

Proposed by:	Civic Affairs Committee
Attorney Review:	05/26/2021
First Reading:	06/17/2021
Second Reading:	07/15/2021
Vote: 6 Aye	0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 21-08

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SKAGWAY MUNICIPAL CODE TITLE 3, ADMINISTRATION AND PERSONNEL, TO MIRROR ASSEMBLY APPROVED CHANGES TO THE PERSONNEL POLICY.

WHEREAS, at its meetings of April 29 and May 12, 2021, the Civic Affairs Committee reviewed and discussed the proposed code amendments, and at the May 12 meeting voted to propose the code amendments to the Assembly for consideration; and

WHEREAS, on May 20, 2021 the Skagway Borough Assembly approved changes to the Skagway Personnel Policy Manual; and

WHEREAS, the Municipality of Skagway wishes to amend germane sections of Skagway Municipal Code (SMC) Title 3, Administration and Personnel to match the changes made the Skagway Personnel Policy;

NOW THEREFORE 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 amend Title 3, Administration and Personnel, for the purpose of mirroring the language in the recently revised personnel policy manual.

Section 3. Amendment. The Skagway Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Title 3 is hereby amended as follows:

Title 3
ADMINISTRATION AND PERSONNEL

Chapters:

- 3.01 COUNCIL AND CENTRAL ADMINISTRATION
- 3.02 DEPARTMENTS
- 3.09 RECREATION BOARD
- 3.10 MUSEUM BOARD
- 3.12 LIBRARY BOARD
- 3.14 SKAGWAY VISITOR ADVISORY BOARD
- 3.15 DYEA COMMUNITY ADVISORY BOARD
- 3.16 EDUCATION
- 3.17 DAHL MEMORIAL CLINIC BOARD OF DIRECTORS

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 21-08

Page 2 of 8

3.18 PERSONNEL MANAGEMENT PLAN

3.20 RECORDS MANAGEMENT

~~3.01.015 Officers designated.~~

~~The officers of the municipality are the six (6) assembly members, the mayor, the borough manager, the borough attorney, the borough clerk, the borough treasurer and the chief of police. The mayor and members of the assembly shall be elected by direct vote of the electors of the municipality, in accordance with state statutes. The borough manager and borough clerk shall be appointed by the assembly and may be removed only by the assembly. All other officers shall be appointed by the borough manager, subject to confirmation by the assembly. Each officer appointed shall hold office until terminated or until his successor is appointed, whichever first occurs. With the exception of the police chief, department heads shall not be regarded as officers of the municipality for purposes of this section, and shall be appointed and removed at the sole discretion of the borough manager.~~

3.01.020 Records.

The records of the municipality shall be kept by the clerk; except that departments ~~other officers~~ of the municipality may keep such records as are necessary for the performance of their duties. When such records are no longer needed in the possession of such ~~other officers~~ departments, the same shall be delivered to the clerk for safekeeping. Records shall be maintained in accordance with SMC Chapter 3.20 of this title. Disposal of records may only occur after the "Disposition of Records" "Records Destruction Authorization" form has been completed and approved by the borough manager. The records of the Dahl Memorial Clinic and Skagway Police Department shall be kept in accordance with federal and state law applicable to confidential records and those records are not kept by the clerk; however, such records must be maintained and disposed of according to SMC Chapter 3.20.

3.01.055 Compensation of elected officials.

- A. The mayor shall receive a stipend of one-thousand dollars (\$1,000.00) per month. The mayor's stipend shall not be decreased during ~~his or her~~ their term of office, and shall be prorated per day for service of less than one month and/or greater than one month. If the mayor is out of the borough for a period of more than 15 days (exclusive of time spent on borough business), the mayor's stipend shall be suspended for the entire period of absence and paid to the appointed vice mayor as prorated by the borough treasurer.
- B. Each member of the assembly shall receive a salary of one-hundred twenty-five dollars (\$125.00) for attendance at each regular, special or work session (committee of the whole) meeting.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 21-08

Page 3 of 8

3.01.095 Borough manager.

- A. Appointment, Term and Qualifications. The assembly shall appoint the borough manager for an indefinite term by majority vote of all its members. The borough manager shall be selected solely on the basis of executive and administrative qualifications. At the time of appointment, the borough manager need not be a resident of the municipality or state, but during the borough manager's tenure of office, ~~he~~ they shall reside within the municipality. Neither the mayor nor any assembly member may be appointed borough manager or acting borough manager during the mayor or assembly member's term, nor for one (1) year following the end of that term. The assembly may suspend or remove the borough manager any time by a majority vote of all its members. **The assembly may enter into a contract with the borough manager which specifies a term of employment and addresses particular aspects of municipal employee benefits and the personnel rules as adopted by the assembly,** ~~to the extent consistent with any contract the municipality may have with the then borough manager.~~
- B. Acting Borough Manager. If the borough manager is absent from the municipality or is unable to perform ~~his~~ their duties, if the assembly suspends the borough manager, or if 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, ~~his~~ their 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.
- C. Powers and Duties. The borough manager shall be the chief administrative officer of the municipality, and shall have all the powers and duties set forth in AS 29.20.500, as follows:
1. Appoint, suspend, or remove municipal employees and administrative officials, except as provided otherwise in this title and AS 14.14.065;
 2. Supervise the enforcement of municipal law and carry out the directives of the borough assembly;
 3. Prepare and submit an annual budget and capital improvement program for consideration by the borough assembly, and execute the budget and capital improvement program adopted;
 4. Make monthly financial reports and other reports on municipal finances and operations as required by the borough assembly;
 5. Exercise custody over all real and personal property of the municipality, except property of the school district;
 6. Perform other duties required by law or by the borough assembly; and
 7. Serve as personnel officer, unless the borough assembly authorizes the borough manager to appoint a personnel officer.
- D. In addition, the borough manager shall have the following authority and duties:
1. Except for appointments which by state law or municipal ordinances must be made by the mayor and/or the assembly, or by the borough manager

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 21-08

Page 4 of 8

with confirmation by the assembly, the borough manager, in ~~his~~ their role as personnel officer for the municipality, shall have sole authority to take all personnel actions regarding municipal employees, including department heads. The borough manager may authorize any administrative ~~officer~~ employee who is subject to ~~his~~ their direction and supervision to exercise these powers with respect to subordinates in that ~~officer's~~ department head's department, office or agency facility.

2. The borough manager shall attend assembly meetings and shall have the right to take part in discussion but not to vote.
 3. The borough manager shall perform such other duties as specified elsewhere in the Skagway Municipal Code or as may be required by the assembly.
- E. Annual evaluation. Annually, or more frequently as the assembly deems necessary, the assembly shall review the performance of the borough manager using procedures compliant with the Municipality of Skagway's personnel policies.

3.01.100 Borough clerk.

- A. The borough clerk shall be appointed by the assembly and serve at the pleasure of the assembly. The borough clerk is subject to the supervision of the assembly. **The borough clerk is an employee of the municipality.**
- B. Mission, powers and duties. The mission of the clerk's office is to serve as liaison between the public and the assembly. The borough clerk shall:
1. Attend meetings of the assembly and its boards and committees as required to keep the journal;
 2. Have custody of the official municipal seal;
 3. Assure that notice and other requirements for public meetings are complied with and assure that public records are available for public inspection as required by law;
 4. Manage municipal records and develop retention schedules and procedures for inventory, storage, and destruction of records as necessary as outlined in Chapter 3.20;
 5. Maintain an indexed file of all permanent municipal records, provide for codification of ordinances, and authenticate or certify records as necessary;
 6. Prepare agendas and agenda packets as required by the assembly;
 7. Administer all municipal elections;
 8. Assure that the municipality complies with 42 U.S.C. 1971-1974 (Voting Rights Act of 1965, as amended);
 9. Take oaths, affirmations, and acknowledgments as necessary;
 10. Act as the parliamentary advisor to the assembly and its boards and committees;
 11. Attest deeds and other municipal documents signed by the mayor in accordance with action of the assembly;
 12. Maintain the necessary qualifications to be a notary;
 13. Perform such other duties as may be specified in Alaska Statutes, Title 29, or as may be prescribed by the assembly;

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 21-08

Page 5 of 8

14. Under the direction of the borough manager, the borough clerk may act as personnel clerk;
 15. The borough clerk and deputy clerk serve as direct contact for the Skagway Coastal Management Program.
- C. Deputy Clerk.
1. In the temporary absence of the borough clerk, the deputy clerk is authorized to act on behalf of the borough clerk, with all the powers and obligations of the borough clerk. The deputy clerk shall be duly qualified.
 2. The deputy clerk shall be empowered to sign all documents in the name of the borough clerk, subscribing ~~his or her~~ their personal signature as deputy clerk.
- D. Annual evaluation. Annually, or more frequently as the assembly deems necessary, the assembly shall review the performance of the borough clerk using procedures compliant with the Municipality of Skagway's personnel policies.

3.01.110 Borough attorney.

The borough attorney shall serve as legal advisor ~~of all the officers~~ of the municipality with respect to any legal matter affecting the municipality's interest. **The borough attorney shall serve at the pleasure of the assembly and is not an employee of the municipality.**

3.01.115 Bonds of officials.

The assembly shall, from time to time by resolution, determine which ~~officers~~ **personnel** of the municipality, in addition to the borough treasurer, shall be bonded for the faithful accounting of all funds and property under their control. Such bonds shall be purchased from surety companies licensed to do business in the state of Alaska in such amounts as the assembly shall determine and be in such form as is acceptable to the assembly.

3.01.120 Oaths of office.

Municipal ~~officers~~ **electd officials, planning and zoning commissioners, the borough treasurer, the borough clerk, the borough manager, and the chief of police,** before taking office, shall affirm in writing that they will honestly, faithfully and impartially perform their duties. The oaths shall be filed with the borough clerk.

3.01.125 Conflicts of interest.

Any ~~officer~~ **electd official** or employee shall disqualify ~~himself~~ **themselves** from participating in any official action in which ~~he has~~ **they have** a substantial financial interest.

1. a member of the assembly shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;
2. the presiding ~~officer~~ **electd official** shall rule on a request by a member of the assembly to be excused from a vote;

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 21-08

Page 6 of 8

3. the decision of the presiding officer ~~officer~~ **elected official** on a request by a member of the assembly to be excused from a vote may be overridden by the majority vote of the assembly; and
4. a municipal employee or official, other than a member of the assembly, may not participate in an official action in which the employee or official has a substantial financial interest.

3.01.130 Discrimination in employment.

No person may be appointed to or removed from municipal ~~office or~~ employment, or in any way favored or discriminated against with respect to a municipal position, because of that person's race, religion, color or national origin, age, physical handicap, sex, **sexual orientation, gender identity,** marital status, change in marital status, pregnancy or parenthood, **veteran status, military service,** or because of that person's political opinions or affiliations. ~~All appointments and promotions of municipal officers and employees shall be made on the basis of merit.~~

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 **and that appointment submitted to the borough assembly for confirmation,** ~~subject to confirmation by the assembly.~~ **The borough manager may suspend or remove the police chief at any time.** 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.~~ **The police chief shall at all times while employed as police chief be certified as a police officer by the Alaska Police Standards Council.**
 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.

3.18.050 ~~Exempt employees~~ **Application of personnel policy manual.**

The personnel management plan ~~policy manual as adopted by the assembly and as revised from time to time~~ **applies to all employees of the municipal government of the borough except for exempt employees. Exempt employees are employees whose positions are filled by a person who serves at the pleasure of the borough assembly and whose term of employment is determined by the borough assembly. Exempt positions are the borough manager, port director, borough clerk, borough treasurer, chief of police, and clinic executive director and borough attorney. An exempt employee is covered by the provisions of the personnel management plan except as the employee's employment contract provides otherwise. Provisions relating to grievance, discipline and evaluation procedures apply except that an exempt employee may be terminated without cause at any time unless a term in writing of the employee's contract of employment specifically provides otherwise. The borough manager, port director, chief of police, and clinic executive director shall comply with those provisions in the personnel policy manual relating to the policy against harassment and the code of conduct, and other such provisions are required by their specific employment agreements.**

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.

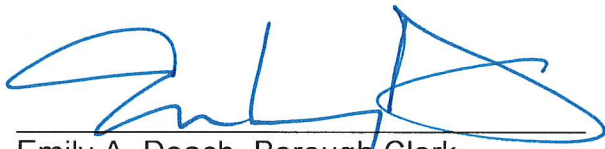
Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 15th day of July, 2021.



Andrew Cremata, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

