

Submitted by: Assembly Chair Sullivan
Prepared by: Office of the Municipal Clerk
For Reading: December 19, 2006

ANCHORAGE, ALASKA
RESOLUTION NO. AR 2006-331

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
ESTABLISHING A PROCESS FOR THE ASSEMBLY'S APPOINTMENT OF A
NEW MEMBER TO TEMPORARILY FILL ASSEMBLY SEAT 2C UPON THE
RESIGNATION OF ASSEMBLY MEMBER AND STATE REPRESENTATIVE-
ELECT ANNA I. FAIRCLOUGH UNTIL A SUCCESSOR CAN BE ELECTED BY
THE VOTERS AT THE REGULAR MUNICIPAL ELECTION OF APRIL 3, 2007
TO COMPLETE THE TERM.**

WHEREAS, a vacancy will occur upon the resignation of Assembly Member and
State Representative-Elect Anna I. Fairclough to assume a seat on the Alaska State
Legislature representing District 17; and

WHEREAS, Anchorage Municipal Charter Section 7.02(b) requires the vacancy
to be filled within thirty days after the date the vacancy occurs; and

WHEREAS, Anchorage Municipal Charter Section 7.02(b) permits the Assembly
to fill the vacancy by appointment until the next Regular Municipal Election; and

WHEREAS, the Regular Municipal Election is scheduled for April 3, 2007; and

WHEREAS, during said thirty-day period the Assembly will be asked to make
policy decisions that affect citizens individually and collectively; and

WHEREAS, the citizens of Anchorage will be better served if someone is
appointed to fill Assembly Seat 2C until the next Regular Municipal Election can be held
and certified.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1. Assembly Seat 2C shall be filled by Assembly appointment until a
candidate is elected at the Regular Municipal Election of April 3, 2007 in accordance
with the Charter.

Section 2. The Municipal Clerk shall cause a notice of vacancy to be published in
accordance with Anchorage Municipal Code 2.70.020.

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5 **Section 3.** That applications for a temporary appointment to Assembly Seat 2C
6 received by the Municipal Clerk prior to 5:00 p.m. on January 3, 2007, shall be forwarded to
7 the Assembly. Applications received after this date and time shall not be considered by the
8 Assembly.
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10 **Section 4.** That applicants will be evaluated solely on the basis of written materials
11 submitted.
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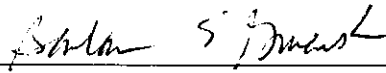
13 **Section 5.** That the Assembly will appoint a qualified applicant to fill the vacancy by
14 casting successive ballots until one applicant receives a majority vote. Balloting will begin at
15 the Regular Assembly Meeting of January 9, 2007. The successful applicant will be sworn
16 into office and seated upon final selection.
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18 **Section 6.** That this resolution shall become effective upon the resignation of
19 Assembly Member Fairclough.
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21 PASSED AND APPROVED by the Anchorage Municipal Assembly this 17th day
22 of December, 2006.
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26 _____
27 Chair
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29 ATTEST:
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34 Municipal Clerk
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- (2) Appoint and provide for suspension and removal of school personnel, including the superintendent;
- (3) Serve as a board of personnel appeals;
- (4) Generally supervise school district fiscal affairs, including preparation and submission of the annual budget and six-year plan.

Section 6.04. Joint conferences.

The assembly and school board shall meet at least four times yearly in public session to discuss and coordinate financial planning, capital improvement needs, the comprehensive plan, and other matters of mutual concern.

Section 6.05. Budget and six-year plan.

(a) The superintendent of schools shall submit to the school board at such time as the board directs a proposed budget for the next fiscal year and a proposed six-year program for capital improvements and fiscal policies. The board shall hold at least one public hearing on the proposed budget and program before they are submitted to the assembly, and at least one public hearing after assembly action if the total amount is different. The proposed budget and program shall be approved and submitted to the assembly at least 90 days before the end of the current fiscal year of the school district.

(b) The assembly may increase or decrease the budget of the school district only as to total amount. The school district may not appropriate or otherwise incur the expenditure of any funds, regardless of the source, in excess of the total amount of the budget, as approved by the assembly, without prior approval by the assembly.

(c) The assembly shall approve the budget of the school district as amended and appropriate the necessary funds at least 60 days prior to the end of the fiscal year of the school district. If the assembly fails to approve the school district budget and make the necessary appropriation within the time stated, the budget proposal shall become

the budget and appropriation for the fiscal year of the school district without further assembly action.

(AO No. 90-88, prop. 9, 10-2-90)

ARTICLE VII. VACANCIES IN ELECTIVE OFFICE

Section 7.01. Determining vacancies.

(a) An elective office becomes vacant if the incumbent:

- (1) Ceases to meet the qualifications prescribed for the office by this Charter;
- (2) Resigns;
- (3) Dies;
- (4) Is judicially determined to be incompetent;
- (5) Is convicted of a felony;
- (6) Is removed from office for breach of the public trust.

(b) Proceedings for removal of an elected official for breach of the public trust may be initiated by a majority of all members of the assembly, or the school board in the case of removal of a school board member. In addition, proceedings for removal may be initiated by any duly constituted ethics board. The assembly by ordinance shall establish procedures for removal of elected officials for breach of the public trust, including provision for notice, a complete statement of the charge, a public hearing conducted by an impartial hearing officer, and judicial review. Removal must be approved by two-thirds of the authorized membership of the assembly or school board as the case may be.

Editor's note—The charter commission's commentary on subsection (a)(1) of this section is printed following the Charter as section 7.01(a)(1) of such commentary.

Section 7.02. Filling vacancies in elective office.

(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 elec-

tion, at which time a successor shall be elected to serve the balance of the term. If less than 30 days remain in a term when a vacancy occurs, the vacancy shall not be filled. However, if at any time, the membership is reduced to fewer than a quorum, the remaining members, within seven days, shall appoint a number of qualified persons sufficient to constitute a quorum.

(b) If a vacancy occurs on the assembly, the remaining members may appoint a qualified person to fill the vacancy within 30 days. The person appointed shall serve until the next regular or special election, at which time a successor shall be elected to serve the balance of the term. If the vacancy occurs more than six months before the next regular election, the assembly shall provide for a special election to fill the vacancy not more than 60 days after the occurrence of the vacancy. If less than 30 days remain in a term when a vacancy occurs, the vacancy shall not be filled. However, if at any time, the membership is reduced to fewer than a quorum, the remaining members, within seven days, shall appoint a number of qualified persons sufficient to constitute a quorum.

(c) A vacancy in the office of mayor shall be filled at a regular or special election held not less than 90 days from the time the vacancy occurs. If less than 90 days remain in the term when the vacancy occurs, the vacancy shall not be filled. When a vacancy occurs in the office of mayor, the chairman of the assembly shall serve as acting mayor until a successor is elected and takes office. The acting mayor has the veto power, but may not vote on assembly action. The assembly by ordinance shall provide for further succession to the office of acting mayor.

(AO No. 84-171, prop. 3, 10-2-84)

Editor's note—The charter commission's commentary on subsection (b) of this section is printed following the Charter as section 7.02(b) of such commentary.

ARTICLE VIII. COMMUNITY COUNCILS

Section 8.01. Establishment and procedures.

The assembly by ordinance shall provide for establishment of community councils to afford citizens an opportunity for maximum community

involvement and self-determination. The ordinance shall include procedures for negotiation between the local government and each community council with respect to the duties and responsibilities of the community council.

ARTICLE IX. SERVICE AREAS AND ASSESSMENT DISTRICTS

Section 9.01. Service areas.

(a) A service area may be created, altered, or abolished only with the approval of a majority of those voting on the question within the area affected, or, if no qualified voter resides within the area, with the written consent of the owners of all real property within the area affected. However, the assembly, by ordinance may consolidate service areas in which services are provided by the municipality at the same level in each of the areas to be consolidated.

(b) The assembly by ordinance shall adopt procedures for creating, altering, abolishing and operating service areas. Services provided in a service area shall be financed by a uniform tax levy within the area.

(c) The assembly may provide for appointed or elected boards to supervise the furnishing of special services in service areas.

Editor's note—The charter commission's commentary on this section is printed following the Charter as section 9.01 of such commentary.

Section 9.02. Assessment districts.

(a) The assembly by ordinance may establish districts to provide and finance capital improvements by means of an assessment, or services by means of a tax levy. The assessment or levy shall be proportionate to the benefit received from and the burden imposed upon the improvement or service. The assembly by ordinance shall prescribe uniform criteria for allocating the cost of the improvement or service within an assessment district.

(b) An assessment district may be created or extended only with the approval of the property owners who would bear more than 50 percent of the estimated cost of the improvement or service.

2.70.010 Determining vacancies.

Charter reference—Determining vacancies, § 7.01.

2.70.020 Filling vacancies.

Whenever a vacancy on the assembly which may be filled by appointment occurs, the following procedure shall be utilized:

1. At or before the next regular assembly meeting after a vacancy on the assembly is determined to exist, the assembly shall meet and decide if it will fill the vacancy and whether the vacancy will be filled by special election or by assembly appointment. If the assembly determines it will fill the vacancy by special election, it shall do so by calling a special election.
2. If the assembly decides it will fill the vacancy by appointment, it shall do so by setting a deadline for submission of applications for appointment to fill the vacancy and designating the assembly meeting at which assembly voting will occur.
 - a. After the assembly decides to appoint the municipal clerk shall immediately publish notice of the vacancy and invite any qualified person to submit an application for appointment prior to the stated deadline. The notice of vacancy, invitation to apply for appointment and the deadline for submission of applications, shall be published in a newspaper of general circulation not less than three times during the first ten days after the assembly decides to appoint.
 - b. Applications for appointment shall contain a declaration of candidacy as required for election to the assembly and such other information relevant to the applicant's qualifications to serve as the applicant may desire. The municipal clerk shall process all applications in accordance with the provisions of sections 28.30.030.E. and 28.30.040. An applicant may withdraw his or her application at any time prior to appointment. All applicants meeting the qualifications of the vacant office pre-

scribed by law shall be considered nominees for appointment to the office.

- c. The assembly may hold public hearings to interview all applicants qualified for appointment.
- d. Except as otherwise provided in this section, voting by the assembly shall comply with all voting rules of the assembly and the assembly shall appoint a qualified applicant to fill the vacancy by a majority vote at any regular or special meeting within 30 days after the vacancy occurs. Successive votes of the assembly shall be taken until a qualified applicant is chosen to fill the vacancy. Votes of the assembly shall commence immediately upon passage of a motion for the previous question in accordance with its rules of procedure. Thereafter only privileged and incidental motions, motions for the previous question and motions to reject all applications shall be in order or permitted and the assembly shall conduct no other business at any meeting until an applicant is appointed or, upon passage of a motion duly made and seconded, all applicants are rejected by the assembly. After each vote is taken and its results announced, additional discussion and debate may resume until terminated by passage of a motion for the previous question in accordance with the assembly's rules of procedure.
- e. Each vote on an appointment subject to this section shall be by separate, individual ballot for each assembly member present. Each individual ballot shall be voted for only one applicant at a time by inserting the applicant's name on the ballot. Each ballot shall be numbered in the order voted and shall be signed by the assembly member voting the ballot. The municipal clerk shall retain all ballots as public records.

(AO No. 87-139; AO No. 95-148, § 1, 7-25-95)

Charter reference—Filling vacancies in elective office, § 7.02.