

DENALI BOROUGH, ALASKA
ORDINANCE NO. 12-05
VERSION A

INTRODUCED BY: Mayor David M. Talerico

AN ORDINANCE AMENDING THE DENALI BOROUGH CODE, CHAPTER 2.05 TITLED
BOROUGH ASSEMBLY

BE IT ENACTED by the Assembly of the Denali Borough, Alaska that:

Section 1. Classification. This ordinance is of a general and permanent nature.

Section 2. Purpose. The purpose of this ordinance is to amend the Denali Borough Code, Chapter 2.05 as follows:

2.05.010 Borough assembly - Composition

The assembly elected by the qualified voters of the Denali Borough shall consist of nine (9) assembly members with representation by district and at-large voting. The districts are as set forth in the Denali Borough Charter, Section 2.02. [The districts are composed of the following:

A. South - One Seat – A. Generally described as:

Parks Highway from (MP 218) approximately 2 miles north of the

first Nenana River Bridge (Located north of Cantwell) and the southern boundary of Census Blocks 2115 and 2116, south to the southern borough boundary.

Cantwell/Denali Highway, more specifically described as

encompassing the following 2000 U.S. Census Voting Blocks: 2120 – 2131 and 2133 – 2158.

B. East Central – One Seat – B. Generally described as:

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Parks Highway South of Coyote Creek to (MP 218), north of the
Nenana River Bridge (located north of Cantwell).

Healy East of the Nenana River.

McKinley Village/Carlo Creek/ Denali Park/Nenana Canyon/Gold

King, more specifically described as encompassing the following 2000 U.S. Census
Voting Blocks: 2000, 2002, 2023, 2039 – 2042, 2059 – 2062, 2076 – 2085, 2090 –
2098, 2101 – 2106, 2109 – 2119 and 2132.

C. West Central – Four Seats - C, D, E, & F. Generally described as:

Healy west of the Nenana River.

Parks Highway North to Panguingue Creek Bridge.

Parks Highway South to Coyote Creek.

Kantishna.

Stampede Road/Panguingue Creek Subdivision/Lignite Road.

Otto Lake Road/Hill Top.

West Healy Spur Road to the Nenana River Bridge.

More specifically described as encompassing the following 2000 U.S. Census Voting
Blocks: 2034 – 2038, 2043 – 2058, 2063 – 2070, 2072 – 2075, 2086 – 2089, 2099,
2100, 2107, 2108 and 2159 – 2164.

D. North - Three seats - G, H, and I. Generally described as:

Parks Highway North from Panguingue Creek Bridge to the North Borough Boundary.

Anderson/Clear/Browns Court/Rex/Kobe Ag.

Ferry.

More specifically described as encompassing the following 2000 U.S. Census Voting
Blocks: 1000 – 1052, 1996, 2001, 2003 – 2022, 2024 – 2033, 2165, 2166 and 2071.

As the need arises, reapportionment and redistricting changes will take place by assembly ordinance.]

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2.05.080 Vacancies.

Vacancies and forfeitures of office have the meaning set forth in Section 2.05 of the charter of the Denali Home Rule Borough.

A. The office of an elected Denali Borough official shall become vacant upon death, resignation, removal from office in any manner authorized by law or by forfeiture of his or her office.

B. An elected borough office is vacated under the following conditions. The assembly shall declare an elective office, other than the office of mayor, vacant when the person elected:

1. Fails to qualify or take office within 30 days after his election or appointment;
2. Is physically absent from the borough for 90 consecutive days unless excused by the assembly;
3. Resigns and his resignation is accepted;
4. Is physically or mentally unable to perform the duties of his office as determined by a two-thirds vote of the assembly;
5. Is convicted of a felony or an offense involving a violation of the oath of office;
6. Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the assembly concur in expelling the person elected;
7. Is convicted of a violation of AS 15.13;
8. No longer physically resides in the borough and/or the election district and the assembly by a two-thirds vote declares the seat vacant;
9. If a member of the assembly misses three consecutive regular meetings and is not excused; or
10. Fails to comply with all qualifications prescribed by this code.

- [a. If a vacancy occurs in the assembly, the remaining members shall, within 60 days, appoint a qualified person to fill the vacancy. If less than 60 days remain in a term, a vacancy may not be filled.
- b. Notwithstanding subsection (B)(10)(a) of this section, if] If the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum.
- c. The person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term, if any.
- d. The clerk shall prepare a notice stating that a vacancy has occurred for a specific seat and advising interested members of the public as to the procedure for filing as a candidate for appointment.
- e. The applicant for appointment shall file a declaration of candidacy with the borough clerk. An applicant must reside within and be a registered voter of the borough election district for which the appointment is sought. The clerk shall forward to the assembly all qualified declarations received and the assembly shall choose one person from the applicants submitted.
- f. The vote shall be by identifiable ballot. This will be a sheet of paper, provided by the clerk, containing the assembly member's name at the top and 10 numbered blank lines. One line would be used for each round of voting and additional lines added if needed. After each round of voting the clerk will collect the ballots and announce the results. The results will be recorded in the minutes of the meeting by candidate and who voted for that candidate. The ballots will be retained by the clerk until the meeting minutes containing the voting results have been approved by the assembly.
- g. If there are more than two candidates and no candidate receives the vote of the majority, the lowest vote getter shall be eliminated on successive ballots until there are only two candidates or one candidate receives a majority. In the event of a tie vote between two candidates, the assembly shall vote a second time to break the tie. If the second vote does not break the tie, the presiding officer shall break the tie by drawing of lots.]

2.05.100 Filling a vacancy.

[If a vacancy occurs in the borough assembly, the remaining members shall, within 60 days, appoint a qualified person to fill the vacancy. If less than 60 days remain in a term, a vacancy may not be filled. Notwithstanding the less than 60 days remaining in a term provision, if the membership of the assembly is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.]

[a.] A. If a vacancy occurs in the assembly, the remaining members shall, within 60 days, appoint a qualified person to fill the vacancy. If less than 60 days remain in a term, a vacancy may not be filled.

[b.] B. Notwithstanding subsection (B)(10)(a) of this section, if] If the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum.

[c.] C. The person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term, if any.

[d.] D. The clerk shall prepare a notice stating that a vacancy has occurred for a specific seat and advising interested members of the public as to the procedure for filing as a candidate for appointment.

[e.] E. The applicant for appointment shall file a declaration of candidacy with the borough clerk. An applicant must reside within and be a registered voter of the borough election district for which the appointment is sought. The clerk shall forward to the assembly all qualified declarations received and the assembly shall choose one person from the applicants submitted.

[f.] F. The vote shall be by identifiable ballot. This will be a sheet of paper, provided by the clerk, containing the assembly member's name at the top and 10 numbered blank lines. One line would be used for each round of voting and additional lines added if needed. After each round of voting the clerk will collect the ballots and announce the results. The results will be recorded in the minutes of the meeting by candidate and who

voted for that candidate. The ballots will be retained by the clerk until the meeting minutes containing the voting results have been approved by the assembly.

[g.] G. If there are more than two candidates and no candidate receives the vote of the majority, the lowest vote getter shall be eliminated on successive ballots until there are only two candidates or one candidate receives a majority. In the event of a tie vote between two candidates, the assembly shall vote a second time to break the tie. If the second vote does not break the tie, the presiding officer shall break the tie by drawing of lots.

Section 3. Effective Date. This ordinance becomes effective upon adoption by the Denali Borough Assembly and signature of the mayor.

DATE INTRODUCED: MARCH 14, 2012

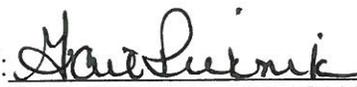
FIRST READING: APRIL 11, 2012

PUBLIC HEARING: APRIL 11, 2012

PASSED AND APPROVED by the Denali Borough Assembly this 11TH day of APRIL, 2012.



DAVID M. TALERICO, MAYOR

ATTEST: 

GAIL PIEKNIK, BOROUGH CLERK



AYES: *EVANS, KOHLSDORF, CARLSON and LASELL*
NOES: *WINKLMANN, TATUM, ASBURY and COOPER*
AYE: *MAYOR TALERICO BROKE THE TIE VOTE*

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