

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2023-05**

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 2.21.030, QUALIFICATIONS, TO AMEND THE LIMITATIONS ON FORMER COUNCIL MEMBERS SERVING AS MANAGER**

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WHEREAS, the City has recently experienced difficulty attracting qualified city manager candidates; and

WHEREAS, The City’s elected officials are often well suited to city management due to their understanding of the City and their demonstrated commitment to service to the City; and

WHEREAS, the current city code contains a two-year prohibition after a term of office prior to appointment as city manager; and

WHEREAS, Alaska Statute 29.20.490 prohibits appointment of city manager within one year of leaving office, but allows for the prohibition to be waived by a three-fourths vote of the council; and

WHEREAS, the City wishes to align its code with the state statute in an effort to attract more qualified candidates for city manager.

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a code ordinance.

**Section 2. Amendment to Section 2.21.030.** Dillingham Municipal Code Section 2.09.080(A) is hereby amended to read as follows [new language **underlined and emboldened** and deleted text displayed in ~~strike-out font~~]:

The city manager shall be appointed solely on the basis of his or her executive and administrative qualifications, with particular reference to education, training, and experience as a professional municipal administrator. The council may set forth specific qualifications by ordinance. No elected municipal official may be appointed manager **sooner than one year after leaving elected office, except by a vote of three-fourths of the authorized membership of the governing body.** ~~unless at least two years have intervened since the expiration of his/her last term of office and the date of appointment.~~

**Section 3. Effective Date.** This ordinance is effective upon adoption.

**Section 4. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on \_\_\_\_\_, 2023.

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Alice Ruby, Mayor

[SEAL]

ATTEST:

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Daniel E. Decker Sr., City Clerk