

Proposed by:	Civic Affairs Committee
Attorney Review:	03/03/2011
First Reading:	06/02/2011
Second Reading:	06/23/2011
Vote: 6 Aye	0 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA**  
ORDINANCE NO. 11-04

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 3 BY ADDING CHAPTER 3.02, DEPARTMENTS TO ADDRESS ESTABLISHMENT OF DEPARTMENTS.

BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

**Section 2. Purpose.** To add Chapter 3.02, Departments, to Title 3.

**Section 3. Addition.** Chapter 3.02, Departments is hereby added as follows:

**Chapter 3.02**  
**Departments**

**Sections:**

- 3.02.010 Departments established.
- 3.02.020 Central Administration
- 3.02.030 Convention & Visitors Bureau
- 3.02.040 Dahl Memorial Clinic
- 3.02.050 Disaster and Emergency Services
- 3.02.060 Public Works Department
- 3.02.070 Skagway Volunteer Fire Department
- 3.02.080 Skagway Library Department
- 3.02.090 Skagway Museum Department
- 3.02.100 Skagway Police Department
- 3.02.110 Skagway Port Department
- 3.02.120 Skagway Recreation Center

- 3.02.010 Departments established.
  - A. The following departments of the Municipality of Skagway are established:
    - 1. Central Administration
    - 2. Convention & Visitors Bureau
    - 3. Dahl Memorial Clinic
    - 4. Disaster and Emergency Services
    - 5. Public Works Department
    - 6. Skagway Volunteer Fire Department
    - 7. Skagway Library Department
    - 8. Skagway Museum Department
    - 9. Skagway Police Department
    - 10. Skagway Port Department
    - 11. Skagway Recreation Center
  - B. The Office of the Clerk operates under Central Administration but shall be administered by the borough clerk. All other departments shall be administered by the manager or a department head, supervisor, or other

designee. Departments may be assigned additional responsibilities by the manager. Department heads, supervisors, or other assigned personnel may be responsible for more than one department or division within the department.

**C. Appointments.**

1. The manager and clerk shall be appointed by the Assembly;
2. Appointments of all other department heads shall be by the manager with confirmation by the assembly.
  - (a) Exceptions: The fire chief shall be elected by department volunteers with approval by the Selection Committee and confirmation by the Assembly for a two (2) year term consistent with SMC 3.02.070 below. The clinic administrator shall be appointed by the Dahl Memorial Clinic Board of Directors consistent with SMC 3.17.055 and the Borough Personnel Policy subject to confirmation by the Assembly.

**3.02.020 Central Administration.**

**A. Responsibilities. Administration and the Clerk's Office are two separate departments sharing office space and having overlapping responsibilities for the following**

1. Real and personal property management, including acquisition and disposal, except property of the School District;
2. Risk management;
3. Lease agreements and contracts;
4. Operation, maintenance and planning of computer resources; systems development, support, and training; establishment of data processing standards;
5. Annual Budgeting and Capital Improvement Program;
6. Recording and safeguarding all proceedings of the borough assembly and its commissions/boards in accordance with SMC 3.01 Mayor, Assembly & Central Administration, 12.01 Skagway Port Commission, 19.02 Planning & Zoning Commission and 19.10 Historic District Commission;
7. Administration of Elections;
8. Records Management for all departments;
9. Personnel functions including administration of the personnel management plan and the personnel rules, the classification plan, the compensation plan, the recruiting and examination programs, the personnel records system, employee orientation and training, and other related personnel issues;
10. Accounting and finance for all departments: All accounting, assessing, purchasing and treasury management;
11. Capital Projects including the design and construction of all municipal capital projects, rehabilitation and major repairs, without regard to whether the facility is under the control of a board or a different department;
12. Planning, including platting, zoning, community development, land use and administering technical codes;
13. Flood control program
14. Coastal management program;
15. Licensing and permitting;
16. Other related duties as assigned by the manager or assembly.

- B. Department head and authority. The department head of administration shall be the manager. The department head of the clerk's office shall be the clerk. The manager and clerk may organize the department and distribute responsibilities as determined appropriate. The manager may make a temporary or permanent assignment of a part of any central administration responsibility to another department and may permit other departments to perform central administration functions necessary or convenient for the efficient operation of such other departments.**
- C. Exception. The manager may not make temporary or permanent assignments of responsibilities of the clerk's office without agreement of the clerk.**

**3.02.030 Convention & Visitors Bureau.**

- A. Responsibility. The Convention & Visitors Bureau shall be headed by the tourism director, acting under the direction of the borough manager. The Convention & Visitors Bureau shall be responsible for developing and recommending to the assembly policies governing the planning and execution of programs dealing with all phases of convention and visitor promotion and service to visitors in accordance with SMC 3.14.090.**
- B. Powers and duties.**
  - 1. The tourism director shall have supervision and management of the administration of the Convention & Visitors Bureau.**
  - 2. The tourism director shall select personnel to serve as staff, subject to confirmation by the borough manager.**
  - 3. The tourism director shall implement the policies, programs and plans of operation as adopted by the assembly.**
  - 4. The tourism director shall serve as staff support to the Convention & Visitors Bureau Board in accordance with Skagway Municipal Code Title 3, Chapter 14.**
  - 5. Other related duties as assigned by the manager.**
- C. Reports. The tourism director shall submit reports to the assembly at least annually.**

**3.02.040 Dahl Memorial Clinic.**

- A. Responsibility. The Dahl Memorial Clinic shall be managed by the clinic administrator in accordance with SMC 3.17.055.**
- B. Powers and duties. The clinic administrator shall have all powers and duties as defined in Skagway Municipal Code Title 3, Chapter 17 and will comply with Municipality of Skagway Codes and policies regarding finance and personnel.**
- C. Purpose. To improve the standards of health care in Skagway Alaska; to encourage education and training of clinic employees and staff appointees; and to strive to maintain the quality of patient care that is achievable commensurate with resources available.**

**3.02.050 Disaster and Emergency Services.**

- A. Department head and authority. The department head of disaster and emergency services shall be the manager or his designee.**
- B. Purpose. It is the desire of the municipality to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the municipality.**

- C. Disaster and emergency services. The manager or his designee is the emergency preparedness and emergency services director and thereby the coordinator for all activity in connection with emergency services and other disaster operations.
1. Emergency operations plan. There shall be an emergency operations plan which shall be adopted by ordinance and may be amended by resolution. The department of disaster and emergency services shall be responsible for implementing the approved emergency operations plan, and shall be the liaison agency with the ~~Alaska Division of Emergency Services~~ Alaska Division of Homeland Security and Emergency Management. The emergency operations plan shall be reviewed annually by the department of disaster and emergency services with changes recommended to the borough assembly.
  2. Multi-hazard mitigation plan. There shall be a multi-hazard mitigation plan which shall be adopted by ordinance and may be amended by resolution. The department of disaster and emergency services shall be responsible for implementing the approved multi-hazard mitigation plan, and shall be the liaison agency with the ~~Alaska Division of Emergency Services~~ Alaska Division of Homeland Security and Emergency Management. The multi-hazard mitigation plan shall be reviewed every five (5) years by the department of disaster and emergency services with changes recommended to the borough assembly.
  3. Violations and penalties. It shall be a violation, punishable by a fine not to exceed the sum of three-hundred dollars for any person during a proclaimed disaster emergency to willfully:
    - (a) Obstruct, hinder, or delay any accredited member of the disaster and emergency services organization in the enforcement of any lawful rule or regulation issued, pursuant to this chapter, or in the enforcement of any duty imposed by virtue of this chapter;
    - (b) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such nature as to give, to be likely to give, assistance to the enemy, or to imperil the lives of property of inhabitants of the municipality, or to prevent, hinder, or delay the defense or protection thereof;
    - (c) To wear, carry or display, without authority any means of identification specified municipal emergency preparedness and emergency services office or the ~~Alaska Division of Emergency Services~~ Alaska Division of Homeland Security and Emergency Management.
  4. No governmental or private liability.
    - (a) No disaster and emergency department or authorized emergency response personnel while in proper performance of his/her required duties shall be held liable for any damage sustained to persons or property as a result of emergency response activity.
    - (b) No person owning or controlling real property, who allows the use of that property for disaster response activities shall be held liable for death or injury resulting from that use.

**3.02.060 Public Works Department.**

**A. Divisions.** The public works department operates through several divisions:

1. water and sewer;
2. solid waste collection and disposal;
3. parks & recreation;
4. streets and road maintenance, and
5. buildings and property maintenance.

**B. Responsibilities.** The public works department is responsible for:

1. Maintenance and operation of all municipal public works, including street, water, and sewer systems;
2. Maintenance of parks and recreation facilities such as 7-Pastures, Centennial Park, Molly Walsh Park, and the seawalk parks;
3. Maintenance of the municipal trail systems such as Yakutania Point Trail and Lower and Upper Dewey Lake Trails;
4. Maintenance of public cemeteries;
5. Maintenance of all municipal buildings, kiosks and pergolas except that the Skagway School District shall be responsible for the maintenance of building and grounds housing the Skagway School System.
6. The department shall, to the extent the manager may from time to time direct, participate in, and/or manage the construction of new capital improvements.
7. Other related services as assigned by the manager.

**C. Powers and duties.**

1. The public works director shall have supervision and management of the administration of the public works department.
2. The public works director shall select personnel to serve as staff, subject to confirmation by the borough manager.
3. The public works director shall implement the policies, programs and plans of operation as approved by the manager.
4. Other related duties as assigned by the manager.

**3.02.070 Skagway Volunteer Fire Department.**

**A. Department head and authority.** The department head of the fire department, emergency medical services and wilderness search & rescue shall be the fire chief, working under the direction of the borough manager.

**B. Purpose.** It is the desire of the municipality to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the municipality.

**C. Organization.** The fire chief is the department head and is responsible for overseeing the Skagway Volunteer Fire Department and each of its divisions; ~~fire prevention, emergency medical services, structural and wildland fire suppression, wilderness search & rescue.~~

1. The fire chief shall have supervision and management of the administration of the fire department. The fire chief shall be a volunteer elected for a two (2) year term by the fire department volunteers, with approval of the selection committee and confirmation by the Assembly.
2. The fire chief shall, subject to approval by the board of advisors appoint chief officers and section captains.

3. The fire chief shall select personnel to serve as staff, subject to confirmation by the manager.
- D. **Duties and Responsibilities.** The fire chief ~~and/or Board of Advisors~~ shall:
1. Formulate a set of rules and regulations to govern the department, subject to approval by the Board of Advisors and ratification by the Assembly, and shall be responsible to the manager for the personnel, morale and general efficiency of the department, ~~subject to approval by the Assembly.~~
  2. Shall at least once a month conduct suitable drills or instruction in the operation and the handling of equipment, first aid and rescue work, salvage, a study of buildings in the municipality, fire prevention, water supplies, and all other matters generally considered essential for good safety of life and property from fire.
  3. Shall assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.
  4. The chief or his designee is hereby empowered, to the maximum extent consistent with constitutional law, to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. Any person so served with a notice to abate any fire hazard shall comply therewith and promptly notify the chief. Except in cases where the fire chief or his designee has cause to believe a fire has just broken out in a building, building entries shall require either the consent of an occupant or valid search warrant based on probable cause to believe a building has become hazardous to human occupancy and an inspection of its condition is required.
  5. The chief shall assure that complete records are kept of all fires incidents, inspections, apparatus and minor equipment, personnel and other information about the work of the department.
  6. The chief shall report monthly to the manager the condition of the apparatus and equipment; the number of fires during the month, their location and cause and purpose of all other runs made, and the number of members responding to each fire and other runs, and any changes in membership.
  7. The chief shall annually report to the manager within one (1) month after the end of the calendar year, such report to include the information specified above, together with comparative data from previous years and recommendations for improving the effectiveness of the department.
- E. **Department membership.**
1. The membership of the department shall consist of such able-bodied citizens of Skagway as may volunteer and be elected to membership by the Volunteer Fire Department.
  2. The chief may suspend or discharge any member of the department at any time he may deem such action necessary for the good of the department. Suspensions and discharges shall be subject to the opportunity of such member for a review before the board of advisors upon written request of such member.
- F. **Equipment.**

1. Suitable arrangements or equipment shall be provided for citizens to turn in fire alarms, and for notifying all members of the department so that they may promptly respond.
  2. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. The chief shall from time to time recommend to the manager any new apparatus or equipment needed, which, after manager and assembly approval, shall be purchased in such manner as the assembly may designate.
  3. All department equipment shall be safely and conveniently housed in such places as the assembly may designate. Such places shall be heated during the winter season whenever feasible.
  4. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. Violation of this provision shall be an infraction, punishable by a fine of one hundred dollars (\$100.00) or less. Department members who participate in, or aid or abet another person in carrying out a violation of this provision shall be subject to automatic dismissal.
  5. No person shall enter any place where fire apparatus is housed, or handle any apparatus or equipment belonging to the department unless accompanied by, or having special permission of an officer or authorized member of the department. Violation of this provision shall be an infraction, punishable by a fine of one hundred dollars (\$100.00) or less.
  6. No department apparatus or equipment shall be hired out or permitted to leave the borough limits, except in response to a call for aid at a fire in a neighboring community, without the chief's consent. The officer in charge of the department at the time shall have power to assign equipment for response to calls for outside aid, in accordance with subsection (G) below, and in other cases only when the absences of such equipment will not jeopardize protection in the Municipality of Skagway.
- G. Contracting authority.** The manager is hereby authorized, on behalf of the municipality, to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide members of such communities or organizations with extra territorial fire protection or to establish a mutual aid system.
- H. Enforcement.**
1. All regularly appointed members of the department are hereby given the necessary special police powers for the purpose of implementing this chapter.
  2. It shall be the special duty of the chief of police and other police officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the fire department in the protection of life and property, in regulating traffic, maintaining order, and enforcing observance of all sections of this chapter.

**3.02.080 Skagway Library Department.**

- A. Responsibility.** The library department shall be headed by the librarian, acting under the direction of the borough manager. The Skagway Public

Library's primary mission is to serve as a reliable source of information for the community by acquiring, organizing, and disseminating information. The library supports the educational, civic, and cultural activities of the community, as well as, the intellectual and creative endeavors of the individual, to promote an enlightened citizenship and the enrichment of personal lives.

**B. Powers and duties.**

- 1. The librarian shall have supervision and management of the administration of the library.**
- 2. The librarian shall select personnel to serve as staff, subject to confirmation by the borough manager.**
- 3. The librarian shall implement the policies, programs and plans of operation as recommended by the library board and approved by the assembly.**
- 4. The librarian shall serve as staff support to the library board in accordance with SMC Title 3, Chapter 12.**
- 5. Other related duties as assigned by the manager.**

**3.02.090 Skagway Museum Department.**

**A. Responsibilities.** The museum department shall be headed by the curator, acting under the direction of the borough manager. The Skagway Museum's primary mission is to preserve Skagway's history through its collection and to serve as a reliable resource of information about Skagway's history and citizens.

**B. Powers and duties.**

- 1. The curator shall have supervision and management of the administration of the museum.**
- 2. The curator shall select personnel to serve as staff, subject to confirmation by the borough manager.**
- 3. The curator shall implement the policies, programs and plans of operation as recommended by the museum board and approved by the assembly.**
- 4. The curator shall serve as staff support to the museum board in accordance with SMC Title 3, Chapter 10.**
- 5. Other related duties as assigned by the manager.**

**3.02.100 Skagway Police Department**

**A. Department head and authority.** The department head of the police department shall be the police chief.

**B. Purpose.** There is hereby established the "Skagway Police Department". The objective of the Skagway Police Department is to maintain law and order within the boundaries of the Municipality of Skagway.

**C. Organization.**

- 1. The department shall be supervised by the police chief, working under the direction of the borough manager. The police chief shall be appointed by the borough manager, subject to confirmation by the assembly. The police chief shall be a person who is qualified by training and experience to administer and command the police department. The police chief shall be an officer of the municipality.**
- 2. The police chief shall, subject to confirmation by the borough manager, appoint police department personnel. Police department personnel shall be accountable to the chief and subject to removal**



by him, subject to such personnel policies as the assembly may from time to time adopt and publish.

- D. Powers and duties.** It shall be the duty of the police department to apprehend and arrest and bring to justice all violators of ordinances of the municipality; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state laws as provided by law, and turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department shall have charge of and operate the holding cells.
- E. Duties of the police chief.**
  - 1. The chief shall formulate a set of rules and regulations to govern the department, and shall be responsible to the borough manager for the personnel, morale and general efficiency of the department.
  - 2. The chief shall assure that complete records and other information about the work of the department are maintained. Personnel records are maintained at the Borough Administration Office under the supervision of the personnel officer, except that the police chief may maintain training records of all personnel. Training records shall be submitted to the borough clerk upon separation from borough service by personnel in accordance with SMC 3.20.060(D).
  - 3. The chief shall annually report to the borough manager within one (1) month after the end of the calendar year, such report to include the condition of equipment, the number of calls, an assessment of departmental needs together with comparative data from previous years and recommendations for improving the effectiveness of the department.

**3.02.110 Skagway Port Department.**

- A. Responsibilities.** The port department is responsible for the development, management, operation and maintenance of all of the municipality's port facilities including the Small Boat Harbor and the municipality's side of the ferry/barge facility. The port department operates through several divisions:
  - 1. port development;
  - 2. small boat harbor;
  - 3. ferry/barge facility
- B. Department head and authority.** The department head of port department shall be the port director. The port director shall be the manager until such time as the manager and assembly determines to fill the position. The harbormaster shall be responsible for the management and operation and maintenance of the Small Boat Harbor and the municipality's side of the ferry/barge facility.
- C. Powers and duties.** The Port Director and the Harbormaster shall have all powers and duties as defined in Skagway Municipal Code Title 12 and will comply with Municipality of Skagway codes and policies regarding finance and personnel.
  - 1. The director shall be responsible for oversight of the port development.
  - 2. The director shall serve as staff support to the port commission.
  - 3. The director and port commission shall be responsible for the

- review and update of the Port Development Master Plan in accordance with SMC 12.01, Skagway Port Commission.
4. The harbormaster shall have supervision and management of the administration of the small boat harbor and the municipality's side of the ferry/barge facility in accordance with SMC 12.04, Harbormaster.
  5. The harbormaster shall select personnel to serve as staff, subject to confirmation by the borough manager.
  6. The harbormaster shall implement the policies, programs and plans of operation as adopted by the assembly.
  7. The harbormaster shall serve as staff support to the harbors advisory board in accordance with SMC 12.06 Harbors Advisory Board.
  8. Other related duties as assigned by the manager.

**3.02.120 Skagway Recreation Center.**

- A. **Responsibilities.** The recreation center department shall be headed by the recreation center director, acting under the direction of the borough manager. The recreation center exists to improve the health status and the quality of life for the residents and visitors of Skagway.
- B. **Powers and duties.**
  1. The director shall have supervision and management of the administration of the recreation center.
  2. The director shall select personnel to serve as staff, subject to confirmation by the borough manager.
  3. The director shall implement the policies, programs and plans of operation as recommended by the recreation board and approved by the assembly.
  4. The director shall serve as staff support to the recreation board in accordance with SMC Title 3, Chapter 9.
  5. Other related duties as assigned by the manager.

**Section 4. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 23<sup>rd</sup> day of June, 2011.

*Thomas D Cochran*

Thomas D. Cochran, Mayor

ATTEST:

*Emily A. Deach*  
Emily A. Deach, Borough Clerk

(SEAL)

