

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2017-11

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA MUNICIPAL CODE CHAPTER 2.08 TO CREATE THE OFFICE OF VICE MAYOR, CHAPTER 2.12 TO CLARIFY VACANCY CONDITIONS, CHAPTER 2.20 TO PROHIBIT TELEPHONIC PARTICIPATION IN EXECUTIVE SESSIONS, DEFINE SERGEANT AT ARMS, AND CLARIFY COUNCIL DIRECTIVES, CHAPTER 2.64 TO PAY PLANNING COMMISSIONERS, CHAPTER 2.84 TO CLARIFY BONDING REQUIREMENTS, CHAPTER 2.88 TO CLARIFY DEFINITION OF SUBSTANTIAL FINANCIAL INTEREST, CHAPTER 2.92 TO UPDATE DEFINITION OF “DOCUMENT”, AND CHAPTER 2.96 TO DEFINE ORDERS OF INTERIM SUCCESSION FOR EMERGENCY PREPAREDNESS PURPOSES.

BE IT ENACTED by the City Council of the City of Unalaska:

Section 1: Form. This is a Code ordinance

Section 2: Section 2.08.050 of the Unalaska Code of Ordinances is hereby amended to read as follows:
[additions are underlined, deletions are overstruck]

2.08.050 VICE MAYOR AND MAYOR PRO TEM.

(A) The City Council, at the first meeting immediately following certification of a regular municipal election, shall appoint, from among its members, a Vice Mayor. The Vice Mayor shall serve for a term of one (1) year.

(B) Should the office of Mayor become vacant, or if the Mayor is temporarily absent or disabled, or is unable to act, the Vice Mayor shall fulfil the duties of the Mayor until the Mayor resumes his or her official duties or until a new Mayor is qualified under this chapter.

(C) Should the office of Mayor and Vice Mayor become vacant, or if the existing Mayor and Vice Mayor are temporarily absent or disabled, or are is unable to act, the City Council may appoint, from among its members, a Mayor pro tem, to serve until the Mayor or Vice Mayor resumes his or her official duties or until a new Mayor is qualified under this chapter.

(D) A member of the City Council shall not receive additional compensation for serving as Vice Mayor or Mayor pro tem.

Section 3: Subsection 2.12.050(A)(10) of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

2.12.050 VACANCY ON CITY COUNCIL.

(10) Fails to attend at least seventy-five percent (75%) of regularly-scheduled meetings that are held within a twelve (12)-month period beginning January 1 each year.

Section 4: Subsection 2.20.075(D) of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

2.20.075 TELEPHONIC PARTICIPATION.

(D) Council member telephonic participation in executive sessions is prohibited. ~~If a motion to hold an executive session is made during a publicly noticed Council meeting, and any member of the Council is absent and that absence is excused, the City Clerk shall attempt, but is not required, to contact the absent member to determine if he or she desires to participate in the executive session.~~

Section 5: A new Section 2.20.110 is added to Unalaska Code of Ordinances Chapter 2.20 to read as follows: [additions are underlined]

2.20.110 DUTIES OF THE SERGEANT AT ARMS AT CITY COUNCIL MEETINGS.

The Sergeant At Arms shall maintain order during City Council meetings at the direction of the Mayor. If Council members or meeting attendees are disruptive, the Sergeant may warn them and, in extreme cases, escort them out of the meeting. The Sergeant At Arms is also responsible for security during the meeting. The Director of Public Safety shall serve as the Sergeant At Arms during Council meetings.

Section 6: Section 2.20.025 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

2.20.025 AGENDA.

(A) The Council agenda is developed by the Mayor and the City Manager, in consultation with the City Clerk. It is subject to approval by the Council.

(B) Council members requesting an item be placed on the agenda shall submit a written request to the City Clerk's Office, on a form provided by the Clerk, at least two (2) weeks prior to the Council meeting at which the member would like the item addressed.

(C) Council members must comply with the advance request requirement of division (B) of this section, unless the Council member submits a written request to the City Clerk's Office on a form provided by the Clerk, and also secures the written support of at least two (2) other Council members to initiate an agenda item, in which case the request must be presented to the City Clerk at least five (5) days prior to the meeting at which the member would like the item addressed.

(D) The Council may, at any time during a meeting and by a majority vote, approve a motion to amend the agenda in order to add or to delete items from the agenda; provided, however, that no action item may be added to the agenda in this manner.

- (1) For purposes of this ~~division~~ subsection, an “action item” is any item which:
- (a) Introduces an ordinance or a resolution;
 - (b) Requires an ordinance or a resolution;
 - (c) Awards a contract;
 - (d) Expends budgeted funds or authorizes expenditure of budgeted funds in excess of ten thousand dollars (\$10,000);
 - (e) Due to its complexity, requires more extensive public notice; or
 - (f) Directs the City Manager or the City Attorney to (i) investigate, (ii) report, or (iii) prepare a document for future consideration by the Council, regarding an item which does not appear on the published agenda.

- ~~(2) This division is intended to allow additions to the agenda which:~~
- ~~(a) Direct the City Manager or the City Attorney to investigate and/or to report on an issue;~~
 - ~~(b) Direct the City Manager to prepare a document or other item for future consideration by the Council;~~
 - ~~(c) Request the Council to hold an executive session concerning an item which appears on the published agenda, or ~~conclude~~ an item which may be added under this division;~~
 - ~~(d) Are for the purpose of receiving information only; or~~
 - ~~(e) Are other minor matters of a similar nature as those listed in (2)(a) through (2)(d) of this division.~~

(E) The Council may direct the City Manager or the City Attorney to (i) investigate, (ii) report, or (iii) prepare a document for future consideration by the Council, regarding an item which appears on the published agenda, without amending the agenda.

Section 7: Section 2.44.020 of the Unalaska Code of Ordinances is hereby amended to read as follows:
[additions are underlined, deletions are overstruck]

2.44.020 DIRECTOR OF PUBLIC SAFETY.

The Director of Public Safety shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. The Director of Public Safety shall also hold the title of Chief of Police and serve as the Sergeant at Arms during City Council meetings.

Section 8: A new Section 2.60.120 is added to the Unalaska Code of Ordinances Chapter 2.60 to read as follows: [additions are underlined]

2.60.120 NO COMPENSATION

Members of committees or commissions governed by this Chapter shall not receive compensation for serving on such committees or commissions.

Section 9: A new section 2.64.040 is added to the Unalaska Code of Ordinances Chapter 2.64 to read as follows: [additions are underlined]

2.64.040 COMPENSATION OF PLANNING COMMISSIONERS.

The salary of members of the Planning Commission shall be one hundred dollars (\$100) per scheduled regular meeting or special meeting. The salary may not exceed two hundred dollars (\$200) in a single calendar month. Historic Preservation Commission meeting held the same evening as a Planning Commission meeting shall not constitute a separate meeting for the purposes of calculating salary. Standalone Historic Preservation Commission meetings, however, constitute a separate meeting for the purposes of calculating Planning Commissioner salary. No ex officio member shall receive additional compensation under this section, except pre-approved per diem for travel authorized by the City, or as provided by this Code.

Section 10: Section 2.84.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

2.84.010 OFFICIAL BONDS.

(A) CITY TREASURER. The City Treasurer shall, before entering upon the duties of the office, give a corporate surety bond to the City in an amount not less than two hundred fifty thousand dollars (\$250,000). The bond shall be conditioned on the Treasurer agreeing to faithfully and honestly collect, keep, and disburse all monies belonging to the City. The bond shall be filed with and kept by the Department of Administration.

(B) CITY NOTARIES. City officers and employees serving as notaries due to their job duties and responsibilities shall be bonded per the requirements of the State of Alaska.

(C) ~~(B)~~ OTHER OFFICERS AND EMPLOYEES. ~~Every City officer and employee who collects, has custody of, or disburses any public monies, or who has custody of and issues materials, supplies, and equipment, must prior thereto, at the expense of the City, furnish to the City and maintain in full force and effect a corporate surety bond in an amount not less than five hundred thousand dollars (\$500,000).~~ Other City officers and employees who collect, have custody of, or disburse public monies, materials, supplies, or equipment shall be bonded on a case by case basis as determined by the City Manager and/or City Council.

(D) ~~(C)~~ PREMIUMS ON BONDS. The premiums on all official bonds shall be paid by the City.

~~(D) OFFICERS TO BE BONDED. Until and unless bonded as required herein, no officer or employee of the City shall handle any public monies, materials, supplies, and equipment at any time, except employees supervised by bonded officers or employees may do so under their~~

~~specific direction and control.~~

Section 11: Subsection 2.88.030(B) of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

(B) The following does not constitute a vote on a question on which the City Council or committee or commission member has a substantial financial interest:

(1) A vote to adopt or approve a variance request, a conditional use request, or an amendment to a zoning text or map unless the member of the City Council or commission member is directly or indirectly the applicant initiating the request;

(2) A vote on the question of recommending, approving, or directing condemnation proceedings; or

(3) The final vote to adopt the annual budget ordinance.

Section 12: Section 2.92.040 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

2.92.040 DEFINITION.

As used in this section, the word “document” means recorded information that documents a transaction or activity by or with any public officer, agency or employee of the City government. Regardless of physical form or characteristic, the recorded information is a document if it is produced, collected, received, or retained ~~in pursuance of law or~~ in connection with the transaction of public business and if it is preserved for its informational value or as evidence of the organization or operation of the City. The medium on which such information is recorded may be, but is not limited to paper, film, ~~magnetic, optical or solid state devices which can store electronic signals,~~ tapes, mylar, ~~linen, silk or vellum~~ and electronic files stored on a computer hard drive, a computer server, telecommunications equipment or other electronic device. The general types of records may be, but are not limited to books, papers, letters, electronic mail, text messages, digital files, documents, printouts, photographs, films, tapes, ~~microfiche, microfilm, photostats,~~ sound recordings, maps, and drawings, ~~and any representations held in computer memory.~~ “Document” does not include proprietary software programs.

Section 13: A new Section 2.96.075 is added to the Unalaska Code of Ordinances Chapter 2.96 to read as follows: [additions are underlined]

2.96.075 INTERIM SUCCESSION OF DEPARTMENT DIRECTORS FOR EMERGENCY PREPAREDNESS PURPOSES.

(A) Should the City Clerk position become vacant or should the City Clerk be absent or unable to perform the duties of the office, the interim succession of the City Clerk shall be the Deputy City Clerk.

(B) Should the Director of Finance position become vacant or should the Director of Finance be absent or unable to perform the duties of the office, the order of interim succession of the Director of Finance shall be as follows:

- (1) The Controller;
- (2) The Information Systems Supervisor.

(C) Should the Director of Planning position become vacant or should the Director of Planning be absent or unable to perform the duties of the office, the interim succession of the Director of Planning shall be the Assistant City Manager.

(D) Should the Director of Public Works position become vacant or should the Director be absent or unable to perform the duties of office, the order of interim succession of the Director of Public Works shall be as follows:

- (1) The Director of Public Utilities;
- (2) The Deputy Director of Public Utilities.

(E) Should the Director of Parks, Culture and Recreation position become vacant or should the Director of Parks, Culture and Recreation be absent or unable to perform the duties of office, the order of interim succession shall be as follows:

- (1) Recreation Manager;
- (2) Operations Manager.

(F) Should the Director of Public Utilities position become vacant or should the Director be absent or unable to perform the duties of the office, the order of interim succession of the Director of Public Utilities shall be as follows:

- (1) The Deputy Director of Public Utilities;
- (2) The Director of Public Works.

(G) Should the position of Director of Ports and Harbors become vacant or should the Director be absent or unable to perform the duties of the office, the order of the interim succession of the Director of Ports and Harbors shall be as follows:

- (1) The Deputy Director of Ports & Harbors;
- (2) The Harbor Master.

Section 14: Effective Date: This ordinance shall be effective as of January 1, 2018.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS 12 DAY OF December, 2017.


MAYOR

ATTEST:


CITY CLERK



MEMORANDUM TO COUNCIL

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: ERIN REINDERS, ASSISTANT CITY MANAGER
THRU: NANCY PETERSON, INTERIM CITY MANAGER
DATE: DECEMBER 12, 2017
RE: ORDINANCE 2017-11 – TITLE 2 REVISIONS

SUMMARY: Ordinance 2017-11 is a comprehensive update of Title 2 of the Unalaska Code of Ordinances. Changes now can be divided in to three main groups: *Ad-Hoc Committee Recommendations*, *Emergency Operations Requirements*, *Legal and Insurance Representative Recommendations*. A fourth group that was included in the draft ordinance considered at the first reading, pertaining to *Department of Public Safety Organizational Structure Revisions*, has been deleted. Staff recommends approval of Ordinance 2017-11 at this time.

PREVIOUS COUNCIL ACTION: This ordinance is the culmination of work that has taken place over the past several months. The first time Council saw this together in one document was at the October 10, 2017 Work Session. Given the changes in staffing and council that have recently occurred, the Council reviewed the document again at the October 24, 2017 Work Session.

On November 28, 2017 Council voted to remove the *Department of Public Safety Organizational Structure Revisions* to allow for a more comprehensive approach of the overall organizational structure of the City. Council also voted to remove to proposed Council pay for standalone Work Sessions at that same meeting. The version of Ordinance 2017-11 in this packet includes these changes.

BACKGROUND: The revisions to Title 2 that are being brought forward in this ordinance were crafted based on suggestions from different user groups and were originally divided into four broad categories. Only three categories currently remain.

DISCUSSION: For discussion purposes, the proposed changes now can be divided into three main groups. The version of Ordinance 2017-11 in this packet includes changes that City Council voted on at the November 28, 2017 Council meeting. If Council wishes to delete or revise additional portions, Council members may refer to the Section number in making their amendment. For convenience sake, the section number for each of the changes in the ordinance is outlined in this memo.

Ad-Hoc Committee Recommendations

The first group of proposed changes comes from an ad-hoc committee of the Mayor, Council Members Gregory and Waldron, the former City Clerk Cat Hazen and the Previous City Manager and directly impact Council. These include:

- *Section 2.* The creation of the vice mayor position, who would be a City Council member and appointed by the City Council following a regular municipal election on an annual basis. *In discussions with 15 City Clerks in Alaska, Unalaska's City Clerk found that 14 of the communities elect or appoint a Deputy or Vice Mayor. In 10 of these communities, the Deputy/Vice serves for one year; in 2 communities the Deputy/Vice serves for their term in office; and in 2 communities the Deputy/Vice serves at the Mayor's discretion. In all 14 of communities, this topic is addressed in their City Code of Ordinances.*
- *Section 3.* Clarification of attendance requirements for Council with a vacancy on council being considered if a member fails to attend at least 75 percent of regularly scheduled meetings in a 12 month period beginning on January 1 of each year.
- *Section 4.* The elimination of telephonic participation in Executive Sessions by Council.
- *Section 5 and 7.* Adds the definition of duties of the sergeant at arms and assigns the duty of serving as sergeant at arms to the Director of Public Safety.
- *Sections 8 and 9.* Adding compensation for Planning Commissioners in the amount of \$100 per regular or special meeting, not to exceed \$200 per calendar month. At this point in time they receive no compensation.
- *Section 11.* Clarification of conflict of interest rules when voting on the budget. This allows for all council members to participate in the final vote adopting the annual budget ordinance.

Emergency Operations Requirements

The second group of changes came from the previous City Manager to improve Emergency Operations. The State of Alaska, Department of Homeland Security and Emergency Management recommended in 2012 that the Department of Public Safety clearly defined a line of succession in City Code for the purposes of emergency management. This was accomplished as part of the Title 2 revisions in 2014. The currently proposed wording in Ordinance 2017-11 is the natural next step to address the roles of other Department Directors in cases of emergency. This includes:

- *Section 13.* Outlining the orders of interim succession for department directors in emergency situations when a Director is not available. In previous drafts of Ordinance 2017-11, the proposed changes were sprinkled throughout Title 2, but in the effort to clarify that this applies to Emergency Operations, the changes have been relocated to a different portion of Title 2 that specifically addresses Emergency Preparedness and Response.

Legal and Insurance Representative Recommendations

The third group of proposed changes was suggested by City Staff with the help of our attorneys and insurance representatives. These include:

- *Section 6.* Clarifying what may be added to the Council Meeting Agenda, guidance on how directives may be given to the City Manager and recommendations from the City Attorney for removing potentially conflicting language. This change was not included in previous draft

versions of Ordinance 2017-11, but was identified as needed in response to recent directives that were issued.

- *Section 10.* Clarifying bonding requirements for key positions, namely our City Notaries and the Finance Director who, per code, also serves as the Treasurer.
- *Section 12.* Updating the definition of “documents” to include references to newer technologies such as computers, digital documents, email, and text messages.

ALTERNATIVES: The Council may move forward with the approval process of this Ordinance in its current form, or recommend changes to it through amendment.

FINANCIAL IMPLICATIONS: No significant implications are anticipated.

LEGAL: The ordinance has been reviewed by City Attorney.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance 2017-11.

PROPOSED MOTION: “I move to approve Ordinance 2017-11.”

If Council wishes to delete or revise portions, Council members may refer to the Section number in making their amendment. For convenience sake, the section number for each of the changes in ordinance is outlined in this memo.

CITY MANAGER’S COMMENTS: This draft has been prepared at the direction of the Mayor and City Council, and with the involvement of the numerous members of City Staff, and the assistance of the City Attorney.