

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2024-18

BALLOT PROPOSITION OCTOBER 1, 2024

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA PROPOSING TO AMEND SECTION 6.02 "RECALL" OF THE HOME RULE CHARTER AND, SUBMITTING THE QUESTION OF SUCH AN AMENDMENT TO THE QUALIFIED VOTERS AT THE REGULAR ELECTION ON OCTOBER 1, 2024

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka Home Rule Charter.

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. The purpose of this ordinance is to amend the Home Rule Charter of the City and Borough of Sitka to align the process for the recall of elected public officials of the municipality with prevailing state law. AS 29.10.200 prohibits home rule municipalities from enacting procedures related to the recall of elected public officials that are contrary to those provided in Alaska statutes.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Home Rule Charter of the City and Borough of Sitka, Section 6.02 "Recall," be amended by revising the language in Section 6.02 "Recall" to read as follows (deleted language stricken, new language underlined):

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**ARTICLE VI
INITIATIVE, REFERENDUM AND RECALL**

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Section 6.02 Recall

~~(a) **Elected Officials Subject to Recall.** All elected public officials of the municipality are subject to recall by the voters of the municipality. Procedures and grounds for recall shall be as prescribed by state statutes and this charter.~~

~~(b) **Petition.** Any five qualified municipal voters may commence recall proceedings by petition. The petition shall be signed by a number of qualified municipal voters equal to at least twenty per cent of the votes cast in the municipality at the preceding regular municipal election.~~

~~(c) **Election.** There shall be an election on a recall petition within 40 days of the certification of the petition. If a vacancy occurs in the office in question after a recall petition is filed, the petition shall not be submitted to the voters.~~

~~(d) **Subsequent Recall.** If an official is not recalled at the recall election, a petition to recall the same official shall not be filed sooner than one year after the recall election, unless grounds for recall occur subsequent to the date of the filing of the last recall petition.~~

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~~(e) **Filling of Vacancy.** If the voters recall an official the vacant office shall be filled in the manner prescribed by Section 2.05 of this charter.~~

Section 6.02 Recall – Elected Public Officials

All elected public officials of the municipality are subject to recall by the voters of the municipality in accordance with procedures under state law.

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5. BALLOT PROPOSITION. The following question shall be placed on the ballot at the regular election on October 1,2024:

Shall the Home Rule Charter of the City and Borough of Sitka be amended to align procedures for the recall of elected public officials with procedures contained in Alaska state law?

Yes No

Informational: See ordinance 2024-18. This amendment is a housekeeping measure. As a home rule municipality, the City and Borough of Sitka is prohibited from enacting procedures for the recall of elected public officials that are contrary to Alaska state law under AS 29.10.200.

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

The amendment to the Charter set forth in Section 6.02 hereof shall only become effective if the ballot proposition set forth in Section 5 hereof is approved by a majority of the qualified voters at the regular election held on October 1, 2024.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 23rd day of July, 2024.

Steven Eisenbeisz, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st reading: 7/9/24

2nd and final reading: 7/23/24

Sponsor: Administrator