

Chapter II.

OFFICERS

Section 2.1. City Officers. (a) The elective officers of the city are the mayor and six council members.

(b) The appointive officers of the city are the city manager, the city clerk, and the city attorney.

(c) The administration officers are all officers of the city other than elective officers and appointive officers. (Reso. No. 9126, § 1; Reso. No. 6929, § 2.)

Section 2.2. **Eligibility for Elective City Office.** (a) To be eligible to file a nominating petition for election to a city office, a person shall be an elector of the city and shall have been a resident of the city or of territory annexed to the city, or shall have had a combination residence in the city and in the annexed territory for a period of not less than one year immediately preceding the date of the filing of such petition.

(b) **A person appointed to fill a vacancy in an elective office must have such qualifications at the time of his appointment.**

(c) The council shall be the judge of the election and of the qualifications of its members.

Section 2.3. Persons Ineligible for City Office or Employment. A person who holds or has held an elective city office shall not be eligible for appointment to an office or for employment for which a salary is paid by the city until one year has elapsed following the term for which he was elected or appointed. An exception may be made with the approval of four or more members of the council.

Section 2.4. Notice of Election or Appointment. The city clerk shall mail to each person elected or appointed, a certificate of election or appointment within five days from the time of election or appointment.

Section 2.5. Compensation of Officers. The compensation for the service of each city officer and employee shall be the amount fixed by the council.

Section 2.6. Compensation of Mayor and Councilmen. The compensation of the mayor and councilmen shall be determined by ordinance. No increase in the compensation of the mayor and councilmen shall take effect until the council meeting following the first general city election after the increase is ordered.

Section 2.7. Oath of Office. Every officer of the city before entering upon his duties shall take the oath or affirmation required by section 5 of article XII, Constitution of the State of Alaska. The council may require designated employees to take such oath before entering upon their employment. Oaths of office shall be filed with the city clerk.

Section 2.8. Surety Bonds. In order to protect the city and the public, the council may require appropriate surety bonds of officers and employees. The premium of such bonds shall be paid by the city.

Section 2.9. Giving of Surety by Officers and Employees Forbidden. No officer or employee shall give or furnish any bail bond or recognizance, nor shall he be the agent of any bondsman in connection with any bond which may be required by law or by the council.

Section 2.10. Vacancies in Office. (a) A city office shall become vacant upon the occurrence of any of the following:

- (1) The expiration of the term of office;
- (2) The death of the incumbent;
- (3) A resignation when approved by the council;
- (4) A removal from office in the manner provided by law;
- (5) Ceasing to possess at any time the qualifications or eligibility required by this Charter for election or appointment to office;
- (6) Final conviction of a felony involving moral turpitude, or an offense involving a violation of an oath of office;
- (7) A judicial determination that the incumbent is of unsound mind;
- (8) A decision of a competent tribunal declaring the election or appointment of the incumbent void;
- (9) Failure to take the oath or make the affirmation, or file the bond required for the office within ten days from the date of election or appointment or within such other time, not exceeding twenty days thereafter, as the council may fix;
- (10) Any other event which, by law, creates a vacancy.

(b) The council shall provide in the Code for creating vacancies in elective offices because of failure to perform the duties of office. Such provisions shall be self-executing.

Section 2.11. Resignations. Resignations of offices shall be made in writing and filed with the city clerk, who shall immediately notify the proper officials concerned.

Section 2.12. Removal from Office. (a) The council may remove, by an affirmative vote of at least four members, the city manager, the city clerk, the city attorney, and members of boards, regardless of term of office. The person so removed from office shall have the right to a public hearing before the council concerning the cause for his removal.

(b) City employees and administrative officers shall be protected from arbitrary discharge by Code provision. (10-3-95; Ord. No. 6929, § 2.)

Section 2.13. Recall. An elective officer may be recalled. The vacancy thereby created shall be filled in the manner prescribed by law.

Section 2.14. Filling Vacancies. (a) If a vacancy occurs in an elective office, except in the case of recall, the council shall fill the vacancy by appointment within thirty days thereafter. If the vacancy occurs less than twenty-four hours prior to the last date and time set for filing nominating petitions for offices to be filed at the next regular meeting of the council next following such regular city election, it shall not be filled until the first regular meeting of the council next following such regular city election. Each such appointment shall be for a term ending at the next regular council meeting following the next regular city election.

(b) If a vacancy occurs in an appointive office, such vacancy shall be filled within forty-five days thereafter in the manner provided for making the original appointment. Such time may be extended, for not more than an additional ninety days, by the council resolution setting forth the reasons therefor.

Section 2.15. Delivery of Office to Successor. Whenever an officer or employee leaves an office or employment for any reason, he shall deliver forthwith to his successor in the office or to the mayor, all property of the city such as books, working papers, moneys and effects, which are in his custody, possession or control.