

I MOVED to regretfully and formally accept the resignation of Assembly member Phyllis Hackett.

Sitka Home Rule Charter excerpt

Section 2.05 Vacancies and Forfeiture of Office

The office of an elected municipal official shall become vacant upon death, resignation, removal from office in any manner authorized by law or by this charter, or by forfeiture of his/her office.

An elected municipal official shall forfeit his/her office if he/she:

1. Is convicted of a felony or crime involving moral turpitude.
2. Fails to comply with all qualifications prescribed by this Charter.
3. Knowingly violates any prohibitions of this charter.
4. Fails to attend three consecutive regular meetings of the assembly without being excused by the assembly.

The assembly shall by ordinance provide the procedures for filling of vacancies.

A vacancy shall be filled by the assembly which shall elect a qualified person within 20 days after the vacancy occurs to be acting Assembly member until the next regular election and until a successor is elected and qualified to fill the remainder of the unexpired term.

Sitka General Code

2.04.200 Vacancies.

The assembly shall, within twenty days after a vacancy occurs, select a qualified person to be an acting assembly member until the next regular election when a successor is elected and qualified to fill the remainder of the term. The qualifications shall be those set out in Section 2.04 of the Charter and in state law.

Colleen Ingman

From: Phyllis Hackett <hackett.phyllis@gmail.com>
Sent: Friday, December 19, 2014 11:06 AM
To: assembly; Mark Gorman
Subject: Assembly

Dear Assembly members,

Due to unforeseen personal matters, I am unable to devote the attention and dedication my position on the Assembly deserves. Therefore, after very careful consideration, I hereby tender my resignation.

I have great faith in the current Assembly and Administration and remain confident that thoughtful decisions will be made for the greater good of our wonderful community.

I wholeheartedly thank the community for allowing me to serve in this fulfilling capacity for the past 6+ years and look forward to remaining an active, positive community member.

With slight hesitation I will now hit the send button.

Thank you and good luck!

Phyllis

--
Phyllis Hackett

SAMPLE BALLOT

INSTRUCTIONS TO VOTER: To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

If you make a mistake while voting, return the ballot to the election official for a new one. A vote which has been erased or changed will not be counted.

OFFICIAL BALLOT
City and Borough of Sitka
REGULAR ELECTION
OCTOBER 7, 2014

INSTRUCTIONS TO VOTERS: To vote for the CANDIDATE of your choice, fill in the oval to the right of candidate's name. To vote for a write in candidate, write in the candidate's name on one of the blank lines provided in each race, AND fill in the oval to the right of the candidate's name.

If you make a MISTAKE while voting, return the ballot to the election official for a new one. A vote which has been erased or changed will not be counted.

| FOR MAYOR ONE to be elected Vote for no more than 1 | FOR ASSEMBLY TWO to be elected Vote for no more than 2 |
|---|---|
| ORION HUGHES-KNOWLES <input type="radio"/> | LILLIAN R. FELDPAUSCH <input type="radio"/> |
| MIM MCCONNELL <input type="radio"/> | TRISTAN J. GUEVIN 748 <input type="radio"/> |
| WRITE IN <input type="radio"/> | THOR CHRISTIANSON 729 <input type="radio"/> |
| | DENNIE DANIELS <input type="radio"/> |
| FOR SCHOOL BOARD TWO to be elected Vote for no more than 2 | RICHARD PARMELEE <input type="radio"/> |
| THOMAS L. CONLEY <input type="radio"/> | AARON S. WAMSLEY <input type="radio"/> |
| TIM J. FULTON <input type="radio"/> | STEVEN EISENBEISZ 771 <input type="radio"/> |
| WRITE IN <input type="radio"/> | WRITE IN <input type="radio"/> |
| WRITE IN <input type="radio"/> | WRITE IN <input type="radio"/> |



Five people testified in support of the appointment of Pete Esquiro. Six people supported either the next highest vote getter or someone who ran for office. Two people specifically named John Stein and at least one person specifically named Jack Ozment and John Sherrod for appointment to the vacant seat.

Candidate Comments:

John Stein, the next highest vote getter, commented if three seats were open the third vote getter would get that seat. He contended Sitkans were aware of the possibility of this vacancy when they voted. He urged members to respect the existence of diversity on the assembly.

John Sherrod – Served on the Assembly from 2005-2008. He paid attention to the budget and made sure the tax payers were well served. Sherrod stated he did not represent any specific constituency.

Michelle Putz – Noted she did not feel voted against. A thousand people voted for her and she thinks they need to be represented.

Pete Esquiro – Submitted his name because of his great interest in Sitka. Esquiro noted he is a 30+ year resident of Sitka, is experienced in working with Tribal governments.

Jack Ozment - Testified previously on his desire to be appointed having served for four years on the Assembly. He declined to add anything further.

Municipal Attorney, Theresa Hillhouse, explained the Charter indicates the Assembly shall fill the vacant seat. The requirement that the seat be filled with the next highest vote getter went away in 2004 and is no longer required.

To begin with, all five candidates were nominated to fill the vacant seat. After the first vote was taken, the two candidates Ozment and Putz were dropped from consideration after receiving no votes.

Motion by Christianson to narrow it down to the three that received votes: Stein, Sherrod and Esquiro to fill the vacant assembly seat. This resulted in 2 votes for Stein and 4 for Esquiro. Esquiro was appointed to fill Westover's term until the next regular Municipal Election in 2011.

F ORD 10-29

Approve Ordinance 2010-29 Authorizing the issuance of electric revenue bonds of the City in the principal amount of not to exceed \$50,000,000 to refund and defease all outstanding obligations of combined electric and water utilities and to finance a portion of the cost of expanding the Blue Lake hydroelectric project, as approved by Sitka's voters in an advisory vote held on October 5, 2010; and authorizing the sale of the bonds to the Alaska Municipal Bond Bank on the terms and conditions provided in the ordinance.

Finance Director, David Wolff, informed the Assembly this ordinance would set up the transaction between CBS and the bond bank.

A motion was made by Christianson that this Ordinance be PASSED ON SECOND READING. The motion PASSED by the following vote:

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

G ORD 10-28

Ordinance 2010-28: Adjusting the FY10 and FY11 Budgets for changes indentified during the Fourth Quarter Execution Review.



Finance Director, David Wolff, indicated this recaps and adjusts the budget in accordance with the Charter.

A motion was made by McConnell that this Ordinance be PASSED ON SECOND READING. The motion PASSED by the following vote:

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

H 10-193

Approve Consent to an Assignment and Assumption of Tidelands Lease between City, SJC and for Sitka Sound Science Center.

Hackett thanked Sitka Sound Science Center (SSSC) for the inclusion of the award letter from the Karsh Foundation. Also clarified was that the Tideland's lease would still remain with the City, the City in turn would be leasing it to SSSC.

This matter was APPROVED

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

X. NEW BUSINESS:

New Business First Reading

J ORD 10-30

Amending SGC Chapter 4.12 entitled "Property Tax" to define Residential and Business Used Mobile and Modular Homes and similar structures that are attached to the land or utilities as real property instead of personal property.

Randy Hughes, Assessor, reported CBS had an audit from the State Assessors office and personal property was one of the things they advised us to review. This Ordinance would define Residential and Business Used Mobile and Modular Homes and similar structures as real property instead of personal property. Hughes stated this wouldn't take effect until January 2012 and that his office would give notice to people.

The ordinance PASSED on FIRST READING.

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

K RES 10-29

Resolution 2010-29: Providing for a systematic re-evaluation of all taxable property within the City and Borough.

Assessor, Randy Hughes, pointed out this is an item of great concern. A re-evaluation of all taxable property within CBS is required by Alaska State Statute. He stated he would be in the field more; his goal to re-evaluate all taxable property in Sitka within 4 to 5 years.

This item was APPROVED.

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

L RES 10-30

To enter into a Conservation Easement with Southeast Alaska Land Trust regarding tidelands adjacent to Lot 8 of the Sheldon Jackson Campus Subdivision, accept ownership of Lot 8 from Southeast Alaska Land Trust upon its acquisition of this parcel from Sheldon Jackson College, with Lot 8 subject to the Conservation Easement, and authorize the Municipal Administrator to execute all necessary documents.

Motion was made by McConnell to PASS Resolution 2010-30 on first and final

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2004-55

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE SECTION 2.04.200, VACANCIES, TO REMOVE THE REQUIREMENT THAT THE ASSEMBLY CHOOSE "THE HIGHEST VOTE GETTER FOR ASSEMBLY" WHEN FILLING A VACANCY ON THE ASSEMBLY

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person or circumstances shall not be affected thereby.

3. **PURPOSE.** This ordinance removes a restriction adopted in 1996 on the Assembly's choice in filling a vacancy on the Assembly. When a vacancy occurs on the Assembly because an Assembly Member has "been elected to another municipal position," Sitka General Code Subsection 2.04.200.B.1 provides that the Assembly must fill that vacancy with a person qualified to serve on the Assembly under the Charter and state law who is "the highest vote getter for [A]ssembly who was not elected and is willing to serve." This ordinance eliminates that "highest vote getter" restriction and returns the law to where it was before the Assembly imposed that restriction on itself by passing an ordinance in 1996.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Section 2.04.200, Vacancies, is amended to read as follows:

2.04.200 Vacancies.

[A.] The A[A]ssembly shall, within twenty days after a vacancy occurs, select a qualified person to be an acting A[A]ssembly member until the next regular election when a successor is elected and qualified to fill the remainder of the term.

[B.] [QUALIFICATIONS.

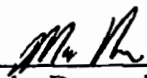
1. IN THE CASE OF A VACANCY OCCURRING BECAUSE OF AN ASSEMBLY MEMBER BEING ELECTED TO ANOTHER MUNICIPAL POSITION, THE QUALIFICATIONS SHALL INCLUDE THOSE SET OUT IN SECTION 2.04 OF THE CHARTER AND STATE LAW AND THAT THE PERSON BE THE HIGHEST VOTE GETTER FOR ASSEMBLY WHO WAS NOT ELECTED AND IS WILLING TO SERVE. WHEN SUCH

A POSSIBILITY EXISTS THE CLERK WILL INFORM THE ELECTORATE IN ADVANCE OF THE ELECTION.

2. IN THE CASE OF ALL OTHER VACANCIES,] I[T]he qualifications shall be those set out in Section 2.04 of the Charter and in state law.

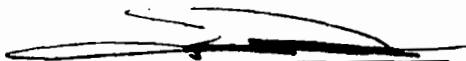
5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 16th day of November, 2004.



Marko Dapceovich, Mayor

ATTEST:



Colleen Pellett, CMC
Municipal Clerk



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

FOR IMMEDIATE RELEASE

CONTACT:
Colleen Pellett
747-1811

Thursday October 12, 2006

For Publication Through Oct. 17

VACANT ASSEMBLY SEAT

An Assembly Member has resigned from the City and Borough Assembly; the Assembly formally accepted that resignation on October 10, 2006. In accordance with Sitka's Home Rule Charter and Sitka General Code, the vacancy shall be filled by the Assembly which shall appoint a qualified person within 20 days after the vacancy occurs to serve as acting Assembly Member until the next regular election. The Assembly intends to fill this vacancy under Unfinished Business at the meeting of October 24, 2006.

Only a qualified voter of the municipality who has been a resident of the municipality for at least one year immediately preceding the appointment to office shall be eligible.

To be considered for this vacant seat please submit a letter of interest stating your reasons to the Municipal Clerk's Office. To be included in the meeting packet, please submit no later than 5:00 PM on Tuesday October 17, 2006. If you need further clarification please phone the Municipal Clerk's Office at 747-1811.

- END -

Sample

MOTION, by Holst to amend to change \$500,000 to \$600,000 raw fish tax in both places in section 3.B.

Motion on amendment PASSED with a unanimous voice vote.

Mayor had questions about Fund 240.

MOTION, by Mayor amend to strike section B and the last several words under Purpose, "~~and the replenishment of the fund with raw fish taxes.~~"

Skannes asked for a deferral to get input from the Port and Harbors Commission and from the fishing community.

MOTION, by Skannes to postpone to the next regular meeting.

Motion PASSED 5-0 on a roll call vote with a motion to amend on the floor.

Item I
Assembly Vacancy

Mayor gave the history of filling an assembly vacancy. He explained there are no set rules, that each assembly determines how they will fill a vacancy.

MOTION, by Dapceovich to nominate Jack Ozment to fill an unexpired term on the City and Borough of Sitka Assembly and to close nominations.

Helen Craig said she felt the person who was next highest vote getter should get appointed.

Motion PASSED on a 5-0 roll call vote.

Mr. Ozment was sworn in and took his seat with the assembly.

Recess

A recess was taken from 8:31 p.m. to 8:40 p.m.

Item J
Liaison Appointments

There was discussion and consensus among the assembly members that liaison appointments to boards and commissions are too time consuming for assembly members. It does not accomplish the desired outcome of reports coming back to the assembly as a whole. Boards and commissions are encouraged to send written reports on specific issues and to submit their minutes immediately after the meeting.

The clerk reported that minutes will be on line and that board secretaries are encouraged to get them to the office more quickly.

Hillhouse clarified that there is nothing in the SGC requiring liaisons.

Item K
City Logo

MOTION, by Skannes to postpone this discussion to a future date.

Motion PASSED by a unanimous voice vote.

X. NEW BUSINESS:

Item L
Res. 2006-30

MOTION, by Holst to authorize use of Title III payments to States Funds for Sitka Search and Rescue equipment.



Dapceвич would like to see the money come from other than General Fund resources.

Motion PASSED on a 5-0 roll call vote.

Item N
Duncan Resignation

MOTION, by Skannes to regretfully and formally accept Al Duncan Sr.'s resignation from his seat on the Sitka City and Borough Assembly.

Motion PASSED on a unanimous voice vote.

There was discussion about what method to use to fill the vacant assembly seat.

MOTION, by Dapceвич to advertise the vacancy and bring back applicants at the next meeting for a decision; and bring back an ordinance that we mandate that the assembly advertise for positions/vacancies on the assembly.

A decision will be made at the next meeting on whether the vote will be by secret ballot or in public. The mayor prefers a public vote and, unless overruled by four members, will handle it in that manner.

Motion PASSED by unanimous consent.

Item O
Liaisons 2006

MOTION, by Skannes to postpone until next meeting.

Motion PASSED on voice vote.

Both Skannes and Dapceвич expressed concerns on how the liaison appointments have been handled.

Skannes was elected as Deputy Mayor and Holst was elected as Vice-Deputy Mayor.

Both motions to elect PASSED either on a majority voice vote or unanimous consent.

Item P
Scheduling

The following meetings/events were scheduled for the assembly:

Special meeting on collective bargaining issues October 23rd from 6:00 until 9:00 PM. Assembly Orientation/Tours is to be scheduled on a Saturday to ensure that the new members can participate. December 1st was suggested. The new assembly members were asked to contact department heads to set up individual tours of facilities at their convenience. The first regular assembly meeting in November will be moved to November 6th and preceded by a special meeting to conduct the administrator's evaluation from 5:30 – 6:30 PM.

Item Q
City Logo/Pins

Stein mentioned it may be time to update the logo and get the schools involved and perhaps have a contest.

There was discussion about how to handle public participation.

MOTION, by Dapceвич to defer to the next assembly meeting and to communicate to the Alaska Day Committee.

