions, such as commendations, awards, training certificates, warnings, and reprimands

- Resignation or letter of termination

Personnel files are permanent and confidential, should be locked and separate from other municipal records and, for the most part, are not open for public inspection.

Filing Systems



Establishing a system

A filing system is the arranging and storing of materials to facilitate easy and quick research. The first step is to review the existing files and determine the best filing system. Examples include

- **Alphabetical:** arrangement of records according to the alphabet; used for materials filed by subject and referred to by name
- **Numerical:** arrangement of records in sequence by document number; could be used for filing ordinances, resolutions, or other numbered material
- **Functional:** arrangement of sets of records by function, e.g., finances, elections, public works, and others; used in combination with other systems
- **Combination of these systems**

The next step is to inventory the records and documents. Separate inactive records from active ones. AS 29.20.380(a)(4)

New clerks should wait at least six months before reorganizing filing systems to become familiar with the records. Check with other clerks in municipalities of the same size and type to find out what type of filing system they use.

Maintenance and control

Designate one person to be in charge of the files, but, if possible, also cross-train another person for back up. Use out guide cards to mark where files have been

removed from the filing cabinet and a check-out system for files that leave the office.

Maintain a reading file of all correspondence to and from the clerk's office arranged in chronological order.

Two documents are extremely important

- A procedures manual that outlines the filing system
- A filing index that lists all categories in the files

Tickler Systems

There are several reminder and follow-up systems for keeping track of meetings, deadlines, and other "to do's." Often these are called "tickler" systems.

There are no right or wrong systems. Any reminder system needs to be checked daily and kept up-to-date or it is useless!

Examples of tickler systems include:

Accordion-type file

Label the pockets by month or week and place notes in the appropriate pockets. Although some clerks use this system, others consider it cumbersome.

Calendars

Keep track of meetings, deadlines, and other "to do's" on desk and/or wall calendars. Many clerks use this system in conjunction with a computerized or a file card checklist.

Computer tickler list

Keep a running list on the computer, adding newly referred items and deleting accomplished items.

Inter-Office Relations

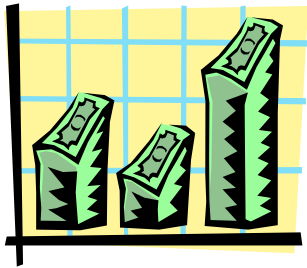
Communications

Most clerks recommend regular weekly staff meetings to ensure good communications between the clerk's office and the rest of the municipal staff.

Citizens rely on the clerk's office for information; therefore, there should be procedures to notify the clerk when there is a community emergency. Encourage the exchange of information.

Team concept

The clerk and other municipal staff serve as a team to conduct the public's business. Some municipalities form small teams of staff members to work on specific areas of concern. Each area of municipal business is complex and so is the approach to finding solutions to problems. The clerk plays an important role in the process.



Alaska Association of Municipal Clerks

Financial Duties

Chapter Eight

CHAPTER EIGHT

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FINANCIAL DUTIES

The municipal clerk may also serve as treasurer, finance officer, and/or bookkeeper, with responsibility for revenue sharing applications, grant administration, monthly financial reports, budget preparation, accounts payable, accounts receivable, payroll, sales tax collection and accounting, special assessment districts, investments, and bookkeeping.



The treasurer is the custodian of all municipal funds and keeps an itemized account of all money received and spent. State law requires that the appointed treasurer for the municipality posts a bond. A bond is a written obligation that promises to pay a sum of money if the treasurer defaults in conduct or performance. AS 29.20.390

By State law, the municipality is required to pay the premium on the bond. The bond may be purchased from an insurance company. AS 29.20.610

Unless the governing body adopts an ordinance establishing a different procedure, the treasurer is appointed by the mayor in municipalities that have not adopted the manager plan and by the manager in municipalities with the manager plan. The appointment must be confirmed by the governing body. AS 29.20.360

Finance officer, accountant, and bookkeeper are some of the terms used to describe people who keep financial records, such as a general ledger, accounts payable, accounts receivable, bank statement reconciliation, payroll, and taxes. A clerk with these responsibilities should have special training in more detail than can be presented here; however, some of the basic functions and procedures will be described in this chapter.

The Department of Commerce, Community and Economic Development (DCCED) has various manuals to help set up a bookkeeping system and train on how to prepare

monthly financial reports. The Local Government Handbook, Budget Handbook, and Municipal Tax Form Management Manual are good reference sources. The Department has also developed a financial record keeping system for small communities. For more information or assistance, contact the nearest DCCED regional office. For addresses and phone numbers of regional DCCED offices, refer to the Alaska Directory of State Officials. Copies are available from the Legislative Affairs Agency or from the nearest Legislative Information Office.

FINANCIAL MANAGEMENT



Three important parts of financial management are budgeting, record keeping, and financial reporting.

Budgeting

The budget is the financial plan for the municipality and shows all expected revenues and expenses for the fiscal year (FY). The fiscal year, established locally, is the twelve-month period of time covered by the budget and financial reports. Some municipalities and the State use a July 1 to June 30 fiscal year; others, a calendar fiscal year of January 1 to December 31. The federal fiscal year is October 1 to September 30.

Budget preparation differs from municipality to municipality, but clerks are usually involved in the process. Clerks may prepare budgets for their offices, governing bodies, elections, and sometimes the entire municipal budget (See Chapter Six – Office Management).

In general law municipalities, the budget must be adopted by the governing body by

ordinance. Like other ordinances, the budget (appropriations ordinance) must have a public hearing with appropriate public notice (See Chapter Three - Ordinances and Resolutions). The governing body may amend the budget (make supplemental appropriations) during the year, but amendments must also be by ordinance. AS 29.25.010(a)(4) and AS 29.35.100

Home rule municipalities may set up their own budget procedures.

Record keeping

Financial record keeping starts with a good bookkeeping system that is kept current and is accurate. The main types of systems used by municipalities are the cash system and the modified accrual system. There are many good electronic bookkeeping programs available.

With the cash system, revenues are recorded when money is received and expenditures are recorded when money is spent. With the modified accrual system, expenditures are recorded when owed (when the municipality gets a bill). Taxes and service charges due the municipality are recorded when owed; other revenues are recorded when money is received. Most small municipalities use a cash system of bookkeeping. For more information, contact DCCED or the municipality's local auditor or financial consultant.

For Accounts Receivable (revenues), keep a journal to record all incoming funds by name, with date of receipt. Examples include utility bills, grants, property taxes, sales taxes, municipal assistance, revenue sharing, liquor license refunds, fines and citations, and licenses.

For individual billings (electric bills, water bills, garbage bills), set up a separate accounts receivable ledger for each customer in order to keep track of each person's charges and payments.



If the municipality issues licenses, set up a ledger to enter the information and number

for each type of license to avoid issuing the license number to two people.

For Accounts Payable (expenditures), record all bills that need to be paid in a journal. When paying the bill, attach a copy of the check with the invoice, a copy of the purchase order, and the check request form and file them alphabetically in the Accounts Payable file.

On a monthly basis, transfer (post) the revenue and expenditure information from the journals to the General Ledger. The Ledger is divided into a chart of accounts for the services, functions, and funds of the municipality. General Ledger information is used to prepare trial balances, balance sheets, and financial reports.

Be sure to keep track of and pay the municipality's taxes. Taxes paid by a municipality include payroll taxes withheld from employees' checks that must be paid to the Internal Revenue Service. The Department of Commerce, Community and Economic Development can provide assistance on tax questions.

Financial reporting

In general law municipalities, the mayor or manager must give monthly financial reports to the governing body. These reports are usually prepared by the treasurer. AS29.20.250(a) and AS 29.20.500(4) It is important to compare actual revenue and expenditure figures with the amount budgeted in the various categories.

Most home rule municipalities have similar requirements.

Revenue Sharing Reports

To get State Revenue Sharing (Municipal Tax Resource Equalization Assistance, AS29.60.010-080, and Priority Revenue Sharing for Municipal Services, (AS 29.60.100 - 180), every municipality must file the following reports with the State:

- Maps and descriptions of all annexed or detached territory;
- A copy of the annual audit or, for a second class city, an audit or statement of annual income and expenditures;

- Tax assessment and tax levy figures as requested;
- A copy of the current annual budget of the municipality;
- A summary of the optional property tax exemptions authorized, together with the estimate of the revenues lost to the municipality by operation of each of the exemptions. AS 29.20.640

Report on taxation and finance

In addition to the reports listed above, the municipality must submit an annual report containing its certificate of estimated revenue and its financial report on locally generated revenue to DCCED.

Often the clerk or clerk/treasurer prepares and files these reports.

Taxpayer notices

If the municipality levies and collects property taxes, a notice must be posted listing the amount of state aid for school and municipal purposes and the equivalent mill rate for each category.

Notice to Taxpayers

Notice is given by mailing a copy of the notice with the tax statements or by publishing the notice in a newspaper of general circulation in the municipality at least three times over three successive weeks. Notice must be given within 45 days after the annual budget is adopted. AS 29.45.020

If the municipality has a sales tax, but does not have a property tax, a similar notice must be posted listing the amount of state aid and the equivalent sales tax rate for each category instead of the mill rate.

Notice is given by publishing it in a newspaper of general circulation in the municipality at least three times over three successive weeks or, if there is no newspaper, by posting

a copy of the notice in at least two public places in the municipality for at least 20 days. Notice must be given within 45 days after the annual budget is adopted. AS 29.45.660.



Sales Tax

Municipalities may levy and collect sales and use taxes and provide for liens to collect delinquent taxes. In general law municipalities, the ordinance creating or amending a sales tax must be ratified by the voters. AS 29.45.650 - .710

In many municipalities, the clerk/treasurer is responsible for all sales tax matters, including collection and administration. Develop a form letter explaining the tax and how it is computed, a registration form, and a reporting form for local businesses to use when returning sales tax revenues. Maintain accurate sales tax records. *Sample forms are at the end of this chapter.*

Utility Billings and Payments

The clerk may prepare and mail out bills for utility services. Examples of utilities are water, sewer, electricity, telephone, cable TV, and garbage.

Billing Ledgers

Keep the billing ledgers in alphabetic or account number order so it is easy to post the charges and payments each month. When the billing is finished, add the current month's billing to the accounts receivable journal so the municipality will know how much revenue is expected.

Enterprise Fund Billings and Payments

Billings for enterprise funds are similar to utility billings. Examples of enterprises include small boat harbors, laundromats, airports, health clinics, wharves, and equipment rental. These bills may be sent on a seasonal basis, as well as monthly or quarterly. Keep a ledger for each account.

Charitable games

Be sure the municipality has a state permit before conducting any bingo or pull tab games. Contact the Charitable Gaming Division, Department of Revenue for information about permits and reporting regulations for gaming. These regulations are being updated by the State and vary from year to year.

Assessing Functions

In municipalities levying property taxes, some of the assessing functions may be assigned to the clerk or clerk/treasurer. AS 29.45.010-.250



Mailing assessment notices

At least 30 days before Board of Equalization meetings, each person must be mailed a notice of assessment showing the assessed value of the property.

Appeals

A person may appeal the property valuation by sending a written appeal to the assessor. Notice of the Board of Equalization meeting must be given to the person appealing.

Board of equalization

The governing body, or a board appointed by it, sits as the Board of Equalization to hear appeals. As with other meetings, the clerk must give public notice and may be required to prepare agendas and take minutes. The Board of Equalization can overturn the decisions of the assessor.

Mill rate and tax statements

Unless otherwise specified by ordinance, governing bodies must pass a resolution setting the mill rate by June 15; tax statements must be mailed by July 1. AS 29.45.240

Senior citizen/disabled veterans' property tax exemption

Senior citizens or disabled veterans seeking the exemption must annually file their forms in the municipal assessor's office by January 15, or a date set by the governing body, no later than March 31. The municipal assessor sends the forms to the State assessor, along with a copy of the individual tax statements, for the reimbursement. In recent years, the State has not provided full funding for this program. The first \$150,000 of the value of property owned by a senior citizen or disabled veteran is exempt from property tax. However, the municipality receives only a portion of this amount back from the State. Contact the State Assessor for more information.

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- 1. Sample Sales Tax License Application12
- 2. Sample Sellers Monthly Return Form13

**CITY OF EVERYWHERE
SALES TAX LICENSE APPLICATION**

Name (Applicant): _____

Business Name: _____

Business Mailing Address: _____

Business Telephone No.: _____

Alaska Business License No.: SIC No.: _____

Applicant's Mailing Address: _____

Applicant's Home Telephone No.: _____

I, _____, certify that I have not had any business license or tax license suspended or revoked within the previous six months and have complied with all State and Federal Licensing requirements. I swear (or affirm) that the above application is true, correct and complete to the best of my knowledge.

Signed and dated this _____ day of _____, _____ .

Signature of Applicant

No sales tax license shall be issued to or renewed for a person who is required to have a state business license registration or permit, until that applicant submits evidence (1) that he or she has in his or her possession, or has applied for, the state business license, registration or permit, and (2) that all license, registration and permit fees have been paid current. A licensee, registrant or permittee whose fee falls due annually shall have 30 days after the due date in which to submit proof that the state license, registration or permit has been obtained. (Ordinance No. 06-1321)

No sales tax license may be issued to or renewed for a person owing a judgment, delinquent taxes, or a utility bill to the City of Everywhere, except by terms and conditions established in each such case by the city manager. (Ordinance No. 06-1321) There shall be a one-time, non-refundable fee of \$15.00 with the original application for the sales tax license. The license shall be renewed annually by February 1 without further payment of such fee. The sale tax license shall be non-transferable. (Ordinance No. 06-1321)

For City Clerk Use only:
Amount Paid Date Receipt #
License No. issued: Date Issued

<p>CITY OF EVERYWHERE Seller's Monthly Return Code of Ordinances, Chapter 17 (available in the Office of the City Clerk) DUE ON OR BEFORE THE 20TH OF EACH MONTH</p>	<p>For Office Use Only Rec'd _____ by _____. Amount Received _____. Receipt No. _____.</p>
--	---

Name of Firm _____

Individual _____

Month Ending _____

Disregard any items below not applicable to business reported:

- 1. Total retail sales and rentals of goods and services \$ _____
- 2. Less exceptions (See 17.05.010b) \$ _____
- 3. Less exemptions – ENCLOSE SLIPS (See 17.05.030) \$ _____
- 4. Total taxable retail sales/rentals of goods and services \$ _____

Computation of Tax

Line B maximum - \$35.00

- A. 4% of Line 4 \$ _____
- B. 3% of Line A (credit for sales tax collection)* \$ _____
- C. Balance (subtract Line B from Line A) \$ _____
- D. 8% Interest (if paid after the 20th) \$ _____
- E. Penalty (see Note) \$ _____
- F. Remittance (add Lines C through E) \$ _____

NOTE: Penalty is 5% for delinquency of less than one month, or 10% for delinquency in excess of one month.

*Line B may be deducted only when Report is filed and tax paid on or before the 20th of the month following the calendar month of the taxable transaction.

I, _____, do solemnly swear that I am _____ of _____
(position) (individual, firm, partnership, or corporation)

making the foregoing report: under penalties of perjury, I declare I have examined this return and to the best of my knowledge and belief, it is true, correct, and complete.

Signature

Date



Alaska Association of Municipal Clerks

Miscellaneous

Chapter Nine

CHAPTER NINE

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Miscellaneous

Miscellaneous duties for clerks vary widely from municipality to municipality. Although unable to describe them all, included in this handbook are those duties mandated by State law and the most common optional ones.

Purchasing

In some municipalities, the clerk is the purchasing agent. In others, there is a designated purchasing agent or another official, such as the manager or public works director, who fills the role.



The governing body should adopt regulations outlining purchasing guidelines, including:

- Duties of the purchasing agent
- The specified dollar amount that triggers the competitive bidding requirement
- How to make purchases when competitive bidding is not required
- Provisions for emergency purchases
- Petty cash policy

After the general guidelines have been adopted, develop a manual detailing the specific purchasing policies and procedures.

In a typical example of a purchase, the first step is to fill out a purchase request. Forms can be developed locally or bought at most office supply stores. The purchasing agent determines if funds are available and sends the request to the manager or mayor for consideration.

If the request is approved, it is returned to the purchasing agent, who prepares a purchase order authorizing a vendor to supply the goods or services ordered. Forms

can be bought at most office supply stores. Purchase orders should be pre-numbered.

When the goods are delivered, the receiver inspects and tests the quantity and quality ordered. The shipping invoice or packing slip is initialed and dated and then is sent to the purchasing agent, to be attached to the purchase order.

Payment should not be made until the vendor sends a billing invoice and it is checked against the purchase order. After payment, the invoice is marked "paid," attached to a copy of the check, a copy of the purchase order and the check request form, with the amount of the payment entered in the appropriate journal.

The *Alaska Local Government Handbook* has a chapter on financial management, including a section on purchasing.

Bidding Procedures

Most municipalities require competitive bid/proposals when making purchases that cost more than a certain amount of money. Specific amounts and the procedures are set up by local ordinance and vary from municipality to municipality.

Common competitive bidding procedures include

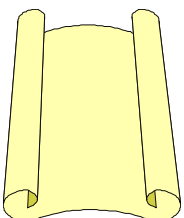
- Advertise the bid/proposal in newspapers and/or other publications with information about what will be purchased; dates bids/proposals will be received; and name, address, and phone number of the contact person.
- Check the local procedures for dealing with prospective bidders and proposers. The municipality may want to send prospective bidders an "invitation to bid" and prospective proposers a "request for proposals" form. This form is also called a "request for quotations" or a "request for proposals." Make sure to ask for the following information:

- Complete description of the item or items
 - Total costs, including shipping
 - Delivery date
 - How long the bid/proposal price is guaranteed
 - Signature of an authorized agent
-
- The clerk's office usually receives the bid or proposal, which must be in a sealed envelope. Date and time stamp the bid envelope, but do not open it. In many cases, bids/proposals are accompanied by a security deposit, such as a cashier's check, certified check, or bond.
 - Give public notice of bid/proposal openings. All bids/proposals are opened at a time and place specified in the advertisement.
 - After the governing body awards the bid/proposal, the clerk or purchasing agent notifies the successful bidder/proposer. Also notify the unsuccessful bidders/proposers and return their deposits/bonds after the successful bidder/proposer has signed a contract.

When formal bid/proposal procedures are not required, call or write for informal price quotes before making purchases to ensure the municipality receives the best possible deal. Usually three price quotes are enough. Check local requirements and procedures.

Contracts and Agreements

Municipalities contract for many different services such as professional services, purchases of goods, construction of facilities, acquisition of property, and inter-governmental agreements. These contracts are written agreements that are binding on the parties involved.



The clerk's role is to attest (certify the signatures by signing and affixing the municipal seal) the document after it is signed and to maintain it in the municipal records. Contracts are records and must be retained after the terms of the contract have been carried out.

Monitor the contract by noting time frames and deadlines in the "tickler" calendar and offering reminders to the person implementing the contract.

Contracts and agreements should be reviewed by an attorney; however, the clerk may be asked to prepare drafts. Standard contract provisions and information on writing an agreement are in the Alaska Local Government Handbook. A sample signature page is at the end of this chapter.

Grants to Municipalities

Grant application

In many municipalities, clerks research the availability of grants and fill out grant applications. Grants are another form of a contract and should follow the basic guidelines for a contract.



One grant source is the Federal Assistance Program Retrieval System (FAPRS), an Internet-based system that provides information on federal grant programs and application procedures. The web site is www.cfda.gov. Also check with the State of Alaska for grants that may be available to municipalities.

The local library may have information on private corporations and foundations that give grants to municipalities. This information may also be available from the Alaska State Library at

Alaska State Library - Department of Education
P.O. Box 110571
Juneau, Alaska 99811-0571
907-465-2910; FAX: (907) 465-2151
<http://www.eed.state.ak.us/lam/home.html>

Because grant applications are time-consuming to fill out, it is helpful to contact the granting agency ahead of time to see if a particular grant should be applied for. Questions to ask are

- Does the municipality qualify?
- How may grant funds be spent?
- Are local matching funds required and available?
- What are the reporting requirements?
- What are the application procedures?
- What is the application deadline?

With this information, decide whether or not to prepare an application.

Grant administration

After the municipality has received a grant, the clerk may be asked to administer it. A separate fund or bank account should be set up for all grant money. Each grant should be treated as a separate department, with a separate budget and separate set of books to record revenues, expenditures, and cash balances for that particular grant.

Follow all the reporting requirements very carefully. Make sure that reports are filed on time and that they are filled out completely. Record all report deadlines in the "tickler" calendar.

Document everything done in connection with the grant. Keep a telephone log of all conversations; file the log and all notes, correspondence, and summaries of meetings. File all financial information related to the grant. Be sure the grant funds are used for the purpose intended or the municipality will be required to pay back the money to the granting agency.

Ask for help from the granting agency if there are any questions about implementation procedures or reporting requirements.

Insurance



Most municipalities have several types of insurance to cover losses from claims that might be made against them. Types of insurance that a municipality might carry include general and auto liability, property (including auto, earthquake, flood, and fire damage), police liability, and liability for actions of public officials. In addition, municipalities may offer health, disability, and life insurance to their employees.

Only workers' compensation insurance is required by law. It is important for municipalities to seriously consider carrying other insurance, especially property and liability, because they have a lot of money invested in their buildings, vehicles, and equipment and are considered by some to be a good target for law suits.

A broker may be used to purchase insurance. Another option for some coverage is the Alaska Municipal League Joint Insurance Association, Inc. (AML/JIA), a risk management pool that AML member municipalities and school districts may join. AML/JIA offers risk control services and coverage for workers' compensation, general liability, auto liability, property, police professional, and public officials' errors and omissions. For more information, call 1-800-337-3682.

To administer the insurance program:

- Maintain records of the expiration date for all policies
- Process and maintain a file on claims
- Keep policies available for use and review
- Keep lists of current buildings and contents, equipment, vehicles, and other assets
- Keep lists of Alaska driver's license numbers for all authorized drivers of municipal vehicles

- Respond to update requests from the insurance company immediately or the insurance may be canceled
- Put insurance policies on the record retention schedule

Licenses and Permits

One of the clerk's tasks may be issuing licenses and permits and collecting the fees for them. Examples of optional local licenses and permits are dog, day care facilities, land use, building, transient merchants, mobile food, burn, sales tax, and business.



Keep a book with license number issued, name, address, receipt number, date, and amount paid for each type of license or permit. Check to be sure that the local ordinance requirements for each type of permit have been met before issuing the permit. (Examples: proof of rabies vaccination prior to issuing a dog license; approval by building inspector prior to issuing a building permit.)

Some permits should be considered permanent records and filed as such. Building permits and land use permits are good examples.

In addition to local licenses and permits, some licenses are established and issued by the State but require local approval. An example of this type of license is a liquor license. Notify the appropriate State agency and the applicant of the action taken by the governing body on each permit.

For more information on liquor licenses, contact

Alcoholic Beverage Control Board (ABC Board)

5848 E. Tudor Road
Anchorage, Alaska 99507
(907) 269-0350

<http://commerce.alaska.gov/dnn/abc/home.aspx>

For more information on gaming licenses, contact

Charitable Gaming Division

Department of Revenue

P.O. Box 110420

Juneau, Alaska 99811-0420

(907) 465-2320, FAX (907) 465-3098

<http://www.tax.alaska.gov/programs/programs/index.aspx?54160>

Enforcement of Personal Tax Liens - Property

This section applies to municipalities that levy taxes on personal property.

If a general law municipality wants to seize personal property to force payment of delinquent taxes, it must follow the procedures set out in State law. The clerk's role is to issue a warrant for seizure to a peace officer. AS 29.45.310. Clerks in home rule municipalities should check their charter and ordinances for their procedures.

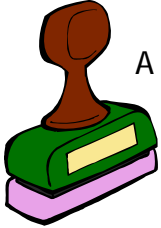
Property Tax Foreclosure/ Delinquent Tax Rolls

This section applies to municipalities that levy property taxes.

State law sets out very detailed procedures that general law municipalities must follow for property tax foreclosures. It also sets out specific duties for the clerk; the municipality may assign other parts of the process to the CLERK as well. AS 29.45.330 - .500

Clerks in home rule municipalities should check their charter and local ordinances. For help on property tax delinquency issues, call the municipal attorney or the State assessor's office.

Notary Public



A notary is a citizen of high moral character and integrity appointed by the State to perform a ministerial witnessing function in connection with written agreements. Notarization means

- Proof of certification by an impartial witness
- Dated proof of document certification
- Attestation of an individual's identification
- Certification of the authenticity of a person's signature, not the document's authenticity

The Lieutenant Governor's office has prepared *A Handbook for the Alaska Notary*. It contains detailed information about how to become a notary and procedures for notarizing documents. (See also Chapter 1 pages 10-11) To get a copy, contact

Office of the Lieutenant Governor
P.O. Box 110015
Juneau, Alaska 99811-0015
(907) 465-3520, FAX (907) 463-5400

The Lieutenant Governor's office charges a fee for licensing a notary and requires a bond, which may be purchased from an insurance agency.

Supplement - Chapter Nine

1. Sample Contract Signature 14

in writing such new or other address to which the notice or demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed delivered when deposited in a United States general or branch post office enclosed in a registered or certified mail prepaid wrapper or envelope addressed hereinbefore provided.

Lessor's Address: City Manager
City of Everywhere
122 Front Road
Everywhere, Alaska 99900

Lessee's Address: Alaska Department of Commerce
1111 Miller Avenue
Juneau, Alaska 99801

Entire Agreement, Amendments. This document excluding any words or paragraphs struck out and including any language added, either in case, initialed and dated by both parties and including exhibits attached hereto contains the entire agreement between the parties, and said agreement may not be modified except in writing. There are no oral promises, representations, or warranties between the parties regarding any matter or thing connected with re related to the matters and things which are the subject of this lease.

In witness, whereof, the Lessor and Lessee have caused this lease to be executed and their respective seals affixed the day and year first above written at Juneau, Alaska.

Lessor: City of Everywhere

James Smith
City Manager

ATTEST:

Dolores Ingwersen, CMC
City Clerk

Lessee: Alaska Department of Commerce

Title: _____