

# Appendix D

## Proposed Wrangell Borough Charter

### HOME RULE CHARTER OF THE CITY AND BOROUGH OF WRANGELL

#### PREAMBLE

We the people of the Wrangell Borough area, exercising the powers of home rule granted by the Constitution of the State of Alaska, in order to provide for more efficient, adequate and economical government, hereby establish this Charter.

#### ARTICLE I NAME, FORM AND BOUNDARIES

##### Section 1.01 Name of Borough.

The Borough shall be a municipal corporation known as the "City and Borough of Wrangell." Whenever it deems it in the public interest to do so, the Borough may use the name Wrangell Borough or Wrangell Home Rule Borough.

##### Section 1.02 Form of Government.

(A) **Home rule.** The Borough government is a home rule borough established by the voters.

(B) **Form.** The Borough shall operate as an Assembly-Manager form of government.

##### Section 1.03 Boundaries and Borough Seat.

(A) **Boundaries.** The boundaries of the Borough shall include all areas within the Borough on the date of ratification of this Charter, as is more fully detailed in the map annexed to the petition for Borough incorporation. The boundaries may be altered in the manner provided by law.

(B) **Borough Seat.** The Borough Seat shall be at Wrangell, Alaska.

#### ARTICLE II POWERS

##### Section 2.01 Powers.

The Borough may exercise all powers of home rule not prohibited by law or this Charter.

##### Section 2.02 Construction.

The powers of the Borough shall be liberally construed. The enumeration of a particular power in this Charter shall not be construed as exclusive or limiting the powers of the Borough.

**Section 2.03 Intergovernmental Participation.**

The Borough may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement with any one or more local governments, the State of Alaska, the United States, or any agency or instrumentality of these governments.

**ARTICLE III  
THE ASSEMBLY****Section 3.01 Powers.**

The legislative power of the Borough shall be in the Assembly. Except as otherwise provided by law or this Charter, the Assembly shall exercise all powers of the Borough and shall provide for the performance of all duties and obligations of the Borough.

**Section 3.02 Composition.**

The Borough Assembly shall be composed of seven members, which shall consist of the Mayor, who serves as an ex officio Assembly member, and six other Assembly members. Hereinafter, the term "Assembly member" includes the Mayor.

**Section 3.03 Qualifications.**

(A) Only a qualified voter of the Borough, who has been a resident of the Borough for at least one year immediately preceding his election, shall be qualified for elective borough office.

(B) An Assembly member who ceases to be a resident of the Borough shall immediately forfeit his or her office.

(C) No Assembly member may hold any other compensated Borough office or employment, or elected partisan political office, while serving on the Assembly, unless otherwise provided by ordinance.

**Section 3.04 Election and Term of Assembly Members.**

(A) Unless otherwise provided by ordinance, all Assembly members shall be elected at large to individually designated Borough seats, known as Mayor, Seat A, Seat B, Seat C, Seat D, Seat E and Seat F. Each candidate for Assembly shall file for a specific designated seat and no candidate may file for more than one designated seat in any election. The Assembly may, by ordinance, change Assembly composition and form of representation.

(B) Except for the first Assembly elected, the term of office of an assembly member is three years and until a successor qualifies.

**Section 3.05 Vacancies and forfeiture of office.**

(A) If a vacancy occurs on the Assembly, the remaining members shall appoint a qualified person to fill the vacancy within 30 days. The person appointed shall serve until the next regular election, at which time a successor shall be elected to serve the balance of the term.

(B) Notwithstanding (A) of this section, if the Assembly membership is reduced by vacancies to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons sufficient to constitute a quorum.

(C) The office of an elected Borough official shall become vacant upon death, resignation, removal from office in any manner authorized by law or by this Charter, and by forfeiture of office.

(D) The Assembly shall declare that an Assembly member has forfeited his office by a declaration of forfeiture. The Assembly member affected shall not vote upon the declaration. The grounds for forfeiture of an Assembly position are:

(1) failure to comply with all qualifications prescribed by this Charter for an Assembly member;

(2) knowing and willful violation of any express prohibition of this Charter;

(3) failure to qualify and take office within thirty days after his or her election or appointment;

(4) physical absence from the Borough for a ninety day period, unless excused by the Assembly;

(5) failure to attend more than one-half of all meetings of the Assembly, regular and special, held within a period of four consecutive months, without being excused by the Assembly;

(6) resignation and acceptance of that resignation;

(7) physical or mental inability to perform the duties of office as determined by the Assembly;

(8) removal from office;

(9) conviction of a felony, or conviction of an offense involving moral turpitude or a violation of the oath of office;

(10) death.

### **Section 3.06 Organization and Rules of the Assembly.**

(A) The Assembly shall determine by ordinance its own rules and order of business, including provisions for reasonable notice to all Assembly members of regular or special meetings.

(B) The Assembly shall maintain a journal of its proceedings as a public record.

(C) A majority of the total membership of the Assembly members constitutes a quorum. An Assembly member disqualified from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum, any number less than a quorum may recess or adjourn the meeting to a later time or date.

### **Section 3.07 Meetings.**

(A) The Assembly shall hold at least one regular meeting every month at such time and place as it may prescribe, unless otherwise provided by ordinance. The Mayor, the Borough Manager or any two Assembly members may call a special meeting. The Assembly by ordinance shall establish procedures for calling special and/or emergency meetings.

(B) All meetings of the Assembly shall be held in public. The Assembly shall adopt by ordinance procedures for reasonable public notice of all meetings, and at each such meeting the public shall have reasonable opportunity to be heard. An executive session, from which the public is excluded, may be held in accordance with, and to discuss only those matters permitted by, Alaska Statutes. The general matter for consideration in executive session shall be expressed in the motion calling for the executive session.

(C) Actions of the Assembly are adopted by a majority of the total membership of the body.

### **Section 3.08 Mayor and Vice Mayor.**

(A) The Mayor shall be recognized as the head of the Borough government for all ceremonial purposes and executes official documents upon the authorization and direction of the Assembly. He shall preside at meetings of the Assembly and shall certify the passage of all ordinances and resolutions passed. As ex officio Assembly member, he shall have all powers, rights, privileges, duties and responsibilities of Assembly members, including the

power to vote. The Mayor shall have no veto power, nor may he strike or reduce appropriation items.

(B) The Assembly shall elect a Vice Mayor from its membership at the first Assembly meeting following certification of the regular election. Should the seat of Mayor become vacant, or the existing Mayor be disabled, absent or otherwise unable to act, the Vice Mayor shall serve until the Mayor resumes his official duties or until a new Mayor is appointed or elected.

#### **Section 3.09 Officers.**

The Assembly shall appoint a Borough Manager, a Borough Clerk and a Borough Attorney, who shall serve at the pleasure of the Assembly.

### **ARTICLE IV LEGISLATION**

#### **Section 4.01 Introduction and Enactment of Ordinances.**

(A) **Introduction.** An ordinance may be presented for consideration by an Assembly member at a regular or special meeting of the Assembly. Upon presentation, an ordinance shall be rejected, deferred, referred to committee, or accepted as being introduced. An ordinance shall be introduced in writing in the form required by Assembly rule.

(B) **Notice and Hearing.** After introduction, the Assembly shall cause the Borough Clerk to publish a notice containing the text or a summary of the ordinance, the time and place for a public hearing, and where copies of the ordinance are available. The public hearing of an ordinance shall be held five or more days following publication of the notice. The term "publish" means appearing at least once in a newspaper of general circulation within the Borough or, if the Assembly deems publication in such a newspaper impracticable or impossible, posted in at least five public places within the Borough.

(C) **Enactment.** A majority vote of the total membership of the Assembly is required to pass an ordinance. An ordinance takes effect upon adoption or at a later date specified in the ordinance. Ordinances shall be attested by the Borough Clerk and by the Mayor.

#### **Section 4.02 Actions Requiring an Ordinance.**

The Assembly shall use an ordinance to take action when required to do so by Alaska Statutes or this Charter.

#### **Section 4.03 Emergency Ordinances.**

(A) An emergency ordinance is an ordinance which in the judgment of the Assembly is necessary for the immediate preservation of the public peace, health or safety. An emergency ordinance may be introduced and adopted at the same meeting.

(B) An emergency ordinance shall contain a finding that an emergency exists and shall state the facts constituting the emergency.

(C) An emergency ordinance is adopted upon the affirmative vote of all Assembly members present or five members of the Assembly, whichever is less.

#### **Section 4.04 Adoption by Reference.**

The Assembly may adopt by reference a standard code of regulations or a portion of the Alaska Statutes. The matter adopted by reference shall be made available to the public in the office of the Borough Clerk.

#### **Section 4.05 Codification.**

The Assembly shall provide for indexing and codification of all permanent ordinances adopted by the Assembly.

### **ARTICLE V BOROUGH MANAGER, BOROUGH CLERK, BOROUGH ATTORNEY AND BOROUGH ADMINISTRATION**

#### **Section 5.01 Borough Manager.**

(A) **Appointment.** There shall be a Borough Manager. He shall be appointed by the Assembly. The Manager serves at the pleasure of the Assembly.

(B) **Qualifications.** The Manager shall be appointed on the basis of executive and administrative qualifications, and other qualifications as the Assembly shall determine. No Assembly member may be appointed Borough Manager or Acting Borough Manager during the term for which he was elected or within two years after the expiration of his term.

(C) **Removal.** The Assembly may suspend or remove the Borough Manager at any time.

**Section 5.02 Powers and Duties of the Borough Manager.**

The Borough Manager shall:

(A) Except as otherwise provided by this Charter or by ordinance, appoint, supervise, discipline and remove all Borough employees and administrative officers except the Borough Clerk or the Borough Attorney, subject to such personnel regulations and rules as the Assembly may adopt;

(B) prepare the annual budget and capital improvement program for the consideration of the Assembly;

(C) execute the budget and capital improvement program as adopted;

(D) report to the Assembly at the end of each fiscal year on the finances and administrative activities of the Borough;

(E) keep the Assembly fully advised on the financial condition and needs of the Borough;

(F) perform such other duties and powers specified by the Assembly.

**Section 5.03 Acting Borough Manager.**

If the Borough Manager is absent from the Borough or is unable to perform his duties, if the Assembly suspends the Borough Manager, or if there is a vacancy in the office of Borough Manager, the Assembly may appoint an Acting Borough Manager to serve until the Borough Manager returns, until his disability or suspension ceases, or until another Borough Manager is appointed.

**Section 5.04 Borough Clerk.**

(A) There shall be a Borough Clerk, who shall be appointed by, and serve at the pleasure of, the Assembly.

(B) The Borough Clerk shall serve as clerical officer of the Assembly, keep the journal of the proceedings of the Assembly, serve as custodian of the Seal of the Borough and of such documents of the Borough as specified by the Assembly, and perform such other duties as may be assigned.

**Section 5.05 Borough Attorney.**

There shall be a Borough Attorney, who shall be appointed by, and serve at the pleasure of, the Assembly.

**Section 5.06 Administrative Departments and Offices.**

The Assembly by ordinance shall adopt provisions regarding the establishment, function and responsibility of Borough administrative departments and offices.

**Section 5.07 Personnel Policies.**

The Assembly by ordinance may adopt provisions for a personnel system, including but not limited to the methods of hiring and removal of Borough officers and employees, the evaluation of employees, and rules of practice and procedure governing personnel administrative proceedings.

**Section 5.08 Boards and Commissions.**

Boards and Commissions may be established by the Assembly by ordinance which shall prescribe their authority, purpose, function, rules and procedures, terms of office, method of selection of members, and conduct of meetings.

**Section 5.09 Wrangell Port Commission.**

(A) **Composition.** There shall be a Wrangell Port Commission, which shall be composed of five members elected at large at regular borough elections. The Assembly shall prescribe by ordinance its authority, purpose, function, rules and procedures, and conduct of meetings.

(B) **Qualifications.** A candidate for Port Commission shall be a qualified voter of the Borough, who has been a resident of the Borough for at least one year immediately preceding his election.

(C) **Terms.** The term of office of Port Commission members shall be three years.

**ARTICLE VI  
ELECTIONS****Section 6.01 Administration.**

(A) The Assembly by ordinance shall establish procedures for regular and special borough elections, including provisions for absentee voting.

(B) All borough elections shall be nonpartisan and no party designation shall be placed on the ballot.

**Section 6.02 Regular Elections.**

A regular election shall be held annually on the first Tuesday in October, unless otherwise specified by ordinance.

**Section 6.03 Special Elections.**

The Assembly, by ordinance or resolution, may call special elections and submit questions to voters. At least twenty days notice shall be given of a special election.

**Section 6.04 Notice.**

Not more than five weeks and not less than three weeks before an election, the clerk shall publish a summary of every ordinance, charter amendment, and other question which is to be submitted to the voters for approval at that election. In the case of a special election, such publication shall occur as soon as practicable after such notice.

**Section 6.05 Nominations.**

A person who seeks to become a candidate for an elected borough office shall execute and file a declaration of candidacy. The procedures and forms of declarations of candidacy for the Assembly, including the Mayor, the School Board, and the Port Commission shall be established by the Assembly.

**Section 6.06 Qualifications of Voters.**

To vote in any borough election, a person must be qualified to vote in Alaska state elections under A.S. 15.15.010, have been a resident of the Borough for 30 days immediately preceding the election, is registered to vote in Alaska State elections at a residence address within the Borough at least 30 days before the election in which the person seeks to vote, and is not disqualified under Article V of the Alaska state constitution.

**Section 6.07 Determination of Election Results.**

(A) In a borough election, the top vote getting candidate for a seat on the Assembly, including the Mayor, the School Board, or the Port Commission shall be declared elected.

(B) In case of a tie vote, the Assembly shall determine the successful candidate by lot.

**ARTICLE VII  
INITIATIVE, REFERENDUM AND RECALL**

**Section 7.01 Initiative and Referendum.**

The powers and rights of initiative and referendum are reserved to the people of the Borough, except the powers do not extend to matters restricted by Article XI, section 7 of the Alaska state constitution. The Assembly, by ordinance, may establish procedures and regulations for initiative and referendum not inconsistent with this Charter.

**Section 7.02 Application for Petition.**

An initiative or referendum is proposed by filing an application with the Borough clerk containing the ordinance or resolution to be initiated or the ordinance or resolution to be challenged by referendum and the address to which all correspondence relating to the petition may be sent. An application must be signed by at least ten voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within 14 days, the Borough Clerk shall certify the application if he finds that it is in proper form, and for an initiative petition, that the matter:

- (1) is not restricted by Section 7.01 of this Chapter;
- (2) includes only a single subject;
- (3) relates to a legislative rather than to an administrative matter; and
- (4) would be enforceable as a matter of law.

**Section 7.03 Contents of Petition.**

(A) Within two weeks after certification of an application for an initiative or referendum petition, a petition shall be prepared by the Borough clerk. Each copy of the petition shall contain:

- (1) a summary of the ordinance or resolution to be initiated or the ordinance or resolution to be challenged by referendum;
- (2) the complete ordinance or resolution sought to be initiated or challenged by referendum as submitted by the sponsor;
- (3) the date on which the petition was issued by the Borough Clerk;

(4) notice that signatures must be secured within thirty days after the date the petition is issued;

(5) spaces for each signature, the printed name of each signor, the date each signature is affixed, and the residence and mailing addresses of each signor;

(6) a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and

(7) a space for indicating the total number of signatures on the petition.

(B) If a petition consists of more than one page, each page shall contain the summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred.

(C) Copies of the petition shall be provided to each sponsor by the Borough Clerk.

#### **Section 7.04 Signature Requirement.**

(A) The petition shall be signed by the number of qualified Borough voters equal to at least 25% of the votes cast in the Borough at the last regular election held before the date the petition was issued. Signatures shall be in ink or indelible pencil and shall be secured within thirty days after the petition is issued. Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible resident address shall be rejected.

(B) A petition signor may withdraw his or her signature on written application to the Borough Clerk at any time before certification of the petition.

#### **Section 7.05 Sufficiency of Petition.**

(A) All copies of an initiative or referendum petition shall be assembled and filed as a single instrument. Within ten days after the date the petition is filed, the Borough Clerk shall:

(1) certify on the petition whether it is sufficient;  
or

(2) if the petition is insufficient, identify the insufficiency and notify the sponsors at the address provided by certified mail.

(B) A petition that is insufficient may be supplemented with additional signatures obtained and filed within ten days after the date on which the petition was rejected.

(C) A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (B) of this section. Within ten days after supplemental filing, the clerk shall certify on the petition whether it is now sufficient. If it is still insufficient, the petition is rejected and filed as a public record.

#### **Section 7.06 Initiative Election.**

(A) When an initiative petition has been determined sufficient, the Borough Clerk shall immediately submit it to the Assembly. If the Assembly fails to adopt the proposed initiative measure without any change in substance within forty five days after the date the petition was determined sufficient, it shall submit the proposed initiative to the voters of the Borough. If the Assembly adopts substantially the same measure, the petition is void and the matter initiated may not be placed before the voters.

(B) The election on a proposed initiative shall be held no later than seventy five nor sooner than forty five days from the last date on which the Assembly action may be completed on the proposed initiative. If no regular election occurs within this period, the Assembly shall hold a special election. The notice of election shall contain at least a summary of the proposed initiative and the initiative may be summarized on the ballot.

(C) If a majority vote favors the ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution.

#### **Section 7.07 Referendum Election.**

(A) When a referendum petition has been determined sufficient, the Borough Clerk immediately shall submit it to the Assembly. If the Assembly fails to repeal the ordinance or resolution challenged in the referendum petition measure within forty five days after the date the petition was determined sufficient, it shall submit the proposed referred measure to the voters of the Borough. If the Assembly repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

(B) The election on the referred matter shall be held no later than seventy five nor sooner than forty five days from the last date on which the Assembly action may be completed on the proposed referred measure. If no regular election occurs within this

period, the Assembly shall hold a special election. The notice of election shall contain at least a summary of the referred matter on the ballot and it may be summarized on the ballot.

(C) If a majority vote favors the repeal of the ordinance or resolution challenged in the petition, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election.

#### **Section 7.08 Effect.**

(A) The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted by an initiative election or if adopted after a petition that contains substantially the same measure has been filed.

(B) If an ordinance or resolution is repealed in a referendum election or by the Assembly after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the Assembly for a period of two years.

(C) If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than two years after the election results are certified.

#### **Section 7.09 Suspension.**

Filing of a referendum petition suspends the ordinance or resolution only if the petition is filed and certified as sufficient within ninety days after the effective date of the ordinance or resolution. The suspension terminates upon certification of a majority vote against repeal.

#### **Section 7.10 Recall.**

The Assembly may provide, by ordinance, procedures regarding recall.

### **ARTICLE VIII FINANCE**

#### **Section 8.01 Fiscal Year.**

The fiscal year of the Borough shall begin on the first day of July and end on the last day of June of the following year, unless otherwise provided by the Assembly by ordinance.

**Section 8.02 Submission of Budget and Capital Improvements Program.**

(A) The Borough Manager shall prepare and submit to the Assembly a proposed budget and a capital improvements program for the following fiscal year.

(B) Upon submission, the budget, any budget message, and the capital improvements program shall be a public record in the office of the Borough Clerk and shall be open to public inspection.

(C) The Assembly may provide for procedures regarding submission, preparation and adoption of the budget.

**Section 8.03 Scope of Budget.**

The budget shall be a complete and balanced financial plan for all operations of the borough, showing all reserves, estimated revenues from all sources, and the proposed expenditures for all purposes in the upcoming fiscal year. The total of such proposed expenditures shall not exceed the total of such anticipated revenues, including reserves.

**Section 8.04 Scope of Capital Improvements Program.**

The capital improvements program shall be a plan for capital improvements proposed for the following five years, together with the estimated cost of each improvement and the proposed method of financing.

**Section 8.05 Hearing.**

(A) The Assembly shall hold a public hearing on the proposed budget. Notice and publication of the hearing shall be performed in accordance with Section 4.01(B) of this Charter. All interested persons shall be given reasonable opportunity to be heard at the hearing. The hearing may be continued or adjourned to a later date or dates.

(B) After the conclusion of the public hearing, the Assembly may insert, eliminate, increase or decrease items in the budget, and otherwise amend it.

**Section 8.06 Adoption of Budget.**

The Assembly shall, by ordinance, adopt the budget no later than June 27. Upon adoption, the budget shall be the appropriations that govern spending by the Borough.

**Section 8.07 Supplemental and Emergency Appropriation.**

(A) If during any fiscal year there are available revenues received from sources not anticipated in the budget estimates, the Assembly, by ordinance, may make supplemental appropriations for the year up to the amount of the additional revenues.

(B) The Assembly, by ordinance, may make emergency appropriations. The ordinance shall state and describe the emergency. The Assembly may also make emergency appropriations in the event that a budget has not been timely adopted under Section 8.06 of this Charter.

**Section 8.08 Reducing and Transferring Appropriations.**

(A) Unless provided otherwise by ordinance, the Borough Manager may transfer all or part of an unencumbered balance to another classification within a department or office.

(B) The Assembly may transfer all or part of an unencumbered balance to another classification within a department or office or from one department or office to another.

(C) If during the fiscal year it appears that revenues available will be insufficient to meet the amount appropriated, the Assembly may reduce any appropriation. No appropriation may be reduced by more than the amount of the unencumbered balance.

**Section 8.09 Lapse of Appropriations.**

Every unencumbered surplus of the general fund or a service area shall lapse at the close of the fiscal year to the general fund or service area, respectively. An appropriation for capital improvement, or to meet requirements of federal or state grants, shall not lapse until its purpose has been accomplished or abandoned.

**Section 8.10 Administration of the Budget.**

(A) Except in the case of unappropriated funds, no payment may be made and no obligation incurred against the Borough except in accordance with appropriations duly made.

(B) The Assembly shall prescribe the provisions and methods of disbursement of borough funds.

**Section 8.11 Investment.**

The Assembly shall regulate the investment of borough funds.

**Section 8.12 Audit.**

The Assembly shall provide for an annual independent audit of the accounts of the Borough. The audit shall be made by a certified public accountant designated by the Assembly.

**Section 8.13 Sales and Purchases.**

The Assembly by ordinance shall establish procedures for the sales of borough property and the purchasing of goods and services.

**ARTICLE IX  
TAXATION****Section 9.01 Taxing Authority.**

The Assembly shall be the taxing authority in the Borough.

**Section 9.02 Kinds of Taxes.**

The Assembly by ordinance may levy any tax or fee not prohibited by law or this Charter.

**Section 9.03 Sales Tax Ratification.**

The Assembly may provide, by ordinance, that a new sales or use tax, or an increase in the rate of levy of a sales or use tax, does not take effect until ratified by a majority of Borough voters at an election.

**Section 9.04 Tax Procedures.**

(A) The Assembly by ordinance shall prescribe the procedures for tax assessment, levy, and collection.

(B) Property taxes, with collection charges, penalties, and interest, are a first lien upon the property.

(C) The Assembly by ordinance may provide that a sales or use tax, together with collection charges, penalties, and interest, are a lien upon real and/or personal property.

(D) No lien authorized by this Charter or by law precludes the Borough from exercising any other lawful remedy for the collection of taxes.

**ARTICLE X  
BORROWING****Section 10.01 Authority.**

The Borough may borrow money and issue such evidence thereof, herein called obligations, as the Assembly may determine necessary.

**Section 10.02 General obligations of the Borough.**

(A) The Borough may issue negotiable or nonnegotiable general obligation bonds. No general obligation bond debt may be incurred by the Borough unless authorized by the Assembly and ratified by a majority vote of those in the Borough voting on the question, except that general obligation refunding bonds may be issued without an election.

(B) Before holding a general obligation bond issue election, the Assembly shall have published a notice at least twenty days prior to the date of the election. The notice shall contain

- (1) the current total general obligation bonded indebtedness, including authorized but unsold bonds of the Borough;
- (2) the cost of the debt service on the current indebtedness;
- (3) the total assessed value of property in the Borough.

**Section 10.03 Revenue Bonds.**

The Borough may issue negotiable or nonnegotiable revenue bonds for all purposes not otherwise prohibited by law. An election is not required to authorize the issuance and sale of revenue bonds or revenue refunding bonds, unless otherwise provided by ordinance.

**Section 10.04 Bond Anticipation Borrowing.**

The Borough may borrow money in anticipation of the sale of general obligation and revenue bonds if (1) the general obligation bonds to be sold have been authorized by the Assembly and ratified by a majority vote at an election or (2) the revenue bonds to be sold have been authorized by the Assembly. An election is not required to authorized the issuance of bond anticipation notes.

**Section 10.05 Borrowing in anticipation of revenue.**

The Borough may borrow money to meet appropriations for any fiscal year in anticipation of collection of the revenue for that year, but all debt so contracted shall be paid before the end of the next fiscal year. The Assembly may authorize the issuance of negotiable or nonnegotiable revenue anticipation notes as evidence of the borrowing. An election is not required to authorize the issuance of revenue anticipation notes.

**Section 10.06 Form and Manner of Sale.**

The Assembly by ordinance shall provide for the form and manner of sale of bonds and notes.

**Section 10.07 Actions Challenging the Validity of Obligations.**

(A) Minor errors in the notice published under section 10.02(B) of this Charter shall not invalidate any subsequent election.

(B) No action challenging the validity of any obligation may be maintained unless instituted within thirty days from the effective date of certification of the results of the election ratifying the issuance of such obligation or thirty days from the effective date of the ordinance or resolution authorizing the issuance of such obligation when ratification is not required.

**Section 10.08 Proceeds From Issue of Obligations.**

Proceeds derived from the issue of obligations shall be used solely for the purpose for which the obligations were issued, except that whenever any proceeds of an issue remain unexpended and unencumbered for the purpose for which issued, the Assembly may authorize the use of such proceeds for the retirement of such issue. If such issue has been fully retired, then the proceeds may be used for the retirement of other bonds or obligations of the Borough. If there are no other bonds or obligations of the Borough, then the proceeds may be used for any other capital improvement of the Borough. If no such capital improvement exists, then the proceeds may be used for any purpose determined by the Assembly.

**ARTICLE XI  
LOCAL IMPROVEMENT DISTRICTS**

**Section 11.01 Purpose and Establishment.**

(A) Local Improvement Districts may be established in a limited and determinable area to confer the special benefit of any Borough improvement. All or any part of the costs of the improvement may be paid out of the proceeds of special assessments levied against the benefited property.

(B) The Assembly shall prescribe by ordinance the procedures for establishing a local improvement district and for levying special assessments on benefited property to finance all or a part of the costs of the improvement.

(C) The Assembly shall prescribe by ordinance the method of apportioning and assessing the cost of improvements upon the real property benefited.

**Section 11.02 All Real Property Shall Be Assessed.**

All real property in the improvement district, whether or not exempt from general property taxation, shall be assessed for local improvements unless specifically exempted by ordinance.

**Section 11.03 Protest.**

If protest as to the necessity for any local improvement is made within the time allowed by ordinance by the owners of benefited property which will bear at least fifty percent of the estimated cost of the improvement, the improvement shall not proceed until the protests have been reduced so that the property of those still protesting shall not bear fifty percent of the said estimated cost of the improvement, except upon approval of a majority vote of the total membership of the Assembly.

**Section 11.04 Limitation on Actions.**

No special assessment procedure shall be contested by any action at law or in equity unless commenced within sixty days after the confirmation of the special assessment roll. If no such action is commenced, the procedure for such local improvement shall be conclusively presumed to have been regular and complete.

**Section 11.05 Lien.**

A special assessment, together with interest, penalty and collection charges, is a lien on the property assessed second in

priority only to property taxes and prior special assessments. The lien shall be enforceable in the same manner as a lien for borough property taxes.

## ARTICLE XII UTILITIES

### Section 12.01 Operating Standards.

Each Borough utility shall be operated in a business-like manner.

### Section 12.02 Management.

Borough utilities may be operated and administered by the Assembly or by one or more utility boards. The Assembly shall prescribe by ordinance the rules and procedures for the convenient management, operation, regulation, and use of Borough utilities.

### Section 12.03 Accounting.

(A) Unless otherwise provided by ordinance, a Borough utility shall be operated from a fund or funds separate from the general fund and an accounting system for each such fund shall be established within the general accounting system of the Borough and shall be so established and maintained as to reflect the financial condition of the utility and its income and expense. A balance sheet and profit and loss statement for each such fund shall be produced at the direction of the Assembly.

(B) Unless otherwise provided by ordinance, none of the income, resources or property of a utility shall be placed in the general fund or used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received in return. Nothing in this provision prohibits payment into the general fund by a utility of an amount in lieu of taxes reasonably estimated to be the amount which said utility would pay in taxes if it were privately owned.

## ARTICLE XIII EDUCATION

### Section 13.01 Public School System.

The system of public schools for the Borough shall be operated by a School Board in accordance with Alaska statutes, Borough Code and other applicable law.

**Section 13.02 School Board Membership.**

(A) **Composition.** The School Board shall be composed of five members elected at large at regular Borough elections, provided that the Assembly may by ordinance, concurred in by the School Board, provide for a school board of seven members.

(B) **Qualifications.** A candidate for School Board shall be a resident qualified to vote in the Borough.

(C) **Terms.** The term of office of School Board members shall be three years.

**Section 13.03 School Board Vacancies.**

(A) If a vacancy occurs on the School Board, the remaining members shall appoint a qualified person to fill the vacancy within 30 days. The person appointed shall serve until the next regular election, at which time a successor shall be elected to serve the balance of the term. If less than 30 days remain in the term when a vacancy occurs, the vacancy shall not be filled.

(B) Notwithstanding (A) of this section, if the School Board membership is reduced by vacancies to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons sufficient to constitute a quorum.

**Section 13.04 Powers of the School Board.**

The School Board has the powers provided by Alaska Statute and Borough code to carry out its duties, including formulating policy for the operation of the schools, appointing and providing for suspension and removal of school personnel including the superintendent, serving as a board of personnel appeals, and generally supervising school system fiscal affairs including the preparation and submission of the annual budget.

**Section 13.05 Public Meetings.**

The Board shall conduct public meetings at least once a month, except for the month of July.

**Section 13.06 Capital Improvements.**

The School Board shall make recommendations to the Assembly concerning the necessity for school construction and other capital improvements, site selection, employment of architects and buildings plans. Decisions by the Assembly on these matters shall be final.

**ARTICLE XIV  
PLANNING, PLATTING AND LAND USE REGULATION**

**Section 14.01 Planning, Platting and Land Use Regulation.**

The Assembly shall by ordinance establish procedures for planning, platting and land use regulation within the Borough.

**ARTICLE XV  
SERVICE AREAS**

**Section 15.01 Service Areas.**

(A) Service areas may be established to provide services not provided on an areawide basis or to provide a higher level of service than that already provided on an areawide basis.

(B) The Assembly may by ordinance prescribe procedures for the establishment and administration of service areas.

(C) The Assembly may by ordinance may establish, alter, consolidate or abolish service areas. The Assembly, by ordinance, may add or eliminate services to a service area.

(D) The Assembly may by ordinance levy taxes, make assessments, receive state funds, and otherwise generate income to pay the costs of services provided.

**ARTICLE XVI  
CHARTER AMENDMENT**

**Section 16.01 Proposal.**

Amendments to this Charter may be proposed by

- (1) initiative petition in accordance with Article VII of this Charter;
- (2) ordinance or resolution of the Assembly; or
- (3) report of a charter commission created by the Assembly or by initiative petition.

**Section 16.02 Election.**

(A) Proposed amendments shall be submitted to the qualified voters of the Borough. An election shall be held not less than sixty days after adoption of the ordinance, issuance of the

final report of the charter commission, or certification of the initiative petition.

(B) If the proposed amendment is approved by a majority of the voters, it becomes effective at the time set in the amendment; or, if no time is set, thirty days after certification of the results of the election.

(C) If more than one amendment is proposed, each amendment shall be submitted to the voters as a separate question except those which are so interrelated that they should be approved or rejected together.

#### **Section 16.03 New Charter.**

A new charter may be proposed and approved in the same manner as an amendment.

### **ARTICLE XVII GENERAL PROVISIONS**

#### **Section 17.01 Conflict of Interest.**

(A) A member of the Assembly shall declare a substantial financial interest a member has in an official action and asked to be excused from a vote on the matter. The Mayor shall rule on a request by a member of the Assembly to be excused from a vote. The decision of the Mayor on a request by a member of the Assembly to be excused from a vote may be overridden by the majority vote of the Assembly.

(B) A Borough employee or official, other than a member of the Assembly, may not participate in an official action in which the employee or official has a substantial financial interest.

(C) The Assembly by ordinance may prescribe additional and further rules regarding conflicts of interest and may adopt procedures regarding nepotism.

#### **Section 17.02 Separability.**

(A) If a court of competent jurisdiction should hold any section or part of this Charter invalid, such holding shall not affect the remainder of this Charter nor the context in which such section or part so held invalid may appear, except to the extent that another part of the Charter may be inseparably connected in meaning and effect with that section or part.

(B) If a court of competent jurisdiction holds a part of this Charter invalid, or if a change in the state constitution

or law renders a part of this Charter invalid or inapplicable, the Assembly by ordinance may take such appropriate action as will enable the Borough government to function properly.

#### **Section 17.03 Oath of Office.**

(A) Every officer of the Borough, before entering upon the duties of his office, shall take and subscribe to the following oath or affirmation: I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, and that I will faithfully perform my duties as \_\_\_\_\_ to the best of my ability.

(B) The oath or affirmation shall be filed and kept in the Borough Clerk's office.

(C) All officers authorized by federal or state law, the Mayor, the Borough Manager, the Borough Clerk, the heads of all administrative departments, a municipal judge, and such other officers as the Assembly may authorize, may administer oaths and affirmations.

#### **Section 17.04 Official Bonds.**

The Borough Manager, and such other officers and employees as the Assembly may designate, before entering upon their duties, shall be bonded, by individual and/or group bonds, for the faithful performance of their respective duties, payable to the Borough, in such form and in such amounts as the Assembly may prescribe, with a surety company authorized to operate within the State of Alaska. The Borough shall pay the premiums on such bonds.

#### **Section 17.05 Continued Office.**

Every officer who is elected or appointed for a term ending in a definite time shall continue to serve until his successor qualifies and takes office, except in the case of death, resignation or termination by law or this Charter.

#### **Section 17.06 Records to be Public.**

All records of the Borough shall be public except as otherwise provided by Alaska statutes, Borough code or other applicable law. Records shall be available at the Borough offices for inspection and for distribution at such price as the Assembly may direct.

**Section 17.07 Public Meetings.**

(A) Except as provided for in this Charter, all meetings of the Assembly, the School Board, and other boards and commissions shall be held in public. The Assembly by ordinance shall adopt procedures for reasonable public notice of all meetings. At each such meeting the public shall have reasonable opportunity to be heard.

(B) An executive session may be held to discuss only matters permitted by Alaska Statutes. The general matter for consideration in executive session shall be expressed in the motion calling for the session.

**Section 17.08 Interpretation.**

(A) Titles and subtitles are for identification and ease of reference only and shall not be construed as interpretations of Charter provisions.

(B) Personal pronouns used in this Charter shall be construed as including either sex.

**Section 17.09 Adverse Possession.**

The Borough may not be divested of title to real property by adverse possession.

**Section 17.10 Dedication of Borough Property.**

Dedication of streets, rights of way, easements, or other areas for public use by the Assembly may not be construed to require the Borough to maintain, improve, or provide for Borough services in the area dedicated and the dedication does not impose any liability on the Borough for the condition of the area dedicated.

**ARTICLE XVIII  
TRANSITIONAL PROVISIONS****Section 18.01 Effective Date.**

This Charter shall be effective immediately upon ratification.

**Section 18.02 Composition of Assembly upon Adoption of this Charter.**

The initial Borough Assembly shall be elected as set forth in A.S. 29.05.110 and .120 and Section 3.04 of this Charter.

**Section 18.03 Organization of Assembly.**

The Assembly shall organize and carry out its duties as provided in this Charter.

**Section 18.04 Composition of School Board Upon Adoption of this Charter.**

The initial Borough School Board shall be elected as set forth in A.S. 29.05.110 and .120. Those elected at that election shall draw lots as follows: two one-year terms, two two-year terms and one three-year term.

**Section 18.05 Composition of Port Commission Upon Adoption of this Charter.**

The initial Borough Port Commission shall be elected as set forth in A.S. 29.05.110 and .120. Those elected at that election shall draw lots as follows: two one-year terms, two two-year terms and one three-year term.

**Section 18.06 Continuation of Employment.**

All employees of the City of Wrangell, except elected officials, shall continue in employment until the Assembly or the Borough Manager, as the case may be, provides otherwise. Like salaries and benefits shall continue unless and until provision is made to the contrary.

**Section 18.07 Prior Law.**

All ordinances, resolutions, regulations, orders and rules of the City of Wrangell, including the consumer sales tax of seven percent (7%), shall continue in full force and effect and extend to the entire Borough, insofar as they are not inconsistent with this Charter, until they are repealed or amended.

**Section 18.08 City of Wrangell.**

The Borough shall assume and succeed to all of the rights, powers, duties, assets, and liabilities of the City of Wrangell.

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