

CHARTER OF THE CITY OF SOLDOTNA, ALASKA

PREAMBLE

We, the people of the City of Soldotna, exercising the powers of home rule granted by the Constitution of the State of Alaska, in order to provide for a more efficient, adequate and economical government, do hereby ordain, ratify and establish this Charter of the City of Soldotna, Alaska.

ARTICLE I – INCORPORATION, FORM OF GOVERNMENT, POWERS, INTERPRETATION

Section 1.01 – Continuation of Existing Corporation

The City of Soldotna, Alaska, shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Soldotna, Alaska." It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the City of Soldotna, Alaska, and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this charter goes into effect.

Section 1.02 – Boundaries

The boundaries of the city as they exist at the time this charter goes into effect, shall remain the boundaries of the city until they are changed in a manner authorized by law.

Section 1.03 – Type of Government

The City of Soldotna is a home rule city and operates under a manager plan of government.

Section 1.04 – Powers of the City

The city may exercise all powers of a home rule city not prohibited by law or this charter. All powers of the city shall be exercised in the manner prescribed by this Charter or applicable laws or, if the manner is not prescribed, then in such a manner as the council or other authority may prescribe. This charter shall not be exclusive or limiting; it shall be liberally construed to afford the city all powers necessary to the conduct of its affairs.

Section 1.05 – Intergovernmental Relations

The city 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, or the United States, or any other agency or instrumentality of those governments.

Section 1.06 – Separability Clause

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. 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 council by ordinance may take such appropriate action as will enable the city government to function properly.

Section 1.07 – Interpretations—Definitions

1. When the words "by law" are used it means pursuant to this charter or the constitutions and statutes of the United States of America and the State of Alaska, to the extent that they validly limit the exercise of legislative power by home rule municipalities.
2. When the word "City" or "city" is used in this charter, it shall mean the City of Soldotna, Alaska.
3. When the word "published" or "publication" is used in this charter, it shall mean the method in which the city council has determined for dissemination of information to the public.
4. When under this charter any action requires, or is subject to approval or ratification of "a majority of the voters", such requirement shall mean a majority of qualified voters voting on such action.
5. When under this charter any action requires or is subject to approval of "a majority vote of all members of the city council", such requirement shall mean a majority of the number of seats established as composing the city council under section 2.02 of this charter.

ARTICLE II – THE CITY COUNCIL

Section 2.01 – Legislative Powers

The legislative power of the city is vested in the city council.

Section 2.02 – Terms and Representation

Composition of Council. There shall be a city council of six members, each of whom shall be elected to a designated seat (Seats A through F). There shall be a mayor, who shall not be a member of the council.

Section 2.03 – Qualifications

A person to be eligible to stand as a candidate for the seat of city council member or position of mayor must fulfill the following conditions:

1. Must be a resident of the city for at least one year preceding the date of declaration or the filing of an application for appointment; and
2. A citizen of the United States; and
3. A qualified voter of the city.

The mayor or any city council member who is no longer a resident of the city shall cease to hold office.

Section 2.04 – Vacancies

The city council by ordinance shall establish the rules and laws associated with declaring the office of Mayor or City Council Member vacant and with filling the declared vacancy.

Section 2.05 – Organization and Officers

Mayor. The mayor shall preside at meetings of the council, have the authority to preserve order and enforce rules of the council, and shall certify the passage of all ordinances and resolutions passed by the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and shall advise the city council concerning the affairs of the city and make recommendations thereon. The Mayor shall

appoint committee, board and commission members which are not elected, subject to confirmation by the city council.

The mayor shall have no regular administrative duties except the signing of such documents of the city as the council may require.

Section 2.06 – Salaries and Compensation

The city council by ordinance may provide for compensation of the mayor and city council members.

During their terms of office, and for a period of one year thereafter, neither the mayor nor a city council member may hold any compensated position in the city government.

Section 2.07 – Council Powers

Except as otherwise provided in this charter, all powers of the city, including the determination of all matters of policy, shall be vested in the council.

Section 2.08 – Mayor and City Council not to Interfere in Appointments and Removals

Neither the mayor, the city council, or any of its members may direct or request the appointment of any person to, or removal from, office or employment by the city manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city, with the exception of; (1) the City Clerk and (2) the Municipal Attorney. The appointment, suspension or termination of the City Clerk shall be confirmed by city council. The Municipal Attorney shall be appointed by the city council. Except for the purpose of inquiry, the mayor and the council shall deal with the administrative service solely through the city manager, and neither the mayor, the council, or any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately.

Section 2.09 – Council Meetings

The city council will set regular meeting days and times by resolution and may approve an annual calendar establishing meeting dates by motion. A special meeting may be held at the call of the presiding officer or at least one-third (two) of the members of the council provided reasonable public notice is given as required by law. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection. The council shall by ordinance determine its own rules and order of business including provisions for reasonable notice of regular and special meetings.

ARTICLE III – LEGISLATION

Section 3.01 – Ordinances Procedures

The city council by ordinance shall provide the form in which an ordinance is introduced. The subject of each ordinance shall be expressed in its title. The following procedure governs the enactment of all ordinances, except emergency ordinances:

1. an ordinance may be introduced by a member of the city council, the mayor, city manager or city clerk;
2. an ordinance shall be set by the city council for a public hearing by the affirmative vote of a majority of the votes authorized on the question;
3. at least five days before the public hearing a summary of the ordinance shall be published together with a notice of the time and place for the hearing;

4. copies of the ordinance shall be available to all persons present at the hearing, or the ordinance shall be read in full;
5. during the hearing the city council shall hear all interested persons wishing to be heard;
6. after the public hearing the city council shall consider the ordinance, and may enact it with or without amendment;

Section 3.02 – Emergency Ordinance

1. To meet a public emergency the city council may enact an emergency ordinance effective on enactment. Each emergency ordinance shall contain a finding that an emergency exists and a statement of the facts upon which the finding is based. An emergency ordinance may be enacted, amended and enacted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption of an emergency ordinance.
2. 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.
3. An emergency ordinance is effective for no more than 60 days.

Section 3.03 – Ordinances Adoption by Reference

The city council by ordinance may enact by reference codes, ordinances, standards and regulations relating to building, plumbing, electrical installations, and other matters which it has power to regulate otherwise. Such code, ordinance, standard or regulation so enacted need not be enrolled in the book of ordinances, but a copy shall be filed and kept in the office of the city clerk. The city clerk shall keep copies of all such codes, ordinances, standards and regulations in force for distribution.

Section 3.04 – Ordinance Codification

The city council shall provide for indexing and codification of all permanent ordinances enacted by the city council.

ARTICLE IV – CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Section 4.01 – City Manager

The City of Soldotna operates under the manager form of government; any repeal of the manager form of government must be done by ordinance ratified by the qualified voters of the city at a regular or special election. The following provisions are applied to the city manager:

1. The City manager shall be appointed by a majority vote of all members of the city council, to serve at the pleasure of the city council for an indefinite term. The city council shall make the appointment based solely on executive and administrative qualifications. The following individuals may not be appointed to serve as the city manager:
 - a. Any Mayor or Council Member while serving in their capacity as an elected or appointed official.
 - b. Any Mayor or Council Member within one year after the expiration of the individual's term of office.

2. The city council may suspend or remove the city manager at any time by a vote of the majority of all its members.

Section 4.02 - Acting City Manager

In the absence of the city manager, the designee of the city manager shall be acting city manager. If the city council suspends the city manager, or if there is a vacancy in the office of the city manager, the city council may appoint an acting city manager. The acting city manager serves until the absence, disability or suspension ceases or until another city manager is appointed and is qualified. The city council may suspend or remove an acting city manager at any time.

Section 4.03 - City Manager Powers and Duties

The city manager shall be chief administrative officer and head of the administrative branch of the city government. The manager shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefore to the city council. The city manager shall:

1. *Hire and Remove Employees.* Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote or remove, all directors, or heads of administrative departments and all other administrative officers and employees of the city in accordance with this charter or city code;
2. *Supervise Departments.* Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees appointed by the city manager or by agencies and officers subordinate to the city manager;

ARTICLE V – OFFICERS AND EMPLOYEES

Section 5.01 - Merit System

Appointments and promotions in the service of the city shall be made solely on the basis of merit. The city council shall establish a personnel code which shall set forth the personnel administration standards and procedures, terms and conditions of employment with the city.

Section 5.02 – Oath or Affirmation of Office

Every officer of the city, before entering upon the duties of office, shall take and subscribe to the oath or affirmation of office prescribed by the Alaska Constitution. The oath or affirmation shall be filed and kept in the city clerk's office.

Section 5.03 – Administration of Oaths

All officers authorized by federal or state law, the mayor, the city manager, the city clerk, the heads of all administrative departments, and such other officers as the council may authorize, may administer oaths and affirmations.

ARTICLE VI – BUDGET, TAXATION AND FISCAL AFFAIRS

Section 6.01 – Fiscal Year

The city council by ordinance shall provide the beginning and ending date for the fiscal year of the city government.

Section 6.02 – Budget Preparation and Submission

The city council by ordinance shall establish a process for budget preparation and submission. The budget and any budget message accompanying it shall be a public record in the office of the city clerk and shall be open to public inspection.

Section 6.03 - Budget Adoption - Amendment

The budget shall be enacted by ordinances. The city council may insert, strike out, increase or decrease items in the budget and may otherwise amend it as provided by ordinance.

Section 6.04 – Budget Funds

The budget herein provided for shall include the general fund, and may also include other funds but in separate estimates. Other funds which are deemed to require formal budgeting, may also be prepared, considered, and adopted separately from the budget of the general fund.

Section 6.05 – Supplemental Appropriations

Supplemental appropriations or transfer of appropriations may be made by the city council or city manager in accordance with rules and procedures enacted by ordinance of the city council.

Section 6.06 – Taxation Powers

The city shall have all powers of taxation which home rule cities may have under the state constitution and law.

Section 6.07 – Assessments, Levy and Collection of Taxes—Exemptions

The city council by ordinance shall provide the procedures for tax assessment, levy and collection. Any exemptions from taxation, other than those required by state law, shall be by ordinance.

Section 6.08 – Deposit, Disbursement and Investment Funds

The city council may regulate the deposit, disbursement and investment of city funds and may determine what funds of the city may be invested in accordance with appropriations as provided in this charter, municipal code or other applicable laws.

Section 6.09 – Purchase and Sales

The city council by ordinance shall provide for competitive bidding for purchases of goods and services by the city and the sale of surplus property and for any exceptions.

Section 6.10 – Contracts and Sales

The city council by ordinance shall establish provisions for approval of city contracts and exceptions.

Section 6.11 – Public Improvements

Public improvements, including local improvements, may be undertaken by the city directly, but otherwise shall be pursuant to contract. The city council shall award all contracts for such improvements; provided that the city council may authorize the city manager to award such contracts not to exceed an amount to be established by ordinance.

Section 6.12 – Personal Interest

The city council shall establish by ordinance requirements applicable to any city official or employee who wishes to enter into a contract with the city or a contractor providing goods to the city.

Section 6.13 – Independent Annual Audit

All the funds, accounts and financial transactions of the city shall be subjected to an annual audit by an independent certified public accountant that shall be selected by the city council. The audit shall be conducted in accordance with generally accepted auditing standards. The city council by ordinance shall establish a specific timeline when the audit must be completed.

ARTICLE VII – BORROWING

Section 7.01 – General-Obligation Bonds, Etc.

The city shall have the power to borrow money and to issue general-obligation bonds, but only when authorized by the city council for capital improvements and ratified at an election by a majority of voters. Capital improvements as used hereinabove may also include a part or the city's entire share of the cost of a public improvement of which a part is to be paid by benefitted property.

The restrictions of this section do not apply to borrowing money to meet appropriations for a particular fiscal year, or to indebtedness to be paid from special assessments to be made on benefitted property, or to refunding indebtedness.

Section 7.02 – Borrowing to Meet Appropriations

The city shall have the power to borrow money to meet appropriations for any fiscal year in anticipation of the collection of revenues for that year, when authorized by the city council by ordinance, and without submitting the question to the voters.

Section 7.03 – Revenue Bonds, Etc.

The city shall have power to borrow money and to issue revenue bonds or other such evidences of indebtedness but only when authorized by the city council.

ARTICLE VIII – SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS

Section 8.01 – Procedures for Special Assessment Districts

The city council may by ordinance establish procedures relating to creating special assessment districts, making local improvements, levying and collecting assessments, and financing improvements as provided by state law.

Section 8.02 – Limitation on Assessment

The amount of assessment levied against each parcel in any special assessment district may not exceed 50 percent of the assessed value for land and improvements on the parcel.

ARTICLE IX – PUBLIC UTILITIES

Section 9.01 –Powers

The city shall have all the powers not prohibited by law to acquire, own, operate and regulate public utilities, whether within or beyond its corporate limits, and may also sell

utility services beyond its corporate limits. The city council may by ordinance establish utilities and provide for their regulation, promotion and control.

Section 9.02 – Rates

The city council may by ordinance fix the rates to be charged and establish procedures for the collection of rates from customers and for the discontinuation of service.

Section 9.03 – Franchise—Defined—Granting

The City shall have all powers not prohibited by law to grant, renew, extend or amend franchises and to permit the use of streets and other public places by the franchise holder under regulations prescribed by ordinance.

ARTICLE X – ELECTIONS

Section 10.01 – Regular Elections

A regular election shall be held annually. The city council by ordinance shall establish the date the annual election will be held.

Section 10.02 – Special Elections

The city council by ordinance shall establish procedures for calling a special election.

Section 10.03 – Notice of Election

The city council by ordinance shall establish noticing requirements in accordance with state laws.

Section 10.04 – Election Procedures

All city elections shall be nonpartisan. The city council by ordinance shall establish procedures for regular and special city elections, including provisions for absentee voting.

Section 10.05 – Qualification of Voters

To vote in any city election, a person must be qualified to vote in a state election, a resident of the city for 30 days immediately preceding the election and registered to vote in Alaska State elections at a residence address within the City of Soldotna.

Section 10.06 – Initiative, Referendum and Recall

1. The powers of initiative and referendum reserved by the state constitution to the people of the state are also reserved to the people of the City of Soldotna as provided by state law.
2. Any elected official of the organized city may be recalled as provided by state law.

Section 10.07 – Candidate Qualifications

A person to be eligible to stand as a candidate for an elected city office must be a resident of the city for at least one year preceding the date of the declaration, a citizen of the United States and a qualified voter of the city.

ARTICLE XI – CHARTER AMENDMENTS

Section 11.01 – By Proposal

It is hereby recognized that the manner of adoption, amendment and repeal of home-rule charters may be regulated by law, and any binding provision of the state constitution or law regulating such manner shall prevail over any conflicting provision of this charter or of any ordinance.

Proposals to amend this charter may be made in one of the following ways:

1. An ordinance of the city council containing the full text of the proposed amendment;
2. Report of an elected charter commission created by council ordinance or by initiative ordinance; or
3. Initiative petition.

Section 11.02 – Election

Proposed amendments shall be submitted to the qualified voters of the city at the next regular election or special election scheduled in accordance with the provisions of the city ordinances. If more than one amendment is proposed, the amendments shall be submitted in a manner allowing voters to vote on them separately; however, amendments which are interrelated must be approved or rejected as one amendment.

11.03 – New Charter

A new charter may be proposed and approved in lieu of this Charter in the same manner as an amendment to this charter may be proposed and approved. Notice of the new charter shall be published and copies of the new charter made available to the public.

ARTICLE XII – SUCCESSION IN GOVERNMENT

Section 12.01 – Charter—When in Effect—Transition

If approved by an affirmative vote of a majority of the qualified voters who vote on the question of approval, this charter, as amended, shall go into effect upon certification of the results of the election, and the government provided by it shall be deemed a continuation of the government existing previously.

Section 12.02 – Officers and Employees to Continue

The incumbents of the offices of mayor, council member, city manager, city clerk, and all other offices and positions of employment (including members of the boards and commissions), under the former general law city at the time this charter goes into effect, shall continue in their respective offices and positions of employment under this charter until their respective terms expire or until their services are terminated in accordance with the provisions of this charter and ordinances relating to the creation, change and abolition of offices and removal of officers and employees, as the case may be, notwithstanding any other provision of this charter. The compensation of all officers and employees shall continue at the same rates after this charter goes into effect until changed in accordance with this charter.

Section 12.03 – Ordinances Continued

All ordinances, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitations.

Section 12.04 – Pending Actions and Proceedings

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency or officer thereof.

The undersigned members of the Charter Commission of the City of Soldotna do hereby certify that said Commission has prepared the foregoing Charter for the government of the City of Soldotna for submission to the eligible voters of the City of Soldotna at the October 4, 2016 Regular Election.

RoseMary Reeder "Rosie"

Dale L. Bagley

Timothy J. Cashman Jr.

Linda F. Hutchings

Karen E. Vadla "Penny"

Linda S. Murphy

ATTEST:

Michelle M. Saner, CMC, City Clerk