

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2018-07

A RESOLUTION OF THE UNALASKA CITY COUNCIL SCHEDULING A SPECIAL ELECTION ON THE PETITION TO RECALL FRANK KELTY FROM THE OFFICE OF MAYOR OF THE CITY OF UNALASKA.

WHEREAS, a Petition to Recall Mayor Frank Kelty was received by the City Clerk on December 15, 2017, and supplemented on December 26, 2017; and

WHEREAS, the City Clerk has certified the petition as sufficient, containing the requisite number of signatures; and

WHEREAS, pursuant to AS 29.26.310, the clerk has submitted the petition to the City Council; and

WHEREAS, pursuant to AS 29.26.320, if no regular election occurs within 75 days of the date the petition is submitted to Council, the City Council shall hold a special election on the recall question within 75 days but not sooner than 45 days after submission of the petition to Council.

NOW THEREFORE, BE IT RESOLVED, that a special election on the recall question shall be held on March 6, 2018.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January 9, 2018.



Frank Kelty
Mayor

ATTEST:



Marjie Veeder
Clerk



MEMORANDUM TO COUNCIL

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: MARJIE VEEDER, CITY CLERK
THROUGH: NANCY PETERSON, CITY MANAGER
DATE: JANUARY 9, 2018
RE: RESOLUTION 2018-07: A Resolution of the Unalaska City Council scheduling a Special Election on the petition to recall Frank Kelty from the office of Mayor of the City of Unalaska.

SUMMARY: A Petition to Recall Mayor Frank Kelty was received by the City Clerk on December 15, 2017, and supplemented with additional signatures as allowed by state statute on December 26, 2017. The City Clerk has certified the petition as sufficient, containing the requisite number of signatures. Pursuant to AS 29.26.310, the clerk hereby submits the petition to the City Council to schedule the recall election.

PREVIOUS COUNCIL ACTION: None.

BACKGROUND: The Unalaska Code of Ordinances does not speak to recall efforts, so we are guided by Alaska Statute, Title 29 Municipal Government, Chapter 26 Elections, Article 3 Recall, Sections 29.26.240 to 29.26.360.

AS 29.26.320, Election, states:

- (a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.
- (b) *If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.*
- (c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official.

[Emphasis added.]

DISCUSSION: The petition is submitted to the governing body on January 9, 2018. 45 days after submission of the petition is Friday, February 23, 2018; 75 days after submission is Monday, March 26, 2018. During this time frame, regular council meetings are scheduled on February 27 and March 13. Elections are normally scheduled on Tuesdays. The City Clerk anticipates that we will be able to meet all notice deadlines and adequately prepare to hold an election on March 6, 2018. The canvass committee could meet on Friday March 9 and Council could certify the election results at their regular meeting on March 13, 2018.

ALTERNATIVES: Council could choose to schedule the election any time from February 23, 2018 through March 26, 2018.

FINANCIAL IMPLICATIONS:

LEGAL:

STAFF RECOMMENDATION: Staff recommends adoption of Resolution 2018-07, scheduling the recall election on March 6, 2018.

PROPOSED MOTION: "I move to adopt Resolution 2018-07."

CITY MANAGER'S COMMENTS:

ATTACHMENTS: Copy of certified recall petition.