



Kenai City Council - Regular Meeting

October 21, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Information on Page 3****

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. **Election Certification**
4. Agenda Approval
5. Consent Agenda (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED PUBLIC COMMENTS

(*Public comment limited to ten (10) minutes per speaker*)

C. UNSCHEDULED PUBLIC COMMENTS

(*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

D. PUBLIC HEARINGS

1. **Ordinance No. 3163-2020** - Amending Kenai Municipal Code Sections 23.30.030 – Probationary Period for Employees in the Classified Service, to Remove the Six-Month Waiting Period for New Employees to Utilize Annual Leave and 23.40.060 – Leave of Absence With Pay, to Allow for Transition Leave for New Police Officers Upon Completion of a Public Safety Academy. (Administration)
2. **Ordinance No. 3164-2020** - Accepting and Appropriating a Grant from Marathon Petroleum Foundation to Purchase Firefighting Tools. (Administration)
3. **Resolution No. 2020-81** - Amending its Comprehensive Schedule of Rates, Charges, and Fees, to eliminate Kenai Community Library Late Fees. (Administration)
4. **Resolution No. 2020-82** - Awarding a Construction Contract for the Installation of the 2020 Facility Occupancy Management System. (Administration)

E. MINUTES

1. *Regular Meeting of October 7, 2020. (City Clerk)

F. **UNFINISHED BUSINESS**

1. **Substitute Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) ***[Clerk's Note: At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.]***
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) ***[Clerk's Note: At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.]***

G. **NEW BUSINESS**

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders Over \$15,000. (Administration)
3. ***Ordinance No. 3165-2020** - Accepting and Appropriating a Grant From the U.S. Department of Homeland Security Passed Through the State of Alaska Department of Military and Veterans' Affairs to Update the City's Emergency Operations Plan. (Administration)
4. **Discussion** - Response to COVID-19. (Administration)

H. **COMMISSION / COMMITTEE REPORTS**

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. **REPORT OF THE MAYOR**

J. **ADMINISTRATION REPORTS**

1. City Manager
2. City Attorney
3. City Clerk

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)
2. Council Comments

L. EXECUTIVE SESSION**M. PENDING ITEMS****N. ADJOURNMENT****O. INFORMATION ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000.

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Join Zoom Meeting

<https://us02web.zoom.us/j/86058608095>

Meeting ID: 860 5860 8095 **Passcode:** 772639

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 860 5860 8095 **Passcode:** 772639



CITY OF KENAI
REGULAR ELECTION OF OCTOBER 6, 2020

WE, the members of the Kenai City Council, do hereby certify the results of a canvass of the ballots for the Regular Election of October 6, 2020.

Absentee (in-person, by-fax/email, personal needs, by-mail) and Questioned Ballots Voted	400
Absentee/Questioned Ballots Rejected	22
Absentee/Questioned Ballots Counted	378
Poll Voter Turn Out	1090 / 17.6%
Total Voter Turn Out	1468 / 23.7%
Number of Kenai Registered Voters	6206

FOR CITY COUNCIL, TWO THREE-YEAR TERMS

CANDIDATES	POLL VOTES RECEIVED	ABSENTEE, ETC. VOTES RECEIVED	TOTAL VOTES RECEIVED
Navarre, Tim	426	203	629
Winger, Teea	562	161	723
Knackstedt, Henry	472	210	682
Write-Ins	28	3	31

Brian Gabriel, Sr., Mayor

Robert J. Molloy, Vice Mayor

Robert Peterkin, Council Member

Henry Knackstedt, Council Member

Tim Navarre, Council Member

Jim Glendening, Council Member

Glenese Pettey, Council Member

ATTEST:

Jamie Heinz, City Clerk

Date



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3163-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTIONS 23.30.030 – PROBATIONARY PERIOD FOR EMPLOYEES IN THE CLASSIFIED SERVICE, TO REMOVE THE SIX-MONTH WAITING PERIOD FOR NEW EMPLOYEES TO UTILIZE ANNUAL LEAVE AND 23.40.060 – LEAVE OF ABSENCE WITH PAY, TO ALLOW FOR TRANSITION LEAVE FOR NEW POLICE OFFICERS UPON COMPLETION OF A PUBLIC SAFETY ACADEMY.

WHEREAS, Police Officers are the only city employees that may be required to attend a 16 week academy prior to assuming full job duties; and,

WHEREAS, amendments to KMC 23.30.030 and 23.40.060 are necessary to address leave for police officers that may be required to assist them in transitioning to full duty requirements following academy attendance; and,

WHEREAS, KMC 23.30.030 prevents new employees from using their personal accrued annual leave within the first six months of employment, except in the case of sickness; and,

WHEREAS, to address this issue, the Human Resources Director worked with the Police Chief to recommend amendments to the Personnel Code which would allow officers to use personal accrued annual leave and grant additional leave to officers to transition to duty responsibilities after completion of a full public safety academy; and,

WHEREAS, an amendment to KMC 23.30.030, would allow new employees to use their personal accrued annual leave within the first six months of employment and would address a number of issues new employees encounter such as attending major life events that obligate employees away from work such as weddings or graduations, and funerals not covered under bereavement leave; and,

WHEREAS, proposed amendments to KMC 23.40.060 allows for police officers who have completed an academy to receive 40 hours of leave to help with the transition to regular duties; and,

WHEREAS, amendments to KMC 23.30.030 and KMC 23.40.060, addressing leave, will not require an increase to the adopted FY2021 Budget; and,

WHEREAS, amendments to the Kenai Municipal Code to remove the six-month waiting period for new employees before using accrued annual leave and add a new section of Code to provide for transition leave for new police officers upon completion of a public safety academy is in the best interests of the City of Kenai.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. Amendment of Section 23.30.030 of the Kenai Municipal Code: That Kenai Municipal Code, Section 23.30.030 – Probationary period for employees in the classified service, is amended as follows:

23.30.030 Probationary period for employees in the classified service.

(a) All original appointments for employees in the classified service including those that result from transfers shall be tentative and subject to a probationary period of not less than six (6) months consecutive service, except for Police, Fire, and Communications, which shall be normally twelve (12) months, subject to meeting criteria for certification which may be accomplished following six (6) months of service and except for seasonal employees whose probationary period is established by the term of the first season of employment. Promotional appointment probationary period shall, for all employees in the classified service, be not less than six (6) months.

(b) In cases where the responsibilities of a position in the classified service are such that a longer period is necessary to demonstrate an employee's qualifications, the probationary period may be extended; however, no probationary period shall be extended beyond twelve (12) months, or eighteen (18) months for Police, Fire, and Communications, or one (1) additional season for seasonal employees. The employee shall be notified in writing of any extension and the reasons therefor.

(c) [DURING THE FIRST SIX (6) MONTHS OF ORIGINAL PROBATIONARY PERIOD, A NEW EMPLOYEE (INCLUDING POLICE, FIRE, AND COMMUNICATIONS) SHALL NOT BE ELIGIBLE FOR ANNUAL LEAVE BENEFITS, BUT HE OR SHE SHALL EARN ANNUAL LEAVE CREDIT FROM THE FIRST DAY OF EMPLOYMENT AND MAY TAKE LEAVE FOR SICKNESS DURING THAT PERIOD TO THE MAXIMUM OF THE AMOUNT OF LEAVE ACCRUED.]

[(D)] Upon completion of the probationary period, employees in the classified service shall be considered as having satisfactorily demonstrated qualifications for the position, shall gain regular status, one (1) step in pay raise, and shall be so informed through his or her supervisor. The employee's anniversary date shall be the first of the month in which the employee's original probation ends. Employees who have gained regular status at the effective date of the ordinance codified in this section shall have their anniversary dates changed to the first of the month in which the employee's present anniversary date falls.

[(E)] (d) During the probationary period, a new employee hired in the classified service may be terminated at any time without advance notice, without cause, and without appeal.

[(F)] (e) In the case of promotional appointments, the promoted employee may be demoted at any time during the probationary period without appeal; provided, that the probationary employee be reinstated in the class designation from which he or she was promoted, even though this necessitates the layoff of the employee occupying the position.

Section 2. Amendment of Section 23.40.060 of the Kenai Municipal Code: That Kenai Municipal Code, Section 23.40.060 – Leave of absence with pay, is amended as follows:

23.40.060 Leave of absence with pay.

(a) Employees may request leave of absence with pay for:

(1) *Witness or Jury Duty.* When a City employee is called for jury duty or is subpoenaed as a witness, he or she shall not suffer any loss of his or her regular City compensation during such absence; however, he or she shall be required to transfer any compensation he or she receives for the performance of such duty to the City. Time not worked because of such duty shall not affect annual leave accrual.

(2) *Military Leave.* Employees shall be eligible for military leave or associated benefits in compliance with State and Federal law.

(3) *Conferences, Conventions and Other Related City Business.* Decisions concerning attendance at conferences, conventions, or other functions pertaining to City business at City expense shall be made by the department heads with the approval of the City Manager. Permission shall be granted on the basis of an employee's participation in or the direct relationship of the function to the City. Members of professional societies may be permitted to attend meetings of their society when such attendance is considered to be in the best interest of the City.

(4) *Death in the Immediate Family.* Leave of absence with pay is provided to assist an employee who must be absent from work as a result of a death in the immediate family. The employee's absence would be for funeral attendance, or to handle matters arising due to the death of an immediate family member, that cannot practicably be taken care of outside of regular business hours. Upon the City Manager's approval, employees shall be entitled to the following leave, which will not directly affect their personal leave account: three (3) working days, up to twenty-four (24) hours maximum.

(5) *Transition Leave for New Police Officers Following a full Public Safety Academy.* Newly hired police officers who successfully complete a full public safety academy in Alaska are eligible for forty (40) hours leave of absence with pay, which will not directly affect their personal leave account. The employee's absence from work is intended for the transition to work following the employee's completion of a full public safety academy.

Section 3. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 21st day of October, 2020.

BRIAN GABRIEL SR., MAYOR

Ordinance No. 3163-2020
Page 4 of 4

ATTEST:

Jamie Heinz, CMC, City Clerk

Introduced: October 7, 2020
Enacted: October 21, 2020
Effective: November 20, 2020



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Stormy Brown, Human Resource Director
David Ross, Police Chief

DATE: September 23, 2020

SUBJECT: **Ordinance No. 3163-2020 – Probationary Period for Employees in the Classified Service and Leave of Absence with Pay for New Police Officers**

The changes requested in this ordinance are intended to address two areas of Kenai Municipal Code which focus on new employees – annual leave availability for new employees in the classified service and adding a new type of leave for new Police Officers after they complete the Public Safety Academy and come into service for Kenai.

Currently, KMC 23.30.030 prevents new employees from using their personal accrued annual leave within the first six months of employment, except in the case of sickness. This ordinance would amend that section to allow all employees the use of the personal leave which they accrued from the beginning of employment. This change will help address a number of issues that have come to light with new employees in recent years including but not limited to: 1. Vacations planned prior to hire, 2. Major life events like weddings or funerals not covered under bereavement leave, 3. Moving to Kenai or finishing the moving process after employment. This change is anticipated to benefit recruitment and make a positive early impression with new employees of the City and improve competitiveness with other employers in the area that do not require an employee to wait six months to utilize personal leave

This ordinance also amends KMC 23.40.060 to provide a new type of leave for new police officers that have completed the full public safety academy (currently 16 weeks in Sitka), the equivalent of one week of additional leave upon completion of that academy. Newly recruited police officers are asked to leave their family and their home for three and a half months, working seven days per week in Sitka to complete a required police academy. This ordinance would give them 40 hours of annual leave called transition leave upon completion of that academy. Providing leave will resolve a common leave issue experienced by new officers. For example, if a new employee is hired from out of the area, it is common that they would leave their family where they are currently living until such a time as they complete the academy. Currently, upon completion of the academy, the new officer will often return to field training at the Kenai Police Department

without reasonable time to get their family settled or moved to our area. The rush to get our new employee started following the academy attendance often causes additional stress for the officer and the family at a time when we want them to have a positive transition to a career protecting the Kenai community. We believe one week is a reasonable amount of leave to provide for the employee after a long and often stressful training academy, prior to more months of on the job training at the police department. The addition of this transitional leave also makes us competitive with other agencies in the state. This change is anticipated to help with the recruitment and retention of employees and to make a positive early impression with employees as they transition into their new job.

Thank you for your consideration.





Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3164-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM MARATHON PETROLEUM FOUNDATION TO PURCHASE FIREFIGHTING TOOLS.

WHEREAS, the City of Kenai Fire Department (KFD) applied for a \$5,000 grant through the Marathon Petroleum Foundation to purchase a portable ground monitor; and,

WHEREAS, KFD was successful in receiving the grant for \$5,000.00 to purchase a portable ground monitor to be placed on KFD apparatus; and,

WHEREAS, it is in the best interest of the City to accept grant funding to purchase equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. That the City Manager is authorized to accept a grant in the amount of \$5,000.00 from Marathon Petroleum Foundation for the purchase of firefighting tools, execute the necessary grant agreement, and expend the funds in accordance with grant provisions and this ordinance.

Section 2. That the estimated revenues and appropriations be increased as follows:

General Fund:

Increase Estimated Revenues –	
–Miscellaneous Grants	<u>\$5,000.00</u>

Increase Appropriations –	
Fire – Small Tools/Minor Equipment	<u>\$5,000.00</u>

Section 3. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 4. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 21st day of October, 2020.

Ordinance No. 3164-2020
Page 2 of 2

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, City Clerk

Approved by Finance:



Introduced: October 7, 2020
Enacted: October 21, 2020
Effective: October 21, 2020



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Tony Prior, Fire Chief

DATE: September 24, 2020

SUBJECT: Ordinance 3164-2020 Marathon Petroleum Foundation Grant

I was approached by the Fire Chief of Marathon Petroleum to apply for a grant program they have, which is available to the City. In the event of a fire at Marathon's Nikiski facility, we would most likely provide auto-aid to the Nikiski Fire Department to respond and assist with firefighting efforts as we have in the past.

We have established a working relationship with Marathon's Fire Brigade, and we conduct joint training annually with their group that is mutually beneficial. As part of that training, one technique is moving "Big Water," which involves moving portable ground monitors capable of flowing 500 gallons per minute. The piece of equipment we are requesting funding for is a portable ground monitor.

This particular monitor will be placed on our newest engine that is capable of flowing higher gallons per minute than any of our other fire engines. If called to the Marathon facility in Nikiski, a high-flow apparatus and monitor would be ideal for the high fire potential of that facility. Once we receive this monitor, we will schedule and conduct training with the Nikiski Fire Department and Marathon's Fire Brigade to test our equipment's capabilities and develop pre-fire plans for that facility. This type of training also fulfills the requirement by the Insurance Service Office (ISO) to conduct joint training with auto aid/mutual aid agencies.

Your consideration of accepting this grant is greatly appreciated.



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020-81

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING ITS COMPREHENSIVE SCHEDULE OF RATES, CHARGES, AND FEES TO ELIMINATE KENAI COMMUNITY LIBRARY LATE FEES.

WHEREAS, libraries across the country have eliminated late fees to remove barriers to access of library materials and services; and,

WHEREAS, there is a growing body of evidence that eliminating late fees increases library usage and customer satisfaction, improves public relations and staff morale, and reduces staff workload; and,

WHEREAS, recent studies suggest that late fees have no significant impact on the timely return of library materials; and,

WHEREAS, total revenue collected for library late fees is relatively insignificant with the five-year average for late fees collected being \$8,821 and the most recent fiscal year, FY2020, being \$4,561; and,

WHEREAS, late fees ultimately do not serve the core mission of the modern library to foster early literacy, provide equitable services and barrier-free access to information and services, and should therefore be eliminated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. The Library Fees section of the City's Comprehensive Schedule of Rates, Charges and Fees be amended as follows:

LIBRARY FEES

APX - Library Regulations and Policies

[1. LATE FEES

- | | |
|--|---------|
| A. -BOOKS PER DAY | \$0.10 |
| B. -VIDEOS, DVDS, NON-BOOK MATERIAL PER DAY | \$1.00 |
| -CASSETTE PLAYERS, SCREENS, PROJECTORS PER DAY | \$3.00] |

1[2]. Service Charges (The cost for replacement of books and other materials that are lost or damaged beyond repair shall be the actual cost of replacement or the following schedule will be used when actual replacement cost is unavailable.)

- | | |
|---------------------|---------|
| a. -hardcover books | \$25.00 |
|---------------------|---------|

b.	-juvenile reference	\$35.00
c.	-music cd's	\$25.00
d.	-periodicals	\$5.00
e.	-CD-ROMS	\$40.00
f.	-Alaska government documents	\$45.00
g.	-audio books	\$20.00
h.	-videos and DVDs	\$25.00
i.	-ILL books (fee or actual cost charged by lender	\$25.00
j.	-adult reference	\$45.00
k.	-juvenile kits	\$20.00
l.	-microfilm reels or microfiche	\$35.00
m.	-paperback books	\$15.00
n.	-fishing rods and reels	\$59.00
o.	-MP3 players and FM transmitters	\$100.00
2[3].	Rebinding Fees	
a.	-actual cost of rebinding + 5.00 handling fee	
3[4].	Proctoring Tests	\$20.00
4[5].	Replacement Costs	
a.	-barcode	\$1.00
b.	-lost library card	\$1.00
c.	-lost hang up bags, audio/visual or cassette containers	\$3.00
5[6].	Damages	
a.	-defaced or torn pages per page	\$2.00
6[7].	Photocopying and Printing	
a.	Photocopying (per page)	\$0.25
b.	Printing from public computers (per page)	\$0.25
7[8].	Equipment check out (per day)	\$3.00
a.	- security deposit (credit card only)	\$50.00
8[9].	Postage Fee	
a.	- shipping cost per item ordered and not picked up	\$2.00

Section 2. That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 21st day of October, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Katja Wolfe, Library Director

DATE: October 7, 2020

SUBJECT: **Resolution No. 2020-81 - Elimination of Late Fees at the Kenai Community Library**

In 2019, the American Library Association passed a resolution which urges libraries “to scrutinize their practices of imposing fines on library patrons and actively move towards eliminating them” as the “imposition of monetary library fines creates a barrier to the provision of library and information services.”¹ In line with this recommendation, it is proposed that the Kenai Community Library eliminate late fees as a way to make our services and resources more accessible to everyone in our community. This proposal targets late fees, specifically, and does not propose to eliminate fees assessed on lost and damaged items.

In Alaska and around the country, libraries have eliminated late fees for a variety of reasons:

- **Increase patron access to materials and services:** Late fees act as a barrier to access. They can lead to the suspension of library privileges and keep those community members who need the library the most from using its resources. In contrast, the elimination of late fees in other libraries has led to increases in new library card applications, visitors, and circulation.²
- **Reduce the inequitable impact of late fees:** Many library users face late fees, but not all can afford to pay them off. Approximately 13.5% of Kenai residents³ and 12.4% of

¹ American Library Association. (2019). Resolution on monetary library fines as a form of social inequity.

http://www.ala.org/aboutala/sites/ala.org.aboutala/files/content/governance/council/council_documents/2019_ms_council_docs/ALA%20CD%2038%20RESOLUTION%20ON%20MONETARY%20LIBRARY%20FINES%20AS%20A%20FORM%20OF%20SOCIAL%20JUSTICE%20Revised%201_27_0.pdf

² San Francisco Public Library. (2019). Long overdue: Eliminating fines on overdue materials to improve access to San Francisco Public Library. https://sftreasurer.org/sites/default/files/2019-09/Long%20Overdue_January%202019.pdf

³ United States Census Bureau. (n. d.). QuickFacts: Kenai city, Alaska.

<https://www.census.gov/quickfacts/fact/table/kenaicityalaska,gatewaycdpalaska,kenaipeninsulaboroughalaska/PST045219>

Kenai Peninsula Borough residents⁴ live in poverty. Almost 42% of Kenai Peninsula School District students qualified for free or reduced price lunches in school year 2019-2020⁵. Individuals and families with low or no incomes are disproportionately affected by late fees.

- **Improve patron relationship with the library:** The existence of late fees is one of the most negative aspects of our patrons' relationship with the library. Libraries that have eliminated late fees are experiencing a reduction in staff anxiety and patron conflicts, as well as an increase in patron satisfaction and an improvement in patron perception of the library.
- **Optimize library staff time and increase efficiency:** Collecting late fees is time-consuming and diminishes library staff's ability to engage with patrons in other library services such as reference, programming and readers' advisory. Eliminating late fees will allow staff to build relationships with patrons and to better fill their information needs.
- **Research shows that late fees do not bring materials back faster (or at all):** Late fees are not the best motivator for returning material on time. On the contrary, they keep many of our patrons from returning to the library out of shame or embarrassment. Most libraries that have eliminated late fees have not experienced an increase in overdue items. In fact, some libraries have seen an increase in long-overdue item returns and a decrease in late returns.

In summary, fine free access to library resources strengthens our community. Fine free libraries are more accessible, equitable, and welcoming to all. Libraries that have gone fine free have seen an increase in library card registrations, borrowing of materials, and customer satisfaction, as well as an improvement in staff morale. Based on the growing body of evidence showing the benefits of eliminating late fees, I recommend that the Kenai Community Library cease charging such fees for all materials owned by our library.

Thank you for your consideration.

⁴ United States Census Bureau. (n. d.). QuickFacts: Kenai Peninsula Borough, Alaska.

<https://www.census.gov/quickfacts/kenaipeninsulaboroughalaska>

⁵ State of Alaska Department of Education & Early Development. (2020). School nutrition programs.

<https://education.alaska.gov/cnp/nsfp>



FRIENDS OF THE KENAI COMMUNITY LIBRARY
P.O. BOX 656
KENAI, AK 99611

September 24, 2020

Katja Wolfe, Director
Kenai Community Library
163 Main Street Loop
Kenai, AK 99611

Re: No Late Fee Policy

Dear Ms. Wolfe:

The Friends of the Kenai Community Library agree with the No Late Fee policy the library plans to institute. Besides being a positive move for the community, it will bring the Kenai Community Library into line with the other libraries on the peninsula and in the state.

Late fees have become obsolete in this age of electronic access and another reason not to use the library. The current economic climate determines where every penny is spent for many households. Eliminating the fines will encourage patrons to continue their visits without the fear of late fees hanging over their heads if they can't return on time.

Kenai Community Library has always been at the forefront of modern library trends. Eliminating late fees is a social and economic step well-taken.

Sincerely,



Jane E. Fuerstenau
President
Friends of the Kenai Community Library



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020-82

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AUTHORIZING THE AWARD OF A CONSTRUCTION AGREEMENT FOR THE 2020 FACILITY OCCUPANCY COMPLIANCE PROJECT.

WHEREAS, the City Manager issued a Disaster Emergency Declaration on March 18, 2020 in response to the COVID-19 pandemic; and,

WHEREAS, the City Council passed Resolution 2020-15 on March 18, 2020 extending this Disaster Emergency Declaration for 90 days; and,

WHEREAS, the City Council passed Resolution 2020-40 on June 3, 2020 extending this Disaster Emergency Declaration for an additional 90 days; and,

WHEREAS, the City Council passed Resolution 2020-73 on September 2, 2020 extending this Disaster Emergency Declaration until December 31, 2020; and,

WHEREAS, part of the City's COVID-19 mitigation plan includes providing adequate space in City facilities to social distance; and,

WHEREAS, limiting the number of occupants in a facility insures that adequate space for social distancing is available; and,

WHEREAS, the City has received CARES Act funds to use in the response to the COVID-19 pandemic; and,

WHEREAS, the City Council approved this project on September 16, 2020; and,

WHEREAS, the Public Works Department released an Invitation to Bid on September 23, 2020 with bids due on October 9, 2020; the following bids were received:

Bidder	Bid
Legacy Electric LLC	\$56,000

; and,

WHEREAS, Legacy Electric LLC was found to be the lowest responsive and responsible bidder and award to this bidder is in the best interest of the City; and,

WHEREAS, the recommendation from the City Administration is to award the Agreement to Legacy Electric LLC for completion of the 2020 Facility Occupancy Compliance Project for the total cost of \$56,000; and,

WHEREAS, sufficient monies are appropriated.

Resolution No. 2020-82
Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

- Section 1.** That the Agreement is awarded to Legacy Electric LLC for completion of the 2020 Facility Occupancy Compliance Project in the amount of \$56,000.
- Section 2.** That the City Manager is authorized to issue a purchase order to Legacy Electric LLC in the amount of \$56,000.
- Section 3.** That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 21st day of October, 2020.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Dan Castimore, IT Manager

DATE: October 13, 2020

SUBJECT: **Resolution No. 2020-82 2020 Facility Occupancy Compliance Project**

The Public Works Department released an Invitation to Bid on September 23, 2020 with bids due on October 9, 2020 to install necessary wiring and equipment to complete the 2020 Facility Occupancy Compliance Project which was previously referred to as the People Counter project. This project will install the equipment necessary to monitor occupancy levels in the Library, Recreation Center, Senior Center, and Visitors' Center.

The lowest responsive and responsible bidder for this project was Legacy Electric LLC with a total bid of \$56,000.

As this project uses funds from the CARES Act, the completion date has been set at December 15th to assure compliance with the grant requirements.

Council's consideration is respectfully requested.

**KENAI CITY COUNCIL – REGULAR MEETING
OCTOBER 7, 2020 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on October 7, 2020, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor	Robert Molloy
Henry Knackstedt	Tim Navarre
Jim Glendening	Robert Peterkin
Glenese Pettey	

A quorum was present.

Also in attendance were:

Paul Ostrander, City Manager
Scott Bloom, City Attorney
Jamie Heinz, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following revisions to the agenda and packet:

Remove item G.3.	Non-Objection to Majestic Gardens, LLC
From Consent Agenda	Marijuana License Renewals
	• Postponement Memo

MOTION:

Vice Mayor Molloy **MOVED** to approve the agenda with the requested amendments and additions and requested **UNANIMOUS CONSENT**. Council Member Pettey **SECONDED** the motion.

VOTE: There being no objections, **SO ORDERED**.

4. Consent Agenda

MOTION:

Council Member Knackstedt **MOVED** to approve the consent agenda and requested **UNANIMOUS CONSENT**; Vice Mayor Molloy **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Mayor Gabriel opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

VOTE: There being no objections, **SO ORDERED.**

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED PUBLIC COMMENTS – None.

C. UNSCHEDULED PUBLIC COMMENTS – None.

D. PUBLIC HEARINGS

1. **Resolution No. 2020-80** - Amending the City's Grant Disbursement Program Utilizing Funds from the Coronavirus Aid, Relief, And Economic Security (CARES) Act to Increase the Grant Amount Under the Individual Assistance to Commercial Fishers Program, Authorizing the City Manager to Enter Into an Agreement with Peninsula Community Health Services of Alaska (PCHS) for Mental Health Services in Kenai, and Authorizing a Budget Transfer in the COVID-19 Cares Act Recovery Fund. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-80 and Vice Mayor Molloy **SECONDED** the motion.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Vice Mayor Molloy disclosed that PCHS was a client of his firm on an as requested basis, reviewing contracts on occasion. He added that he has not reviewed the agreement in this situation and was not going to receive payment for services on the contract between the City and PCHS. Mayor Gabriel ruled Vice Mayor Molloy did not have a conflict in this matter and could participate in the discussion and vote.

An overview of what the Resolution accomplished was provided.

Mayor Gabriel disclosed he owned a commercial fishing permit. City Attorney Bloom noted the emergency affected all of the community in the same way and advised the Mayor that could participate in the discussion and vote on the matter.

It was noted there was positive feedback from the community about the City getting the CARES Act funds out to businesses so quickly; Project Lead Persily was commended for his assistance.

Clarification was provided that processing the applications for the mortgage and rental assistance was somewhat slow due to the volume of applications being reviewed.

VOTE:

YEA: Knackstedt, Pettey, Navarre, Gabriel, Molloy, Peterkin, Glendening
NAY:

MOTION PASSED UNANIMOUSLY.

E. MINUTES

1. *Regular Meeting of September 16, 2020. (City Clerk)

Approved by the consent agenda.

F. UNFINISHED BUSINESS

1. **Ordinance No. 3155-2020** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from The Federal Aviation Administration for Phase One Construction of a New Sand Storage Facility. (Administration)
[Clerk's Note: At the September 2 Meeting, this item was Postponed to the 09/16/20 Council Meeting; a motion to enact is on the floor.]
 - **Substitute Ordinance No. 3155-2020** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvement Capital Project Funds, Authorizing an Amendment to the Professional Services Agreement with HDL Engineering for Construction Administration Services, and Awarding a Contract for the 2020 Kenai Municipal Airport Sand Storage Facility Project.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3155-2020 by substitute. Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

VOTE ON THE AMENDMENT: There being no objection; **SO ORDERED**.

An overview of the project, the need for the project, FAA funding, and location was provided.

VOTE ON THE MAIN MOTION AS AMENDED:

YEA: Knackstedt, Pettey, Navarre, Gabriel, Molloy, Peterkin, Glendening
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3157-2020** - Amending Kenai Municipal Code Section 1.85.010 – Report of Financial and Business Interests, to Allow for Certification by Municipal Officers that a Previously Filed Statement of Disclosure Remains Accurate and Approving an Alternate

Certification. (Vice Mayor Molloy) **[Clerk's Note: At the September 2 Meeting, this item was Postponed to the 10/07/20 Council Meeting; a motion to enact is on the floor.]**

The sponsor reiterated that purpose of the ordinance was to reduce paperwork burden for officers that don't have changes to financial disclosure. It was noted anything else would add paperwork and review burden for the Office of the City Clerk.

VOTE:

YEA: Knackstedt, Pettey, Navarre, Gabriel, Molloy, Peterkin, Glendening
NAY:

MOTION PASSED UNANIMOUSLY.

G. NEW BUSINESS

1. *Action/Approval - Bills to be Ratified. (Administration)

Approved by the consent agenda.

2. Action/Approval - Purchase Orders over \$15,000. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to approve purchase orders over \$15,000 as presented and Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

VOTE: There being no objection; **SO ORDERED.**

3. Action/Approval - Non-Objection to the Renewal of a Retail Marijuana Store License and a Standard Cultivation License for Majestic Gardens, LLC. (City Clerk)

[Clerk's Note: This item was removed from the Consent Agenda at approval of the Agenda.]

Concern was expressed that the licensee was being treated differently in this situation.

Clarification was provided that fire inspections were conducted during the regular course of business, Kenai Municipal Code Title 2 required that alcohol and marijuana licensees have all obligations to the city in satisfactory condition, that state statute provided the city 60 days from notification to submit a response which gave the City until November 22 to work with the business to bring fire code violations into compliance without jeopardizing the licensing. Clarification was also provided that the same process was followed for all alcohol and marijuana licensees upon renewal of their licenses and the reason for the request to postpone indefinitely was to provide Administration with the flexibility to bring the matter back as soon as possible and in a way that administration is comfortable with recommending.

Concern was again expressed that if the City had other tools to use to work with the applicant, the marijuana licenses should not be leveraged.

It was reiterated that the City was working with the applicant to bring the issues to resolution.

MOTION TO POSTPONE INDEFINITELY:

Vice Mayor Molloy **MOVED** to postpone indefinitely and Council Member Glendening **SECONDED** the motion.

MOTION TO AMEND:

Council Member Navarre **MOVED** amend by changing indefinitely to October 21 and Council Member Pettey **SECONDED** the motion.

There was objection to the amendment noting the matter would still be packaged together as non-objections when administration had noted the need for the flexibility to possibly extend further and to bring the matter back as two different agenda items.

Clarification was provided that, in the event administration was to recommend a conditional objection to the renewal of the cultivation facility license, a public hearing would be required and, having a conditional objection and a non-objection on the agenda would be difficult to navigate.

It was noted administration had laid out a good road map to work with the licensee and resolve the situation.

Further concerns regarding treating everyone the same and using other tools available was expressed.

It was again reiterated that the City was working with the applicant toward resolution with the objective that a non-objection was the desired outcome.

VOTE ON THE AMENDMENT:

YEA: Navarre, Peterkin
NAY: Gabriel, Molloy, Glendening, Knackstedt, Pettey

MOTION FAILED.

VOTE ON POSTPONING INDEFINITELY:

YEA: Knackstedt, Pettey, Navarre, Gabriel, Molloy, Peterkin, Glendening
NAY:

MOTION PASSED UNANIMOUSLY.

4. ***Ordinance No. 3163-2020** - Amending Kenai Municipal Code Sections 23.30.030 – Probationary Period for Employees in the Classified Service, to Remove the Six-Month Waiting Period for New Employees to Utilize Annual Leave, 23.40.060 – Leave of Absence with Pay, to Allow for Transition Leave for New Police Officers on Completion of a Public Safety Academy, and 23.30.120 – Moving Expense for New Employees, to Amend Reimbursement Language. (Administration)

Introduced by the Consent Agenda and Public Hearing set for October 21, 2020.

5. ***Ordinance No. 3164-2020** – Accepting and Appropriating a Grant from Marathon Petroleum Foundation to Purchase Firefighting Tools. (Administration)

Introduced by the Consent Agenda and Public Hearing set for October 21, 2020.

6. Discussion - Response to COVID-19. (Administration)

The number of cases, case rate, and hospitalizations were provided. The manager noted he attended a call with the state epidemiology team, legislative action would be required to extend the state's emergency declaration, and mandates would expire if the emergency declaration expired. It was added that the Incident Management Team would review the return to work policy if the travel mandates expired.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – No report; next meeting November 12.
2. Airport Commission – No report; next meeting November 12.
3. Harbor Commission – No report; next meeting October 12.
4. Parks and Recreation Commission – It was reported the Commission reviewed their park tour and discussed the success of the Kenai River Marathon noting participation exceeded expectation; also discussed the lack of a campground in the City; next meeting November 5.
5. Planning and Zoning Commission – It was reported the Planning and Zoning Commission met on September 23 and approved a Conditional Use Permit for the breeding and sale of dogs; also noted the October 14 meeting was cancelled and the next meeting was scheduled for October 28.
6. Beautification Committee – No report; next meeting October 13.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Met with the auditors as a part of their annual audit; suggested other Council Members take the opportunity to do so in the future; and
- Noted the high participation in the local election expressing appreciation for everyone who ran; noted the courage it takes to run for office.

J. ADMINISTRATION REPORTS

1. City Manager - City Manager P. Ostrander reported on the following:
 - He was participating in the ad-hoc Alaska Municipal League (AML) group that will be making recommendations to AML regarding the state's budget;
 - Upcoming interviews with candidates for the Planning Director position;
 - The Kenai Silver Salmon Derby was successful; a \$4,000 check to Kenai Community Foundation was sent;
 - The Chamber Director was engaged with the City and excited about opportunities discussed; the working relationship with the City is excellent;
 - Continuing to negotiate with the state regarding the bike path along Bridge Access; being pressed to sign an agreement but there are discrepancies in match amounts;

- A \$350,000 check was sent to the Corps of Engineers for the Bluff Erosion Project; working on letters of intent; will be meeting starting next week; and
 - Reviewed the recent power outage at the Water Plant noting a consultant was coming in to look at the Supervisory Control and Data Acquisition System; information from the consultant will also help develop a response to future situations.
2. City Attorney – No report.
 3. City Clerk – City Clerk J. Heinz reported on the following:
 - Provided an overview of the results of election night and ballots that remained outstanding to be counted by the Canvass Board on October 13;
 - Deputy Clerk position offered and accepted; new hire starting on Monday, October 12.

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*) - None.
2. Council Comments

Council Member Glendening noted he waved signs on Election Day; noted the superb election work the clerks provided in tough times.

Vice Mayor Molloy thanked the clerks and poll workers for making voting a positive voting experience and noted the higher turnout.

Council Member Pettey thanked the voters and candidates; also thanked the former Deputy Clerk for her superb work and assistance.

Council Member Navarre expressed gratitude to the clerks and poll workers for their work in the election.

Council Member Knackstedt noted how quickly the election results were in after the election; noted he attended the Chamber Candidate Forum and expressed appreciation for the opportunity to get out and debate this election.

L. EXECUTIVE SESSION – None.

M. PENDING ITEMS

1. **Substitute Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [**Clerk's Note:** *At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) [**Clerk's Note:** *At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]

N. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:00 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of October 7, 2020.

Jamie Heinz, CMC
City Clerk



Sponsored by: Council Member Peterkin

CITY OF KENAI

ORDINANCE NO. 3127-2020 (SUBSTITUTE)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, REPEALING AND REPLACING KENAI MUNICIPAL CODE TITLE 6- ELECTIONS, TO PROVIDE CLARITY, PROCESS IMPROVEMENTS, AND INCREASE VOTER ACCESSIBILITY THROUGH VOTE BY MAIL ELECTIONS.

WHEREAS, state statutes provide that local governing bodies establish the procedures governing local elections; and,

WHEREAS, it is in the best interest of the City to provide for clear processes in its elections; and,

WHEREAS, the City has realized efficiencies in its election processes by sharing election resources such as election workers with the Kenai Peninsula Borough (KPB); and,

WHEREAS, KPB entered into a conciliation agreement with the Alaska Human Rights Commission which specified that the KPB would have an ADA compliant election process in place by the end of 2020; and,

WHEREAS, it is prudent for the City to also have ADA compliant election processes in place; and,

WHEREAS, the KPB Assembly established the Election Stakeholders Group (“ESG”) through the direction and adoption of Resolution 2019-006, which included community members and members from many local governments in the KPB, including City Manager Ostrander, Mayor Gabriel, Council Member Peterkin and City Clerk Heinz from the City; and,

WHEREAS, the ESG researched ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity; and,

WHEREAS, ensuring security of the voting system, including hardware, software, accountability procedures, and the voter registration database and maintaining integrity in the system by adopting internal controls, including signature verification, to ensure all valid votes are counted were among guiding principles adopted by the ESG; and,

WHEREAS, after holding many public meetings throughout 2019 the ESG issued a final report with six specific recommendations regarding potential changes to KPB code and election processes which are intended to achieve guiding principles adopted by the ESG; and,

WHEREAS, recommendation number 1 of the ESG was for the KPB assembly to transition the election process from the current polling site structure to a vote by mail hybrid structure (VBMS); and,

WHEREAS, recent catastrophic events including disaster declarations related to local floods, fires

Ordinance No. 3127-2020

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and a global public health pandemic reinforce the need to implement a VBMS election process that will allow for greater flexibility and voter participating when events make it impractical or impossible to vote at a traditional polling site; and,

WHEREAS, in response to the current statewide emergency disaster, Governor Dunleavy signed Senate Bill 241 in to law which, among other things, authorizes elections to be conducted by mail during the emergency disaster; and,

WHEREAS, on June 2, 2020, the KPB Assembly adopted KPB Ordinance No. 2020-24 providing for vote by mail elections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. Repealing and Re-enacting Title 6 of the Kenai Municipal Code: That Kenai Municipal Code, Title 6 - Elections is hereby repealed and re-enacted as follows:

[CHAPTER 6.05
VOTING QUALIFICATIONS AND PROCEDURES

SECTIONS:

- 6.05.010 QUALIFICATIONS FOR VOTERS.
- 6.05.020 REGISTRATION.
- 6.05.030 PRECINCT AND POLLING PLACE.
- 6.05.040 PRECINCT BOARD.
- 6.05.050 COMPENSATION OF ELECTION PERSONNEL.
- 6.05.060 WATCHERS.
- 6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.
- 6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.
- 6.05.090 BALLOT BOXES, VOTING BOOTHS.
- 6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.
- 6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.
- 6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.
- 6.05.130 TIE VOTES.
- 6.05.140 ABSENTEE VOTING.
- 6.05.145 ABSENTEE VOTING IN PERSON.
- 6.05.150 ABSENTEE VOTING—APPLICATION.
- 6.05.160 ABSENTEE VOTING—BALLOTS.
- 6.05.170 ABSENTEE VOTING—BY MAIL.
- 6.05.180 VOTING—AUTHORIZED.
- 6.05.190 VOTING—BOARDS.
- 6.05.200 VOTING DEVICES AND MACHINES.
- 6.05.210 VOTING—TESTS AND SECURITY.
- 6.05.220 RECOUNT OF VOTES—APPLICATION.
- 6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.
- 6.05.240 ELECTION CONTESTS.
- 6.05.250 RULES AND REGULATIONS.
- 6.05.260 CITY ELECTION TIME.
- 6.05.270 OFFENSES AND PENALTIES.
- 6.05.280 RECORD RETENTION.
- 6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.
- 6.05.310 CASTING BALLOTS.

- 6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.
- 6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.
- 6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.
- 6.05.340 STORING BALLOTS.

6.05.010 QUALIFICATIONS FOR VOTERS.

PERSONS WHO HAVE THE QUALIFICATIONS FOR VOTERS PRESCRIBED BY THE CITY CHARTER, SECTION 10-6, THE STATE CONSTITUTION, ARTICLE V, SECTIONS 1 AND 2, AND STATE LAW, SHALL BE QUALIFIED TO VOTE IN CITY ELECTIONS IF THEY ARE REGISTERED AS PROVIDED IN THIS TITLE. (KC 6-1)

6.05.020 REGISTRATION.

(A) THE ELECTION JUDGES SHALL KEEP AN ORIGINAL REGISTER ON WHICH EACH VOTER SHALL, BEFORE RECEIVING A BALLOT, SIGN THE VOTER'S NAME AND EITHER COMPLETE OR CORRECT BOTH THE VOTER'S RESIDENCE AND MAILING ADDRESSES. A RECORD SHALL BE KEPT ON THE REGISTER OF THE NAME OF EACH PERSON WHO OFFERED TO VOTE, BUT WAS REFUSED, AND A BRIEF STATEMENT OF THE BASIS OF THE REFUSAL. THE SIGNING OF THE REGISTER CONSTITUTES A DECLARATION BY THE VOTER THAT THE VOTER IS QUALIFIED TO VOTE.

(B) VOTERS MAY BE IDENTIFIED FROM SUCH REASONABLE SOURCES AS STATE VOTER REGISTRATION LISTS, BEING KNOWN TO THE ELECTION JUDGES AS RESIDENTS OF THE CITY OF KENAI, OR BY SUCH OTHER IDENTIFICATION AS IS ACCEPTED CUSTOMARILY FOR SCHEMES OF "PRE-REGISTRATION" QUALIFICATIONS.

(C) REGISTERS SIGNED BY VOTERS ON ELECTION DAY SHALL BE KEPT WITH THE RECORDS OF THAT ELECTION.

(D) AS USED IN THIS TITLE, "REGISTER" SHALL MEAN THE COMPUTER PRINTOUT ENTITLED "STATE OF ALASKA PRECINCT REGISTER" (OR ANY FORM SUBSEQUENTLY SUBSTITUTED THEREFOR) SUPPLIED BY THE DIVISION OF ELECTIONS OF THE STATE OF ALASKA FOR USE IN EACH PRECINCT.

(KC 6-9; ORDS. 193, 803)

6.05.030 PRECINCT AND POLLING PLACE.

(A) THE CITY OF KENAI SHALL BE COMPOSED OF SUCH ELECTION PRECINCTS AS MAY BE SET UP OR MODIFIED BY THE DIRECTOR OF ELECTIONS OF THE STATE OF ALASKA FOR ALL CITY ELECTIONS, BOTH REGULAR AND SPECIAL. THE POLLING PLACES WILL BE AS DESIGNATED BY THE STATE OF ALASKA, DIVISION OF ELECTIONS.

(B) CHANGES OF THE POLLING PLACES MAY BE ACCOMPLISHED BY THE COUNCIL BY MOTION, RESOLUTION, OR ORDINANCE.

(KC 6-12,13; ORDS. 159, 803, 1182)

6.05.040 PRECINCT BOARD.

(A) THERE SHALL BE ELECTION BOARDS FOR THE PRECINCTS IN THE CITY COMPOSED OF THREE (3) OR MORE JUDGES APPOINTED BY THE CITY COUNCIL. THE JUDGES SHALL BE QUALIFIED VOTERS OF THE CITY. THE CITY COUNCIL MAY DESIGNATE ONE OF THE JUDGES CHAIR OF THE BOARD, AND THE CHAIR SHALL BE PRIMARILY RESPONSIBLE FOR THE ADMINISTRATION OF THE ELECTION IN THE PRECINCT. THE CITY COUNCIL MAY ALSO APPOINT FROM AMONG THE QUALIFIED VOTERS OF THE CITY ONE (1) OR TWO (2) CLERKS WHERE IT DEEMS THEIR SERVICES ARE NECESSARY. THE CITY CLERK, AS THE ELECTION SUPERVISOR, MAY APPOINT NOT MORE THAN FOUR (4) ELECTION CLERKS FROM AMONG THE QUALIFIED VOTERS

OF THE CITY AT ANY POLLING PLACE WHERE THEY ARE NEEDED TO CONDUCT AN ORDERLY ELECTION AND TO RELIEVE THE ELECTION JUDGES OF UNDUE HARDSHIP IF HE OR SHE THINKS THEY ARE NEEDED AND IF THE CITY COUNCIL AUTHORIZES IT.

(B) ALL CITY ELECTION PERSONNEL SHALL BE APPOINTED WITHOUT REGARD TO THEIR MEMBERSHIP IN ANY POLITICAL PARTY.

(C) ALL ELECTION JUDGES AND CLERKS, BEFORE ENTERING UPON THEIR DUTIES, MUST SUBSCRIBE TO THE OATH REQUIRED OF ALL PUBLIC OFFICERS BY THE CONSTITUTION OF THE STATE OF ALASKA IN THE MANNER PRESCRIBED BY THE CLERK. IF ANY APPOINTED ELECTION OFFICIAL IS NOT ABLE OR REFUSES TO SERVE ON ELECTION DAY, THE CLERK MAY APPOINT A REPLACEMENT FOR THAT OFFICIAL.

(D) CANDIDATES SHALL NOT SERVE AS ELECTION OFFICIALS. CERTAIN FAMILIAL RELATIONSHIPS MAY NOT EXIST BETWEEN A CANDIDATE AND A PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF A BALLOT COUNTING TEAM IN REGULAR OR SPECIAL ELECTIONS. THOSE FAMILIAL RELATIONSHIPS ARE:

- (1) MOTHER, MOTHER-IN-LAW, STEPMOTHER;
- (2) FATHER, FATHER-IN-LAW, STEPFATHER;
- (3) SISTER, SISTER-IN-LAW, STEPSISTER;
- (4) BROTHER, BROTHER-IN-LAW, STEPBROTHER;
- (5) SPOUSE; OR
- (6) PERSON SHARING THE SAME LIVING QUARTERS.

(E) IF THE ELECTION SUPERVISOR KNOWS OR LEARNS ANY OF THESE RELATIONSHIPS EXIST, THE PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF THE BALLOT COUNTING TEAM SHALL BE NOTIFIED AND THE PERSON REPLACED.

(KC 6-12,13; ORDS. 159, 2108-2005)

6.05.050 COMPENSATION OF ELECTION PERSONNEL.

(A) THE CITY SHALL PAY ALL NECESSARY EXPENSES RELATING TO THE CONDUCT OF EACH CITY ELECTION, INCLUDING THOSE OF SECURITY POLLING PLACES, AND SHALL PROVIDE BALLOT BOXES, BALLOTS, VOTING BOOTHS OR SCREENS, NATIONAL FLAGS, AND OTHER SUPPLIES AND ANY WAGES TO ELECTION OFFICIALS UNLESS OTHERWISE PROVIDED BY THIS CODE.

(B) THE CITY SHALL PAY EACH ELECTION BOARD MEMBER AND CANVASS BOARD MEMBER AN HOURLY RATE FOR TIME SPENT AT HIS OR HER ELECTION DUTIES, INCLUDING THE RECEIVING OF INSTRUCTIONS AND POSTING OF NOTICES. THE ELECTION SUPERVISOR SHALL SET THE HOURLY COMPENSATION TO BE PAID FOR TIME SPENT BY ELECTION OFFICIALS AT A RATE COMPARABLE TO THAT PAID BY THE STATE FOR STATE ELECTIONS. THE CLERK SHALL RETAIN A RECORD FOR AUDITING AND PAYMENT OF ELECTION EXPENSES, INCLUDING THE COST OF GIVING NOTICE, RENTING POLLING PLACES, PAYING ELECTION OFFICIALS, SECURITY BALLOT BOXES, BOOTHS AND OTHER ELECTION NECESSITIES.

(KC 6-14; ORD. 2108-2005)

6.05.060 WATCHERS.

ANY CANDIDATE FOR ELECTIVE CITY OFFICE MAY APPOINT A WATCHER FOR THE PRECINCT. STATE LAW RELATING TO WATCHERS IN STATE ELECTIONS SHALL GOVERN WATCHERS IN CITY ELECTIONS INsofar AS IT IS APPLICABLE. (KC 6-15)

6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.

THE CITY CLERK, UNDER DIRECTION OF THE CITY COUNCIL AND IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, IS THE ELECTION SUPERVISOR FOR AND SHALL ADMINISTER ALL CITY ELECTIONS. (KC 6-16; ORD. 2108-2005)

6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.

(A) THE CITY CLERK SHALL PREPARE AND FURNISH ALL OFFICIAL BALLOTS IN CITY ELECTIONS. THE PROVISIONS OF STATE LAW RELATING TO THE PREPARATION AND FURNISHING OF BALLOTS IN STATE ELECTIONS SHALL GOVERN THE PREPARATION AND FURNISHING OF BALLOTS IN CITY ELECTIONS INsofar AS THEY ARE APPLICABLE AND ARE NOT IN CONFLICT WITH THE CITY CHARTER OR ORDINANCE; AND THE CITY CLERK SHALL PERFORM THE FUNCTIONS IN REGARD THERETO PRESCRIBED BY LAW FOR THE DIRECTOR OF ELECTIONS IN REGARD THERETO IN STATE ELECTIONS INsofar AS IT IS APPROPRIATE.

(B) AT THE TIME OF PREPARING, THE BALLOTS MAY BE INSPECTED BY ANY CANDIDATE WHOSE NAME IS ON THE BALLOT, OR BY HIS OR HER AUTHORIZED AGENT, AND ANY DISCOVERED MISTAKE SHALL BE CORRECTED IMMEDIATELY.

(C) THE CITY CLERK SHALL PROVIDE TINTED SAMPLE BALLOTS, OATHS OF OFFICE OF JUDGES, QUESTIONED OATHS, TALLY SHEETS WHEN REQUIRED, INSTRUCTIONS TO VOTERS, WARNING NOTICES, AND OTHER FORMS AND SUPPLIES REQUIRED FOR CITY ELECTIONS; AND HE OR SHE SHALL GIVE THE DUPLICATE REGISTRATION INDEX AND AN ADEQUATE SUPPLY OF OFFICIAL BALLOTS, SAMPLE BALLOTS, AND ALL OTHER NECESSARY SUPPLIES AND MATERIALS TO THE CHAIRS OF THE PRECINCT ELECTION BOARDS IN ADEQUATE TIME BEFORE A CITY ELECTION.

(KC 6-17; ORDS. 803, 941, 1652-95, 2108-2005)

6.05.090 BALLOT BOXES, VOTING BOOTHS.

THE CITY CLERK SHALL PROVIDE SUITABLE BALLOT BOXES AND AN ADEQUATE NUMBER OF VOTING BOOTHS OR SCREENS. REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS, RELATING TO POLLING PLACES, BALLOT BOXES, VOTING BOOTHS, SCREENS, FLAGS, AND SUPPLIES FOR STATE ELECTIONS, SHALL GOVERN THESE MATTERS IN RELATION TO CITY ELECTIONS INsofar AS THEY ARE APPLICABLE AND ARE NOT SUPERSEDED BY ORDINANCE. (KC 6-18; ORD. 803)

6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.

(A) AT LEAST TEN (10) DAYS BEFORE EVERY CITY ELECTION, REGULAR OR SPECIAL, THE CITY CLERK SHALL CAUSE TO BE PUBLISHED BY POSTING ON THE OFFICIAL CITY BULLETIN BOARD IN OR ON THE CITY ADMINISTRATION BUILDING AND IN TWO (2) OTHER PLACES IN THE CITY, OR IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY, A NOTICE OF SUCH ELECTION. THE NOTICE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

- (1) THE DATE OF THE ELECTION;
- (2) TIME DURING WHICH THE POLLING PLACE WILL BE OPEN;
- (3) THE LOCATION OF THE POLLING PLACE;
- (4) OFFICES TO WHICH CANDIDATES ARE TO BE ELECTED (IF ANY);
- (5) AND THE SUBJECTS OF THE PROPOSITIONS AND QUESTIONS WHICH ARE TO BE SUBMITTED TO THE VOTERS AT THE ELECTION (IF ANY).

(B) FAILURE TO PUBLISH SUCH A NOTICE OF AN ELECTION SHALL NOT AFFECT THE VALIDITY OF THE ELECTION OR OF THE VOTE FOR ANY CANDIDATE OR ON ANY PROPOSAL; BUT, IF CAUSED BY THE CITY CLERK, SHALL CONSTITUTE FAILURE TO PERFORM HIS OR HER OFFICIAL DUTIES.

(C) IN ADDITION TO THE ABOVE NOTICE, THE CITY CLERK SHALL PUBLISH IN FULL EVERY CHARTER AMENDMENT, EVERY ORDINANCE, AND EVERY OTHER QUESTION WHICH IS TO BE SUBMITTED AT AN ELECTION, EXCEPT A REFERRED ORDINANCE WHICH WAS PUBLISHED IN FULL AFTER PASSAGE, NOT MORE THAN FOUR (4) WEEKS

AND AT LEAST TWO (2) WEEKS BEFORE THE ELECTION IN ACCORDANCE WITH THE CITY CHARTER, SECTIONS 1-7(4) AND 10-8.

(KC 6-19)

6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.

ALASKA STATUTES, CHAPTERS 15.15 THROUGH 15.20 AND ANY AMENDMENTS THERETO, SHALL APPLY TO THE CITY ELECTIONS INsofar AS THEY DO NOT CONFLICT WITH SPECIFIC CITY ORDINANCES. THE PRECINCT ELECTION BOARDS SHALL DELIVER TO THE CITY CLERK ONE (1) COPY OF THE CERTIFICATE WITH THE RESULTS OF THE VOTE IN THE PRECINCT, THE REGISTERS SIGNED BY PERSONS VOTING, ALL BALLOTS CAST, ALL BALLOTS IMPROPERLY MARKED, DAMAGED OR UNLAWFULLY EXHIBITED, AND ALL OATHS, AFFIRMATIONS AND AFFIDAVITS TO THE COUNCIL AS PROVIDED BY KMC 6.05.130. THE CHAIR OF EACH PRECINCT ELECTION BOARD SHALL RETAIN POSSESSION OF A DUPLICATE COPY OF THE RESULTS, WHICH COPY MAY BE DESTROYED BY EACH CHAIR TWENTY (20) DAYS AFTER THE ELECTION UNLESS THE CITY CLERK OR THE CITY COUNCIL REQUESTS ITS DELIVERY. (ORDS. 193, 803, 881, 1788-98, 2556-2011)

6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.

(A) PURSUANT TO THE PROVISIONS OF SECTION 10-9 OF THE CHARTER OF THE CITY OF KENAI, THERE IS HEREBY ESTABLISHED A CANVASSING BOARD FOR THE CANVASSING OF ALL CITY ELECTIONS; REGULAR AND SPECIAL, AND TO ASCERTAIN AND DECLARE THE RESULTS THEREOF, AS FOLLOWS:

(1) THE CITY CLERK IS HEREBY DESIGNATED AS THE CHAIR OF THE CANVASSING BOARD.

(2) THE CANVASSING BOARD SHALL CONSIST OF THE CITY CLERK, CHAIR OF EACH PRECINCT ELECTION BOARD WITHIN THE CITY, AND UP TO FIVE (5) ADDITIONAL JUDGES SELECTED FROM AMONG THE QUALIFIED VOTERS OF THE CITY. IN THE EVENT ANY SUCH APPOINTED MEMBER OF THE BOARD IS ABSENT FROM THE CITY, ILL, OR OTHERWISE UNABLE TO ATTEND AT THE TIME SET FOR CANVASSING THE BALLOT, THE CITY CLERK IS HEREBY AUTHORIZED TO APPOINT ANOTHER ELECTION JUDGE FROM THE SAME PRECINCT TO SUBSTITUTE FOR THE APPOINTED MEMBER.

(B) THE CANVASSING BOARD SHALL MEET IN PUBLIC SESSION ON THE TUESDAY FOLLOWING EVERY CITY ELECTION, REGULAR OR SPECIAL, AT 8:30 A.M. AND, IF NECESSARY, CONTINUE THROUGH THE FOLLOWING DAY AND SHALL PROMPTLY PROCEED TO CANVASS THE RETURNS OF SAID ELECTION, MAKING DECISIONS AS TO VALIDITY OF QUESTIONED BALLOTS, COUNTING ABSENTEE BALLOTS, AND ASCERTAINING AND DECLARING THE RESULTS OF SAID ELECTION. THE CANVASS OF THE BALLOT VOTE COUNTED BY THE PRECINCT ELECTION BOARDS SHALL BE ACCOMPLISHED BY REVIEWING THE TALLIES OF THE RECORDED VOTE TO CHECK FOR MATHEMATICAL ERROR BY COMPARING TOTALS WITH THE PRECINCT'S CERTIFICATE OF RESULTS. ALL OBVIOUS ERRORS FOUND BY THE ELECTION CANVASS IN THE TRANSFER OF TOTALS FROM THE PRECINCT TALLY SHEETS TO THE PRECINCT CERTIFICATE OF RESULTS SHALL BE CORRECTED BY THE CANVASSING BOARD. A MISTAKE THAT HAS BEEN MADE IN PRECINCT RETURNS, AND THAT IS NOT CLEARLY AN ERROR IN THE TRANSFER OF THE RESULTS FROM THE TALLIES TO THE CERTIFICATE OF RESULTS, EMPOWERS THE CANVASSING BOARD TO RECOMMEND A RECOUNT OF THE RESULTS OF THE PRECINCT OR PRECINCTS FOR THAT PORTION OF THE RETURNS IN QUESTION.

(C) IN ORDER TO BE COUNTED, ABSENTEE BALLOTS THAT ARE MAILED MUST BE MAILED ON OR BEFORE THE DATE OF THE ELECTION, AND IF THE ENVELOPE

CONTAINING THE BALLOT IS POSTMARKED, THE POST MARK DATE MUST BE ON OR BEFORE THE DATE OF ELECTION, AND SAID BALLOT MUST BE RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED BY UNITED STATES POSTAL SERVICE WITHOUT A POSTMARK SHALL BE COUNTED, PROVIDED THE BALLOT ENVELOPE MEETS ALL OTHER REQUIREMENTS (SIGNATURES, REGISTRATION, ETC.) AND THE RECEIPT BY THE CITY INDICATES THE BALLOT WAS MAILED ON OR BEFORE THE DATE OF THE ELECTION AND THE BALLOT WAS RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION.

(D) THE CITY CLERK, AS CHAIR OF THE CANVASSING BOARD, SHALL REPORT THE RESULTS OF THE ELECTION TO THE CITY COUNCIL AS THE FIRST ORDER OF BUSINESS FOLLOWING THE ROLL CALL AT THE NEXT REGULAR COUNCIL MEETING FOLLOWING THE MEETING OF THE CANVASSING BOARD.

(KC 6-12; ORDS. 707, 1652-95, 2108-2005, 2488-2010, 2556-2011)

6.05.130 TIE VOTES.

IN CASE OF FAILURE TO ELECT BECAUSE OF A TIE VOTE, THE COUNCIL SHALL IMMEDIATELY PROCEED TO RECOUNT THE VOTES. IF THERE IS STILL A FAILURE TO ELECT BECAUSE OF A TIE AFTER COMPLETION OF THE RECOUNT, THE ELECTION SHALL BE DETERMINED FAIRLY BY LOT FROM AMONG THE CANDIDATES TYING, IN A MEETING OF THE COUNCIL AND UNDER ITS DIRECTION, IN ACCORDANCE WITH THE CITY CHARTER, SECTION 10-4. (KC 6-22)

6.05.140 ABSENTEE VOTING.

ANY QUALIFIED VOTER WHO MAY SECURE AND CAST AN ABSENTEE BALLOT IN A STATE ELECTION MAY SECURE AND CAST AN ABSENTEE BALLOT IN A CITY ELECTION. THE CITY CLERK SHALL SUPERVISE ABSENTEE VOTING, AND SHALL ISSUE NECESSARY INSTRUCTIONS REGARDING THE PROCEDURE FOR ABSENTEE VOTING TO QUALIFIED APPLICANTS FOR ABSENTEE BALLOTS. THE CITY CLERK SHALL PROVIDE THE ABSENTEE BALLOTS, THE SECRECY ENVELOPES FOR THE BALLOTS, AND THE POSTAGE-PAID RETURN ENVELOPES THEREFOR, AND ANY OTHER FORMS AND SUPPLIES REQUIRED FOR THE USE OF ABSENTEE VOTERS. (KC 6-23; ORD. 2488-2010)

6.05.145 ABSENTEE VOTING IN PERSON.

(A) A QUALIFIED VOTER MAY APPLY IN PERSON FOR AN ABSENTEE BALLOT AT THE OFFICE OF THE CITY CLERK DURING REGULAR OFFICE HOURS, OR THE VOTER MAY APPLY TO THE BOROUGH CLERK'S OFFICE OR ABSENTEE VOTING OFFICIAL IN HIS OR HER AREA DURING REGULAR OFFICE HOURS.

(B) ON RECEIPT OF AN APPLICATION IN PERSON FOR AN ABSENTEE BALLOT AND EXHIBITION OF PROOF OF IDENTIFICATION AS REQUIRED IN THIS TITLE, THE CLERK SHALL ISSUE THE BALLOT TO THE APPLICANT.

(C) THE VOTER SHALL PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SMALL ENVELOPE, TO PLACE THE SMALL ENVELOPE IN THE LARGER ENVELOPE IN THE PRESENCE OF THE ELECTION OFFICIAL WHO SHALL SIGN AS ATTESTING OFFICIAL AND DATE OF HIS OR HER SIGNATURE. THE ELECTION OFFICIAL SHALL THEN ACCEPT THE BALLOT.

(D) THE ELECTION OFFICIAL MAY NOT ACCEPT A MARKED BALLOT THAT HAS BEEN EXHIBITED BY AN ABSENTEE VOTER WITH INTENT TO INFLUENCE OTHER VOTERS. IF THE ABSENTEE VOTER IMPROPERLY MARKS OR OTHERWISE DAMAGES A BALLOT, THE VOTER MAY REQUEST, AND THE ELECTION OFFICIAL SHALL PROVIDE HIM OR

HER WITH ANOTHER BALLOT UP TO A MAXIMUM OF THREE (3). EXHIBITED, IMPROPERLY MARKED, OR DAMAGED BALLOTS SHALL BE DESTROYED. THE NUMBERS OF ALL BALLOTS DESTROYED SHALL BE NOTED ON THE BALLOT STATEMENT.

(E) EACH ABSENTEE VOTING OFFICIAL SHALL KEEP A RECORD OF THE NAMES AND THE SIGNATURES OF VOTERS WHO CAST ABSENTEE BALLOTS BEFORE HIM OR HER AND THE DATES ON WHICH THE BALLOTS WERE CAST.

(ORD. 1799-98)

6.05.150 ABSENTEE VOTING—APPLICATION.

ANY QUALIFIED VOTER WHO IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT MAY APPLY TO THE CITY CLERK IN PERSON, BY A PERSONAL REPRESENTATIVE, BY MAIL, OR BY ELECTRONIC TRANSMISSION, FOR AN ABSENTEE BALLOT. AN APPLICATION FOR AN ABSENTEE BALLOT RECEIVED BY THE CITY BY MAIL OR ELECTRONIC TRANSMISSION SHALL INCLUDE THE NAME OF THE APPLICANT AND BOTH THE LOCATION, I.E., ELECTRONIC, FACSIMILE, OR MAILING ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED AND HIS OR HER FULL RESIDENTIAL ADDRESS IN THE CITY. THE DATES FOR MAKING SUCH APPLICATIONS FOR ABSENTEE BALLOTS IN CITY ELECTIONS SHALL BE NOT LESS THAN SEVEN (7) DAYS PRIOR TO THE ELECTION. THE CITY CLERK SHALL FOLLOW THE PROCEDURE PRESCRIBED BY STATE LAW FOR ELECTION OFFICIALS IN DETERMINING WHETHER AN APPLICANT IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT. (KC 6-24; ORDS. 1652-95, 2556-2011)

6.05.160 ABSENTEE VOTING—BALLOTS.

VOTERS CASTING ABSENTEE BALLOTS SHALL MARK THE BALLOT, PLACE THE BALLOT IN THE SECRECY ENVELOPE AND THEN PLACE THE SECRECY ENVELOPE WITH THE MARKED BALLOT INSIDE THE POSTAGE-PAID RETURN ENVELOPE, AND RETURN THE DOCUMENTS TO THE CITY CLERK IN THE SAME MANNER AND UNDER THE SAME REGULATIONS, AS NEARLY AS MAY BE, AS REQUIRED BY LAW IN STATE ELECTIONS. (KC 6-25; ORD. 2488-2010)

6.05.170 ABSENTEE VOTING—BY MAIL.

(A) A QUALIFIED VOTER MAY APPLY FOR AN ABSENTEE BALLOT BY MAIL IF THE APPLICATION IS POSTMARKED NOT EARLIER THAN THE FIRST OF THE YEAR IN WHICH THE ELECTION IS TO BE HELD NOR LESS THAN SEVEN (7) DAYS BEFORE AN ELECTION. A VOTER MAY REQUEST HIS OR HER NAME BE PLACED ON PERMANENT ABSENTEE BY MAIL STATUS. THE APPLICATION SHALL INCLUDE THE ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED, THE APPLICANT'S FULL ALASKA RESIDENCE ADDRESS, AND THE APPLICANT'S SIGNATURE.

(B) AFTER RECEIPT OF AN APPLICATION BY MAIL, THE CITY CLERK SHALL SEND THE ABSENTEE BALLOT AND OTHER ABSENTEE VOTING MATERIAL TO THE APPLICANT BY FIRST CLASS MAIL. THE MATERIALS SHALL BE SENT AS SOON AS THEY ARE READY FOR DISTRIBUTION. THE POSTAGE PAID RETURN ENVELOPE SENT WITH THE MATERIALS SHALL BE ADDRESSED TO THE CITY CLERK.

(C) UPON RECEIPT OF AN ABSENTEE BALLOT BY MAIL, THE VOTER, IN THE PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS, MAY PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SECRECY ENVELOPE, TO PLACE THE SECRECY ENVELOPE IN THE POSTAGE PAID ENVELOPE, AND TO SIGN THE VOTER'S CERTIFICATE ON THE BACK OF THE

POSTAGE-PAID RETURN ENVELOPE IN THE PRESENCE OF AN OFFICIAL LISTED IN THIS SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND SHALL DATE HIS OR HER SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN THIS SUBSECTION ARE REASONABLY ACCESSIBLE, AN ABSENTEE VOTER SHALL HAVE THE BALLOT WITNESSED BY A PERSON OVER THE AGE OF EIGHTEEN (18) YEARS.

(D) AN ABSENTEE BALLOT MUST BE MARKED AND ATTESTED ON OR BEFORE THE DATE OF THE ELECTION. IF THE VOTER RETURNS THE BALLOT BY MAIL, HE OR SHE SHALL USE A MAIL SERVICE AT LEAST EQUAL TO FIRST CLASS AND MAIL THE BALLOT NOT LATER THAN THE DAY OF THE ELECTION TO THE CITY CLERK. THE BALLOT ENVELOPE MUST BE POSTMARKED ON OR BEFORE MIDNIGHT OF ELECTION DAY AND RECEIVED BY THE CITY CLERK NO LATER THAN NOON ON THE SEVENTH DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED AFTER THAT TIME SHALL NOT BE OPENED BUT SHALL BE MARKED "INVALID," WITH THE DATE OF RECEIPT NOTED THEREON, AND SHALL BE PRESERVED WITH OTHER BALLOTS OF THE ELECTION.

(E) THE CITY CLERK MAY REQUIRE A VOTER CASTING AN ABSENTEE BALLOT BY MAIL TO PROVIDE PROOF OF IDENTIFICATION OR OTHER INFORMATION TO AID IN THE ESTABLISHMENT OF HIS OR HER IDENTITY.

(F) THE CITY CLERK SHALL MAINTAIN A RECORD OF THE NAME OF EACH VOTER TO WHOM AN ABSENTEE BALLOT IS SENT BY MAIL. THE RECORD MUST LIST THE DATE ON WHICH THE BALLOT IS MAILED AND THE DATE ON WHICH THE BALLOT IS RECEIVED BY THE CITY CLERK AND THE DATES ON WHICH THE BALLOT WAS EXECUTED AND POSTMARKED.

(ORDS. 2488-2010, 2556-2011)

6.05.180 VOTING—AUTHORIZED.

THE ELECTION OFFICIAL MAY PROVIDE FOR VOTING AT ONE (1) OR MORE VOTING PLACES FOR ONE (1) OR MORE QUESTIONS OR OFFICES ON A BALLOT. (ORDS. 881, 1788-98)

6.05.190 VOTING—BOARDS.

THE ELECTION OFFICIAL SHALL APPOINT A RECEIVING BOARD AND A DATA PROCESSING CONTROL BOARD, EACH CONSISTING OF THREE (3) MEMBERS. THE ELECTION OFFICIAL SHALL APPOINT A CHAIR OF EACH BOARD AND ADMINISTER THE OATH PRESCRIBED FOR ELECTION JUDGES TO BOTH CHAIR WHO SHALL ADMINISTER THE OATH TO THE REMAINING MEMBERS OF THEIR RESPECTIVE BOARDS. A VACANCY ON A BOARD SHALL BE FILLED BY THE ELECTION OFFICIAL. (ORDS. 881, 1788-98)

6.05.200 VOTING DEVICES AND MACHINES.

(A) VOTING DEVICES AND MACHINES WILL BE USED FOR ALL REGULAR AND SPECIAL ELECTIONS UNLESS DETERMINED NOT TO BE PRACTICAL BY THE CLERK. THE LAWS OF THE STATE CONCERNING VOTING DEVICES AND MACHINES ARE INCORPORATED IN THIS CHAPTER AS IF FULLY SET OUT IN THIS CHAPTER EXCEPT FOR PROVISIONS IN CONFLICT WITH THIS CHAPTER.

(B) THE ELECTION OFFICIAL SHALL DESIGNATE THE COMPUTERS TO BE USED IN COUNTING THE BALLOTS AND MAY NEGOTIATE AND CONTRACT WITH THE KENAI PENINSULA BOROUGH OR A PRIVATE COMPUTER SERVICE FOR THE NEEDED COMPUTER SERVICES.

(ORDS. 881, 941, 1788-98)

6.05.210 VOTING—TESTS AND SECURITY.

NO LATER THAN ONE (1) WEEK BEFORE THE ELECTION, THE COMPUTER VOTE COUNTING PROGRAM MUST BE TESTED IN THE PRESENCE OF, AND TO THE SATISFACTION OF, THE DATA PROCESSING CONTROL BOARD. (ORDS. 881, 1788-98)

6.05.220 RECOUNT OF VOTES—APPLICATION.

(A) ANY DEFEATED CANDIDATE OR ANY TEN (10) QUALIFIED VOTERS, WHO BELIEVE THAT A MISTAKE HAS BEEN MADE BY AN ELECTION OFFICIAL OR BY THE COUNCIL IN COUNTING THE VOTES IN ANY ELECTION, MAY MAKE AN APPLICATION IN WRITING TO THE COUNCIL FOR A RECOUNT OF THE VOTES FROM THE PRECINCT FOR ANY PARTICULAR OFFICE OR ON ANY PARTICULAR QUESTION. THE APPLICATION MUST BE FILED WITH THE MAYOR, THE CITY CLERK, OR IN THE OFFICE OF THE CITY CLERK WITHIN TWENTY-FOUR (24) HOURS, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY AFTER THE COUNCIL DECLARES THE RESULTS OF THE VOTE BEING QUESTIONED. IN CASE OF A TIE VOTE BETWEEN TWO (2) OR MORE CANDIDATES, THE COUNCIL SHALL RECOUNT THE VOTES WITHOUT AN APPLICATION THEREFOR.

(B) THE PERSON OR PERSONS APPLYING FOR A RECOUNT SHALL DEPOSIT ONE HUNDRED DOLLARS (\$100.00) IN CASH, BY CERTIFIED CHECK, OR BY BOND WITH SURETY APPROVED BY THE COUNCIL, EXCEPT IN THE CASE OF A TIE VOTE FOR CANDIDATES (WHEN NO DEPOSIT SHALL BE REQUIRED). IF ON THE RECOUNT A CANDIDATE OTHER THAN THE CANDIDATE WHO WAS FIRST DECLARED ELECTED IS DECLARED ELECTED, OR IF THE RESULT OF THE VOTE ON A QUESTION IS REVERSED, OR IF THE VOTE ON RECOUNT IS DETERMINED TO BE FOUR PERCENT (4%) OR MORE IN EXCESS OF THE VOTE REPORTED AFTER THE FIRST CANVASS FOR THE CANDIDATE APPLYING FOR THE RECOUNT OR IN FAVOR OF THE OPPOSED TO THE QUESTION STATED IN THE APPLICATION, THE DEPOSIT SHALL BE REFUNDED; OTHERWISE, IT SHALL BE PLACED IN THE GENERAL FUND OF THE CITY.

(C) THE COUNCIL SHALL BEGIN THE RECOUNT WITHIN FORTY-EIGHT (48) HOURS AFTER RECEIVING THE APPLICATION, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY, SHALL PROCEED WITH IT AS FAST AS PRACTICABLE, AND, SHALL DECLARE THE RESULTS THEREOF. THE CITY CLERK SHALL PROMPTLY ISSUE ANOTHER ELECTION CERTIFICATE IF A CHANGE IN THE RESULTS REQUIRE IT.

(KC 6-27; ORD. 2108-2005)

6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.

ANY CANDIDATE OR A MAJORITY OF THE PERSONS WHO REQUESTED A RECOUNT WHO HAVE REASON TO BELIEVE THAT AN ERROR HAS BEEN MADE IN THE RECOUNT INVOLVING ANY CANDIDATE OR QUESTION, MAY APPEAL TO THE SUPERIOR COURT IN ACCORDANCE WITH APPLICABLE COURT RULES GOVERNING APPEALS IN CIVIL MATTERS. THE FILING OF THE APPEAL AND THE PROCEEDINGS SHALL BE, AS NEARLY AS MAY BE, AS IN CASE OF SUCH AN APPEAL MADE AFTER A RECOUNT IN A STATE ELECTION. (KC 6-28)

6.05.240 ELECTION CONTESTS.

ANY DEFEATED CANDIDATE OR TEN (10) QUALIFIED VOTERS, BY ACTION BROUGHT IN THE SUPERIOR COURT, MAY CONTEST THE ELECTION OF ANY PERSON OR THE APPROVAL OR REJECTION OF ANY QUESTION UPON THE SAME GROUNDS AND IN THE SAME MANNER, AS NEARLY AS MAY BE, AS IN ELECTION CONTESTS ARISING OUT OF STATE ELECTIONS. THE CITY CLERK SHALL PROMPTLY ISSUE ANY NEW ELECTION CERTIFICATE REQUIRED TO REFLECT THE JUDGMENT OF THE COURT. (KC 6-29)

6.05.250 RULES AND REGULATIONS.

RULES AND REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS PURSUANT TO LAW REGULATING STATE ELECTIONS SHALL ALSO APPLY TO CITY ELECTIONS INsofar AS THEY ARE APPLICABLE. THE CITY CLERK SHALL HAVE THE POWERS AND DUTIES PRESCRIBED FOR THE DIRECTOR OF ELECTIONS IN SAID RULES AND REGULATIONS, WITH REGARD TO CITY ELECTIONS, INsofar AS IT WOULD BE APPROPRIATE IN CITY ELECTIONS. (KC 6-31; ORD. 803)

6.05.260 CITY ELECTION TIME.

NOTHING IN THIS CHAPTER SHALL PROHIBIT HOLDING A CITY ELECTION ON THE SAME DAY AND BY THE SAME ELECTION PERSONNEL AS A STATE, BOROUGH, OR OTHER PUBLIC ELECTION, OR SUBMITTING A CITY QUESTION AT SUCH AN ELECTION, AS AUTHORIZED BY THE CITY CHARTER, SECTION 10-8. (KC 6-32)

6.05.270 OFFENSES AND PENALTIES.

(A) IT IS UNLAWFUL FOR ANY PERSON, FIRM, OR CORPORATION TO DO ANY OF THE FOLLOWING ACTS, AND ANY PERSON, FIRM, OR CORPORATION WHO DOES ANY OF THE FOLLOWING ACTS SHALL BE GUILTY OF A VIOLATION:

- (1) DIRECTLY OR INDIRECTLY USES OR THREATENS TO USE FORCE, COERCION, VIOLENCE, RESTRAINT, INFLECTS, OR THREATENS TO INFLECT DAMAGE, HARM, OR LOSS UPON OR AGAINST ANY PERSON TO INDUCE OR COMPEL THE PERSON TO VOTE OR REFRAIN FROM VOTING FOR ANY CANDIDATE IN ANY ELECTION OR FOR ANY ELECTION PROPOSITION OR QUESTION.
- (2) GIVES OR PROMISES TO GIVE, OR OFFERS ANY MONEY OR VALUABLE THING TO ANY PERSON, WITH THE INTENT TO INDUCE HIM OR HER TO VOTE FOR OR RESTRAIN HIM OR HER FROM VOTING FOR ANY CANDIDATE AT ANY ELECTION OR ANY ELECTION PROPOSITION OR QUESTION.
- (3) KNOWINGLY PRINTS OR CIRCULATES, OR CAUSES TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, POSTER, OR OTHER PUBLICATION RELATING TO ANY ELECTION OR TO ANY CANDIDATE AT ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION WITHOUT THE SAME BEARING ON ITS FACE THE NAME AND ADDRESS OF THE AUTHOR, PRINTER, AND PUBLISHER THEREOF.
- (4) WRITES, PRINTS, OR CIRCULATES, OR WHO SHALL CAUSE TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, OR POSTER, OR WHO CAUSES ANY PAID ADVERTISEMENT TO BE PLACED IN A NEWSPAPER OR ANY OTHER PUBLICATION, OR WHO PAYS OR CONTRIBUTES TO THE PAYMENT FOR ANY SUCH ADVERTISEMENT, OR WHO MAKES ANY RADIO BROADCAST, WILLFULLY KNOWING THE LETTER, CIRCULAR, BILL, PLACARD, POSTER, PUBLICATION, PAID ADVERTISEMENT, OR RADIO BROADCAST TO CONTAIN ANY FALSE STATEMENT, CHARGE, OR COMMENT RELATING TO ANY CANDIDATE TO ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION.
- (5) HAS IN HIS OR HER POSSESSION OUTSIDE OF THE VOTING ROOM ANY OFFICIAL BALLOT, PROVIDED THAT THIS SHALL NOT APPLY TO ELECTION OFFICIALS OR OTHER PROPERLY AUTHORIZED PERSONS HAVING SUCH POSSESSION IN LINE OF DUTY.
- (6) MAKES OR KNOWINGLY HAS IN HIS OR HER POSSESSION ANY COUNTERFEIT OF AN OFFICIAL BALLOT.
- (7) REFUSES TO ALLOW AN EMPLOYEE REASONABLE TIME OFF FOR THE PURPOSE OF VOTING WHEN THE EMPLOYEE DOES NOT HAVE A REASONABLE

AMOUNT OF TIME TO VOTE BEFORE OR AFTER WORK, OR WHO, AFTER ALLOWING THE TIME OFF, DEDUCTS THE TIME FROM THE COMPENSATION OF THE EMPLOYEE.

(8) BEING AN ELECTION OFFICIAL WHILE THE POLLS ARE OPEN, OPENS ANY BALLOT RECEIVED FROM A VOTER AT AN ELECTION, OR MARKS A BALLOT BY FOLDING OR OTHERWISE SO AS TO BE ABLE TO RECOGNIZE IT, OR OTHERWISE ATTEMPTS TO LEARN HOW ANY VOTER MARKED HIS OR HER BALLOT, OR ALLOWS THE SAME TO BE DONE BY ANY OTHER PERSON.

(9) WRITES, PRODUCES, OR ASSISTS IN WRITING OR PRODUCING ANY PUBLISHED LETTER, CIRCULAR, POSTER, BILL, PUBLICATION, OR PLACARD, KNOWING THAT IT CONTAINS ANY FALSE STATEMENT OR FALSE CHARGE REFLECTING ON THE CHARACTER, MORALITY, OR INTEGRITY OF ANY CANDIDATE AT ANY ELECTION.

(10) VOTES OR ATTEMPTS TO VOTE IN THE NAME OF ANOTHER PERSON OR IN ANY NAME OTHER THAN HIS OR HER OWN.

(11) BY FORCE, THREAT, INTIMIDATION, OR OFFER OF REWARD, INDUCES OR ATTEMPTS TO INDUCE ANY ELECTION OFFICIAL TO FAIL IN HIS OR HER DUTY.

(12) WILLFULLY CHANGES OR CAUSES TO BE CHANGED ANY OFFICIAL ELECTION DOCUMENTS, INCLUDING BALLOTS, TALLIES, AND RETURNS, OR ATTEMPTS TO DO THE SAME.

(13) WILLFULLY DELAYS OR CAUSES TO BE DELAYED THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(14) WILLFULLY VOTES OR ATTEMPTS TO VOTE MORE THAN ONCE AT THE SAME ELECTION.

(15) SIGNS ANY NAME OTHER THAN HIS OR HER OWN TO A PETITION PROPOSING AN INITIATIVE, REFERENDUM, OR RECALL, OR KNOWINGLY SIGNS HIS OR HER NAME MORE THAN ONCE FOR THE SAME PROPOSITION OR QUESTION AT ONE (1) ELECTION, OR SIGNS THE PETITION KNOWING THAT HE OR SHE IS NOT A QUALIFIED VOTER.

(16) HAVING BEEN CONTRACTED OR EMPLOYED BY THE CITY TO PRINT OR REPRODUCE IN ANY MANNER ANY OFFICIAL BALLOT, WILLFULLY APPROPRIATES TO HIM OR HERSELF, OR GIVES OR DELIVERS TO, OR KNOWINGLY PERMITS TO BE TAKEN BY ANYONE OTHER THAN A PERSON AUTHORIZED BY THE CITY CLERK, ANY OFFICIAL BALLOTS, OR KNOWINGLY PRINTS, REPRODUCES, OR CAUSES TO BE PRINTED OR REPRODUCED ANY OFFICIAL BALLOTS IN ANY OTHER FORM OR WITH ANY OTHER CONTENT THAN THAT PRESCRIBED BY THE CHARTER, ORDINANCE, OR AS DIRECTED BY THE CITY CLERK.

(17) WILLFULLY MAKES A FALSE AFFIDAVIT OR SWEARS FALSELY UNDER ANY OATH REQUIRED IN CONNECTION WITH ANY ELECTION OR REGISTRATION FOR VOTING OR FALSELY AFFIRMS IN LIEU OF SO SWEARING.

(18) WILLFULLY FAILS TO PERFORM ANY ELECTION DUTY OR KNOWINGLY DOES ANY UNAUTHORIZED ACT WITH THE INTENT TO AFFECT THE ELECTION OR ITS RESULTS.

(19) WILLFULLY PERMITS, MAKES, OR ATTEMPTS TO MAKE ANY FALSE COUNT OR REPORT OF THE ELECTION RETURNS.

(20) BEING AN ELECTION OFFICIAL, WILLFULLY CONCEALS, WITHHOLDS, WRONGFULLY CHANGES, MUTILATES, OR DESTROYS THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(B) ANY PERSON, FIRM, OR CORPORATION WHO IS GUILTY OF A VIOLATION AS DEFINED HEREINABOVE SHALL BE PUNISHED UPON CONVICTION THEREOF AS PROVIDED FOR MISDEMEANORS IN KMC 13.05.010.

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 (KC 6-30; ORDS. 1240, 1858-2000)

6.05.280 RECORD RETENTION.

(A) THE CERTIFICATE OF RETURNS OF THE CANVASSING BOARD SHALL BE MAINTAINED PERMANENTLY, AND DESCRIPTIONS OF ELECTION BOUNDARIES, PRECINCTS, AND POLLING PLACES SHALL BE MAINTAINED UNTIL THEY ARE REVISED.
 (B) OTHER ELECTION RECORDS SHALL BE MAINTAINED FOR THE PERIOD SET FORTH BELOW:

FINANCIAL DISCLOSURE FORM	SIX YEARS
CANDIDATE AFFIDAVIT OF EXPENSE AND CONTRIBUTIONS	FIVE YEARS
ELECTION REGISTERS	FOUR YEARS
NOMINATING PETITIONS	THREE YEARS
DECLARATION OF CANDIDACY	THREE YEARS
REJECTED BALLOTS	ONE YEAR, UNLESS ELECTION CONTESTED
CERTIFICATES OF ELECTION RETURN REPORTS	PERMANENTLY

(C) THE CITY CLERK SHALL INFORM THE CITY COUNCIL PRIOR TO DESTRUCTION OF ANY RECORDS, SPECIFYING THE TYPE OF RECORD AND THE DATE OF THE ELECTION TO WHICH IT RELATES.
 (ORDS. 2488-2010, 2556-2011)

6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.

(A) THE CITY CLERK MAY CONDUCT A SPECIAL ELECTION BY MAIL.
 (B) WHEN THE CLERK CONDUCTS A SPECIAL ELECTION BY MAIL, THE CLERK SHALL SEND A BALLOT TO EACH PERSON WHOSE NAME APPEARS ON THE OFFICIAL VOTER REGISTRATION LIST PREPARED UNDER AS 15.07.125 FOR THAT ELECTION. THE CLERK SHALL SEND THE BALLOT TO THE ADDRESS STATED ON THE OFFICIAL REGISTRATION LIST UNLESS THE VOTER HAS NOTIFIED THE CLERK IN WRITING OF A DIFFERENT ADDRESS TO WHICH THE BALLOT SHOULD BE SENT. THE CLERK SHALL SEND BALLOTS BY FIRST CLASS, NONFORWARD-ABLE MAIL ON OR BEFORE THE TWENTY-SECOND (22ND) DAY BEFORE THE ELECTION.
 (C) THE CLERK SHALL REVIEW BALLOTS VOTED UNDER THIS SECTION UNDER PROCEDURES ESTABLISHED FOR THE REVIEW OF ABSENTEE BALLOTS.
 (D) THERE SHALL BE A SMALL BLANK ENVELOPE AND A POSTAGE-PAID RETURN ENVELOPE SUPPLIED TO EACH BY-MAIL VOTER. THE POSTAGE-PAID RETURN ENVELOPE SHALL HAVE PRINTED ON IT AN AFFIDAVIT BY WHICH THE VOTER SHALL

DECLARE THE VOTER'S QUALIFICATION TO VOTE, FOLLOWED BY PROVISION FOR ATTESTATION BY ONE (1) ATTESTING WITNESS, WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE. SPECIFIC INSTRUCTIONS FOR VOTING A BY-MAIL BALLOT AND A LIST OF THE APPOINTED ABSENTEE VOTING OFFICIALS, THEIR HOURS AND LOCATIONS, SHALL BE MAILED TO EACH VOTER WITH THE BALLOT.
(ORDS. 1800-98, 2488-2010)

6.05.310 CASTING BALLOTS.

(A) UPON RECEIPT OF A MAIL-IN BALLOT, THE VOTER SHALL CAST HIS OR HER BALLOT IN THE MANNER SPECIFIED IN KMC 6.05.140 THROUGH 6.05.160. IF THE BALLOT IS CAST IN THE CLERK'S OFFICE, THE CLERK SHALL RETAIN IT FOR DELIVERY TO THE CANVASSING BOARD. IF THE BALLOT IS CAST IN ANOTHER LOCATION, THE VOTER SHALL RETURN IT BY MAIL TO THE CLERK IMMEDIATELY FOR DELIVERY TO THE CANVASSING BOARD.

(B) A VOTER WHO DOES NOT RECEIVE A MAIL-IN BALLOT MAY CAST HIS OR HER BALLOT IN PERSON AS SPECIFIED IN KMC 6.05.145.

(C) A VOTER MAY RETURN THE MAIL-IN BALLOT TO THE CITY CLERK AS PROVIDED IN KMC 6.05.160.

(ORD. 1800-98)

6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.

(A) THE NOTICE OF ELECTION CALLING FOR THE ELECTION MUST STATE THAT THE ELECTION IS TO BE CONDUCTED BY MAIL AND THAT THERE WILL BE NO POLLING PLACE OPEN FOR REGULAR IN-PERSON VOTING ON ELECTION DAY. IN A BY-MAIL ELECTION, ELECTION DAY IS THE DEADLINE BY WHICH A VOTER'S BALLOT MUST BE RECEIVED BY THE CLERK.

(B) FOR EACH ELECTION CONDUCTED BY MAIL, THE PUBLIC NOTICE WILL BE GIVEN AS SET FORTH IN KMC 6.05.100.

(ORD. 1800-98)

6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.

(A) THE CITY CLERK, OR DESIGNEE, SHALL ACT AS ABSENTEE VOTING OFFICIAL.

(B) THE DUTIES OF THE ABSENTEE VOTING OFFICIAL SHALL BE AS FOLLOWS:

(1) PROVIDE ABSENTEE VOTING IN PERSON ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND ABSENTEE VOTING THROUGH A PERSONAL REPRESENTATIVE ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND HAVE UNTIL THE DAY OF THE ELECTION TO RETURN THE BALLOTS;

(2) SIGN A VOTER'S BY-MAIL OATH AND AFFIDAVIT ENVELOPE AS AN AUTHORIZED ATTESTING OFFICIAL, EXCEPT THAT THE ABSENTEE VOTING OFFICIAL MAY NOT ATTEST HIS OR HER OWN BALLOT;

(3) ACCEPT RECEIPT OF A BY-MAIL VOTER'S HAND-DELIVERED VOTED BALLOT, WHICH HAS BEEN SWORN TO, ATTESTED AND SEALED IN THE BY-MAIL RETURN ENVELOPE;

(4) PROVIDE GENERAL VOTER ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE TO A QUALIFIED VOTER WHO CANNOT READ, MARK THE BALLOT, OR SIGN HIS OR HER NAME, AND PROVIDING REPLACEMENT BALLOTS TO VOTERS WHO HAVE IMPROPERLY MARKED OR DAMAGED THEIR BALLOTS;

(5) DATE-STAMP ALL BALLOTS RECEIVED;

(6) PROVIDE FOR THE SECURITY AND SAFEKEEPING OF ALL BALLOTS RECEIVED AND PRESENT THOSE BALLOTS TO THE CLERK FOR CANVASSING.

(ORD. 1800-98)

6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.

(A) A QUALIFIED VOTER MAY APPLY TO THE CITY CLERK FOR AN ABSENTEE BALLOT TO BE SENT TO THE VOTER BY ELECTRONIC TRANSMISSION. SUCH APPLICATION MUST BE MADE BY THE VOTER NOT LESS THAN THE DAY IMMEDIATELY PRECEDING THE ELECTION. ABSENTEE BALLOTS WILL BE TRANSMITTED ELECTRONICALLY TO THE LOCATION (FACSIMILE NUMBER, E-MAIL ADDRESS, OR SIMILAR DESIGNATION) DESIGNATED IN THE APPLICATION. IF NO LOCATION IS DESIGNATED, AND IF THE APPLICATION IS RECEIVED NO LATER THAN SEVEN (7) DAYS PRIOR TO THE ELECTION, THE BALLOT WILL BE MAILED IN THE MANNER PROVIDED IN KMC 6.05.140 FOR DELIVERING ABSENTEE BALLOTS BY MAIL. THE CLERK WILL PROVIDE REASONABLE CONDITIONS FOR TRANSMITTING ABSENTEE BALLOTS ELECTRONICALLY.

(B) THE VOTER MAY RETURN THE BALLOT BY MAIL OR BY ELECTRONIC TRANSMISSION. AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL CONTAIN A COPY OF THE BALLOT TO BE USED AT THE ELECTION IN A FORM SUITABLE FOR TRANSMISSION. A PHOTOCOPY OF THE COMPUTERIZED BALLOT CARD TO BE USED BY PERSONS VOTING IN PERSON AT THE POLLING PLACES IS ACCEPTABLE.

(C) AN ABSENTEE BALLOT THAT IS COMPLETED AND RETURNED BY THE VOTER BY ELECTRONIC TRANSMISSION MUST:

(1) CONTAIN THE FOLLOWING STATEMENT: "I UNDERSTAND THAT BY USING ELECTRONIC TRANSMISSION TO RETURN MY MARKED BALLOT, I AM VOLUNTARILY WAIVING A PORTION OF MY RIGHT TO A SECRET BALLOT TO THE EXTENT NECESSARY TO PROCESS MY BALLOT, BUT EXPECT THAT MY VOTE WILL BE HELD AS CONFIDENTIAL AS POSSIBLE." FOLLOWED BY THE VOTER'S SIGNATURE AND DATE OF SIGNATURE; AND

(2) BE ACCOMPANIED BY A STATEMENT EXECUTED UNDER OATH AS TO THE VOTER'S IDENTITY; THE STATEMENT UNDER OATH MUST BE WITNESSED BY ONE (1) UNITED STATES CITIZEN WHO IS EIGHTEEN (18) YEARS OF AGE OR OLDER.

(D) THE VOTER MAY RETURN THE BALLOT BY MAIL. THE BALLOT MUST BE MARKED, ATTESTED, AND RETURNED IN ACCORDANCE WITH KMC 6.05.170(D) IF THE VOTER RETURNS THE BALLOT BY MAIL.

(E) IF THE VOTER RETURNS THE BALLOT BY ELECTRONIC TRANSMISSION, THE VOTER MUST COMPLY WITH THE SAME DEADLINES AS FOR VOTING IN PERSON ON OR BEFORE THE CLOSING HOUR OF THE POLLS.

(F) WHEN A COMPLETED ABSENTEE BALLOT IS RECEIVED BY THE CITY THROUGH ELECTRONIC TRANSMISSION, THE CLERK WILL NOTE THE DATE OF RECEIPT ON THE ABSENTEE BALLOT APPLICATION LOG AND, IF THE BALLOT IS RECEIVED ON ELECTION DAY, THE TIME OF RECEIPT. THE CLERK WILL THEN:

(1) REMOVE THE BALLOT PORTION OF THE TRANSMISSION FROM THE PORTION THAT IDENTIFIES THE VOTER;

(2) PLACE THE BALLOT PORTION IN A SECRECY SLEEVE;

(3) SEAL THE SECRECY SLEEVE IN AN OUTER ENVELOPE OF THE TYPE USED FOR ABSENTEE BALLOTS RETURNED BY MAIL, AND SEAL THAT ENVELOPE;

(4) ATTACH THE VOTER IDENTIFICATION PORTION TO THE OUTER ENVELOPE; AND

(5) FORWARD THE OUTER SEALED ENVELOPE TO THE CANVASSING BOARD FOR REVIEW.

(G) AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL BE COUNTED IN THE SAME MANNER AS OTHER ABSENTEE BALLOTS, EVEN THOUGH THIS PROCEDURE MAY REVEAL TO ONE (1) OR MORE ELECTION OFFICIALS THE MANNER IN WHICH A

PARTICULAR ABSENTEE VOTER CAST HIS OR HER BALLOT. HOWEVER, IT SHALL BE UNLAWFUL TO DISPLAY AN ELECTRONIC BALLOT IN A MANNER REVEALING THE WAY IN WHICH A PARTICULAR VOTER CAST HIS OR HER BALLOT TO ANY PERSON OTHER THAN THE CITY CLERK, A MEMBER OF THE CLERK'S STAFF, AN INFORMATION TECHNOLOGIES TECHNICIAN RETAINED BY THE CITY, AN ELECTION OFFICIAL IN THE COURSE OF HIS OR HER DUTIES, OR AN ATTORNEY ADVISING THE CLERK ON LEGAL QUESTIONS CONCERNING THE BALLOT.

(ORDS. 2108-2005, 2556-2011)

6.05.340 STORING BALLOTS.

THE CLERK SHALL PROVIDE FOR THE SECURE STORAGE OF THE MAIL-IN BALLOTS RECEIVED FROM THE VOTERS AND BY-MAIL OFFICIALS UNTIL THE DATE SET BY THE CLERK FOR THE COUNTING OF THE BALLOTS. (ORD. 1800-98)

CHAPTER 6.10 FILING FOR OFFICE

SECTIONS:

- 6.10.010 NOMINATING PETITIONS.
- 6.10.020 SUFFICIENCY OF PETITION—NEW PETITION.
- 6.10.030 WITHDRAWAL OF CANDIDACY.
- 6.10.040 PETITION AND STATEMENT TO BE PRESERVED.

6.10.010 NOMINATING PETITIONS.

(A) ANY QUALIFIED PERSON MAY HAVE HIS OR HER NAME PLACED ON THE BALLOT FOR THE ELECTION AS A CANDIDATE FOR MAYOR OR COUNCIL BY FILING WITH THE CITY CLERK, BETWEEN AUGUST 1ST, AND AUGUST 15TH, A SWORN STATEMENT OF HIS OR HER CANDIDACY. IF AUGUST 15TH IS NOT A REGULAR CITY WORKDAY, THE FILING PERIOD SHALL BE EXTENDED TO THE CLOSE OF BUSINESS OF THE NEXT REGULAR CITY WORKDAY. SUCH SWORN STATEMENT SHALL BE ACCOMPANIED BY A NOMINATING PETITION SIGNED BY TWENTY (20) OR MORE REGISTERED, QUALIFIED CITY VOTERS AS REQUIRED BY THE CITY CHARTER, SECTION 10-3.

(B) NO VOTER SHALL SIGN MORE THAN ONE (1) PETITION EXCEPT THAT A VOTER MAY SIGN AS MANY NOMINATING PETITIONS FOR COUNCILMEMBERS AS THERE ARE VACANCIES TO BE FILLED; AND IF A VOTER SIGNS MORE PETITIONS THAN HEREBY AUTHORIZED, HIS OR HER SIGNATURE SHALL BE VOID EXCEPT AS TO THE AUTHORIZED NUMBER OF PETITIONS FIRST FILED.

(C) NOMINATION PETITIONS SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:

NOMINATING PETITION

WE, THE UNDERSIGNED TWENTY (20)
ELECTORS OF THE CITY OF KENAI, HEREBY
NOMINATE AND SPONSOR
_____, WHOSE ADDRESS
IS _____, FOR THE
OFFICE OF _____, TO BE
VOTED FOR AT THE ELECTION TO BE HELD
ON _____; AND WE INDIVIDUALLY
CERTIFY THAT OUR NAMES PRESENTLY
APPEAR ON THE ROLLS OF REGISTERED
VOTERS OF THE CITY OF KENAI, AND THAT
WE ARE QUALIFIED TO VOTE FOR A

CANDIDATE FOR AN ELECTIVE MUNICIPAL OFFICE, AND THAT WE HAVE NOT SIGNED ANY OTHER NOMINATING PETITION FOR THE PARTICULAR OFFICE THIS CANDIDATE SEEKS. CHECK TERM OF OFFICE CANDIDATE IS SEEKING:_____ ONE YEAR;_____ TWO YEARS; THREE YEARS.

(HERE PLACE LINES FOR SIGNATURES, ADDRESSES, AND DATES OF SIGNING.)

ACCEPTANCE OF NOMINATION

I HEREBY ACCEPT THE NOMINATION FOR_____ AND AGREE TO SERVE_____ YEARS IF ELECTED.

DATE FILED:_____ BY:_____

RECEIVED:_____

CITY CLERK SIGNATURE OF CANDIDATE

(KC 6-33; ORDS. 247, 803, 995; AMENDED DURING 11-17-01 SUPPLEMENT; ORDS. 2067-2004, 2562-2011)

6.10.020 SUFFICIENCY OF PETITION—NEW PETITION.
WITHIN THREE (3) DAYS AFTER THE FILING OF THE STATEMENT OF CANDIDACY AND NOMINATING PETITION, THE CITY CLERK SHALL DETERMINE WHETHER THE NOMINATING PETITION IS SIGNED BY THE REQUIRED NUMBER OF REGISTERED VOTERS, AND SO NOTIFY THE CANDIDATE. IF INSUFFICIENT, THE CITY CLERK SHALL RETURN THE PETITION IMMEDIATELY TO THE CANDIDATE WITH A STATEMENT AS TO WHY THE PETITION IS INSUFFICIENT. WITHIN THE REGULAR TIME FOR FILING PETITIONS AND STATEMENTS OF CANDIDACY, A NEW PETITION AND STATEMENT OF CANDIDACY MAY BE FILED BY THE CANDIDATE. THE ABOVE NOTICE TO THE CANDIDATE AND THE RETURN OF AN INSUFFICIENT PETITION MAY BE IN PERSON, BY DELIVERY BY POLICE, OR BY MAIL. (KC 6-34; ORD. 803)

6.10.030 WITHDRAWAL OF CANDIDACY.
ANY CANDIDATE FOR OFFICE MAY WITHDRAW HIS OR HER CANDIDACY AT ANY TIME BEFORE THE EXPIRATION OF THE TIME WHEN CANDIDATES MAY FILE STATEMENTS OF CANDIDACY, BY FILING A WRITTEN NOTICE OF WITHDRAWAL WITH THE CITY CLERK DURING SUCH TIME. (KC 6-35)

6.10.040 PETITION AND STATEMENT TO BE PRESERVED.
THE PETITION AND STATEMENT OF CANDIDACY OF EACH CANDIDATE SHALL BE PRESERVED BY THE CITY CLERK UNTIL THE EXPIRATION OF THE TERM OF OFFICE FOR WHICH HE OR SHE WAS A CANDIDATE. (KC 6-36)

CHAPTER 6.20 INITIATIVE AND REFERENDUM

SECTIONS:

6.20.010 PROVISIONS OF CHARTER TO GOVERN.

6.20.010 PROVISIONS OF CHARTER TO GOVERN.
THE INITIATIVE AND REFERENDUM SHALL BE GOVERNED BY THE CITY CHARTER, SECTIONS 11-1 TO 11-5. THE PROVISIONS OF THIS CHAPTER OF THIS CODE SHALL GOVERN ELECTIONS AT WHICH INITIATED AND REFERRED PROPOSALS ARE SUBMITTED TO THE VOTERS, AS WELL AS OTHER ELECTIONS, INsofar AS THEY ARE APPLICABLE. (KC 6-37)

CHAPTER 6.30 RECALL

SECTIONS:

6.30.010 PROCEDURES AND GROUNDS.

6.30.010 PROCEDURES AND GROUNDS.
PROCEDURES AND GROUNDS FOR RECALL OF INCUMBENTS OF ELECTIVE OFFICES OF THE CITY SHALL BE SUCH AS MAY BE PRESCRIBED BY LAW, AS PROVIDED BY THE CITY CHARTER, SECTION 11-6. THE PROVISIONS OF THIS TITLE OF THIS CODE SHALL GOVERN RECALL ELECTIONS, AS WELL AS OTHER ELECTIONS, INsofar AS THEY ARE APPLICABLE. (KC 6-38)]

Chapter 6.05 General Provisions

6.05.010 – Scope of Title

This title governs all city elections in which voters of the City are entitled to vote.

6.05.020 – Powers and Duties of the Clerk

The clerk is the election supervisor for and shall administer all city elections.

6.05.030 – Definitions

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Ballot” means any document provided by the clerk or designee on which votes may be cast for candidates or propositions. When the term “ballot” is used in this title it shall mean the official ballot, except where the context clearly indicates it means the sample ballot or both types of ballots.

"City election" means any election:

1. To fill a city office;
2. Upon a proposition submitted to the voters under the ordinances of the City; or

3. That the city is required by law to administer.

"City office" means an elective office under the ordinances of the City.

"Clerk" and "City Clerk" mean the clerk of the City, any properly authorized assistant or designee.

"Day" means a calendar day including Saturday, Sunday and holidays.

"Election" includes a regular or special city election.

"Election official" means the clerk and members of all election boards.

"Election supervisor" means the clerk.

"Oath" includes affirmation on penalty of perjury.

"Precinct" means the geographical area for voting purposes that is defined by the Alaska State Legislature.

"Proposition" includes question.

"Publication" means a newspaper of general circulation or posting in public places.

"Regular election" means a general election to fill city offices as required by Alaska Statutes.

"Registration" or "registered" refers to the form of registration required by the state election code. For city elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 days prior to the city election.

"Signature" includes any mark intended as a signature or subscription.

"Special election" means any election held at a time other than when a regular election is held.

"Swear" includes "Affirm".

"Total votes cast" means the total number of votes cast in each seat for candidates whose names are printed on the ballot plus votes properly cast for the same seat in the write-in position(s) of the ballot. Ballots which are counted as blank votes in a particular race and ballots which are counted as over votes in a particular race shall not be added into the total votes in determining the percentage of votes cast.

"Vote center" means any location designated by the clerk for the purpose of providing voter assistance that is not solely for casting votes for a specific precinct.

"Voter" means any person who presents himself for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

6.05.040 – Severability

Should any provision of this title or its application to any person or set of circumstances be held invalid, the remainder of this title and its application to any persons or circumstances shall not be affected.

6.05.050 – Election Times.

- (a) Regular Election. 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 as authorized by the City Charter, Section 10-1.
- (b) Special Election. The council, by resolution or ordinance, may call a special election at any time at least 75 days prior to the date of the election. Unless the council has set a date for a required special election, the election supervisor shall call a special election when required by law or ordinance to place and initiative, referendum, recall, or other question before the voters.
- (c) Nothing in this chapter shall prohibit holding a city election on the same day and by the same election personnel as a State, Borough, or other public election, or submitting a city question at such an election, as authorized by the City Charter, Section 10-8.

6.05.060 – Votes Required for Election to Office.

- (a) Each city office shall be filled by the candidate receiving the greatest number of votes as authorized by the City Charter, Section 10-4.
- (b) Tie votes. In case of a failure to elect because of a tie vote, the council shall immediately proceed to recount the votes pursuant to KMC 6.45.010. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates tying, in a meeting of the Council and under its direction, in accordance with the City Charter, Section 10-4.

6.05.070 – Preservation of Election Ballots, Papers, and Materials.

The clerk shall preserve all precinct election certificates, tallies, registers, receipts for ballots, all voted ballots, and declarations of candidacy filed for one month after the election is certified, unless the election is contested. If the election is contested, these records shall be preserved for one month after the election contest is resolved and the election is certified. These materials may be destroyed after their retention period has lapsed unless their destruction is stayed by an order from the court. Certificates of the canvass board are to be preserved as permanent records.

6.05.080 – Election Expenses.

- (a) The City shall pay all necessary expenses relating to the conduct of each city election. Necessary expenses shall include those associated with conducting the election. The clerk shall retain a record for auditing and payment of election expenses.
- (b) The City shall pay each election official and canvass board member an hourly rate for time spent at his or her election duties, including the receiving of instructions. The election supervisor shall set the hourly compensation to be paid for time spent by election officials.

6.05.090 – Initiative, Referendum, and Recall.

- (a) The initiative and referendum shall be governed by the City Charter, Sections 11-1 to 11-5. The provisions of this chapter of this Code shall govern elections at which initiated and

referred proposals are submitted to the voters, as well as other elections, insofar as they are applicable.

- (b) As set forth by the City Charter, Section 11-6, all incumbents of elective offices of the City, including persons chosen to fill vacancies in such offices, shall be subject to recall from office by the qualified voters of the City. Procedures and grounds for recall shall be such as may be prescribed by law. The Council, by ordinance, may further regulate the recall insofar as such regulation is not in conflict with the State Constitution or law.

6.05.100 – Offenses and Penalties

(a) It is unlawful for any person, firm, or corporation to do any of the following acts, and any person, firm, or corporation who does any of the following acts shall be guilty of a violation:

- (1) Directly or indirectly uses or threatens to use force, coercion, violence, restraint, inflicts, or threatens to inflict damage, harm, or loss upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question.
- (2) Gives or promises to give, or offers any money or valuable thing to any person, with the intent to induce him or her to vote for or restrain him or her from voting for any candidate at any election or any election proposition or question.
- (3) Knowingly prints or circulates, or causes to be written, printed, or circulated, any letter, circular, bill, placard, poster, or other publication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face the name and address of the author, printer, and publisher thereof.
- (4) Writes, prints, or circulates, or who shall cause to be written, printed, or circulated, any letter, circular, bill, placard, or poster, or who causes any paid advertisement to be placed in a newspaper or any other publication, or who pays or contributes to the payment for any such advertisement, or who makes any radio broadcast, willfully knowing the letter, circular, bill, placard, poster, publication, paid advertisement, or radio broadcast to contain any false statement, charge, or comment relating to any candidate to any election or to any election proposition or question.
- (5) Has in his or her possession outside of the voting room any official ballot, provided that this shall not apply to election officials or other properly authorized persons having such possession in line of duty.
- (6) Makes or knowingly has in his or her possession any counterfeit of an official ballot.
- (7) Refuses to allow an employee reasonable time off for the purpose of voting when the employee does not have a reasonable amount of time to vote before or after work, or who, after allowing the time off, deducts the time from the compensation of the employee.
- (8) Being an election official while the vote centers are open, opens any ballot received from a voter at an election, or marks a ballot so as to be able to recognize it, or otherwise attempts to learn how any voter marked their ballot, or allows the same to be done by any other person.
- (9) Writes, produces, or assists in writing or producing any published letter, circular, poster, bill, publication, or placard, knowing that it contains any false statement or false charge reflecting on the character, morality, or integrity of any candidate at any election.
- (10) Votes or attempts to vote in the name of another person or in any name other than his or her own.
- (11) By force, threat, intimidation, or offer of reward, induces or attempts to induce any election official to fail in his or her duty.
- (12) Willfully changes or causes to be changed any official election documents, including ballots, tallies, and returns, or attempts to do the same.
- (13) Willfully delays or causes to be delayed the election returns, or attempts to do so.
- (14) Willfully votes or attempts to vote more than once at the same election.

- (15) Signs any name other than his or her own to a petition proposing an initiative, referendum, or recall, or knowingly signs his or her name more than once for the same proposition or question at one (1) election, or signs the petition knowing that he or she is not a qualified voter.
- (16) Having been contracted or employed by the City to print or reproduce in any manner any official ballot, willfully appropriates to him or herself, or gives or delivers to, or knowingly permits to be taken by anyone other than a person authorized by the City Clerk, any official ballots, or knowingly prints, reproduces, or causes to be printed or reproduced any official ballots in any other form or with any other content than that prescribed by the Charter, ordinance, or as directed by the City Clerk.
- (17) Willfully makes a false affidavit or swears falsely under any oath required in connection with any election or registration for voting or falsely affirms in lieu of so swearing.
- (18) Willfully fails to perform any election duty or knowingly does any unauthorized act with the intent to affect the election or its results.
- (19) Willfully permits, makes, or attempts to make any false count or report of the election returns.
- (20) Being an election official, willfully conceals, withholds, wrongfully changes, mutilates, or destroys the election returns, or attempts to do so.
- (b) Any person, firm, or corporation who is guilty of a violation as defined hereinabove shall be punished upon conviction thereof as provided for misdemeanors in KMC 13.05.010.

Chapter 6.10 Voter Qualifications

6.10.010 – Voter Qualifications

A person is qualified to vote in a city election who:

- (a) Have the qualifications for voters prescribed by the City Charter, Section 10-6, the State Constitution, Article V, Sections 1 and 2, and State Law; and
- (b) Is registered to vote in state elections at a residence address within the City at least 30 days before the city election at which the person seeks to vote.

6.10.020 – Rules for Determining Residence of Voters.

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- (a) A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of this state or of the United States or by absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state or the United States or of the high seas, while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers' Home or the Alaska Veterans' Home.
- (b) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one place, but does business in another, the former is the person's place of residence. Temporary work sites do not constitute a dwelling place.
- (c) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one place of residence.

- (d) A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only and with the intent of returning.
- (e) A person does not gain residence in any place to which the person comes without the present intention to establish a permanent dwelling at that place.
- (f) A person loses residence in this city if the person votes in another city's or borough's election or another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state again until qualifying under provisions of state law.
- (g) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- (h) The address of a voter as it appears on the official voter registration record is presumptive evidence of the person's voting residence. This presumption is negated only if the voter notifies the Division of Elections in writing of a change of voting residence.

6.10.030 - Notice of voter registration.

Before each election, the clerk shall post on the city website and publish at least twice in a newspaper of general circulation, a notice of voter registration. The posting and first publication shall occur not less than 60 days before the election. The notice shall include the qualifications required to vote and the deadline for registering to vote in the election.

Chapter 6.15 Filing for Office

6.15.010 – Candidate Qualifications

A candidate for elective city office:

- (a) Shall have the qualifications required in City Charter, Section 2-1(b), as of the date of the declaration of candidacy.
- (b) Shall provide proof of qualifications for office as required by the clerk, and
- (c) Shall submit a nominating petition, on a form provided by the clerk, signed by twenty (20) or more registered qualified City voters, in accordance with City Charter, Section 10-3.

6.15.020 – Nomination and Declaration of Candidacy.

- (a) A candidate for council or mayor may have his or her name placed on the ballot for election as a candidate for Mayor or Council by filing with the clerk, between August 1st and August 15th, 4:30 p.m., a nominating petition with sufficient signatures and a sworn declaration of his or her candidacy, on a form or forms provided by the clerk, accompanied by the public financial disclosure statement required by KMC 1.85.010(a). If August 15th is not a regular City workday, then candidates shall have until noon on the first workday following to file their candidacy paperwork.
- (b) A nominating petition shall include:
 - 1. The full name of the candidate the petitioners are sponsoring; and
 - 2. The full residence address of the candidate; and
 - 3. The office for which the petitioners are nominating the candidate for; and
 - 4. The length of the term of office for which the petitioners are nominating the candidate for; and
 - 5. Certification that the petitioners' names appear on current voter registration rolls for the City of Kenai, are qualified to vote for a candidate for elective municipal office, and have not signed any other nominating petition for the particular office the named candidate seeks.

- (c) No voter shall sign more than one (1) petition except that a voter may sign as many nominating petitions for councilmembers as there are vacancies to be filled; and if a voter signs more petitions than hereby authorized, his or her signature shall be void except as to the authorized number of petitions first filed.
- (d) A declaration of candidacy shall include:
1. The full name of the candidate and the manner in which he/she wishes his/her name to appear on the ballot; and
 2. The full residence and mailing address of the candidate; and
 3. The office for which the candidate declares; and
 4. A statement that the candidate is qualified for the office as provided by law; and
 5. Certification that the information contained in the declaration of candidacy is true and accurate; and
 6. The date and signature of the candidate; and
 7. Attestation and date by the clerk; and
 8. Any other information the clerk reasonably requires to determine whether the candidate is qualified for the office as provided by law.
- (e) Within three (3) days after the filing of the declaration of candidacy and nominating petition, the clerk shall determine whether the nominating petition is signed by the required number of registered voters, and so notify the candidate. If insufficient, the clerk shall return the petition immediately to the candidate with a statement as to why the petition is insufficient. Within the regular time for filing petitions and declarations of candidacy, a new petition and declaration of candidacy may be filed by the candidate. The above notice to the candidate and the return of an insufficient petition may be in person or by mail.

6.15.030 – Reserved.

6.15.040 – Correction, Amendments, and Withdrawal of Declaration of Candidacy.

- (a) Any candidate may withdraw their nomination at any time during the period for filing a nomination petition declaration of candidacy by appropriate written notice to the clerk. However, after the filing period has closed, no declaration may be corrected, amended or withdrawn.
- (b) A declaration of candidacy presented shall not be changed as to term of office. If a candidate desires to file for a different office, the candidate shall request new forms from the clerk.

6.15.050 – Campaign Reporting.

All candidates for elective city office shall comply with the Alaska Public Offices Commission campaign reporting requirements in Alaska Statutes 15.13. The name of the candidate shall be placed on the ballot by the clerk only after the candidate has complied with this requirement.

6.15.060 – Notice of Vacancy.

At least ten (10) days before nominations are open for each regular or special election, the clerk shall publish at least twice in a newspaper of general circulation, a notice of offices to be filled at the election and the procedure for filing a nomination petition and declaration of candidacy for the offices.

6.15.070 – Watchers.

Any candidate for elective city office may appoint a watcher for each vote center or counting center. State law relating to watchers in elections shall govern watchers in city elections insofar as it is applicable.

Chapter 6.20
Administration of Elections

6.20.010 – Election Notices.

- (a) Notice of Election. Before every city election, regular or special, the clerk shall cause to be published at least twice in a newspaper of general circulation, a notice of election. The clerk shall also post a notice of election on the official city bulletin board and in two (2) other public places in the city limits. The posting and first publication shall occur at least 20-days before an election. Each notice of election shall include:
 - 1. The type of election, whether regular or special;
 - 2. The date of the election;
 - 3. A statement that the election is to be conducted by mail and that there will be no precinct polling places open for the election on election day;
 - 4. The hours and locations the vote centers will be open;
 - 5. The offices to which candidates are to be elected;
 - 6. The subjects of propositions to be voted upon;
 - 7. Voter qualifications and instructions for registration; and
 - 8. Instructions for application for absentee voting.
- (b) Failure to publish such a notice of an election shall not affect the validity of the election or of the vote for any candidate or on any proposal; but, if caused by the clerk, shall constitute failure to perform his or her official duties.
- (c) In addition to the above notice, the clerk shall publish in full, every charter amendment, every ordinance, and every other question which is to be submitted at an election, except a referred ordinance which was published in full after passage, not more than four (4) weeks and at least two (2) weeks before the election in accordance with the City Charter, Sections 1-7(4) and 10-8.
- (d) Notice of Bonded Indebtedness. Before a general obligation bond issue election, the clerk shall publish notice of total existing bonded indebtedness at least once a week for three consecutive weeks. The first notice shall be published at least 20-days before the date of the election. The notice must include:
 - 1. The current total general obligation bonded indebtedness, including authorized but unsold bonds, of the City;
 - 2. The cost of the debt service on the current indebtedness; and
 - 3. The total assessed valuation within the city.

6.20.020 – Election Officials.

- (a) Before each election, the clerk, subject to approval by the council, shall appoint election officials.
- (b) If any appointed election official is not able or refuses to serve, the clerk may appoint a replacement for that official.
- (c) All election officials, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the clerk.

(d) Candidates shall not serve as election officials. Certain familial relationships may not exist between a candidate and an election official in regular or special elections. Those familial relationships are:

1. Mother, mother-in-law, stepmother;
2. Father, father-in-law, stepfather;
3. Sister, sister-in-law, stepsister;
4. Brother, brother-in-law, stepbrother;
5. Spouse; or
6. Person sharing the same living quarters.

(e). If the clerk knows or learns that any of these relationships exist, the election official shall be notified and replaced.

6.20.030 – Ballot Form.

(a) The ballot shall be designed with the position of names of the candidates set out in the same order in each section on each ballot used in that election. However, the order of placement of the names of the candidates for each office shall be randomly determined by the clerk.

(b) The title of the office to be filled shall be followed by the printed names of the candidates for such office, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for no more than _____" with the appropriate number replacing the blank, shall be placed before the list of candidates for each office. The names of the candidates shall be printed as they appear upon the declaration filed with the clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of a proper name. The names of candidates shall be set out in order as provided in subsection A. of this section.

(c) The propositions to be voted on shall follow the candidates for office or shall be on separate ballots, as the clerk may determine. The words "yes" and "no" shall appear below each proposition.

(d) Each ballot shall bear the words "Official Ballot," and the date of the election.

(e) A ballot shall be printed either on paper or on card stock as provided in this title.

(f) The ballots shall be consecutively numbered.

6.20.040 – Ballot Preparation and Distribution.

(a) The clerk shall have ballots printed for each election. The clerk may contract for the preparation and printing of ballots without competitive bidding.

(b) The clerk shall possess the printed ballots at least 21 days before each regular election and at least 15 days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or by his or her authorized agent, and any discovered mistake shall be corrected immediately.

(c) The clerk shall have sample ballots available to voters which are identical in form to the official ballot, and which are printed on colored paper and marked "sample." Sample ballots shall be made available at vote centers.

Chapter 6.25 Elections by Mail

6.25.010 – By-Mail Precincts.

- (a) All precincts within the City shall be designated as “by-mail” precincts. The procedures shall be as follows:
 - a. Ballots shall be sent to each registered voter in the precinct on or before the 21st day prior to the regular or special election
 - b. Voted ballots must be postmarked on or before midnight of Election Day and received by the clerk no later than the Tuesday following the election.
- (b) Voters wishing to vote in person may do so at designated vote center(s).

6.25.020 – Procedures for Conducting Elections by Mail.

- (a) The clerk shall mail by non-forwardable mail an official ballot package with a return identification envelope addressed to the Clerk’s Office and a secrecy sleeve. The ballot, return envelope, and secrecy envelope shall be mailed no later than the 21st day before the date of a regular or special election. The ballot shall be sent to the address stated on the official registration list unless:
 - 1. The voter has notified the clerk in writing of a different address to which the ballot should be sent; or
 - 2. The address on the official registration list has been identified as being an undeliverable (UN) address or is in the condition of purge notice (PN).
- (b) On receipt of any ballot described in this section, the voter shall mark the ballot, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the Clerk’s Office by return mail or by depositing the ballot at any place of deposit designated by the clerk. The ballot must be returned in the identified envelope. A ballot must be received by the clerk or at a place of deposit designated by the clerk, not later than the end of the period determined under regulations established by the clerk.

Chapter 6.30Absentee and Vote Center Voting.**6.30.010 – Administration of Absentee Voting.**

The clerk shall provide general administrative supervision over the conduct of absentee voting. The clerk shall make available, instruction to absentee voters regarding the procedure for absentee voting.

6.30.020 – Designation of Absentee Voting Officials.

The clerk may appoint any person qualified to vote in state elections to act as absentee voting officials. The clerk shall supply adequate voting supplies and ballots to the absentee voting officials. After taking an oath in the form required of election officials, an absentee voting official may perform all the duties of an election official with respect to the issuance, witnessing and receipt of absentee ballots at such places and times as the clerk may designate. Each absentee voting official shall transmit the dated envelopes containing the marked ballots to the clerk in the manner set forth in the written instructions provided by the clerk. Upon receipt of the absentee ballots, the clerk shall hold the ballots in a secure location until they can be transferred to the canvass board along with the absentee in person registers and other election materials received from the absentee voting official.

6.30.030 – Eligibility.

Any qualified voter may vote at a vote center for the precinct in which the voter resides and is registered whether inside the city or not.

6.30.040 – Fee Prohibited.

No person may receive a fee from the voter for attesting to any voter's certificate required in voting absentee.

6.30.050 – Materials for Absentee Voting.

The clerk shall provide ballots for use as absentee ballots for all precincts, and shall provide a small envelope in which the voter shall initially place the marked ballot, and shall provide a larger envelope, with the prescribed voter's certificate on the back, in which the smaller envelope with ballot enclosed shall be placed. The clerk shall provide the form of and prepare the voter's certificate on the back, in which the smaller envelope with ballot enclosed shall be placed. The clerk shall provide the form of and prepare the voter's certificate which shall include an oath, for use when required, that the voter is a qualified voter in all respects, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and identified themselves, blanks for the attesting official or witnesses, and a place for recording the date the envelope was sealed and witnessed.

6.30.060 – Vote Center Voting – In Person.

- (a) A qualified voter may apply in person for an absentee ballot at the office of the clerk during regular office hours, or the voter may apply to the borough clerk's office or election official during regular office hours.
- (b) On receipt of an application in person for an absentee ballot and exhibition of proof of identification as required in this title, the election official shall issue the ballot to the applicant.
- (c) The voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope in the presence of the election official who shall sign as attesting official and date of the signature. The election official shall then accept the ballot.
- (d) The election official may not accept a marked ballot that has been exhibited by an absentee voter with intent to influence other voters. If the voter improperly marks or otherwise damages a ballot, the voter may request, and the election official shall provide the voter with another ballot up to a maximum of three. Exhibited, improperly marked, or damaged ballots shall be destroyed. The numbers of all ballots destroyed shall be noted on the ballot statement.
- (e) Each election official shall keep a record of the names and the signatures of voters who cast absentee ballots before the election official and the dates on which the ballots were cast.
- (f) Fifteen minutes before the closing of the vote center, and at the time of closing the voter center, an election official shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement at 15 minutes before closing time shall not in any way invalidate the election or extend the time for closing of the voter center. After closing, no person will be allowed to enter the voter center for purposes of voting. Every qualified voter present and in line at the time prescribed for closing the voter center may vote.
- (g) When the vote centers are closed and the last vote has been cast, the election official shall account for all ballots by completing a ballot statement containing, in a manner prescribed by the clerk, the number of official ballots supplied.

6.30.070 – Absentee Voting – By Mail.

- (a) A qualified voter may apply for an absentee ballot by mail if postmarked not earlier than the first of the year in which the election is to be held nor less than seven days before an election. A voter may request his name be placed on permanent absentee by mail status. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature.
- (b) After receipt of an application for an absentee ballot by mail, the clerk shall send the absentee ballot and other absentee voting material to the applicant by first class mail. The materials shall be sent as soon as they are ready for distribution. The return envelope sent with the materials shall be addressed to the clerk.
- (c) Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date his signature. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall have the ballot witnessed by a person over the age of 18 years.
- (d) An absentee ballot must be marked and attested on or before the date of the election. If the voter returns the ballot by mail, he shall use the most expeditious mail service and mail the ballot not later than the day of the election to the clerk. It must be postmarked on or before midnight of Election Day and received by the clerk no later than noon on the seventh day following the election. Ballot envelopes received after that time shall not be opened but shall be marked "invalid", with the date of receipt noted thereon, and shall be preserved with other ballots of the election.
- (e) The clerk may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of his identity.
- (f) The clerk shall maintain a record of the name of each voter to whom an absentee ballot is sent by mail. The record must list the date on which the ballot is mailed and the date on which the ballot is received by the clerk and the dates on which the ballot was executed and postmarked.

6.30.080 – Absentee Voting – By Electronic Transmission.

- (a) A qualified voter may apply for an absentee ballot to be sent by electronic transmission. Such request must be made not less than the day immediately preceding the election. Absentee ballots will be electronically transmitted to the location designated in the application. If no location is designated, and if the request is received no later than seven (7) days prior to the election, the ballot will be mailed in the manner provided in KMC 6.35.070 for absentee ballots by mail. The clerk will provide reasonable conditions for electronically transmitting absentee ballots.
- (b) A ballot electronically transmitted shall contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the vote center is acceptable.
- (c) An absentee ballot that is completed and returned by the voter by electronic transmission must:
 - 1. Contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to

- the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature; and
2. Be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by one United States citizen who is 18 years of age or older.
- (d) The voter shall mark the ballot on or before the date of the election and shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the clerk. The ballot may not be counted unless it is received by noon on the seventh (7th) day after the election.
 - (e) A voter who returns the absentee ballot by electronic transmission must comply with the same deadlines as for voting in person on or before the closing hour of the vote centers.
 - (f) When a completed absentee ballot is received by electronic transmission, the clerk will note the date of receipt on the absentee ballot application log and, if the ballot is received on Election Day, the time of receipt. The clerk will then:
 1. Remove the ballot portion of the transmission from the portion that identifies the voter;
 2. Place the ballot portion in a secrecy sleeve;
 3. Seal the secrecy sleeve in an outer envelope of the type used for absentee ballots returned by mail, and seal that envelope;
 4. Attach the voter identification portion to the outer envelope; and
 5. Forward the outer sealed envelope to the canvas board for review.
 - (g) An electronically transmitted ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular absentee voter cast his or her ballot. However, it shall be unlawful to display a telefax ballot in a manner revealing the way in which a particular voter cast his or her ballot to any person other than the clerk, a member of the clerk's staff, an election official in the course of his or her duties, or an attorney advising the clerk on legal questions concerning the ballot.

6.30.090 – Special Needs Voting.

A qualified voter with a disability who, because of that disability, is unable to go to a vote center to vote may vote a special needs ballot. Special needs ballots shall be issued and accounted for in accordance with the rules adopted by the state for use in state elections and in effect at the time of the local election.

6.30.100 – Prohibitions.

- (a) During the hours that the vote centers are open, no election official may discuss any political party, candidate or issue while on duty.
- (b) During the hours the vote centers are open, no person who is in the voter center or within 200 feet of any entrance to the voter center may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. The election official shall post warning notices in the form and manner prescribed by the clerk.
- (c) No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in this chapter.
- (d) While the vote centers are open no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.
- (e) No person may leave the voter center with the official ballot that the person received to mark.

6.30.110 – Assisting Voter.

A qualified voter who cannot read, mark the ballot, or provide a signature may request assistance from an election official or not more than two persons of the voter's choice. If the election official is requested, the official shall assist the voter. If any other person is requested, the person providing assistance shall state upon oath before the election official that the voter's ballot will be kept confidential.

6.30.120 – Spoiled Ballots.

The election supervisor shall specify uniform procedures for replacement, registration and disposition of spoiled ballots. These uniform procedures shall be provided in writing to the election judges.

6.30.130 – Placing Ballot in Ballot Box.

When the voter has marked the ballot, the voter shall inform the election official. The clerk may require that the voter return the ballot to the election official temporarily so that any stub which may be part of the ballot may be removed by the election official. Any such requirement shall protect the secrecy of the ballot. In all cases the ballot shall be deposited in the ballot box by the voter in the presence of the election official unless the voter requests the election official to deposit the ballot.

Chapter 6.35
Ballot Counting Procedures.

6.35.010 – Commencement of Ballot Count.

Upon receipt of voted ballot packages the election official will verify that the voter has provided at least one identifier, signed the envelope and that the signature has been witnessed. If the ballot package is complete and valid, the package will be sorted by precinct and the ballot and identifying envelope will be separated. The ballot will proceed to be scanned and counted. The unofficial results will not be tallied until the end of the designated election period.

6.35.020 – General Procedure for Ballot Count.

The clerk may issue rules prescribing the manner in which the precinct ballot count is accomplished so as to assure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4) the number of official ballots unused and destroyed. Discrepancies shall be noted and the numbers included in the certificate prescribed by the clerk. When hand counting ballots, the election official shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may have a marking device in hand or remove a ballot from the immediate vicinity.

6.35.030 – Rules for Counting Hand-Marked Ballots.

- (a) The election officials shall count hand marked ballots according to the following rules:
1. A voter may mark his or her ballot with a cross mark, "X" mark, diagonal, horizontal or vertical mark, solid mark, star, circle, asterisk, check or plus sign using the

parking device provided at the vote center or with any black-inked marker. The marks will be counted only if they are clearly spaced in the square opposite the name of the candidate the voter desires to designate.

2. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
 3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
 4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
 5. The mark specified in subsection 1 of this section shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square marked.
 6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly marked.
 7. An erasure or correction invalidates only that section of the ballot in which it appears.
- (b) The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

6.35.040 – Write-in Votes.

- (b) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.
- (c) In order to vote for a write-in candidate, the voter must write a candidate's name in the space provided and, in addition, mark the square opposite the candidate's name in accordance with KMC 6.35.030(a). Stickers may not be used. Use of stickers can cause that portion of the ballot to be invalidated.
- (d) Write-in votes shall only be tabulated by person if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.

6.35.050 – Disqualified Candidate.

Votes cast for a candidate who is disqualified shall not be counted for any purpose.

6.35.060 – Tally of Votes.

Tally of votes cast by paper ballots. The clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy and to expedite the process. The election board shall canvass and count the votes according to the rules for determining marks on ballots prescribed in KMC 6.30.030. The election board shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the election supervisor may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.

6.35.070 – Completion of Ballot Count.

When the tally of hand counted ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results. The certificate includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the election supervisor. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the election supervisor one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed or hand delivered to the election supervisor. The package shall clearly indicate the precinct from which it came. To assure adequate protection the election supervisor shall prescribe the manner in which the ballots, registers and all other election records and materials are thereafter preserved, transferred and destroyed.

Chapter 6.40

Canvassing and Certification of Election Results.

6.40.010 – Canvass Board.

(a) Pursuant to the provisions of Section 10-9 of the Charter of the City of Kenai, there is hereby established a Canvassing Board for the canvassing of all City elections; regular and special, and to ascertain and declare the results thereof, as follows:

- (1) The City Clerk is hereby designated as the Chair of the Canvassing Board.
- (2) The Canvassing Board shall consist of the City Clerk and up to eight (8) additional judges selected from among the qualified voters of the city. In the event any such appointed member of the Board is absent from the city, ill, or otherwise unable to attend at the time set for canvassing the ballot, the City Clerk is hereby authorized to appoint another election judge from the same precinct to substitute for the appointed member.

(b) All members of the election canvass board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the clerk.

6.40.020 – Preparation for Counting Ballots Delivered by Mail.

- (a) Ballots may not be counted before 8:00 p.m., local time, on the day of the election.
- (b) Not sooner than the tenth day before the date of an election, in preparation for counting ballots delivered by mail, the election supervisor may:
 1. begin opening return identification and secrecy envelopes of ballots delivered by mail and received; and
 2. take any other actions that are necessary to allow the counting of ballots delivered by mail to begin at 8:00 p.m., local time, on election day.

6.40.030 – Canvass of Returns.

(a) The canvassing board shall meet on the Tuesday following each election, the election canvass board shall meet in public session and canvass all election returns. In full view of those present, the election canvass board shall judge the applicability of by mail and absentee ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. Upon completion of the canvass, the canvassing board shall prepare a final certificate of the results of votes cast by absentee ballot and of votes cast by mail ballot, and shall prepare a written report of the results.

- (a) The clerk, as chair of the canvassing board, shall report the results of the election to the council at the next regular council meeting following the meeting of the canvassing board.

6.40.040 – Voters Not on Official Registration List.

A person whose registration has been canceled under AS 15.07.130(b) shall not have their ballot counted.

6.40.050 – Certification of the Election Results.

- (b) At the next regular council meeting following the meeting of the canvassing board, the council shall meet in public session to receive the report of the canvass board. If, after considering the report, the council determines that the election was validly held, the election shall be certified by resolution and entered upon the minutes of the meeting, together with the total number of votes cast for each candidate and for or against each proposition or question.
- (c) If the canvass board reports that a failure to comply with provisions of state law and city ordinances, or an illegal election practice has occurred, and that such failure is sufficient to change the outcome of the election, then the council may exclude the votes cast in one or more precincts where such failure or illegal practices occurred from the total returns, or may declare the entire election invalid and order a new election.
- (d) If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the council may order a recount of votes cast in said precinct or precincts. Such recount shall be conducted immediately by the canvass board and the results shall be reported to the council. The council shall meet as soon as possible to certify the results of the election recount.
- (e) Upon certification of a valid election, the clerk shall deliver to each person elected to office a certificate of election, signed by the clerk and authenticated by the seal of the city, in accordance with City Charter, Section 10-9.

Chapter 6.45 Election Recount.

6.45.010 – Recount Application.

- (a) Any defeated candidate or any ten (10) qualified voters, who believe that a mistake has been made by an election official or by the canvass board in counting the votes in any election, may make an application in writing to the clerk for a recount of the votes for any particular office or on any particular question. The application must be filed in the office of the City Clerk within twenty-four (24) hours, excluding any Saturday, Sunday, or holiday after the council certifies the results of the vote being questioned. In case of a tie vote between two (2) or more candidates, to which only one candidate is to be elected, the clerk shall initiate a recount.
- (b) The application shall include a deposit in cash or by certified check for the amount listed in the most current City of Kenai Schedule of Rates, Charges and Fees. The deposit shall be applied against any costs incurred or refunded if there is no liability for recount costs.
- (c) A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular precinct, office, proposition or question for which the recount is to be held and shall state that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or person making the application shall designate by full name and mailing address two persons who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by ten qualified voters shall also include the

designation of one of the number as chairman. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

6.45.020 – Date of Recount – Notice.

- (a) If the clerk determines that the application is substantially in the required form, the clerk shall fix the date of the recount to be held within forty-eight (48) hours, excluding any Saturday, Sunday, or holiday, after the receipt of an application requesting a recount of the votes in a city election after it has been initiated under KMC 6.45.010.
- (b) The clerk shall give the recount applicant and other directly interested parties notice of the time and place of the recount by telephone or electronic transmission.

6.45.030 – Procedure for Recount.

- (a) If a recount of ballots is demanded, the clerk shall appoint a recount board of four or more qualified voters to conduct the recount of ballots or those precincts cited in the application for recount.
- (b) In conducting the recount, the recount board shall review all ballots to determine which ballots or parts of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate, and the review. For administrative convenience, the clerk may join and include two or more applications in a single review and count of votes. The rules governing the counting of marked ballots shall be followed in the recount.
- (c) The ballots and other election materials shall remain in the custody of the clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within ten (10) days.

6.45.040 – Certification of Recount Result.

Upon completion of the recount, the recount board shall meet and adopt a report of the results of the recount for submission to the council. The council shall abide by procedures for issuing a certificate of the election as set forth in this title. The clerk shall promptly issue another election certificate if a change in the results requires it.

6.45.050 – Return of Deposit and Apportionment of Expenses Upon Recount.

If, upon recount, a different candidate or position on a proposition or question is certified or if the vote on recount is four percent (4%) or more in excess of the vote originally certified for the candidate or position on a proposition or question supported by the recount application, the entire deposit shall be refunded to the recount applicant; otherwise, it shall be placed in the general fund of the City. If this section does not require that the entire deposit be refunded, the clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If it is determined that the contestant shall bear the costs of the recount pursuant to this section, and the deposit is insufficient to cover the costs, the City may recover the excess costs from the contestant. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expense.

6.45.060 – Appeal to the Courts After Recount.

Any candidate or a majority of the persons who requested a recount who have reason to believe that an error has been made in the recount involving any candidate or question, may appeal to

the Superior Court in accordance with applicable court rules governing appeals in civil matters. The filing of the appeal and the proceedings shall be, as nearly as may be, as in case of such an appeal made after a recount in a State election.

Chapter 6.50
Contest of Election.

6.50.010 – Grounds for Election Contest.

A candidate or any ten (10) qualified voters of the city may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

- (a) Malconduct, fraud or corruption by an election official sufficient to change the result of the election;
- (b) The person elected is not qualified under law or ordinance; or
- (c) Existence of a corrupt election practice, as defined by the laws of the State of Alaska, sufficient to change the result of the election.

6.50.020 – Contest Procedure.

- (a) Notice of contest of an election shall be submitted in writing to the clerk before five p.m. on the day of the certification of the election or to the council at its meeting to certify the election returns. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

The undersigned contest the regular (or special) election of the City of Kenai held on the _____ day of _____. The grounds for the contest are as follows:

Signature and date

(Notarization)

- (b) Upon receiving a notice of contest, the council shall order an investigation be conducted by the clerk and city attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.
- (c) If the contest involves the eligibility of voters, the council shall direct the clerk to recheck the most current state registration lists. After considering the reports of the investigating officials and any other proof, the council shall determine whether any illegally cast votes could have affected the election results. If they could not have, the council may so declare and determine the election valid and certify the results pursuant to this title.
- (d) If the contest involves other prohibited election practices which are shown to have taken place, the council, in certifying the election returns, shall exclude the vote of the precincts where such practices occurred. If it is determined that such exclusion could not affect the election results, the council shall declare the election valid and certify the results pursuant to this title.
- (e) The contestants shall pay all costs and expenses incurred in a recount of an election as provided by KMC 6.45.010.

6.50.030 – Appeal or Judicial Review.

A person may not appeal or seek judicial relief of an election for any cause or reason unless the person is qualified to vote in the city, has exhausted all administrative remedies before the council, and has commenced within ten (10) days after the council has finally declared the election results.

an action in the superior court. If an action under this section is not commenced within the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

Chapter 6.55
Special Elections.

6.55.010 – Procedure.

The clerk shall conduct special elections in accordance with the procedures set out in this title for a regular election.

Section 2. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 3. Effective Date: That this ordinance shall take effect on January 1, 2021.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this * day of *, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Introduced: May 20, 2020
Enacted: *, 2020
Effective: *, 2020



KENAI

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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Robert Peterkin, Council Member
DATE: May 14, 2020
SUBJECT: Ordinance No. 3127-2020

In January 2019 the Kenai Peninsula Borough formed the Election Stakeholder Group in response to an ADA complaint related to election practices and I, along with Mayor Gabriel, City Manager Ostrander, and City Clerk Heinz participated in the group's meetings. The group's guiding principles included maximizing accessibility and inclusivity, ensuring efficiency and conservation of public resources, ensuring voter satisfaction and confidence, ensuring longevity in the solution, promoting coordination and collaboration, ensuring security and integrity of the voting system, encouraging higher voter turnout, and ensuring continuity of election operations. The group received presentations from local clerks, the State of Alaska Division of Elections, the Municipality of Anchorage, the United States Postal Service, and the Kenai Peninsula Borough's (KPB) current ballot printer. The group also received demonstrations from two software/hardware providers. Presentations reviewed both polling place and vote by mail structures. The group unanimously adopted six recommendations, the number one recommendation being to transition the election process from a polling site structure to a vote by mail hybrid structure. On September 18, 2019, the Kenai City Council adopted Joint Resolution No. 2019-001, recognizing the recommendations of the KPB Election Stakeholders Group and directing staff to explore implementation of the recommendations.

In December 2019, the KPB clerk's office contracted with Resource Data for the completion of a feasibility study and cost analysis for a vote by mail system implementation and, Resource Data's final feasibility study, in section 2.1. Overall Assessment, indicated that they believed that KPB would be able to successfully transition to an area-wide vote by mail election process.

The City of Kenai shares approximately 6,000 voters with KPB and traditionally, much of the election process is a joint effort making voting both in the City of Kenai and KPB elections not only a more convenient process for the shared voters but a more fiscally responsible one.

Ordinance 3127-2020 will codify and implement the vote by mail hybrid system recommended by the Election Stakeholders Group in conjunction with KPB to continue to provide convenient, secure and fiscally responsible elections to the city's voters in a sustainable and accessible way.

Your consideration is appreciated.



KENAI

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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz
DATE: May 12, 2020
SUBJECT: Ordinance No. 3127-2020

Following is an analysis of how our current election code was incorporated into Ordinance No. 3127-2020, highlights potential policy changes, and discusses which sections of our current election code would no longer be needed if the city were to move to a by-mail election process.

6.05.010 is new and provides a scope for the title.

6.05.020 replaces current 6.05.070, indicates that the clerk administers elections, and was adapted from Kenai Peninsula Borough (KPB) Code.

6.05.030 is new, provides definitions, and was incorporated as found in KPB's code as potentially amended by KPB Ordinance No. 2020-24.

6.05.040 is new, provides a severability clause, and was incorporated from KPB's code.

6.05.050 speaks to timing of elections, is adapted from KPB code, includes some details from our own city charter, and provides a timeline for a special election. Subsection (c) replaces current 6.05.260.

6.05.060 speaks to the number of votes required for election to office, includes detail from city charter, and is adapted from KPB code; subsection (b) replaces current 6.05.130.

6.05.070 speaks to record retention and replaces current 6.05.280. This section is adapted from KPB code and reduces retention of most records to 30 days after certification of election. Because retention of some election certification records is permanent, windows of appeal periods being small, and certification finalizing the election the records being reduced to the shortened retention length would no longer be needed; others are not the City's record but Alaska Public Offices Commission's (APOC) record. Ordinance No. 3128-2020 is a companion ordinance to this one and moves retention of financial disclosure forms, as is, to Title 1.

6.05.080 replaces current 6.05.050; addresses the city paying all necessary expenses relating to its elections and was modified to remain consistent with KPB regarding wages and by-mail.

6.05.090 replaces current chapters 6.20 and 6.30 relating to initiative, referendum, and recall situations.

6.05.100 brings offenses and penalties forward which are currently in 6.05.270. Some offenses to note are, using force to coerce a voter to vote in a certain way and voting or attempting to vote in the name of another person or in any name other than his or her own. Punishments for convicted violations are spelled out in KMC 13.05.010 so, our own police department could be leveraged to investigate.

6.10.010 replaces current 6.05.010 relating to voter qualifications, is also spelled out in charter, and adds a bit more language specific to registration; this was adapted from City of Soldotna (CoS) and KPB.

6.10.020 is new and was included pursuant to KPB and CoS. It was modified from AS 15.05.020. This information would provide something for the city to look to in the event of an election contest.

6.10.030 is new in the code but has been past practice; a joint advertisement with CoS.

6.15.010 and 6.15.020 pull a lot of information from city charter and replace current chapter 6.10. They go into more detail about what information is included in nomination petitions and declarations of candidacy. A change here which was incorporated from KPB code modifies the ending of the filing period in the event August 15 falls on a weekend or holiday with the extended deadline being noon on the designated day instead of close of business.

6.15.030 is new; was copied from a KPB ordinance which was adopted in January. This section will provide review processes for determining candidate qualifications and also in the event of an election contest similar to what Homer, KPB, and Haines have experienced.

6.15.040 provides an opportunity for a candidate to amend and withdraw their candidacy. It contains some information from current 6.10.030 and was adapted from KPB code.

6.15.050 is new and is a policy decision relating to campaign reporting; it was taken from KPB code. It can be left as it is which puts the clerk in the position of policing state law, or the second sentence can be removed putting the onus on the candidate. It is current practice that the clerk provides information for accessing APOC to determine what type of reporting would be necessary.

6.15.060 would be a new policy in our code and was taken from KPB and COS.

6.15.070 is a new policy for our code but is current practice, likely taken from KPB at some point.

6.15.080 speaks to watchers and is in our current code as 6.05.060. It is not in KPB code so Anchorage code was looked to for rewording in a by mail situation.

6.20.010 covers election notices and replaces current 6.05.320. Timing changes match KPB. A notice of bonded indebtedness was included which isn't currently mentioned in our code.

6.20.020 regarding election officials replaces current 6.05.040 regarding poll workers and now matches KPB's ordinance 2020-24 for by mail.

6.20.030 is new and specifies ballot form.

6.20.040 speaks to ballot preparation and distribution, and covers what is currently 6.05.080; this was copied from KPB so election resources could continue to be shared.



Chapter 6.25 speaks to by mail elections and is copied from KPB's ordinance 2020-24 for by mail; 6.25.010 incorporates current 6.05.030 to the extent possible with a transition to a by mail election.

6.30.010 is new and speaks to the clerk supervising absentee voting; it was copied from KPB code.

6.30.020 speaks to absentee voting officials and was copied from KPB code and ordinance 2020-24; it covers current 6.05.340 and 6.05.330.

6.30.030 and 6.30.040 discuss who is eligible to vote by mail and prohibits someone collecting a fee for attesting a voter's certificate required on an absentee ballot; these were copied from KPB code.

6.30.050 discusses the clerk providing materials for absentee voting and covers the absentee portion of current 6.05.080.

6.30.060 discusses voting in person in a vote center and was copied from KPB ordinance 2020-24 to provide for sharing resources; this section covers portions of current 6.05.145, 150, and 160.

6.30.070 discusses voting absentee by mail and was adapted from KPB code and ordinance 2020-24. This section addresses portions of current 6.05.140, 145, 150, 160, and 170. It also speaks to a portion of current 6.05.120(c). A new policy here provides that a permanent absentee by mail list will be provided by the City. This is in KPB's existing code and was being considered by the state through HB115 which died in committee when legislature adjourned.

6.30.080 speaks to voting absentee by electronic transmission and incorporates current code sections 6.05.145, 150, 160, 170, and 335.

6.30.090 is not in our current code; however, has been our practice.

6.30.100 speaks to electioneering rules and was not previously codified by the city; it was copied from KPB code.

6.30.110 provides guidance on assisting voters and was not previously codified by the city; it was also copied from KPB code.

6.30.120 provides for the clerk to specify rules for spoiled ballots and has been practice though it has never been in code; it was copied from KPB code.

6.30.130 discusses ballot boxes in the vote centers and covers current 6.05.090 to the extent possible with a mostly by mail election; it was copied from KPB code as may be amended by ordinance 2020-24.

Chapter 6.35 is copied from KPB's code and ordinance 2020-24 to match in counting procedures for sharing election resources.

6.40.010 moves into the canvass board part of the election and incorporates what is currently in 6.05.120 (a); it was adapted from KPB code as may be amended by ordinance 2020-24 and it now speaks to full number of election workers and no longer refers to precincts.



6.40.020 begins with counting procedures considering an influx of by mail ballots received and was copied from KPB code as may be amended by ordinance 2020-24.

6.40.030 is a high level overview of the canvass board's responsibilities and incorporates current 6.05.120(b) and (d)

6.40.040 speaks to ballots of voters not appearing on official registration lists not being counted and has been practice; this section was copied from KPB code.

6.40.050 discusses certification of election results and contains information from charter and the city's past practices; it is new and was adapted from KPB code.

Chapter 6.45 provides policies and adds procedures for an election recount and was copied from KPB code while incorporating the city's current code sections 6.05.220 and 6.05.230. Timelines and certain practices were updated; for example, our code currently indicates that a recount request can be brought to the Mayor and that the requestor can pay by bond.

Chapter 6.50 provides policies and adds procedures for an election contest and was copied from KPB code while incorporating 6.05.240.

To the extent possible with a transition to a by mail election process, all current sections of code were incorporated into this ordinance while retaining the ability to share resources with the borough and attempting to improve processes and provide clarity. Sections in current code that were not incorporated in some way were 6.05.110 which speaks to following state statutes regarding to elections and a poll-based type of election, 6.05.200 is not addressed in KPB code and was left out to provide for the ability to share resources with the borough to the extent we decide, 6.05.210 which speaks to computer testing to the satisfaction of a data processing control board which does not exist, and 6.05.250 which speaks to rules and regulations developed by the Director of Elections at the state level which would be aimed at poll based elections.





KENAI

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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz, CMC, City Clerk
DATE: June 24, 2020
SUBJECT: Ordinance No. 3127-2020 Amendments

At the June 18 work session I was asked to review a few sections of Ordinance 3127-2020. This is a summary of findings and my recommendations.

1. It was suggested that Section 6.15.060 in Ordinance 3127-2020, relating to prohibiting a Council Member filling other elective offices, conflicts with Charter Section 2-3, which allows for a Council Member to be paid for a Borough Assembly position.

Recommended amendment:

Amend Ordinance 3127-2020 by deleting Section 6.15.060 in its entirety and renumbering all subsequent sections in chapter 6.15 appropriately.

2. It was asked if the ballot placement procedure would change given the statement in Section 6.20.030 of Ordinance 3127-2020 that name placement would be randomly determined by the clerk. The name placement procedure that is used at present is not currently addressed in code and I have no intent to change present practice; the random determination by the clerk would be determination by drawing names.
3. It was noted that Section 6.30.030 in Ordinance 3127-2020, which speaks to eligibility for voting by mail with a caveat that the voter needs to be unable to vote by mail, conflicted with Section 6.30.010 (b) which provides that voters wishing to vote in person may do so at designated vote centers.

Recommended amendment:

Amend Ordinance 3127-2020 by deleting the words, “if the voter was unable to vote by mail,” so Section 6.30.030 reads, “Any qualified voter may vote at a vote center for the precinct in which the voter resides and is registered whether inside the city or not.”

Additionally, some other suggestions were brought to my attention and I would like to thank Carol Freas for doing so. From her suggestions I recommend the following amendments:

1. Definition of “Qualified Voter.” Qualified voter is defined in charter and in section 6.10.010 of Ordinance 3127-2020. In section 6.10.010, charter is cited.

Recommended amendment:

Delete the definition of Qualified Voter in section 6.05.030.

2. In section 6.15.040(b) of Ordinance 3127-2020 reference is made to filing for a different seat. The city doesn’t have council seats and this is an error from copying and pasting.

Recommended amendment:

Amend Ordinance 3127-2020 by replacing the word, “seat,” with the word, “office” in Section 6.15.040(b).

Several scrivener’s errors were pointed out and if there is no objection, I will correct them for the official enacted version or a substitute version should it be decided a substitute is needed. Examples of the errors include:

In the definition of ballot in 6.05.030, the word case should be cast and the word is should be it. In 6.05.090(b) All should be all. In 6.10.020(f) in another appears twice in a row. In 6.15.030 there are several references to numbers that, for consistency, should be spelled out with the number following.

Finally, on Monday, June 22, the Borough Clerk sent an email advising that Mayor Pierce intended to veto Kenai Peninsula Borough (KPB) Ordinance 2020-24, which is the KPB’s ordinance for a by-mail hybrid election style, and it is anticipated the veto would be addressed at the July 7th assembly meeting. She also indicated that on Friday, June 19, she received a referendum petition for the same ordinance noting that the sponsors had until July 27 to obtain the required 1300+ signatures in order to place question to refer the ordinance on the October 6 ballot; she then has ten days to certify there are a sufficient number of petitions. Given this information, **I recommend postponing Ordinance 3127-2020 to the August 19 meeting.** At that meeting we would know if the outcome of the above and we could identify our next steps forward.

The amendments proposed herein may be reserved to a future meeting; I felt it best to get them documented sooner than later.

Your consideration is appreciated.





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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz, City Clerk
DATE: August 13, 2020
SUBJECT: **Substitute Ordinance No. 3127-2020**

At the July 1 meeting I was asked to incorporate amendments provided in the amendment memo dated June 24, 2020 into a substitute ordinance; those amendments have been incorporated into the provided substitute ordinance. I also incorporated the date that the Kenai Peninsula Borough Assembly (KPB) adopted their similar ordinance and updated the effective date to match the effective date of the borough's ordinance (January 1, 2021).

Additionally, references to a runoff election in sections 6.10.030 and 6.25.020 were discovered and removed; the Charter indicates that the candidate(s) receiving the highest number of votes shall be elected and, in the event of a tie, the election shall be determined by lot. For these reasons, the City will not encounter a runoff election. These were initially missed when copying the sections from the borough's ordinance.

Finally, section 6.15.030 – Review of Candidate Qualifications, has been removed in its entirety and the section reserved as it may conflict with Charter. As previously explained, this section was incorporated from an ordinance the Kenai Peninsula Borough adopted in January to provide a procedure for the Clerk to determine candidate qualification. Charter section 10-10 indicates that Council shall be the judge of the qualifications of its own members. I still recommend that there be a process to determine qualifications outlined in the code but I would like to bring a revised recommendation back to you in a future ordinance where the clerk facilitates the process but leaves the ultimate decision to the Council to be more in harmony with the Charter.

Your consideration is appreciated.



Sponsored by: City Clerk

CITY OF KENAI

ORDINANCE NO. 3128-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTION 1.85.040 – RECORDS PUBLIC, TO PROVIDE FOR A RECORD RETENTION LENGTH.

WHEREAS, Ordinance 3127-2020 repealed and replaced the City's election code; and,

WHEREAS, it is appropriate to identify the record retention length for financial disclosure statements in KMC 1.85.040 which requires them.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. Amending Section 1.85.040 – Records Public of the Kenai Municipal Code: That Kenai Municipal Code, Section 1.85.040 – Records Public is hereby amended as follows:

1.85.040 Records public.

All statements required to be filed by this chapter are public records and shall be maintained for six (6) years.

Section 2. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 3. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this * day of *, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Introduced: May 20, 2020
Enacted: *, 2020
Effective: *, 2020



KENAI

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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz
DATE: May 14, 2020
SUBJECT: Ordinance No. 3128-2020

Ordinance No. 3128-2020 is a companion ordinance to Ordinance No. 3127-2020. If Ordinance No. 3127-2020 is enacted, record retention of Public Official Financial Disclosure forms would need to be incorporated back into code; it is my recommendation that it be incorporated into KMC Chapter 1.85 where Public Official Financial Disclosure forms are set forth.

Your consideration is appreciated.

PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: OCTOBER 21, 2020

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	90,851.94
REBORN AGAIN JANITORIAL	SEPTEMBER SERVICES	AIRPORT	REPAIR & MAINTENANCE	4,231.25
PREMERA BLUE CROSS	OCTOBER PREMIUM	VARIOUS	INSURANCE	224,367.08

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
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PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL
COUNCIL MEETING OF: OCTOBER 21, 2020

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
POLAR NORTH CONSTRUCTION	REMODEL CARD ROOM/LIBRARY	COVID-19 CARES ACT FUND	MACHINERY & EQUIP.	24,602.90

INCREASE OF EXISTING PURCHASE ORDER

VENDOR	DESCRIPTION	P.O. # - DEPT.	REASON	AMOUNT	TOTAL PO AMT
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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Kathy Romain, Senior Center Director

DATE: October 13, 2020

SUBJECT: **Purchase Order over \$15,000**

On August 11, 2020, the Kenai Peninsula Borough Assembly approved \$50,000 to each senior center within the Borough to use to mitigate COVID-19. These funds were accepted on September 2, 2020 through Ordinance 3161-2020 to enable the Senior Center to change to touch free devices wherever possible and to increase space for social distancing in the Card Room/Library.

Three quotes were requested for remodeling of the Card Room/Library with the lowest quote coming from Polar North Construction in the amount of \$24,602.90.

Thank you for your consideration.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3165-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY PASSED THROUGH THE STATE OF ALASKA DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS TO UPDATE THE CITY'S EMERGENCY OPERATIONS PLAN.

WHEREAS, the City of Kenai received a notice from the State of Alaska Department of Military and Veterans' Affairs that it was awarded \$15,000 for grant projects under the 2020 State Homeland Security Program; and,

WHEREAS, the project that was awarded grant funding was Emergency Operations Plan Updates; and,

WHEREAS, the Kenai Fire Department applied for these grant funds in order to update the City Emergency Operations Plan, which was last updated in 2007; and,

WHEREAS, the grants do not require a monetary match from the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. That the City Manager is authorized to accept a grant from the U.S. Department of Homeland Security passed through the State of Alaska Department of Military and Veterans' Affairs for the updating of the City's Emergency Operations Plan, execute any required grant documents and expend the funds in accordance with grant provisions and conditions.

Section 2. That the estimated revenues and appropriations be increased as follows:

General Fund:

Increase Estimated Revenues – Federal Grants	<u>\$15,000</u>
Increase Appropriations – Fire - Professional Services	<u>\$15,000</u>

Section 3. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances.

Ordinance No. 3165-2020
Page 2 of 2

The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


Section 4. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 4th day of November, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, City Clerk

Approved by Finance: 

Introduced: October 21, 2020
Enacted: November 4, 2020
Effective: November 4, 2020



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: David Ross, Police Chief

DATE: October 6, 2020

SUBJECT: **Ordinance No. 3165-2020 - Ordinance Accepting and Appropriating a Grant from the Department of Homeland Security**

Grants were applied for by the City of Kenai, under the 2020 Homeland Security Program, and one of those grant requests was funded totaling \$15,000 to update the City's Emergency Response Plan. The City received notice of award of the \$15,000 grant for the City to update its Emergency Operations Plan. This grant does not require a monetary match by the City, however, this was not a fully funded request and may necessitate returning to Council to request additional appropriation of funds prior to final approval of an update project.

I am respectfully requesting consideration of the ordinance accepting and appropriating the currently awarded grant funds for the purposes they were intended.

**KENAI HARBOR COMMISSION
REGULAR MEETING
OCTOBER 12, 2020 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
PRESIDENT PRO TEMPORE CRANDALL, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Commissioner Crandall called the meeting to order at approximately 6:00 p.m.

a. Pledge of Allegiance

Commissioner Crandall led those assembled in the Pledge of Allegiance.

b. Roll Call

Roll was confirmed as follows:

Commissioners present: Chair M. Dunn, C. Crandall, B. Bornemann, B. Peters, C. Hutchison

Commissioners absent: J. Desimone, N. Berga

Staff/Council Liaison present: Public Works Director S. Curtin, City Clerk J. Heinz, Council Member J. Glendening

A quorum was present.

MOTION:

Commissioner Hutchison **MOVED** to elect Commissioner Crandall as Chair for the meeting and Commission Chair Dunn **SECONDED** the motion. There were no objections; **SO ORDERED**.

MOTION:

Commissioner Hutchison **MOVED** to approve the agenda as written and Commissioner Bornemann **SECONDED** the motion. There were no objections; **SO ORDERED**.

2. SCHEDULED PUBLIC COMMENTS – None.

3. UNSCHEDULED PUBLIC COMMENT – None.

4. APPROVAL OF MEETING SUMMARY

a. August 10, 2020

MOTION:

Commissioner Peters **MOVED** to approve the meeting summary of August 10, 2020 and Commissioner Hutchison **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. **UNFINISHED BUSINESS** – None.

6. **NEW BUSINESS**

- a. **Discussion** – Project Status Updates for City Dock Repair, Beach Vault Restrooms, the Bluff Erosion, and Peninsula Avenue Bluff Erosion Projects.

Public Works Director Curtin provided an update on the following:

- City Dock Repair, providing an overview of the project and a status update noting the project was on-time;
- Beach Vault Restrooms, providing an overview of the project and a status update noting the project was under way, grass would be replaced, and the restrooms would be saving the City funds in the future;
- Launch Ramp Float Repairs, noting there was funding over the next three years to construct in-house, replacement floats;
- Launch Ramp to be repaired with FY2022 funds;
- Peninsula Avenue Bluff Erosion Project, providing an overview of the project noting it was mostly complete;
- Bluff Stabilization Project, noting agreements with the Corps of Engineers was in place to begin the preliminary engineering design.

7. **REPORTS**

- a. **Public Works Director** – S. Curtin reported the following:
- Airport Terminal Project is wrapping up;
 - Capital Planning for FY2022 to begin this winter;
 - The Streets Department added half a lane to the road exiting the Dock facility for better access during the Dipnet fishery;
 - Provided a Beaver Loop Road update noting the final work would be completed in the spring;
 - Dipnet report to come out in the next few months.
- b. **Commission Chair** – Thanked Crandall for filling in for him; appreciate staff's work.
- c. **City Council Liaison** – J. Glendening noted the actions of the previous several Council Meetings.

8. **NEXT MEETING ATTENDANCE NOTIFICATION** – November 9, 2020

9. **COMMISSIONER COMMENTS AND QUESTIONS**

Commissioner Hutchison expressed gratitude for the Bluff Stabilization Project; interested in making the dredging happen.

Commissioners Peters expressed appreciation for the work on the projects and the updates provided; looking forward to the Bluff Erosion Project moving forward.

Commissioner Bornemann expressed gratitude for the work managing the Personal Use Fishery.

Commissioner Crandall thanked everyone for participating; noted he was doing research on rock jetties, discussed a plan to build a jetty to facilitate building a boat harbor.

10. **ADDITIONAL PUBLIC COMMENT** – None.

11. **INFORMATION ITEMS** – None.

12. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:03 p.m.

Meeting summary prepared and submitted by:

Jamie Heinz, CMC
City Clerk

DRAFT

**KENAI BEAUTIFICATION COMMITTEE
REGULAR MEETING
OCTOBER 13, 2020 – 6:00 P.M.
KENAI CITY HALL
CHAIR LISA GABRIEL, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Chair Gabriel called the meeting to order at 6:11 p.m.

a. Pledge of Allegiance

Chair Gabriel led those assembled in the Pledge of Allegiance.

b. Roll was confirmed as follows:

Committee Members present:	Chair L. Gabriel, T. Wilson, L. Craycraft, E. Heale, T. Wilson
Committee Members absent:	B. Madrid
Staff/Council Liaison present:	Parks and Recreation Director B. Frates, Council Liaison G. Pettey

A quorum was present.

c. Agenda Approval

MOTION:

Committee Member Heale **MOVED** to approve the agenda and Committee Member Wilson **SECONDED** the motion. There were no objections; **SO ORDERED**.

2. SCHEDULED PUBLIC COMMENTS – None.

3. UNSCHEDULED PUBLIC COMMENT – None.

4. APPROVAL OF MEETING SUMMARY

a. May 12, 2020

Committee Member Heale noted she was present at the meeting, though she had arrived late. It was asked if the minutes could be amended to reflect that she was present.

MOTION:

Committee Member Heale **MOVED** to approve the May 12, 2020 minutes with the requested amendment and Committee Member Wilson **SECONDED** the motion. There were no objections; **SO ORDERED**.

b. September 8, 2020

MOTION:

Committee Member Heale **MOVED** to approve the September 8, 2020 minutes and Committee Member Wilson **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. UNFINISHED BUSINESS – None.

6. NEW BUSINESS

a. Discussion – Leif Hansen Memorial Park Water Fountain

Doctor Peter Hanson discussed the addition of a holiday tree display to the Leif Hansen Memorial Park Water Fountain, noting that many flight paths go directly over the park and could see the star at the top. Suggested display would consist of a wire frame with garland and LED lights. Parks and Recreation Director suggested that staining the concrete at the base would also improve the appearance of the fountain. Doctor Hanson noted that Kenai Community Foundation has funds to apply toward the purchase of the tree. Some funds could be available in the next month, with additional funding available at a later date. These issues will be discussed in a joint meeting with the Parks and Recreation department on November 5, 2020, prior to which quotes and timeframes for delivery will be obtained.

7. REPORTS

a. Parks & Recreation Director – Parks and Recreation Director B. Frates reported on the following:

- Collected and disposed of 23 tons illegal camp debris in collaboration with Wildwood Correctional Facility, Alaska Waste, and Holy Assumption Church;
- Delivered 116 pounds of kale to the food bank;
- Purchased 5 – 20x40 tents for local schools and worked with Wildwood to construct tables for under the tents using CARES Act funds;
- Looking at designing new banners for light poles;
- Installed some directional signs into Old Town;
- Received Tarbox Bird Viewing Platform signs; will be hanging on Bridge Access;
- Fall Festival was scaled back due to the Public Health Emergency but was a success; and
- Kenai River Marathon in September was a good event – Emily Heale participated; participants appreciated an in-person event as opposed to virtual.

b. Committee Chair - Chair Gabriel noted she attended the Fall Festival; took grandchildren and had a great time; static displays were great.

c. City Council Liaison – Reported there was a new; COVID numbers are increasing but still messaging mitigation; moving forward on bluff erosion – working towards engineering design plan; appreciate committee's service to city and appreciated the flowers in the City this year.

8. NEXT MEETING ATTENDANCE NOTIFICATION – January 12, 2021

9. COMMITTEE MEMBER QUESTIONS AND COMMENTS

Commission Member Heale expressed excited about the possibility of a tree in Leif Hansen.

Commission Member Wilson echoed excited about the tree.

Commission Member Craycraft also excited about the tree.

10. ADDITIONAL PUBLIC COMMENT

Doctor Hansen noted staining the concrete would be a nice touch around the fountain.

11. INFORMATION – None.

12. ADJOURNMENT

There being no further business before the Committee, the meeting was adjourned at 6:51 p.m.

Meeting summary prepared and submitted by:

Jamie Heinz, CMC
City Clerk



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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Mary Bondurant, Airport Manager
DATE: October 9, 2020
SUBJECT: **Airport Mid-Month Report October 2020**

2018 Terminal Rehabilitation Project – Construction: The project is in the final stage. The terminal furniture arrived the week of October 5th and is being installed. City Administration is working on a November ribbon cutting ceremony.

2019 Alaska Fire Training Facility Rehabilitation & Acquire Aircraft Rescue and Firefighting Trucks (ARFF) – This project is also in the final stage. The two ARFF vehicles are on-order with OSHKOSH with a delivery date of June 2021.

2020 Acquire SRE (Loader) – The City received the FAA grant offer on September 2, 2020 for \$266,100 which is 100% of the allowable costs instead of the 93.75%. A possible delivery date is the end of 2020.

2020 Sand/SRE Storage Building – The City received the FAA grant offer on September 24, 2020 for \$1,954,101 which is 100% of the allowable costs instead of the 93.75%. The project kicks off on Wednesday, October 14, 2020.

2020 Land Acquisition – The City received the FAA grant offer on September 10, 2020 for \$26,299 which is 100% of the allowable costs instead of the 93.75%. The purchase is complete for the William Brogen parcel.

In-house Activities:

RAVN Shutdown – The City has received Certificates of Insurance and a signed Airline Operating and Terminal Lease Agreement effective September 8, 2020. RAVN representatives are waiting FAA approval to start passenger service into Kenai; hopefully around the end of October.

Winter Hiring – The Airport has completed the winter recruitment and has hired one seasonal and seven temporary equipment operators for the 2020-2021 winter season.

Storm Water Prevention & Pollution Plan (SWPPP) – The Alaska Department of Environmental Conservation (DEC) has completed the review of the Notice of Intent (NOI) requesting coverage

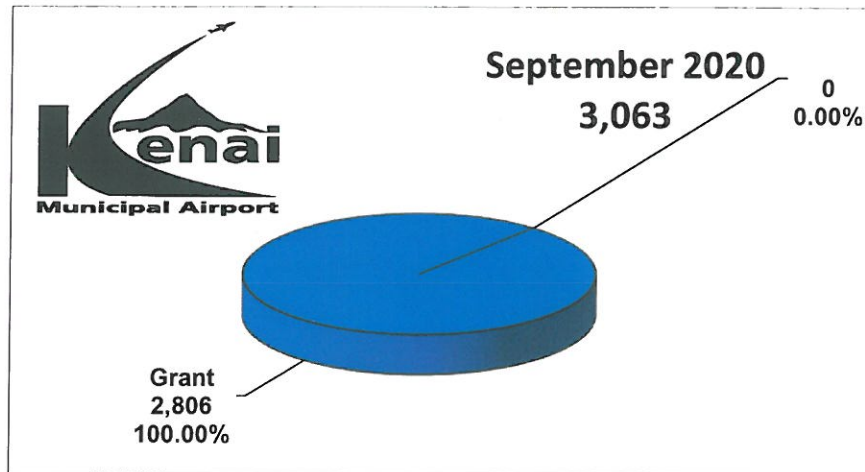
for the Kenai Municipal Airport 2020 Multi-Sector General Permit for Storm Water Discharges associated with “air transportation facilities” and has issued wastewater discharge authorization from October 6, 2020 to March 31, 2025.

Annual Airport Emergency Control Plan (AECp) Review – The annual review of the AECp has been changed from an in-person venue to a VIRTUAL MEETING scheduled for Tuesday, October 13th from 2:00pm to 5:00pm. This is an annual CFR 139 requirement. All AECp participants are encouraged to attend.

Pre-Winter Operations Meeting – The Airport’s pre-season winter operations meeting for all staff, airport tenants and users will be held as a VIRTUAL meeting on October 21, 2020 or one-on-one training as needed with consideration for social distancing.



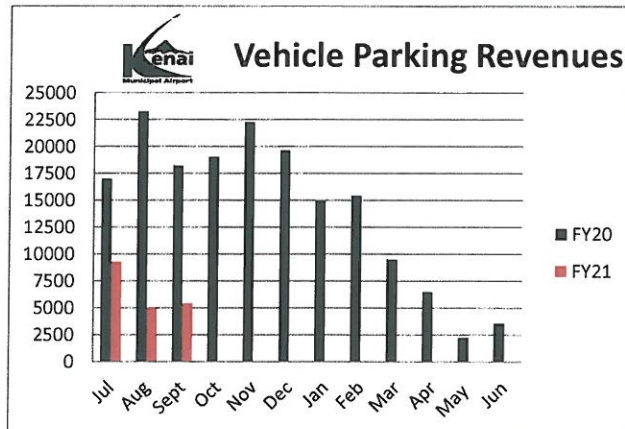
September Enplanement Report



Month	RAVN ALASKA	GRANT AVIATION	Total 2020	2019	Change from 2019
January	4,109	2,281	6,390	6,785	-395
February	3,988	1,942	5,930	5,957	-27
March	0	1,317	1,317	6,808	-5,491
April	0	359	359	6,441	-6,082
May	0	702	702	7,198	-6,496
June	0	1,367	1,367	7,656	-6,289
July	0	2,445	2,445	10,658	-8,213
August	0	3,063	3,063	12,925	-9,862
September	0	2,806	2,806	8,951	-7,045
October			0	7,594	
November			0	6,998	
December			0	7,033	
Totals	8,097	16,282	24,379	95,004	-49,900

Terminal - Vehicle Parking Revenues

September		FY20 Total	
FY19	\$18,235	FY20 Total	\$171,739
FY20	\$5,403	FY21 YTD	\$19,667





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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Terry Eubank, Finance Director

DATE: October 13, 2020

SUBJECT: Finance Department, October 2020 Mid-Month Report

Auditors completed their fieldwork on October 9th and a draft of the FY2020 Comprehensive Annual Financial Report (CAFR) is near completion for their review. Presentation to the Council should be at the December 2nd Council meeting but could be delayed pending release of federal audit guidance on CARES Act grant funds received and expended by the City. Upon completion of this year's audit, the department will be seeking involvement from Council in soliciting the City's auditors for the next three years. Specifically, assistance will be needed in establishing the evaluation criteria of the request for proposal (RFP) and evaluation of the RFP's once received. This process should start in early 2021 but can not be begin until the FY2020 City CAFR is issued.

The department is working on completion of its section of the City's Dip Net report. The report is a summation of information from various departments and includes a detailed analysis of the cost to operate the event.

The department is preparing to issue an RFP for accounting assistance regarding implementation of Governmental Accounting Standards Board (GASB) Pronouncement 87 dealing with the accounting for leases. Appropriated in the FY2021 budget was \$15,000 for professional assistance with this project.

The IT Manager has completed the City's IT Security Audit and the report is in the process of being finalized. This audit was paid for with Department of Homeland Security Grant funds and will identify areas the City can strengthen its network and also assist in prioritization of upgrades and improvements. The report is expected to be complete by the end of this calendar year.

Preparation will soon begin for the FY21 annual budget. Historical and future projections are provided to departments in December to assist in their budget preparation and much work takes place in putting this information together.



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MEMORANDUM

TO: Mayor Brian Gabriel and City Council

THROUGH: Paul Ostrander, City Manager

FROM: Tony Prior, Fire Chief

DATE: October 13, 2020

SUBJECT: Fire Department Mid-Month Report – September

September calls for service increased more towards the average of previous years, while our EMS calls are up from last year. We are continuing to monitor the increase in COVID cases on the Peninsula and patients we are responding to. Our safety precautions continue and we are monitoring closely, our personnel to keep them healthy and working. The following are calls for service in September.

Year	2019	2020	% change
September total	118	111	-5.9%
EMS	79	84	6.3%
All Other	39	27	-30.8%
Year total	1187	963	-18.9%

Mitch Miller attended Advance Aircraft Rescue & Firefighting at BEACON and is now ready to work at Station 2 once RAVN begins operation again. We are conducting an EMT 3 course in-house for Stephen Turkington. Captain Pete Coots is teaching the course to him during shifts. We also began the Paramedic internship with 2 students, one on A-shift, and one on C-shift. Engineer Scott Summers and Driver Operator Ben Nabinger are the Preceptors for the 2 students. This is a 5-week internship of students working the same shift as our personnel. We will be finished with the first group on the 20th of October and the next group will be starting around the end of October.

From the Fire Marshal's Office, FM Hamilton is currently working with the building official to review plans for Kenaitze Wellness Center, Elder's Center, and their new Education facility. He's has also finished his annual continuing education for International Code Council (ICC), along with continuing his training for NFPA's Fire Prevention Specialist.







MEMORANDUM

TO: Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Katja Wolfe, Library Director
DATE: October 7, 2020
SUBJECT: Library Mid-Month Report September 2020

The Kenai Community Library continues to operate with a reduced building capacity, Grab & Go services, and curbside pickup and other services during this ongoing public health emergency. For more information on all the services we provide, please visit our website at <https://www.kenai.city/library>.

September 2020 at a Glance

Checkouts		Sep-19	Sep-20	2020 YTD
Physical		7,116	5,606	40,010
Digital		1,210	1,473	12,594
Visits				
Number of Visitors		6,441	2,684	21,729
New Library Cards		51	48	235
Room Use		179	n/a	396
Programs				
Number of Programs		27	15	183
Program Attendance		468	n/a	n/a
Volunteer Hours		22	n/a	94
Technology Sessions				
Computer Sessions		804	434	3,067
iPad Sessions		182	n/a	203
WiFi Sessions		-	2,552	15,202
Early Literacy Station Sessions		326	n/a	786

September 2020 programming highlights

- All programs in September 2020 were virtual (Facebook and YouTube)
 - Weekly Lego® challenge
 - Virtual story time
 - DIY Pumpkin Pancakes
 - Alaska Wild Berry Identification
 - Pet Tips with the Kenai Animal Shelter
 - Let's Draw Superheroes
- We reached close to 2000 individuals on our social media platform

September 2020 library services highlights

- Circulation continues to increase:
 - 16% from July 2020 to August 2020 and
 - 15.4% from August 2020 to September 2020
- 2,552 Wi-Fi sessions by 486 unique users were registered
- Digital checkouts were 22% higher in September 2020 than in September 2019!
- 48 new library cards were issued, as compared to 31 last month
- As of September 29, 2020, library users can again place holds and pick up their items at most Alaska Library Catalog libraries:
 - We sent 227 items to Soldotna and 99 items to other ALC libraries
 - 104 items from Soldotna and 35 item from other ALC libraries were shipped to us





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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Robert J. Frates, Parks & Recreation Director
DATE: October 13, 2020
SUBJECT: Mid-month Report – September 2020

Fall maintenance operations are in full swing including finalizing the season's turf maintenance operations and putting away summer equipment, materials, and supplies. All the storage units utilized at the various sports fields have been cleaned up and organized for next season and water turned off at various locations.

Below is a summary of tasks and activities:

- Crew installed two Old Town Historic directional signs along the Kenai Spur Highway.
- The Tarbox sign was designed and cost estimates obtained; sign itself is complete and will now be delivered to a fabricator to have a frame constructed before it can be installed.
- Director has been working on obtaining pricing for street banners with the new banner designs.
- A total of 5.52 tons of illegal camp debris was picked up and hauled to the landfill. This was a joint effort between Kenai Parks & Recreation, Kenai Public Works, Kenai Police Department, Department of Corrections (Wildwood Facility) and the Holy Assumption Orthodox Church. Alaska Waste donated use of the roll-off containers. A total of 23.82 tons have been disposed of since June of this summer.
- Operator Randy Dodge has been cleaning out flower beds. A total of 116 lbs. of kale was removed and delivered to the Food Bank.
- Hope Community Services donated 23 hours of volunteer service to the department; tasks included painting benches and trash cans.
- Department of Corrections constructed 20 picnic tables that are now being utilized by Kenai Middle School, Kenai Central High School and Kaleidoscope School.
- The department erected 5, 20x40 tents. Three were set up at the Kenai Middle School with Kenai Central and Kaleidoscope each receiving one. Work was coordinated with the respective schools and assistance provided by Kenai Peninsula Borough Maintenance Department.
- Fall decorations were installed at City Hall, library and Kenai Visitors & Cultural Center.

- The department, in partnership with the Kenai Visitors & Cultural Center, successfully held the Kenai River Marathon. Due to COVID-19, this year's event had a few modifications to ensure the health and safety of participants, volunteers and staff.
- Operator Brusven leveled several plots at the Kenai Cemetery.





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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: David Ross, Police Chief

DATE: October 8, 2020

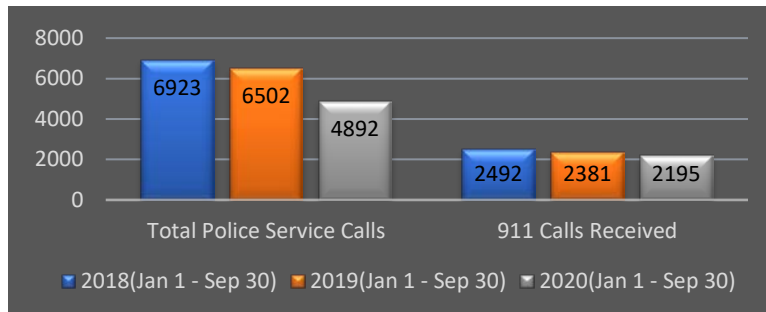
SUBJECT: Police & Communications Department Activity – September 2020

Police handled 495 calls for service in September. Dispatch received 214 9-1-1 calls. Officers made 33 arrests. Traffic enforcement resulted in 181 traffic contacts and 38 traffic citations. There were 9 DUI arrests. Officers investigated 5 motor vehicle crashes. There were no collisions involving moose. There were no collisions involving drugs or alcohol.

The KPD officer on the regional SERT team attended two days of training. One KPD supervisor is attending a four day virtual internal affairs training. All KPD officers are completing a 7 hour virtual de-escalation training. Three dispatchers attended virtual Emergency Medical Dispatch training, and the dispatch supervisor attended a virtual 'Leadership in the 911 call center' training. Both police and dispatch continue to seek training to maintain and improve skills, with many new constraints caused by Covid.

There is one new hire that is still attending the basic police academy in Sitka. The department is currently completing the recruitment to fill an additional police vacancy.

Inv. Smith has returned to the schools this year as a School Resource Officer (SRO). The schools have expressed great pleasure in having his presence back in the schools. He is currently teaching DARE classes at Mountain View Elementary, has attended multiple school related meetings, and handled a number of police issues in connection to the schools.





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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
THROUGH: Dave Ross, Police Chief
FROM: Jessica "JJ" Hendrickson, Animal Control Chief
DATE: October 1, 2020
SUBJECT: September 2020 Monthly Report

This month the Kenai Animal Shelter took in **37** animals. Animal intake and disposition:

DOGS:

INTAKE	17	DISPOSITION	12
Waiver	6	Adopted	5
Stray	3	Euthanized	1
Impound	5	Claimed	6
Protective Custody	1	Field Release	0
Quarantine	0	Transferred	0
Other Intakes	2	Other Dispositions	0

CATS:

INTAKE	20	DISPOSITION	17
Waiver	11	Adopted	14
Stray	9	Euthanized	1
Impound	0	Claimed	2
Protective Custody	0	Field Release	0
Quarantine	0	Transferred	0
Other Intakes	0	Other Dispositions	0

OTHER ANIMALS:				
	INTAKE	0	DISPOSITION	0
	Bird	0	Bird	0
	Rabbit	0	Rabbit	0
	Other	0	Other	0
DOA:		8	OTHER STATISTICS:	
	Dog	5	Licenses (City of Kenai Dog Licenses)	3
	Cat	3	Microchips (Dog and Cat)	21

1	Animal dropped with After Hours (days we are closed but cleaning and with KPD)
29	Animals are <i>known</i> borough animals
18	Animals are <i>known</i> City of Kenai
2	Animals are <i>known</i> City of Soldotna
2	Animals from unknown location
38	Field Investigations & patrols
0	Volunteer Hours Logged
2	Citations
0	Educational Outreach

Statistical Data:

631	2018 YTD Intakes
699	2019 YTD Intakes
539	2020 YTD Intakes





MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin, Public Works Director
DATE: October 2020
SUBJECT: **Mid-Month Report; Public Works / Capital Projects**

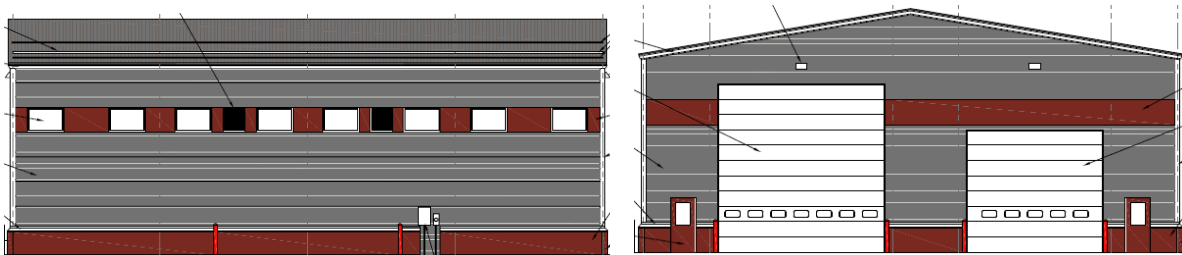
- Terminal Building Rehabilitation Project – The project reached Substantial Completion on March 27, 2020! Project is nearing closeout, *Furniture arrived the week of October 5th and is being assembled now. Anticipating a ribbon cutting for some time in November. Photos below of some of the new seating.*



- Alaska Regional Fire Training Facility Building Rehabilitation Project – The project reached Substantial Completion on June 2, 2020 and Fire Training is actively taking place. Staff will be working with the FAA on project closeout over the next 60-90 days. Engineers were on site the week of September 1st to verify punch list completion. *Project is now in the Warranty phase. Final Contract was \$2,002,803.92, Original Contract was \$1,938,755, total cost of Change Orders processed \$64,048.92 or 3.3% of Original Contract. Much appreciation to Orion Construction as General Contractor and Morrison Maierle as Design Engineer for the successful completion of this project.*



- Alaska Regional Fire Training Facility Equipment Rehabilitation Project - The project reached Substantial Completion on March 13, 2020 and Fire Training is actively taking place. Staff will be working with the FAA on project closeout over the next 60-90 days. The contractor returned to Alaska to complete punch list the week of September 1st, the Engineers were also on site to verify completion of remaining items. *The Contractor and Engineer are currently still working out a few punch list items. Contractor will need to mobilize back to Alaska to complete them.*
- Kenai Municipal Airport Wheeled Loader Replacement – An Invitation to Bid was released on May 20, 2020 with bids due on June 10, 2020. Two bids were received with Yukon Equipment, Inc. providing the lowest responsive bid for 2020 Case model 621G and associated attachments. Total cost of loader with all attachments as well as some minor administrative costs equal \$270,000. An FAA grant will be covering 100% of the costs. Contract was executed on September 4, 2020 and the Loader has now been ordered. Currently anticipating delivery in February 2021.
- Kenai Municipal Airport Sand Storage Facility – The City executed a design agreement to HDL Engineering on April 17, 2020 for a new Sand Storage Facility. On August 7, 2020 Final Design Documents were received and a Formal Invitation to Bid was released on August 10th with Bids due on August 31st, 2020. Orion Construction was the successful bidder with a low bid of \$2,289,000. *The City successfully executed a grant with the FAA on September 25, 2020 in the amount of \$1,954,101, a second grant is anticipated for next Spring, May 2021, to cover the remaining costs on a total project cost of \$2,835,263. A Notice to Proceed for Construction was issued for October 14, 2020, and the schedule will run 365 days.*



- Dock repair – An Invitation to Bid was released on May 29, 2020 with Bids due on June 19, 2020. No bids were received. On July 10, 2020 the project was re-advertised for bids with bids due on July 27, 2020. The City received one Bid from Endries Company in the amount of \$298,365. Ordinance 3154-2020 was introduced on August 5, 2020 and approved on August 19, 2020. Formal contract was executed with Endries Company on August 31, 2020 with a formal Notice to Proceed provided on the same day. *Repairs are actively underway, and will likely extend into the spring as weather permits.*
- Peninsula Avenue Bluff Erosion 2020 – An Invitation to Bid was released on May 31, 2020 with Bids due on June 19, 2020. Four bids were received with Foster Construction being the lowest responsive responsible bidder at \$94,670. Council approved the project through



passage of Resolution 2020-57 at the July 1, 2020 meeting. Contractor has completed submittals with the Engineers, and is anticipated to mobilize to the site on September 11, 2020 and begin moving dirt the week of the 14th. *As of October 13th the project is nearly complete. Final quantities are being verified, a change order is anticipated for some additional work required to manage the ground water that posed some challenges during excavation as well as installing washed stone in the drainage channel to the manhole as shown in the photo below. The project was successful and may require installation of grass seed in the spring based on the current temperatures and conditions. The Department would like to thank Fosters Construction and Larsen Engineering for their efforts on the project.*



- Vault Restrooms – 100% Design documents were received on June 10, 2020 from Nelson Engineering. An Invitation to Bid was released on June 14, 2020 with Bids due on June 29, 2020. Four bids were received with Polar North Construction being the lowest responsive responsible bidder at \$359,850. Council approved the project through passage of Resolution 2020-58 at the July 1, 2020 meeting. *Contract documents were executed on July 23, 2020. Construction is proceeding as scheduled, currently all of the foundations are now in place and the CMU block work started on October 13th.*



- Waste Water Treatment Plant Master Plan – HDL Engineering Consultants will be beginning to assist the Public Works Department in development of a new Master Plan for the facility. The last one was completed in March 2004. Resolution 2020-48 was approved at the June 17, 2020 Council meeting allowing this work to proceed. On July 2, 2020 HDL staff and consultants spent the day on the property going through all systems of the plant, it is anticipated that these services will take place throughout the summer months. On August 31, 2020 the first draft assessment was received. Staff continues to work with HDL to develop plans for the facility in preparation of updates to the Capital Plan. HDL also continues to assist the department with the renewal of our APDES Permit which expires every five years.
- USACE Bluff Erosion – See City Manager's report. Director's Report from the Army Corp of Engineers was signed April 10, 2019. As of April 29, 2020 we are waiting on a Section 221 MOU (Memorandum of Understanding) from the Army Corp of Engineers. On June 17, 2020 Council authorized the City Manager to sign the MOU received from the Corp. August 4, 2020 phone conference with the Corp indicated the PED Agreement is anticipated to arrive around September 1, 2020, *and it was received on September 2, 2020. The City mailed a check in the amount of \$350,000 on September 18, 2020 to cover the City's initial share of PED costs. Scheduling of the first formal planning meeting is pending.*
- Multi-purpose Facility – The Building Maintenance Department went through the Ice Rink and pressure washed all of the algae that has been growing on the steel beams. Nelson Engineering was also able to come out and assess the structure and condition of the rusting. *Formal report was received on October 6, 2020.*
- Recreation Center – The Building Maintenance Department and Streets Department are performing repairs with in house personnel. Repairs to a drainage issue on the west side of building are being completed, as well as pressure washing of the building and new exterior staining. Photos below. *Work will continue into the spring as weather warms back up.*





MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Kathy Romain, Senior Center Director
DATE: October 12, 2020
SUBJECT: **September 2020 Monthly Report**

Home Delivered Meals	1293
Home Delivered Meals – COVID-19	1084
Pick Up Meals – COVID-19	217
Grocery Shopping Assistance	2
Vintage Pointe Meals – COVID-19	379

Though closed to the public, the Senior Center continues to provide services to our senior population. During this crisis we have been able to offer the following:

- Home delivered meals, served Monday – Friday to over 100 individuals in the greater Kenai area.
- Shopping and delivery assistance through Country Foods.
- Prescription pickups and delivery.
- Low income food box delivery.
- Information on COVID19, State of Alaska benefits, and the newest scams surrounding the current crisis.

In addition to this, the staff has been working on various projects including:

- Implemented a “Phone Buddy” program utilizing Senior Center Volunteers.
- Hosted a Drive Thru Flu Shot Clinic with Safeway Pharmacy/Kenai with over 40 seniors receiving their flu shot.
- Produce boxes and milk from the Food Bank for delivery and senior pick up.
- The new doorway to the Computer Lab is finished, along with the new cabinets in the Game Room.

PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW
COUNCIL MEETING OF: OCTOBER 21, 2020

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
BOYS & GIRLS CLUB	FY21 SPONSORSHIP	LEGISLATIVE	GRANTS TO AGENCIES	10,000.00
WORLD WIDE TECHNOLOGY	FY21 SMARTNET RENEWAL	VARIOUS	COMMUNICATIONS	11,312.29
GOVERNMENT COMPUTER SALES	CISCO PHONE SERVER	VARIOUS	MACHINERY & EQUIPMENT	6,939.00
NORTHERN SECURITY SUPPLY	AMMUNITION	POLICE	OPERATING SUPPLIES	3,360.25
ALASKA SURE SEAL	FY21 SNOWPLOWING/SANDING	CONGREGATE HOUSING	PROFESSIONAL SERVICES	3,187.50
ALASKA SAFETY	LIGHTING FOR NEW TRUCKS	FIRE	MACHINERY & EQUIPMENT	10,310.00