

# HOME RULE CHARTER OF THE CITY AND BOROUGH OF WRANGELL, ALASKA

## PREAMBLE

We, the people of the City and Borough of Wrangell, exercising the powers of home rule granted to us by the constitution and laws of the State of Alaska, in order to provide for more efficient, adequate and economical government, do hereby ordain, ratify and establish this Charter of the City and Borough of Wrangell, Alaska.

## ARTICLE I. NAME, TRANSITION, BOUNDARIES, FORM OF GOVERNMENT, POWERS, AND INTERPRETATION

### Section 1-1. Name.

The borough shall be a municipal corporation known as the "City and Borough of Wrangell." Whenever it deems it in the public interest to do so, the borough may use the name Wrangell Borough or Wrangell Home Rule Borough.

### Section 1-2. Transition.

The City and Borough of Wrangell, Alaska shall assume, succeed to and possess all the property, rights, duties, assets, privileges, franchises, liabilities, and powers and immunities of the City of Wrangell, Alaska.

### Section 1-3. Boundaries.

The boundaries of the borough as they exist at the time this charter goes into effect, shall remain the boundaries of the borough until they are changed in a manner authorized or permitted by the state constitution and/or law. At the time this charter goes into effect, the boundaries of the City and Borough of Wrangell are as follows:

The City and Borough of Wrangell boundaries are coterminous with the Wrangell Ranger District boundaries established by the United States Forest Service, as depicted in the Tongass National Forest Secondary Base Map Series on Sheet Nos. 18 (1982), 19 (1982), 21 (1980), 22 (1980), 23 (1983), 24 (1983), 26 (1980), and 27 (1980), except that

1) the northern boundary of the City and Borough of Wrangell shall commence from a point beginning at the western boundary of the Wrangell District at a point designated as 56° 43' 17" North, 132° 34' 21" West (NAD 27), thence proceeding in a generally southeasterly direction to the westernmost point of land in Section 31, Township 59 South, Range 82 East, thence proceeding in a generally northeasterly direction along the watershed divide between LeConte Bay and the Stikine River including Wilkes Peak, to the international boundary between Canada and the United States; and further excepting that

2) the southern boundary of the City and Borough of Wrangell shall, at a point designated as 55° 53' 46" North, 131° 57' 51" West (NAD 27), located in Section 8, Township 69 South, Range 88 East, proceed in a generally southwesterly direction along the north-south drainage boundary, coterminous with the northern boundaries of the Ketchikan Gateway Borough (as described in the "Certificate of Boundaries – Ketchikan Gateway Borough" issued by the Alaska Department of Commerce, Community, and Economic Development, on May 30, 2008) for approximately 35

miles, intersecting Clarence Strait at a point designated as 55° 38' 5" North, 132° 11' 50" West (NAD 27), located in Section 10, Township 72 South, Range 86 East;

thence proceeding in a generally northwesterly direction into and up Clarence Strait to the point of intersection with the Wrangell Ranger District boundaries, the point of beginning. All with reference to the Copper River Meridian.

**Section 1-4. Form of Government.**

- A. The borough government is a unified home rule borough established by the voters.
- B. The borough shall operate under an “assembly-manager form of government.”

**Section 1-5. Powers of the Borough.**

The City and Borough of Wrangell, Alaska, shall have all the powers, functions, rights, privileges, franchises and immunities of every name and nature whatever, which a home-rule borough may have under the constitution and laws of the State of Alaska. The borough may exercise all powers not prohibited by law or by this charter.

The powers of the borough shall be liberally construed. The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting.

**Section 1-6. Interpretation – Definitions.**

- A. When used in this charter, the singular number includes the plural, and the plural the singular, and the masculine gender includes the feminine and neuter, unless the context clearly indicates otherwise.
- B. When the word “borough” is used in this charter, it shall mean the City and Borough of Wrangell, Alaska, unless the context clearly indicates another meaning.
- C. When the word “person” is used in this charter, it shall mean an association, firm and corporation as well as an individual, unless the context clearly indicates otherwise.
- D. When the word “publish,” “published” or “publication” is used in this charter, it shall mean publish, published or publication in a newspaper of general circulation within the borough at least one time; provided that the assembly by resolution may find and declare that the publication of any particular ordinance, notice or document in such a newspaper is very impracticable or impossible under the circumstances then existing, and provide instead that the ordinance, notice or document shall be published by posting a copy in each of at least five conspicuous public places in the borough. In all such cases of publication by posting, the borough clerk shall provide any person a copy of the ordinance, notice or document posted, on request, without charge, at any time within two months after the posting.

**ARTICLE II.  
THE ASSEMBLY**

**Section 2-1. Borough Assembly – Governing Body, Number, Qualifications.**

- A. The governing body of the borough shall be the assembly. Except as otherwise provided by law or this charter, the assembly shall exercise all powers of the borough and shall provide for the performance of all duties and obligations of the borough.

B. The assembly shall be composed of seven members, which shall consist of the mayor, and six other assembly members. Hereinafter, the term “assembly member” includes the mayor unless specifically noted.

C. Only qualified voters of the borough who have resided within the borough at least one year immediately preceding his or her election, are eligible to serve on the borough assembly. If any assembly member ceases to be a resident of the borough, he or she shall thereupon forfeit office.

**Section 2-2. Mayor and Vice Mayor.**

A. The mayor shall preside at meetings of the assembly, and shall certify the passage of all ordinances and resolutions passed by it. The mayor shall be recognized as the head of the borough government for all ceremonial purposes and by the governor for purposes of military law. The mayor shall have all powers, rights, privileges, duties and responsibilities of assembly members, including the power to vote, however the mayor may not initiate motions. The mayor shall have no regular administrative duties except signing such written obligations of the borough as the assembly may require.

B. At the first meeting following certification of the regular election, or as soon thereafter as practicable, the assembly shall elect one of its members vice mayor, who shall serve as such until the next such first meeting. The vice mayor shall act as mayor during the absence or disability of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected or appointed by the assembly and qualifies. If the office of vice mayor becomes vacant, the assembly shall elect from its members another vice mayor for completion of the unexpired term.

**Section 2-3. Borough Assembly – Compensation, Holding other office.**

No assembly member may receive any compensation for serving on the assembly, but may be reimbursed for expenses incurred in the discharge of his or her official duties. Unless otherwise provided by ordinance, an assembly member may hold no other compensated borough office or employment.

**Section 2-4. Terms of Assembly Members.**

Except for the initial assembly elected, the term of the office of mayor shall be two years and until a successor qualifies and the term of other assembly members shall be three years and until a successor qualifies.

**Section 2-5. Assembly not to Interfere in Hiring and Removals.**

No assembly member may direct or request the appointment of any person to, or removal from, office or employment by the borough manager or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the borough. Except for the purpose of inquiry, the assembly, and its members shall deal with employees hired by the borough manager solely through the borough manager; and the assembly and its members may not give orders on administrative matters to those employees either publicly or privately, except as otherwise provided in this charter or by ordinance.

**Section 2-6. Borough Clerk.**

There shall be a borough clerk, who shall be an officer of the borough. The clerk shall be appointed by, and serve at the pleasure of, the borough assembly.

**Section 2-7. Assembly – Meetings.**

A. The assembly shall hold at least one regular meeting every month at such time or times as it may prescribe by ordinance, resolution or rules of the assembly. All meetings of the assembly shall be open to the public, and the public shall have a reasonable opportunity to be heard. The journal of its proceedings shall be open to public inspection.

B. Special meetings of the assembly shall be held at the regular meeting place of the assembly, unless otherwise provided by the assembly. Special meetings shall be called by the borough clerk on the written request of the mayor, the borough manager, or of any two members of the assembly.

C. The assembly may recess for the purpose of discussing, in a closed or executive session, any question permitted by law which is expressed in the motion calling for the executive session. The public may be excluded from the session, but the final action shall not be taken by the assembly on any matter discussed until brought back into regular session.

**Section 2-8. Assembly Quorum, Actions, Rules.**

A. Four assembly members shall constitute a quorum for the transaction of business.

B. Actions of the assembly are adopted by a majority of the membership present when the vote is taken.

C. The assembly may determine its own rules.

**Section 2-9. Ordinances – Enacting Clause.**

The enacting clause of all ordinances passed by the assembly shall be, “Be it ordained by the Assembly of the City and Borough of Wrangell, Alaska,” and of all ordinances proposed by the voters under their power of initiative, “Be it ordained by the People of the City and Borough of Wrangell, Alaska.”

**Section 2-10. Ordinances – Passages, When in Effect.**

A. A proposed ordinance shall be read, and voted upon. The vote on final passage of every ordinance shall be yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten days after its passage, every ordinance shall be published in full or by number and title.

B. All ordinances shall go into effect upon adoption, unless a later time is specified.

**Section 2-11. Ordinances – Emergency.**

An emergency ordinance is an ordinance which in the judgment of the assembly is necessary for the immediate preservation of the public peace, health or safety, and which may be introduced and adopted at the same meeting. Every such ordinance shall contain, as a part of its title, the words, “and declaring an emergency”; and in a separate section, herein called the emergency section, shall declare the emergency.

**Section 2-12. Ordinances – Adoption by Reference.**

The assembly by ordinance may adopt by reference codes, ordinances, standards and regulations relating to building, plumbing, electrical installations, and other matters which it has power to regulate otherwise. Such code, ordinance, standard or regulation so adopted need not be enrolled in the book of ordinances; but a copy shall be filed and kept in the office of the borough clerk. The borough clerk shall

keep copies of all such codes, ordinances, standards and regulations in force for distribution or sale at their approximate cost.

**Section 2-13. Ordinances and Resolutions – Codification.**

A. The ordinances of the borough shall be codified by perpetually keeping the ordinance provisions of permanent nature updated by use of a loose-leaf system. Titles, enacting clauses and emergency sections may be omitted from the code. Temporary and special sections and parts of ordinances may be omitted from the code. Permanent general ordinances and parts of ordinances which are to be repealed from the code shall be omitted therefrom. A copy of the code shall be filed and kept in the office of the borough clerk.

B. Resolutions adopted by the assembly shall be given a permanent identifying number, and bearing a notation of the date of adoption and adopting authority, be entered by the clerk in a properly indexed book of resolutions.

**Section 2-14. Ordinances – Violation.**

A. A person, partnership, corporation, or association or agent thereof who violates a provision of an ordinance shall be guilty of a misdemeanor and upon conviction, punishable as prescribed by ordinance which shall not exceed a fine of \$1000.00, imprisonment for ninety days, or both.

B. The borough may institute a civil action against any person who violates a borough ordinance. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1000.00 may be imposed for each violation. Each day, or part thereof, that a violation of a borough ordinance continues shall constitute a separate violation.

**ARTICLE III.**

**BOROUGH MANAGER AND ADMINISTRATIVE DEPARTMENTS**

**Section 3-1. Borough Manager – Appointment and Removal, Qualifications, Powers and Duties.**

A. There shall be a borough manager, appointed by the assembly, who serves at the pleasure of the assembly. The assembly may suspend or remove the borough manager at any time.

B. The assembly shall choose the manager on the basis of executive and administrative qualifications. At the time of appointment, the manager need not be a resident of the borough or state, but, during his or her tenure of office, shall reside within the borough.

C. No assembly member may be appointed borough manager or acting borough manager sooner than one year after leaving office, except by a vote of three-fourths of the authorized membership of the assembly.

D. The borough manager shall be chief administrative officer and head of the administrative branch of the borough government. The manager shall have such powers and perform such duties as specified by the assembly.

**Section 3-2. Acting Borough Manager.**

A. If the borough manager is absent from the borough, is unable to perform his or her duties, has been suspended by the assembly, or there is a vacancy in the office of the borough manager, the assembly may appoint an acting borough manager to serve until the borough manager returns, until his or her disability or suspension ceases, or until another borough manager is appointed and qualifies, as the case may be. The assembly may suspend or remove an acting borough manager at any time.

B. If the borough manager is absent from the borough or unable to perform his or her duties, the borough manager may appoint a director of a borough department to serve as acting borough manager until the borough manager returns or his or her disability ceases. This appointment may be superseded at any time by the assembly.

**Section 3-3. Administrative Departments, Offices and Agencies, Boards and Commissions.**

A. There shall be such administrative departments, offices and agencies as this charter establishes and as the assembly may establish.

B. The assembly by ordinance may provide for advisory, regulatory, administrative, appellate, and quasi-judicial boards and commissions. Unless provided otherwise by ordinance or this charter, the assembly shall appoint and remove all members of borough boards and commissions.

**Section 3-4. Department of Finance – Director.**

There shall be a director of finance, who shall be head of the department of finance, treasurer and an officer of the borough.

**Section 3-5. Department of Finance – Borough Tax Assessor Duties.**

There shall be a borough assessor, who is appointed by and serves at the pleasure of the borough assembly, and under the direction of the borough manager. The borough assessor shall assess property for taxation in accordance with this charter, the ordinances of the borough, and the provisions of Alaska Statutes, Title 29, applicable to home rule municipalities.

**Section 3-6. Department of Public Works – Director.**

There shall be a director of public works.

**Section 3-7. Department of Electric – Director.**

There shall be a director of electric.

**Section 3-8. Public Library.**

The borough may have a public library or libraries. The assembly shall determine by ordinance the establishment and operation of the borough library system.

**Section 3-9. Wrangell Medical Center.**

The borough-operated Wrangell Medical Center shall be operated by a board established by ordinance and elected by the voters.

**Section 3-10. Nolan Museum and Civic Center.**

The borough-operated James and Elsie Nolan Museum and Civic Center shall be operated by a board established by ordinance and appointed by the assembly.

**Section 3-11. Borough Attorney.**

There shall be a borough attorney or attorneys, as needed, who shall be appointed by, and serve at the pleasure of the borough assembly.

**Section 3-12. Wrangell Port Commission.**

There shall be a Wrangell Port Commission, which shall be composed of five members elected at large by the voters. The Assembly shall prescribe by ordinance its authority, purpose, function, rules and procedures, and conduct of meetings.

**ARTICLE IV.  
OFFICERS AND EMPLOYEES****Section 4-1. Qualifications of Officers and Employees.**

Officers and employees of the borough shall have the qualifications prescribed by this charter and such additional qualifications as the assembly may prescribe; but the assembly shall not prescribe additional qualifications for members of the borough assembly.

**Section 4-2. Official Bonds.**

The borough manager, the director of finance, and such other officers and employees as the assembly may designate, before entering upon their duties, shall be bonded, by individual and/or group bonds, for the faithful performance of their respective duties, payable to the borough, in such form and in such amounts as the assembly may prescribe, with a surety company authorized to operate within the state. The borough shall pay the premiums on such bonds.

**Section 4-3. Oath of Affirmation of Office.**

Every officer of the borough, before entering upon the duties of his or her office, shall take and subscribe to the oath or affirmation of office prescribed by the Alaska Constitution, Article XII, Section 5. The oath or affirmation shall be filed and kept in the borough clerk's office.

**Section 4-4. Who May Administer Oaths and Affirmations.**

All officers authorized by federal or state law, the mayor, the borough manager, the borough clerk, the heads of all administrative departments, and such other officers as the assembly may authorize, may administer oaths and affirmations.

**Section 4-5. Public Records.**

All records and accounts of every office, department or agency of the borough government shall be open to public inspection except as otherwise provided by Alaska Statutes, municipal code or other applicable law.

**ARTICLE V.  
BUDGET, TAXATION AND FISCAL AFFAIRS****Section 5-1. Fiscal Year.**

The fiscal year of the borough government shall begin on the first day of July and shall end on the last day of June, unless otherwise provided by ordinance.

**Section 5-2. Budget – Preparation and Submission.**

At least five weeks before the beginning of the fiscal year, the borough manager shall prepare and submit to the assembly a proposed budget for the next fiscal year, which shall contain detailed estimates of anticipated revenues (including surplus) and proposed expenditures for the year. The total of such pro-

posed expenditures shall not exceed the total of such anticipated revenues. The budget shall be in such form and have such contents as the assembly may require. The budget and any budget message accompanying it, shall be a public record in the office of the borough clerk, and shall be open to public inspection. Sufficient copies of the budget and any budget message shall be made for distribution to persons on request.

**Section 5-3. Budget – Public Hearing.**

The assembly shall hold a public hearing on the proposed budget; and any interested person shall have an opportunity to be heard thereat for or against the estimates or any item thereof. The assembly may continue the hearing at later meetings.

**Section 5-4. Budget – Amendment – Adoption – Appropriations.**

The assembly may insert, strike out, increase or decrease items in the budget, and may otherwise amend it. The assembly not later than the third day before the beginning of the fiscal year, shall adopt the budget and make the appropriations for the next fiscal year. If the assembly fails to adopt the budget and make the appropriations on or before that day, the budget, as submitted or as amended, as the case may be, shall go into effect and be deemed to have been finally adopted by the assembly; and the proposed expenditures therein shall become the appropriations for the next fiscal year. Appropriations shall never exceed the revenues.

**Section 5-5. Transfer and Reduction of Appropriation Balances.**

A. Transfers. Except as the assembly by ordinance may provide otherwise, the borough manager may transfer unencumbered appropriation balances or parts thereof from any item of appropriations within a department, office or agency to any other item of appropriation, including new items, within the same department, office or agency; and the assembly, by motion, resolution or ordinance may transfer unencumbered appropriations balances or parts thereof from any item of appropriation to any other item of appropriation, including new items, whether such other item is within the same department, office or agency, or not; except that transfer of any funds from the Swimming Pool Fund to any other fund requires a vote of the people.

B. Reductions. If during the fiscal year it appears that revenues available will be insufficient to meet the amount appropriated, the assembly may reduce any appropriation. No appropriation may be reduced by more than the amount of the unencumbered balance.

**Section 5-6. Supplemental and Emergency Appropriations.**

Supplemental and Emergency Appropriations. The assembly may make supplemental and emergency appropriations during a fiscal year, in accordance with procedures set out in the municipal code.

**Section 5-7. Taxation – Powers.**

The borough shall have all powers of taxation which unified home-rule boroughs may have under the state constitution and law, except that a new sales or use tax or an increase in rate of levy of a sales tax approved by ordinance does not take effect until ratified by a majority of the voters at an election.

**Section 5-8. Taxation – Assessment, Levy and Collection of Property Taxes.**

The assembly by ordinance shall provide for the annual assessment, levy and collection of taxes on property.

**Section 5-9. Taxation – Assessment – Equalization.**

The taxable status of property shall be determined as of the first day of January or such other date as may hereafter be prescribed by law, which is called the assessment day. The assembly shall sit as a board of equalization for the purpose of hearing an appeal from a determination of the assessor, or it may delegate this power to a board created by ordinance.

**Section 5-10. Taxation – Lien on Real Property.**

The borough shall have a lien on all real property against which borough taxes are assessed, for the taxes and all collection charges, penalties and interest which may accumulate thereto; and the lien shall continue until the taxes and any such charges, penalties and interests are paid. The lien is prior and paramount to all other liens or encumbrances against the property.

**Section 5-11. Disbursements – Authority – Method.**

Disbursements of borough funds shall be made only in accordance with appropriations made as provided in this charter, or, in case of funds which are not formally appropriated, then by authority granted by the assembly. The assembly shall prescribe the method or methods of disbursing borough funds.

If the borough manager obtains authority through assembly approval of a budget to incur needed borough expenses, payments may be made in conformity with a requisition and purchase order system, or other administrative procedure which is approved by the assembly, without separate approval of the assembly for each transaction or item involved.

**Section 5-12. Deposit and Investment of Funds.**

The assembly may regulate the deposit and investment of borough funds, and determine how funds of the borough are to be invested.

**Section 5-13. Purchases and Sales.**

The assembly by ordinance shall provide for competitive bidding for goods and services and sales of surplus borough property, and for any exceptions thereto.

**Section 5-14. Contracts and Sales.**

A. The sale or lease of any borough property, real or personal, or the sale or other disposal of any interest therein, the value of which property, lease, or interest is more than \$1,000,000, shall be made only by authority of an ordinance enacted or ratified at any election by an affirmative vote of a majority of the qualified voters of the borough who vote upon the question of approval or enacting the ordinance (the ordinance being submitted to the voters by the assembly or by initiative of the voters).

B. An entire public utility and appurtenant franchises belonging to the borough may be sold or leased only by authority of an ordinance enacted or ratified at an election by an affirmative vote of a majority of the qualified voters of the borough who vote upon the question.

C. Any other provision of this charter notwithstanding, the borough may enter into an agreement for the purchase, sale or other disposal of electric power, or an agreement providing for participation by the borough in the construction, acquisition or operation of hydroelectric power facilities, upon such terms as the borough assembly may approve by resolution.

**Section 5-15. Independent Annual Audit.**

A. The assembly shall designate a qualified public accountant to make an annual independent audit of the accounts and financial transactions of the borough.

B. The assembly shall cause to be conducted such internal audits as it deems appropriate or as required by law.

**Section 5-16. Borough Permanent Fund.**

There is a Borough Permanent Fund, which was initially created in 1997 by the City of Wrangell in the amount of \$5,000,000 from Southeast Economic Timber Relief Funds. The principal of this fund will be maintained and grow through wise investment and inflation proofing. There shall be ordinances for the administration of this fund, which shall include restrictions of types of investments, expenditure of earnings, inflation formula, and all other administrative functions necessary to insure the security of this fund.

**Section 5-17. Sale of Borough Held Notes.**

The borough shall provide for the sale of any presently held or future borough financed notes by bid or request for proposal process upon terms approved by the assembly through public process.

**ARTICLE VI.  
BORROWING**

**Section 6-1. General-obligation Bonds, etc.**

The borough shall have power to borrow money and to issue its general-obligation bonds or other such evidences of indebtedness therefor, but only when authorized by the assembly for capital improvements and ratified at an election by a majority of those qualified to vote and voting on the question. General obligation evidences of indebtedness may also be secured by revenues from a revenue-producing utility or enterprise when they are issued for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement and/or equipment of the said utility or enterprise, and/or by other designated funds or revenues specifically pledged for payment of principal and interest thereon. Capital improvements as used hereinabove may also include a part or all of the borough's share of the cost of a public improvement of which a part is to be paid by benefited property. The restrictions of this section do not apply to borrowing money to meet appropriations for a particular fiscal year, nor to indebtedness to be paid from special assessments to be made on benefited property, nor to refunding indebtedness.

**Section 6-2. Borrowing to Meet Appropriations.**

The borough shall have power to borrow money to meet appropriations for any fiscal year in anticipation of the collection of revenues for that year, when authorized by the assembly, and without submitting the question to the voters. All debts so contracted shall be paid before the end of the next fiscal year.

**Section 6-3. Revenue Bonds, etc.**

The borough shall have power to borrow money and to issue revenue bonds or other such evidences of indebtedness therefor, the principal and interest of which are payable solely out of, and the only security of which is, the revenues of a revenue-producing utility or enterprise; but only when authorized by the assembly for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement and/or equipment of the said utility or enterprise. Two or more public works may be combined and treated as one entity for the purpose of acquisition, construction, improvement, extension, maintenance, operation and financing; and the governing body may provide for the payment of principal and interest

from any additional special funds or other unpledged revenues which the borough may specifically pledge for payment including but not limited to revenue of a combined system of public works and special assessments on the benefited property. An election is not required to authorize the issuance and sale of revenue bonds, unless otherwise provided by ordinance.

**Section 6-4. Assembly to Have Power to Regulate.**

The assembly shall have power to regulate the indebtedness of the borough and the issuance of bonds and other evidences of indebtedness, regardless of type or purpose, including general-obligation, revenue, special-assessment, refunding and other, subject only to the limitations imposed by the state constitution and law and this charter.

**ARTICLE VII.  
LOCAL IMPROVEMENT DISTRICTS**

**Section 7-1. Assembly May Determine Necessity – How Cost May Be Paid – Establishment.**

A. The assembly may determine the necessity for any public improvement.

B. The cost of a public improvement may be paid wholly by the borough, or partly by the borough and partly by benefited property, or wholly by benefited property, as the assembly may determine. Said cost or part thereof to be borne by benefited property may be assessed by special assessment upon the benefited property.

C. The assembly shall prescribe by ordinance procedures for the establishment and dissolution of local improvement districts.

**ARTICLE VIII.  
PUBLIC UTILITIES AND ENTERPRISES**

**Section 8-1. Borough-operated Enterprise Funds.**

A. Borough operated utilities (including water, sewer, electric, sanitation, and ports and harbors) shall be operated from an enterprise fund or funds separate from the general fund. An accounting system for each such fund shall be established within the general accounting system of the borough, and shall be so set up and maintained as to reflect the financial condition of the enterprise or enterprises and its or their income and expense. A balance sheet and statement of income and expense (profit and loss) shall be made for each such fund annually and as often as the assembly may require.

B. None of the income, money, resources or property of the enterprise fund or funds shall be placed in the general fund or be used for the benefit of anything outside of the fund to which it belongs without due compensation or due value received in return; provided that this shall not prohibit payment into the general fund by such utilities of an amount in lieu of taxes reasonably estimated to be the amount which said utilities would pay in taxes if they were privately owned.

**ARTICLE IX.  
ELECTIONS**

**Section 9-1. Administration.**

The assembly shall by ordinance prescribe the rules and procedures for conducting borough elections.

**Section 9-2. Regular Election.**

There shall be a non-partisan regular election held annually on the first Tuesday in October, or on such other date as the assembly may provide by ordinance.

**Section 9-3. Special Elections.**

The assembly may call special elections and submit questions to voters, as provided by ordinance or resolution.

**ARTICLE X.  
INITIATIVE AND REFERENDUM**

**Section 10-1. Initiative and Referendum – Authorized – Exceptions.**

A. The qualified voters of the borough, by the initiative, may propose and enact any ordinance which the assembly has power to enact under this charter except as otherwise provided in this section. The qualified voters of the borough, by the referendum, may approve or reject any ordinance passed by the assembly except as otherwise provided in this section.

B. Ordinances dedicating revenues, ordinances making, repealing, transferring, or otherwise changing appropriations, ordinances creating courts, defining the jurisdiction of courts or prescribing their rules, and special ordinances, shall not be subject to either the initiative or the referendum. Ordinances necessary for the immediate preservation of the public peace, health, or safety (herein called emergency ordinances), shall not be subject to the referendum.

**Section 10-2. Petitions.**

An initiative or referendum shall be proposed by filing an application with the borough clerk containing the ordinance to be initiated or referred.

The application shall be signed by at least ten (10) voters who sponsor the petition.

The application shall contain a copy of the ordinance initiated or sought to be referred and conform to such other requirements as may be established by ordinance.

Upon the clerk's certification that the application is in proper form and meets the requirements of this chapter and the ordinances of the borough, the borough clerk shall prepare a petition for circulation for signatures.

The petition shall then be signed by a number of qualified voters of the borough equal at least to twenty-five percent of the total votes cast at the immediately preceding regular borough election.

A petition with sufficient signatures must be filed with the borough clerk within 90 days after the petition is issued by the borough clerk. Each copy of the petition filed must bear the sponsor's sworn statement that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be.

Within 10 days after the petition is filed, the borough clerk, with such assistance from the borough attorney as the borough clerk deems necessary, shall ascertain whether the petition is legal and has sufficient signatures, and shall certify the borough clerk's finding to said petition.

If the borough clerk certifies that a petition is insufficient, a sponsor of the petition may protest that decision by filing a written protest with the borough manager within seven days of the certification.

The borough manager shall present the protest to the assembly at its next regular meeting, and the assembly shall hear and decide the protest.

**Section 10-3. Ballot Title and Proposition – Submission.**

If an initiative or a referendum petition is found to be legal and to have sufficient signatures, the borough clerk, with such assistance from the borough attorney as the borough clerk deems necessary, shall prepare the ballot title and proposition for the ordinance.

The borough clerk shall place the question on the ballot for the next regular or special borough election held not less than 60 days after final determination of the legality and sufficiency of the petition.

The assembly by resolution or ordinance may call a special election for the purpose.

If, in the case of an initiative petition, the assembly enacts, prior to the election, an ordinance substantially the same as the one in the petition, or if the assembly repeals the ordinance before the referendum election, the petition is void and the matter may not be placed before the voters.

**Section 10-4. Vote Required – Effect.**

A. If a majority of the votes cast on the proposition favor the enactment of an initiative ordinance, it shall be enacted. If at least as many votes are cast for the approval of a referred ordinance as are cast against it, it shall be approved and go into effect; otherwise it shall be rejected.

B. If two or more initiated or referred ordinances which have conflicting provisions are enacted or approved at the same election, the one receiving the largest affirmative vote shall prevail.

C. The effect of an ordinance may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed unless the modifying or negating measure is approved by the voters. If an ordinance is repealed in a referendum election or by the assembly after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted for a period of two years unless the substantially similar legislation is approved by the voters.

D. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. If an initiative or referendum measure is approved by the voters or the assembly adopts a substantially similar measure after an initiative petition is filed or repeals an ordinance after a referendum is filed, a new petition application which would negate the earlier measure or enact an earlier repealed measure may not be filed sooner than six months after the earlier measure has been adopted or repealed.

**Section 10-5. Further Regulation by Ordinance.**

The assembly by ordinance may further regulate the procedures for the initiative and referendum.

**ARTICLE XI.  
INTERGOVERNMENTAL RELATIONS**

**Section 11-1. Cooperation with Other Units of Government – Transfer of Powers and Functions.**

Agreements, including those for cooperative or joint administration of any function or power, may be made by the assembly with any other local government, with the state, or with the United States, unless otherwise provided by law or by this charter.

Such agreement for cooperative or joint administration of any function or power shall be made only by ordinance.

Procedures for making contracts prescribed in any other sections of this charter shall not apply to agreements made pursuant to this section.

**Section 11-2. Thomas Bay Power Authority.**

There is a Thomas Bay Power Authority, owned jointly and equally by the City and Borough of Wrangell, Alaska, and the City of Petersburg, Alaska, which exists for the purpose of constructing and operating a hydro-electric power generating utility. Said authority shall have all express, implied and incidental powers thereto, including but not limited to acquiring extra-territorial properties, and obtaining financing and the issuance of revenue bonds in its own name, and said authority may incorporate or otherwise reorganize as a separate entity, but in any event shall be managed jointly by a commission of representatives from the municipalities as they shall respectively appoint.

**ARTICLE XII.  
AMENDMENT AND SEPARABILITY OF CHARTER**

**Section 12-1. Amendment of Charter – Proposal – Approval.**

Proposals to amend this charter may be made in either of the following ways:

(1) The qualified voters of the borough, by initiative petition, may initiate amendments to this charter in the same manner, as nearly as may be, as they may initiate ordinances; and

(2) The assembly by resolution or ordinance may propose, and submit or provide for the submission of, charter amendments to the qualified voters of the borough.

A charter amendment initiated by petition of the qualified voters shall be submitted to the qualified voters at a regular or special election in the same manner as an initiated ordinance and subject to the same regulations, as nearly as may be.

A charter amendment proposed by the assembly may be submitted to the qualified voters of the borough at any regular or special election held not less than 60 days after passage of the said resolution or ordinance.

Any amendment thus submitted to the qualified voters shall become effective upon approval by majority of the qualified voters who vote on the question of approval.

If more than one amendment is proposed, all of them except those which are so interrelated that they should be approved or rejected together, shall be submitted in such manner that the voters may vote on them separately.

A copy or copies of every charter amendment approved by the qualified voters shall be filed as may be required by law.

A new charter may be proposed and approved in lieu of this charter in the same manner as an amendment to this charter may be proposed and approved.

It is hereby recognized that the manner of adoption, amendment and repeal of home- rule charters may be regulated by law; and any binding provision of the state constitution or law regulating such manner shall prevail over any conflicting provision of this charter or of any ordinance.

**Section 12-2. Separability Clause.**

If a court of competent jurisdiction should hold any section or part of this charter invalid, such holding shall not affect the remainder of this charter and the context in which such section or part so held invalid may appear, except to the extent that another part of the charter may be inseparably connected in meaning and effect with that section or part.

If a court of competent jurisdiction holds a part of this charter invalid, or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the assembly by ordinance may take such appropriate action as will enable the borough government to function properly.

**ARTICLE XIII.  
SUCCESSION IN GOVERNMENT**

**Section 13-1. Charter – When in Effect.**

This charter shall be effective immediately following its approval by a majority of the qualified voters voting on the question of approval, and the government provided by it shall be deemed a continuation of the government existing previously under law.

**Section 13-2. Officers and Employees to Continue.**

The terms of the initial elected officials of the borough are not affected by adoption of this new borough charter. All other borough officers and employees (including members of appointed boards and commissions), at the time this charter goes into effect, shall continue in their respective offices and positions of employment until their respective terms expire or until their services are terminated in accordance with the provisions of this charter and/or municipal code.

**Section 13-3. Prior Law.**

All ordinances, resolutions, regulations, orders and rules of the City and Borough of Wrangell, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or amended, or until they expire by their own limitations.

**Section 13-4. Pending Actions and Proceedings.**

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency or officer thereof.

