

Introduced by: Hugh Short Jr.
Date: July 13, 2004
Public Hearing: None
Action: None
Vote: None

CITY OF BETHEL, ALASKA

ORDINANCE #04-16

AN ORDINANCE PROVIDING FOR ELECTION OF THE MAYOR BY THE VOTERS RATHER THAN BY THE CITY COUNCIL, BY AMENDING BETHEL MUNICIPAL CODE SECTIONS 2.04.140, 7.10.050, AND 7.10.100, AND ADDING A NEW BETHEL MUNICIPAL CODE SECTION 2.04.145 ENTITLED "ELECTION OF MAYOR"

WHEREAS the City of Bethel Municipal Code ("Code") at Section 2.04.140 provides that the mayor shall be elected from and by the members of the City Council;

WHEREAS Alaska Statute, AS 29.20.230(d), authorizes a second class city, such as the City of Bethel, to adopt an ordinance that allows the voters rather than the City Council to elect the mayor in a special election each year;

WHEREAS AS 29.20.230(d) explains the procedure to follow prior to the election of the mayor by the voters, which is election of a mayor pro tempore from and by the City Council on the first Monday after certification of each regular election, who serves until the permanent mayor is elected and takes office;

WHEREAS AS 29.20.230(d) further provides that the permanent mayor elected by the voters shall serve for approximately one year, from the first Monday after certification of the special election and until the first Monday after certification of the next regular election; and

WHEREAS the Bethel City Council has determined that the voters should have the opportunity to elect their mayor, and therefore has proposed this Ordinance which will amend the Code to allow for the election of the mayor by the voters.

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is permanent in nature and shall be incorporated into the Code.

SECTION 2. Content. The Code at Section 2.04.140 is amended to read as follows (new language is underlined and deleted language is stricken out):

2.04.140 Organization of council.

- A. Newly elected and reelected councilmembers shall be sworn in at the first regular council meeting following certification of the election, ~~and the council shall then elect from among its members a mayor and a vice mayor who shall take office immediately. For purposes of this subsection A, certification of a regular election in which there is a runoff election occurs when the runoff election results are certified.~~
- B. After the mayor takes office in accordance with Section 2.04.045E, the council shall elect a vice mayor from among its members, who shall take office immediately. The term of the vice mayor expires in the same manner as provided for the mayor in Section 2.04.045E, on the first Monday after certification of the next regular election.
- C. The mayor shall appoint councilmembers to such special or ad hoc council committees as the mayor may establish and shall appoint councilmembers to such standing council committees as the council establishes by resolution or by motion. Appointees to council committees serve at the pleasure of the mayor. The first person in the list of appointments to a council committee shall be the chairperson unless the mayor specifically designates a different appointee as the chairperson. The term of a councilmember on a council committee members expires annually upon the earlier of the election newly elected mayor taking office, or the expiration of the councilmember's term of office. ~~The term of the mayor expires upon the earlier of the election of a new mayor or the swearing in of the newly elected councilmember who replaces the councilmember who is the mayor.~~
- D. ~~The term of the vice mayor expires in the same manner as provided for the mayor.~~

SECTION 3. Content. The Code at Chapter 2.04 is amended by adding a new section 2.04.145 entitled, "Election of mayor."

2.04.145 Election of mayor.

- A. On the first Monday after certification of each regular election, the council shall meet and elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall take office immediately, and exercise the powers and duties of the mayor until the mayor takes office in accordance with subsection E.
- B. Within 45 days after certification of a regular election, a special election shall be held to elect a mayor. The names of all councilmembers shall be

included on the special election ballot, unless a councilmember does not want to run for mayor.

- C. The councilmember who receives the highest number of votes, and has over 40% of the votes, shall be mayor. If no councilmember receives over 40% of the votes, a run-off election shall be held between the two councilmembers who receive the highest number of votes. The run-off election shall be held within three weeks of certification of the special election, in accordance with AS 29.26.060. The councilmember who receives the majority of the votes in the run-off election shall be mayor.
- D. Section 7.70.090 applies if there is a tie vote between two councilmembers who receive the second highest number of votes in the special election, or if there is a tie vote in the run-off election.
- E. The mayor shall take office on the first Monday following certification of the special election or any run-off election, and shall serve until the first Monday after certification of the next regular election.

SECTION 4. Content. The Code at Section 7.10.050 is amended to read as follows (new language is underlined and deleted language is stricken out):

7.10.050 Election times.

- A. Time of Regular Elections. Annually, on the first Tuesday of October, a regular election shall be held in the city for the election of vacant city offices, and for the determination of other matters as may be placed on the ballot.
- B. Time of Special Elections. Except as provided in Section 2.04.045, ~~The~~ the council, by resolution or adoption of an ordinance, may call a special election at any time at least ninety calendar days prior to the date of the election. Unless the council has set a date for a required special election, the city clerk shall call a special election when required by law or ordinance to place an initiative, referendum, recall or other question before the voters.

SECTION 5. Content. The Code at Section 7.10.100 is amended to read as follows (new language is underlined):

7.10.100 Simple majority—Prohibition on run-off elections.

All city offices shall be filled by the candidate receiving the greatest number of votes. There shall be no run-off elections. This section does not apply to election of the mayor under Section 2.04.045.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon approval by the City Council.

ENACTED THIS ____ DAY OF _____ 2004, by a vote of ____ in favor and ____ opposed.

ATTEST:

Hugh Short, Jr., Mayor

City Clerk