

Title 3

ADMINISTRATION AND PERSONNEL

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Chapter 3.04**ASSEMBLY**

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3.04.010 Oath of office.

The mayor and assembly members elect, before entering upon the duties of their offices, shall severally take an oath in writing to honestly, faithfully and impartially perform the duties of their offices, which oath should be filed with the borough clerk. [Ord. 199 § 5, 1967; prior code § 36.50.010.]

3.04.012 Qualifications.

All members of the assembly, including the mayor, shall be qualified voters of the borough who have resided within the borough at least one year immediately preceding his or her election. [Ord. 833 § 11, 2009; Ord. 805 § 1, 2007; Ord. 491 § 12, 1986.]

3.04.020 Failure to take oath of office.

If any person who has been declared elected to any office as aforesaid fails, neglects or refuses to take his oath of office as provided within 30 days after the date of such election, the remaining members of the assembly shall have the power to declare a vacancy and to elect some qualified person to fill such vacancy until the next annual election. [Ord. 199 § 5, 1967; prior code § 36.50.020.]

3.04.030 Start of term.

The mayor and assembly members elect shall take their respective offices on the first Monday after their election from which day their term of office shall be deemed to run. [Ord. 199 § 5, 1967; prior code § 36.50.030.]

3.04.040 Vacancies.

A. The assembly, by the majority vote of its remaining members, shall fill vacancies in its own membership including the vacancy in the office of mayor for the unexpired terms or until the vacancies are filled at elections.

B. If a vacancy occurs before the beginning of a regular filing period for candidates for assembly members, and the unexpired term extends beyond the time when the terms of assembly members elected that year begin, then a mayor or assembly member for that place shall be elected at the regular election of that year to serve the rest of the unexpired term beginning at the time the terms of assembly members elected that year begin. [Ord. 199 § 5, 1967; prior code § 36.50.040.]

3.04.050 Relationship to mayor.

The mayor shall preside at all meetings of the assembly and shall certify the passage of all ordinances and resolutions passed by it. As an ex officio assembly member, he shall have all of the powers, rights, privileges, duties and responsibilities of assembly members. The mayor may vote. The mayor may not initiate motions. The mayor has no veto power. [Ord. 296 § 5, 1974; prior code § 27.10.020.]

3.04.060 Special committees.

Special committees for the purpose of considering any special matter may be appointed by the mayor with the consent of the assembly. [Ord. 296 § 5, 1974; prior code § 27.10.050.]

3.04.070 Quorum.

At all meetings of the assembly, four assembly members or three members and the mayor shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day or from time to time. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date. [Ord. 770 § 1, 2005; Ord. 296 § 5, 1974; prior code § 27.10.060.]

3.04.080 Regular meetings.

A. Regular meetings of the assembly shall be held on the second and fourth Tuesdays of each month, except that no regular meetings shall be held the second Tuesday of July and August and on the fourth Tuesday of December.

B. The meetings shall be held at 7:00 p.m. in the assembly chambers, City Hall, Wrangell.

C. If any such Tuesday falls on a legal holiday as defined by the laws of the state, the meeting scheduled for that day shall be held at the same hour on the next succeeding day which is not a holiday.

D. Separate notice for regular assembly meetings shall not be required; instead, the clerk shall cause to be published in the local newspaper a semiannual notice indicating the above-described regular assembly meeting plan. [Ord. 798 § 1, 2007; Ord. 596 § 4, 1995; Ord. 296 § 5, 1974; prior code § 27.10.070.]

3.04.090 Special meetings.

A. Unless otherwise designated in the notice, special meetings of the assembly shall be held at the regular meeting place of the assembly.

B. Special meetings shall be called by the borough clerk on the written request of the mayor, or of the borough manager, or of any two members of the assembly.

C. At least 48 hours of written notice shall be given designating the time and purpose of a special meeting. A duplicate copy of such notice shall be served personally on each member of the assembly, or left at his usual place of residence or business by the borough clerk, and the assembly member shall acknowledge receipt of the notice on the original copy thereof and the original shall be returned to the clerk and made a part of the journal of a special meeting. If the assembly member cannot be served personally, a copy of the notice of special assembly meeting shall be left at his usual place of residence or

business by the borough clerk or by someone designated by him, and that fact noted on the original notice to be filed for record.

D. A copy of the notice of special assembly meeting shall also be delivered at the place of business of the local newspaper published and circulated in the borough, but this requirement shall not be jurisdictional to the holding of any such meeting.

E. Public notice of the special meeting shall be given by posting notice at four places in the borough, one of which shall be City Hall, and one of which shall be the post office. Until resolution is passed to the contrary, the other two places shall be the bulletin boards of the Wrangell Sentinel and Wrangell Lumber Company.

F. If practicable, notice of the special meeting shall also be given by the borough clerk, causing such notice and an abbreviated description of the subject matters to be considered thereat, on the local television mini scanner, but such additional requirement shall not be jurisdictional to the holding of a special assembly meeting.

G. The assembly members may subsequently sign a waiver of notice of a special meeting, which such notice shall be attached to and made a part of the journal of the meeting.

H. No business shall be transacted at any special meeting of the assembly, except that stated in the notice of the meeting.

I. As with regular meetings, special assembly meetings shall be public meetings and the public shall have a reasonable opportunity to be heard. [Ord. 296 § 5, 1974; prior code § 27.10.080.]

3.04.100 Agenda.

An agenda is not required for special assembly meetings; the list of topics contained in the notice given for such special meeting shall instead suffice. An agenda shall be prepared before all regular assembly meetings and shall be posted at City Hall by noon of the Monday preceding the meeting. All items and subject matters for agenda consideration shall be submitted by the public by 12:00 p.m. on the Thursday preceding the meeting. The assembly may amend the agenda at the beginning of its meeting. The outline of the agenda shall be as from time to time prescribed and amended by resolution of the assembly. [Ord. 805 § 2, 2007; Ord. 327 § 5, 1975; prior code § 27.10.090.]

3.04.110 Meeting procedure.

At the established hour on the day of each regular meeting the assembly members, the borough manager and such department heads as may have requested to be present shall take their regular station in the assembly chambers, and the business of the assembly shall be taken up for consideration and disposition in general accord with the agenda. The mayor may, unless opposed by a majority of the assembly, alter the sequence of matters to be considered from the agenda. With the former regard, flexibility is desired to achieve a logical sequence in the consideration of topics. Strict adherence to the formalized procedures recited in Robert's Rules of Order, Revised, Forward Copyright 1971 shall not be required; instead, the mayor shall, as presiding officer of the meeting, have the discretionary power to conduct procedural matters of the assembly as he deems prudent, balancing considerations of expediency with fairness and opportunity for complete hearing. [Ord. 296 § 5, 1974; prior code § 27.10.100.]

3.04.112 Conflict of interest.

A. Purpose. The purpose of this chapter is to set reasonable standards of conduct for elected and appointed public officials and for borough employees, so that the public may be assured that its trust in

such persons is well placed and that the officials and employees themselves are aware of the high standards of conduct demanded of persons in like office and position.

B. Definitions – Construction.

1. Definitions. As used in this chapter, the following words have the following meanings:

a. “Borough” means the City and Borough of Wrangell, its assembly, administration, hospital board, planning and zoning board, museum board or port commission.

b. “Borough employee” means any person employed by the borough, whether full-time or part-time, temporarily or permanently.

c. “Borough official” means a person who holds elected office under the ordinances of the borough, who is appointed to fill a vacancy in an elective office, or who is a member of a borough board or commission whose appointment is subject to confirmation by the borough assembly.

d. “Confidential information” means information exempt from disclosure under subsection (D) of this section.

e. “Engaging in business” means submitting a written or oral proposal to supply goods, services or other things of value, or furnish goods, services or other things of value, for consideration.

f. “Substantial financial interest” means an expectation of receiving a pecuniary benefit. A financial interest of a person includes any financial interest of a member of that person’s immediate family. A person has a financial interest in an organization in which that person has an ownership interest, or is a director, officer or an employee. A person has a financial interest in a decision if a financial interest of that person will vary with the outcome of the decision. A substantial financial interest does not include the following: A personal or financial interest which is not of the magnitude that would exert an influence on an average, reasonable person; a personal or financial interest of a type which is generally possessed by the public or a large class of persons to which that official or employee belongs; or an action or influence which would have an insignificant or conjectural effect on the matter in question.

g. “Gratuity” means a thing having value given voluntarily or beyond lawful obligation in return for, or in anticipation of, any service or consideration in connection with the official’s performance of duties.

h. “Immediate family” of a person means anyone related to that person by blood to the second degree of kinship, marriage or adoption or who lives in that person’s household.

i. “Organization” means any corporation, partnership, firm or association, whether organized for profit or nonprofit.

2. Construction. This chapter shall be liberally construed to protect the public interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for borough officials and employees.

C. Elected Borough Officials.

1. An elected borough official may not participate in any official action in which he/she or a member of his/her household has a substantial financial interest.

2. No member of the assembly, hospital board, planning and zoning board, museum board, port commission or the mayor, nor any entity in which he or she may have a substantial financial interest, may contract with the borough to provide supplies, services, professional services or construction except when:

a. The nature of the financial interest is fully disclosed to the entity with the authority to award the contract before such contract is awarded and a notice of intent to do business with the borough, hospital board, planning and zoning board, museum board or port commission, as applicable, is provided as set forth in subsection (D) of this section;

b. The borough official neither participates in the decision to award the contract nor attempts to influence such decision; and

c. Performance of the contract is compatible with the ability of the borough official to discharge his or her official duties and to exercise his or her independent judgment. The official or body charged with responsibility for award of a particular contract under this title shall have the authority to determine compliance with this subsection.

3. Newly elected member of these bodies (or entities in which they may have a substantial financial interest) who have contracts covered by subsection (C)(2) of this section may fulfill the terms and conditions of such contracts without penalty. For the purposes of subsections (C)(2) and (3) of this section, a contract includes a purchase order, or services as a paid employee but does not include a transaction characterized as a “grant.”

4. Use of Office for Personal Gain. No person shall seek or hold office for the purpose of obtaining anything of value for himself/herself, his/her family or a business that he/she owns or in which he/she holds an interest.

5. Representing Private Interests. No elected official shall represent, or accompany those representing, private business or personal interests before the assembly, or other borough board, commission or agency.

6. The mayor and assembly members may serve on boards, commissions or on the board of non-profit organizations only as ex officio members if the board, commission or nonprofit organization receives funding from the borough.

7. Nothing herein shall prevent a member of the assembly, hospital board, planning and zoning board, museum board or port commission from making verbal or written inquiries on behalf of constituents or the general public to elements of borough government or from requesting explanations or additional information on behalf of such constituents. No elected official may solicit a benefit or anything of value or accept same from any person for having performed this service other than permitted in subsection (D) of this section.

D. Elected Borough Officials – Officials or Employees – Prohibited Acts. No borough official or employee may engage intentionally in conduct that conflicts with the officer’s or employee’s official duties, including but not limited to conduct violating the following standards:

1. In accordance with subsection (C) of this section:

a. Before a borough official or employee, or an organization in which the borough official or employee has a financial interest, engages in business with the borough (including but not limited to submitting a written or oral bid or proposal), the official or employees shall disclose the intent to engage in business as provided in subsection (C) of this section. For purposes of this subsection only, a borough official does not include an appointed member of a borough board or commission;

b. Before acquiring the financial interest, a borough official or employee shall disclose the intent to acquire a financial interest in any service or property which the official or employee knows the borough intends to purchase. Such disclosure shall be the same method as for a contract under subsection (C) of this section.

2. No borough official or employee may take any action in the capacity of a borough official or employee to influence the borough’s selection of any bid or proposal, or the borough’s conduct of business, in which the official or employee has a financial interest.

3. A borough official or employee who is a voting member of a borough board, commission or legislative body shall disclose any financial interest in any decision before the board, commission or legislative body before debating or voting upon the decision, and may not participate in the debate or vote upon the decision if the board, commission or legislative body determines that a financial interest, as defined by WMC 3.04.112(C) is substantial. No borough official or employee may testify before a borough board, commission or legislative body without first disclosing any financial interest which the official or employee has in the subject of the testimony. Upon such disclosure the mayor shall determine if such member shall be required to vote or abstain. The assembly may overturn the decision of the mayor by majority if such member shall be required to vote or abstain. The assembly may overturn the decision of the mayor by majority vote.

4. No borough official or employee may disclose confidential information held by the borough unless authorized or required by law to do so, or use that information to advance the official’s or employee’s financial interest or the financial interest of others.

5. A borough official or employee may not engage in business or accept employment with, or render services for, a person other than the borough where the activity will conflict with the official’s or employee’s duties to the borough or impair the official’s or employee’s independence of judgment in performing those duties.

6. No borough official or employee may accept a gratuity from any person engaging in business with the borough or having a financial interest in a decision pending with the borough. A borough employee who receives a gratuity shall report the receipt to the employee's supervisor, who shall report the receipt to the borough attorney. This subsection does not prohibit accepting:

- a. A meal offered as a courtesy;
- b. Discounts or prizes that are generally available to the public or to a large business category to which the official or employee belongs;
- c. Gifts presented by the employing agency in recognition of meritorious service to the borough or other civic or public awards of whatever nature; or
- d. Campaign contributions as candidate for public office.

7. No borough official or borough employee shall permit the use of borough-owned property, vehicles, equipment, or materials for a nonborough purpose, except as specifically provided by ordinance, personnel rules, labor contracts, or terms and conditions of employment. This section is not intended to preclude communications with the public as provided for in subsection (D)(10) of this section.

8. No borough employee may engage in political activity during duty hours.

9. Political Activities – Limitations on Individuals. Appointed officials and employees may not take an active part in a political campaign or other matter to be brought before the voters when on duty. Nothing herein shall be construed as preventing appointed officials, borough officials or employees from exercising their voting franchise, contributing to a campaign or candidate of their choice or expressing their political views when not on duty or otherwise conspicuously representing the borough.

10. Political Activity – Limitation on Borough Government.

a. The borough may not actively campaign on any ballot issue including referendums, initiatives, bond issues, or other special elections. The preparation and distribution of neutral informational pamphlets or brochures does not constitute a violation of this chapter, nor shall this subsection apply to an elected official who is subject to a vote of recall, or members of the assembly or mayor during a regular election for office.

b. The borough, or borough employees, other than elected officials, while on duty and/or when acting in an official capacity, may not prepare or publish, broadcast or otherwise distribute any material of a partisan nature on matters, including bond issues, which shall come before the voters in a regular or special election.

c. The borough may prepare and disseminate general, objective information about the issues to be voted on. Such material shall be devoid of partisan statements or slant and, where appropriate, may contain pro and con statements of equal weight and value.

E. Contract Inducements. No payment, gratuity or offer of employment shall be made in connection with any contract, by or on behalf of the subcontractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontractor or order. This prohibition shall be set forth in every borough and solicitation therefor.

F. Post-Employment Restrictions.

1. No former official or employee shall, for a period of six months after the termination of the term of office or employment, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the borough and in which the official or employee participated personally and substantially through the exercise of official action.

2. No current or former elected borough official may be employed by the borough for a period for six months after leaving office.

3. The assembly may, by majority vote, authorize a waiver from the requirements of subsections (F)(1) or (F)(2) of this section.

4. For purposes of this section, voting on an appropriation shall not in and of itself constitute substantial participation in a matter.

5. This section does not prohibit the borough from contracting with a former official or employee to act on a matter on behalf of the borough or school district.

6. In this section, "matters" includes a case, proceeding, application, contract or determination.

7. Disclosure by borough officials and employees engaging in business with the borough.

8. Where a borough official or employee conducts business or intends to conduct business with the borough, the official or employee shall file an affidavit with the borough clerk stating:

- a. The name and office of the borough official or employee;
- b. The name of any organization in which the official or employee has a financial interest, whose activities are the subject of the disclosure, and a description of that financial interest; and
- c. A description of the transaction that is the subject of the disclosure.

9. The borough clerk shall post in at least one public place, and publish in a newspaper of general circulation in the borough, an affidavit file under subsection (F)(8) of this section within seven days of its filing. The person filing the statement shall bear the cost of the publication, unless that person serves on a borough board or commission without compensation. The cost of publication shall be paid to the clerk at the time of filing.

10. No borough official, employee, board, commission or legislative body may act upon a transaction that is the subject of a disclosure under this section within 10 days of the filing of the disclosure under subsection (F)(8) of this section or within seven days of the publishing and posting of the disclosure under subsection (F)(8)(b) of this section.

G. Sanctions for Violation.

1. Any official found by the assembly, the hospital board, the museum board, the planning and zoning board, or the port commission, to have violated any of the provisions of this chapter shall be subject to appropriate sanctions. The mayor may appoint a special committee of the respective body to review the allegations and provide recommendations.

2. Any employee found by:

- a. The manager, in the case of a borough employee;
- b. The assembly, in the case of a borough employee;

to have violated any of the provisions of this chapter, or to have furnished false or misleading information shall be subject to employment sanctions up to and including discharge, as determined by the manager, assembly, hospital board, museum board, planning and zoning board, or port commission as applicable.

H. Judicial Penalties. Knowing violations of any of the provisions of this chapter, or the furnishing of false, misleading or incomplete information to the board with the intent to mislead, shall be punishable as provided for in WMC 1.20.010.

I. Invalid Actions.

1. Any contract negotiated, entered into, or performed in violation of any of the provisions of this chapter shall be voidable as to the borough but only by action of the assembly.

2. Any permit, license, ruling, determination, or other official action of an agency applied for or in any other manner sought, obtained or undertaken where the beneficiary knew or should have known of a violation of any of the provisions of this chapter may be invalidated by the assembly, as applicable.

J. Other Remedies. Nothing in this chapter shall preclude the borough from maintaining an action to achieve an accounting for any pecuniary benefit received by any person in violation of this chapter or other law, or to recover damages for violation of this chapter.

K. Relationship to Other Laws. The procedures and penalties provided in this chapter are supplemental and do not limit either the power of an agency to otherwise discipline officials or employees or to take appropriate administrative action to adopt more restrictive rules. This chapter is intended to replace the common law regarding conflicts of interest with respect to borough elected officials and employees. Other than superseding the common law, nothing in this chapter is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance.

L. Severability. The invalidity of any section, subsection, provision, clause or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of

the remainder of this chapter or the validity of its application to other persons or circumstances. [Ord. 833 § 61, 2009; Ord. 699 § 4, 2001; Ord. 488 § 4, 1986.]

3.04.114 Nepotism.

Neither the borough manager, the assembly nor any other authority of the borough government may appoint or elect any person related to the mayor or any other assembly member, to the borough manager, or to such person, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the borough government; but this shall not prohibit an officer or employee from continuing in the service of the borough. [Ord. 807 § 1, 2007.]

3.04.120 Executive session.

The assembly may, after its agenda is otherwise completed, recess for the purpose of discussing, in a closed or executive session, any questions permitted by law (Alaska Statute Section 44.62.310, as amended) which is expressed in the motion calling for the executive session. The public may be excluded from the session, but final action shall not be taken by the assembly on any matter discussed in executive session until brought back into the regular session. In all cases, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the authorized exceptions to public agency meetings shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. [Ord. 296 § 5, 1974; prior code § 27.10.110.]

3.04.130 Public participation.

A. Any person desiring to address the assembly shall first be recognized by the presiding officer; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested persons shall have the right to address the assembly upon obtaining recognition by the presiding officer:

1. Public Hearings. Interested persons or authorized representatives may address the assembly in regard to matters then under consideration, this in particular regard to ordinances and resolutions.

2. Oral Communications. Interested persons or their authorized legal representatives may address the assembly by oral communication at the appropriate time on the agenda concerning an agenda item designating such person or representative to appear and speak, or any topic under the subject matter of "citizens forum" on the agenda.

B. Each person addressing the assembly shall give his name and address in an audible tone of voice for the record and, unless further time is granted by the presiding officer or the assembly, shall limit his address to five minutes. All remarks shall be addressed to the assembly as a body and not to any member thereof. No person other than an assembly member or mayor or the person having the floor shall be permitted to enter into any discussion without the permission of the presiding officer.

C. When any group of persons wishes to address the assembly on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the assembly and, in case additional matters are to be presented at the time by any other member of the group, to limit the number of persons so addressing the assembly, so as to avoid unnecessary repetition before the assembly.

D. With respect to discussion after a motion, after a public hearing has been closed and after a motion is made by the assembly, no person shall address the assembly without first securing the permission of the presiding officer to do so. [Ord. 296 § 5, 1974; prior code § 27.10.120.]

3.04.140 Minutes and tape recording.

A. The clerk shall take and prepare minutes of assembly meetings and proceedings which shall be subsequently approved and/or amended by the assembly. After approval, such minutes shall be placed in a chronological record, maintained by the clerk.

B. Tape recordings of all meetings and official assembly proceedings shall also be maintained. Preparation of a transcript from the taped proceedings shall not be necessary, but the tape shall be retained for a period of six and one-half years following the subject meeting or proceeding. The failure of a recording device or tape to operate properly shall not be jurisdictional to a meeting. The purpose of maintaining tapes is to supplement the minutes, in recognition of the fact that the minutes cannot be sufficiently specific to give comprehensive detail and assembly intent. Upon request and for good cause shown, any person may request that a transcript of the relevant portions of the tape recording be prepared to supplement the formal approved minutes and become a part thereof. [Ord. 296 § 5, 1974; prior code § 27.10.130.]

Chapter 3.06

BOROUGH MANAGER

Sections:

- 3.06.010 Appointment and removal.
- 3.06.020 Powers and duties.
- 3.06.030 Acting borough manager.

3.06.010 Appointment and removal.

A. The borough assembly shall appoint a borough manager by a majority vote of its membership. A borough manager is chosen on the basis of administrative qualifications and receives compensation set by the borough assembly. No borough 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 borough assembly.

B. The borough manager holds office at the pleasure of the borough assembly and may be removed by a majority vote of the full membership of the borough assembly by a vote of confidence with or without cause. The borough manager serves at the pleasure of the borough assembly. The borough assembly may suspend or remove the borough manager at any time.

C. The borough assembly shall choose the borough manager on the basis of executive and administrative qualification. At the time of the appointment, the borough manager need not be a resident of the borough or state but, during his tenure in office, shall reside within the borough. [Ord. 803 § 1, 2007.]

3.06.020 Powers and duties.

The borough manager shall be responsible and accountable to the borough assembly for administration of all borough affairs placed in his or her charge and shall follow and enforce the municipal laws of the borough charter, code, personnel policies and employee handbook, including carrying out the directives of the borough assembly. The borough manager shall serve as the borough's chief administrative officer.

The borough manager shall:

A. Appoint, employ and when necessary for the good of the borough or service, lay off, suspend, demote and/or remove any administrative department heads, officers and employees except as otherwise provided by ordinance. The borough manager shall not have any governing power over the borough attorney or the borough clerk.

B. Submit an operating budget and financial report regarding budget standings to the borough assembly for each quarter during the calendar year, no later than 30 days after each calendar year quarter.

C. Submit an annual budget and capital improvement program to be adopted for consideration by the borough assembly.

D. Make and submit monthly financial and delinquent account reports to the borough assembly from each borough department and other reports on municipal finance standings and operations as required or requested by the borough assembly. Make these records and reports available for public review.

E. Exercise custody over all real and personal property of the municipality as provided by borough ordinance.

F. The borough manager and/or acting borough manager shall perform other duties required by law and the borough assembly, and shall serve as personnel officer, unless the borough assembly authorizes the borough manager to appoint a personnel officer.

G. The borough manager shall countersign all borough checks.

H. Submit all borough contracts and projects together with the borough manager's recommendations to the borough assembly for its prior approval, except as otherwise provided by ordinance.

I. Monitor and administer the performance of all contracts within the budget amount previously approved by the borough assembly.

J. Submit all borough attorney communication received by the borough manager to the borough assembly no later than the next regular borough assembly meeting following its receipt, with the exception of matters of appeals and personnel.

K. Attend all borough assembly meetings and shall have the right to take part in discussion when requested to do so by the mayor or borough assembly, but shall not have the right to vote. [Ord. 803 § 1, 2007.]

3.06.030 Acting borough manager.

If the borough manager is absent from the borough or is unable to perform the borough manager duties, the borough manager may appoint an officer of the borough or department head to serve as the acting borough manager until the borough manager returns. This borough manager appointment may be superseded by the borough assembly. [Ord. 811 § 1, 2008; Ord. 803 § 1, 2007.]

Chapter 3.08

BOROUGH CLERK

Sections:

- 3.08.010 Established.
- 3.08.020 Functions and duties.

3.08.010 Established.

There shall be an office of the 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 for an indefinite term and shall have supervision and control of the borough clerk's office. [Ord. 387 § 5(a), 1979.]

3.08.020 Functions and duties.

The functions and duties of the borough clerk shall be to perform all of the duties required of this office as set out in this chapter or as may be set out by the Charter and ordinances of the borough or by state law which is made specifically applicable to home rule, and such other duties and functions that are not in conflict therewith as may be required of the borough clerk, including the following:

- A. Give notice of the time and place of meetings to the assembly or the assembly and to the public;
- B. Maintain and make available for public inspection an indexed file of the municipal ordinances, resolutions, rules, regulations and codes, and enroll in the book or books kept for the purpose all ordinances and resolutions passed by the assembly;
- C. Attest deeds and other documents;
- D. Perform other duties specified in this chapter or prescribed by the assembly;
- E. Attend meetings of the assembly; serve as clerical officer of the assembly and be responsible for the recording, filing, indexing and safe keeping of the journal of the proceedings of the assembly;
- F. Be physical custodian of all deeds, documents, records, and archives or any other official document of the borough;
- G. Keep and maintain all election records and have custody of all property used in connection with elections;
- H. Be custodian of the seal of the borough and attest and affix the seal to documents when required in accordance with the Charter, law or ordinances;
- I. Keep a correct and up-to-date record of the borough boundaries and changes therein;
- J. Be responsible for filing all Charter amendments and other instruments required by state law with the appropriate state agencies;
- K. Publish all adopted ordinances and resolutions of the assembly as required by law and all legal notices required by law or ordinances;
- L. Notify the appointing authority of the impending expiration of the term of office of a member of any board or commission, and notify any member of the impending termination of an appointment to a board or a commission by virtue of nonattendance or absence, said notice to be given at least 30 days

before such expiration or impending termination; failure to give such notice of expiration or termination shall not affect the expiration of the term or the termination of the appointment;

M. Be charged with custody of the official bonds of borough employees except the bond of the borough clerk which bond shall be in the custody of the director of finance. [Ord. 387 § 5(b), 1979.]

Chapter 3.12

DEPARTMENT OF FINANCE

Sections:

- 3.12.010 Director – Established – Bond – Duties generally.
- 3.12.020 Director – Functions and duties.

3.12.010 Director – Established – Bond – Duties generally.

A. There shall be a department of finance, the head of which shall be the director of finance appointed by the borough manager for an indefinite term.

B. The director of finance shall be bonded and shall be an officer of the borough, and shall have supervision and control of the department of finance.

C. When reference is made by law or otherwise to “borough treasurer,” it means the director of finance.

D. In all case where the financial and property interests of the borough are concerned, where the duty is not expressly charged in any other department or office, it shall be the duty of the director of finance to act, to promote, secure, and preserve the financial and property interests of the borough. [Ord. 387 § 6(a), 1979.]

3.12.020 Director – Functions and duties.

The functions and duties of the director of finance shall be to perform all of the duties required of the office as set out in this chapter or as may be required by the borough manager, or as may be required by the Charter, by state law and ordinances of the borough, or which is made specifically applicable to home rule, and such other duties and functions that are not in conflict therewith. The director of finance shall:

- A. Collect or receive revenue and other money for the borough;
- B. Be responsible for the custody, safe keeping, deposit, investment, and disbursement of all revenue and other moneys of the borough in accordance with the Charter and the ordinances and laws of the borough;
- C. Maintain a general accounting system for the borough government;
- D. Exercise general supervision over all officers of the borough regarding the proper management of the fiscal concerns of their respective offices, which may include examination of the books of the department, but which shall specifically include the requirement that officers receiving money pay the same into the borough treasurer when thereto required, and that all necessary financial reports are made by officers; he shall report all delinquencies in such payments or reports to the borough manager and assembly;
- E. As to subsection (D) of this section, report the default of any officer of the borough to the borough manager, who shall direct the borough attorney to take immediate legal measures for the recovery of the amount for which such officer may be in default;
- F. Prepare for payment all borough checks for the certified payroll, approved bills and approved expenses and/or expenditures; payment shall be by check with each check to have a dual signature;

G. Demand and receive all moneys and fees owing to the borough whenever any person is indebted to the borough in any manner; when the means of collection of such debt is not otherwise provided for by law and any claims are not collectible by other methods, he shall report the same to the borough attorney for prosecution;

H. Issue all permits and licenses except those which are required by ordinance to be issued by a particular department or office;

I. Make a detailed report to the borough manager on the fifteenth day of each month as to the business of his office during the month preceding, showing the balance on hand to the credit of the different funds at the time of his last report, the amounts received during the month, and on what account, together with such other items and facts as the borough manager or assembly may require;

J. Prepare estimates of revenue and give such other assistance in the preparation of the budget as may be required by the borough manager;

K. Keep all general accounts of the borough government and of the respective departments, offices, boards, commissions, and institutions thereof;

L. Prepare all work in connection with the assessment of property, and the preparation of all assessment and tax rolls and tax notices;

M. Collect all taxes in the manner authorized and required by law. [Ord. 387 § 6(b), 1979.]

Chapter 3.16**HEALTH OFFICER**

Sections:

- 3.16.010 Appointment and salary.
- 3.16.020 Powers and duties generally.
- 3.16.030 Reports to assembly.
- 3.16.040 Power to enforce vaccinations.
- 3.16.050 Investigation of communicable diseases.
- 3.16.060 Power to quarantine.
- 3.16.070 Quarantine restrictions.
- 3.16.080 Power to disinfect premises.
- 3.16.090 Penalty for violations.

3.16.010 Appointment and salary.

The borough assembly shall appoint a health officer, who will hold office during the pleasure of the borough assembly, and who shall receive for his services required, performed by him, such compensation as the borough assembly may from time to time determine. [Ord. 225 § 5, 1969; prior code § 42.10.010.]

3.16.020 Powers and duties generally.

A. The health officer may, whenever he deems it necessary, examine, or cause to be examined by some competent physician, all persons entering the borough from any town, city, district, location, state or other place when the officer has reason to believe there are any cases of cholera, yellow fever, small pox, or other contagious or infectious diseases; and for the purpose of making such examination, the health officer shall have authority to enter any ship, steamboat or other watercraft, or any vehicle; and the health officer may direct and enforce the cleansing and purifying of any such ship, steamboat or other watercraft, or any vehicle; and the health officer may provide, by and with the consent of the borough assembly, a suitable place for the temporary detention of persons who have been exposed to the infection of cholera, yellow fever, small pox or other infectious or contagious diseases, and the health officer shall have the power to order and compel said person or persons to remain in such place of detention for such time as may be necessary, and to forbid and prevent any and all communications with such person or persons. The health officer shall have the power to forbid or prevent any and all persons living or being in or about such house or premises where any person has been sick with small pox, cholera, yellow fever or any other infectious or contagious disease, and from leaving such house or premises without first having obtained permission to do so from the health officer.

B. It shall be the duty of the health officer to enforce all ordinances containing provisions for the protection of public health; to make inspections of foodstuffs and of the premises used for storing or selling of provisions as may be provided by ordinance; and he shall perform such other duties and functions as may be required by statute or ordinance. [Ord. 225 § 5, 1969; prior code § 42.10.020.]

3.16.030 Reports to assembly.

The health officer shall make such reports to the borough assembly as may be required. He shall also make recommendations for rulings, orders or ordinances respecting the public health whenever he is requested to do so, or whenever he deems it necessary or advisable. [Ord. 225 § 5, 1969; prior code § 42.10.030.]

3.16.040 Power to enforce vaccinations.

The health officer may enforce compulsory vaccination on persons or passengers coming from infected places or parts and, when he deems it necessary for the promotion and protection of health of the borough, may also enforce compulsory vaccination of the inhabitants. [Ord. 225 § 5, 1969; prior code § 42.10.040.]

3.16.050 Investigation of communicable diseases.

The health officer shall make it his duty to investigate all cases where it is alleged that cases of communicable, infectious, or contagious diseases are said to exist and, whenever he may deem it necessary, may remove or order the removal from the premises occupied any person having such communicable, infectious or contagious disease, and the expense of removal shall be paid by the borough. [Ord. 225 § 5, 1969; prior code § 42.10.050.]

3.16.060 Power to quarantine.

The health officer shall have charge of the enforcement of the quarantine rules. Whenever a case of small pox, cholera, yellow fever, diphtheria or scarlet fever or other contagious, infectious, or communicable disease shall be found to exist, the health officer shall have the power and authority to place any premises within which a contagious or epidemic disease occurs under quarantine, and he shall cause suitable notice setting forth the facts to be posted in appropriate places and shall determine the time when the quarantine ends. [Ord. 225 § 5, 1969; prior code § 42.10.060.]

3.16.070 Quarantine restrictions.

No person or persons except a physician, clergyman, undertaker, or those having written permits from the health officer shall enter or depart from any house where small pox, yellow fever, cholera, diphtheria, or scarlet fever exists or while the corpse of any person who has died of such disease remains within the house, nor within 10 days thereafter, or until the building and its contents have been disinfected or otherwise disposed of to the satisfaction of the health officer. [Ord. 225 § 5, 1969; prior code § 42.10.070.]

3.16.080 Power to disinfect premises.

The health officer shall have power during the prevalence of an epidemic to fumigate and disinfect any premises which in his judgment require disinfection. [Ord. 225 § 5, 1969; prior code § 42.10.080.]

3.16.090 Penalty for violations.

Any person who resists or attempts to resist the entrance of the health officer into any boat, vessel, building, room, lot or other place in this borough or waterfront adjacent thereto while in the performance of his duty, or any person who neglects to comply with the lawful orders of the health officer, or resists such health officer in the discharge of his duty, or who violates any of the provisions of this chapter shall be punishable as provided for in WMC 1.20.010. [Ord. 833 § 61, 2009; Ord. 290 § 5, 1973; prior code § 42.10.090.]

Chapter 3.20

BOROUGH LIGHT DEPARTMENT*

Sections:

- 3.20.010 Established – Management.
- 3.20.020 Establishment of rates.

3.20.010 Established – Management.

A. There is created for the borough a department for the administering of the business in connection with the acquisition, establishment, operation and maintenance of the borough's light plant or public utility, which shall be known as the borough light department.

B. The light department shall be under the charge of the borough manager or such other municipal officer as may be designated by the borough manager. The duties of such person administering the borough light department shall be purely ministerial and he shall have no power to bind the borough in any manner in connection with the operation and maintenance of the light plant or public utility without the ratification of the borough through its borough assembly. The person in charge of the borough light department shall perform all duties as may be assigned to him by the borough manager and borough assembly and shall receive such compensation as the borough assembly may from time to time determine. [Ord. 251 § 5, 1970; prior code § 3.50.020.]

3.20.020 Establishment of rates.

The borough light department, through the officer in charge thereof, is empowered, authorized and directed, after his appointment and qualification, from time to time to propose a tariff and schedule of rates to be charged and collected for the furnishing of electricity for light, power and heat to the customers and users thereof, which tariff and schedule, upon ratification by the borough through its borough assembly, shall be the rates in effect until later changed by ordinance. [Ord. 251 § 5, 1970; prior code § 3.50.020.]

* For Charter provisions on the borough electric system, see Charter § 8-1.

Chapter 3.24**FIRE DEPARTMENT**

Sections:

- 3.24.005 Department generally – Chief.
- 3.24.010 Reports by fire chief.
- 3.24.020 Composition.
- 3.24.030 Duties of department.

3.24.005 Department generally – Chief.

There shall be a fire department, the head of which shall be the fire chief, appointed by the borough manager for an indefinite term. The fire chief shall be an officer of the borough and shall have supervision and control of the fire department. [Ord. 739 § 4, 2004.]

3.24.010 Reports by fire chief.

The fire chief shall give a complete annual report concerning the department in general, including suggestions and recommendations for improvements. [Ord. 694 § 4, 2000; Ord. 251 § 5, 1970; prior code § 3.30.010.]

3.24.020 Composition.

A. The borough manager shall select a fire chief to serve for an indefinite term with compensation to be from time to time determined by the borough assembly.

B. The borough manager shall also select as many persons as shall from time to time be necessary to serve as fire wardens, but shall in no event select more than three fire wardens. Fire wardens shall also serve at the pleasure of the borough manager and at a rate of compensation to be from time to time determined by the assembly.

C. The remainder of fire department personnel shall continue to be comprised of volunteers until such time as the assembly by ordinance shall provide otherwise. [Ord. 251 § 5, 1970; prior code § 3.30.020.]

3.24.030 Duties of department.

A. Fire Fighting Duties. It shall be the duty of the fire department to extinguish fires; to rescue persons endangered by fire; to resuscitate and to administer first aid to persons injured in or about burning structures or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in theaters, stores, and other public buildings. The fire department shall not be required to respond to fires outside the limits of the borough/state-maintained roaded system on Wrangell Island, unless contractually obligated to do so.

B. Search and Rescue Duties. It shall be the duty of the fire department to carry out all search and rescue operations, under the supervision of the fire chief or his designee. For the purposes of search and rescue operations, the fire department may, in its discretion, respond to situations arising both within and without the borough limits. [Ord. 833 § 12, 2009; Ord. 569 § 4, 1991; Ord. 251 § 5, 1970; prior code § 3.30.030.]

Chapter 3.28

POLICE DEPARTMENT

Sections:

- 3.28.005 Department generally – Chief.
- 3.28.010 Reports by chief.
- 3.28.020 Personnel.
- 3.28.030 Powers and duties.

3.28.005 Department generally – Chief.

There shall be a police department, the head of which shall be the police chief. [Ord. 740 § 4, 2004.]

3.28.010 Reports by chief.

The chief of police shall make a complete annual report concerning the department in general, including suggestions and recommendations for improvements. Said report shall also contain statistics on criminal acts committed within the borough. [Ord. 695 § 4, 2000; Ord. 251 § 5, 1970; prior code § 3.35.010.]

3.28.020 Personnel.

A. The borough manager shall select a chief of police who shall serve for an indefinite term with compensation to be from time to time determined by the borough assembly. The chief of police shall be an officer of the borough, and shall have supervision and control of the police department. The chief of police shall select personnel to serve as police officers and staff members. All such appointments, and the number thereof, shall require approval by the borough manager.

B. A person may not be employed as a City and Borough of Wrangell corrections officer unless, not later than one year from the date of hire or the expiration of the probationary period, whichever is longer, the person has been certified by the Alaska Police Standards Council under AS 18.65.242.

C. All persons employed in any City and Borough of Wrangell correctional facility must meet the requirements of AS 18.65.130 through 18.65.290 that are applicable to municipal correctional officers. [Ord. 704 § 4, 2001; Ord. 251 § 5, 1970; prior code § 3.35.020.]

3.28.030 Powers and duties.

It shall be the duty of the police department to apprehend and arrest and bring to justice all violators of the ordinances of the borough; 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 property authorities; and in all respects to perform all duties pertaining to the offices of policemen. The police department shall have charge of and operate the borough jail. [Ord. 251 § 5, 1970; prior code § 3.35.030.]

Wrangell and the laws of the State of Alaska and the rules and bylaws of the Hospital Board with respect thereto, So Help Me, God.

Notary Public for Alaska
My commission expires:_____

[Ord. 334 § 5, 1975; prior code § 3.63.030.]

3.32.020 Property management – Purchasing powers.

A. The custody and management of the municipal hospital building, the land upon which the same is situated and all equipment, furnishings and property situated thereon and therein is entrusted to the board which shall have full power and authority to make all repairs and improvements thereto which are necessary to maintain the same in good condition, but no addition to or replacement of real property shall be made by the board.

B. The board shall have the power to purchase, sell, exchange, operate, maintain and repair all personal property which it deems advisable; provided, however, that no property or equipment other than supplies shall be purchased until and unless the board has funds either derived from the operation of the hospital or appropriated for that purpose by the borough assembly. [Ord. 250 § 5, 1969; prior code § 3.63.040.]

3.32.030 Hospital administration.

A. The board has full power and authority to operate and maintain the hospital; to employ an administrator who shall have the active management of the hospital, subject to the supervision and control of the board; and to delegate to such administrator authority to hire and discharge such subordinate employees as it may deem advisable.

B. The board shall determine all salaries and wages to be paid to each classification of labor employed.

C. The board shall determine, charge and collect such fees and charges for the services rendered and furnished by the hospital as it shall deem advisable. Said rates, however, shall be subject to modification by the borough assembly which may change the rates at any time. No rates, however, will be changed by the borough assembly without the board being advised of a proposal to review such rates and until the board has an opportunity to be present and be heard with respect thereto.

D. It shall have authority to take all necessary action to collect all accounts owing to the hospital and the borough for services rendered or furnished by the hospital and the board.

E. The board shall require that all persons admitted to the hospital be under the supervision and care of a licensed physician.

F. The board shall have power and authority to make such rules and regulations as it deems advisable or necessary for the efficient and safe operation of the hospital. [Ord. 263 § 6, 1971; prior code § 3.63.050.]

3.32.040 Accounting procedures.

The board shall establish a system of accounts and procedure for collecting revenues from the operation of the hospital which revenues shall be deposited periodically as determined by the board in a bank

in Wrangell, Alaska, and a system for paying of all expenses of operation and costs of services and equipment purchased. [Ord. 250 § 5, 1969; prior code § 3.63.060.]

3.32.050 Bylaws.

The board shall adopt bylaws governing its own proceedings and elect from the membership of the board a president, a secretary, and such other officers as it deems necessary where duties shall be set forth in the bylaws. A copy of the bylaws shall be filed with the borough clerk together with all rules and regulations made by the board. [Ord. 263 § 6, 1971; prior code § 3.63.070.]

3.32.060 Noncompensation.

No member of the board shall be paid for any services rendered or duties performed in connection with the administration and operation of the hospital. [Ord. 250 § 5, 1969; prior code § 3.63.080.]

3.32.070 Advisors to the board.

The hospital board may appoint such persons in an advisory capacity as it deems advisable. The board will consult with all physicians and surgeons practicing in the borough from time to time so as to determine, understand and take such action upon the views and recommendations of such physicians and surgeons as the board considers advisable. [Ord. 250 § 5, 1969; prior code § 3.63.090.]

3.32.080 Liaison with council.

Repealed by Ord. 833. [Ord. 263 § 6, 1971; prior code § 3.63.100.]

3.32.090 Annual reports to assembly – Annual audit.

A. The board shall annually submit a report setting forth the principal facts regarding its policies, rules, regulations procedure and statistics in connection with the operation of the hospital which report will be filed by the president and secretary of the board. The board shall annually, on or before the fifteenth day of May of each year, submit a budget setting forth the anticipated income and expense of the hospital operations for the ensuing year starting July 1st. The purpose of the budget is to allow the assembly to provide necessary funds for operations and to use excess revenue of the hospital in the general fund of the borough.

B. The assembly shall provide for an annual audit of the books of accounts of the hospital as of June 30th of each year. [Ord. 263 § 6, 1971; prior code § 3.63.100.]

Chapter 3.36**SCHOOL BOARD***

Sections:

- 3.36.010 District established.
- 3.36.020 Board functions.
- 3.36.030 Membership – Qualifications.
- 3.36.040 Vacancies.
- 3.36.050 Policy manual.
- 3.36.060 School budget.

3.36.010 District established.

There is established a school district in the borough. The boundaries of the school district shall perpetually be the same as the boundaries of the borough. The school district shall be known as the School District of the City and Borough of Wrangell, Alaska. [Ord. 239 § 1969; prior code § 33.10.010.]

3.36.020 Board functions.

The duties of the school board shall be the administration, management, and policy formulation pertaining to educational, fiscal, and other affairs of the school district within the limitations prescribed by statute and the Charter. [Ord. 289 § 5, 1973; prior code § 33.20.010.]

3.36.030 Membership – Qualifications.

The school board shall be comprised of five members. The term for each member shall be three years and until a successor takes office. A newly elected school board member shall take his respective office on the first Monday after the election from which day the term of office shall be deemed to run. A candidate for the school board must have the same qualifications as are necessary to be a municipal voter as set forth in Chapter 2.08 WMC. [Ord. 289 § 5, 1973; prior code § 33.20.020.]

3.36.040 Vacancies.

If a vacancy occurs on the school board, the remaining members shall within 30 days fill the vacancy by such procedure as they shall among themselves agree. The person selected shall serve until the next regular election when a successor shall be elected to serve the balance of the term. [Ord. 289 § 5, 1973; prior code § 33.20.030.]

3.36.050 Policy manual.

The procedures for governing the public and internal affairs of the school board, including meetings, notices, and executive sessions, shall be as promulgated by the school board and published as a separate section in the policy manual and bylaws. [Ord. 289 § 5, 1973; prior code § 33.20.040.]

3.36.060 School budget.

The Wrangell school board shall submit the annual school budget by May 1st of each year. The assembly shall appropriate the amount to be made available from local sources from money available for the purpose by June 30th of each year. [Ord. 622 § 4, 1996.]

* For statutory provisions on schools in boroughs, see AS 29.35.160 and 14.14.060; for provisions on school districts and boards, see AS 14.12.010 – 14.12.100.

Chapter 3.40**THOMAS BAY POWER COMMISSION**

Sections:

- 3.40.010 Created – Membership – Officers.
- 3.40.020 Terms – Vacancies – Compensation.
- 3.40.030 Meetings.
- 3.40.040 Quorum – Recordkeeping.
- 3.40.050 Powers and duties.
- 3.40.060 Operation and maintenance of Lake Tyee hydroelectric project.

3.40.010 Created – Membership – Officers.

A. There is created by the ordinance codified in this chapter, substantially identical to an ordinance introduced by the council of the City of Petersburg, Alaska, a Thomas Bay power commission which shall consist of seven members.

B. Three of the members shall be appointed by the council of the City of Petersburg, three of the members shall be appointed by the assembly of the City and Borough of Wrangell, and one member shall be appointed by the six members, heretofore designated. One of the appointments from each of the municipalities shall be the superintendents of the Wrangell and Petersburg electric utilities.

C. A president, vice president, secretary and treasurer of the commission shall be selected from and by the members. [Ord. 551 § 4, 1989; Ord. 324 § 5, 1974; prior code § 03.90.010.]

3.40.020 Terms – Vacancies – Compensation.

A. The term of a commission member shall be for a period of three years; provided, however, that the terms of the first members shall be as follows: one member from each municipality for a term of two years, one member from each municipality for a term of three years, then one member selected by the other members for a term of one year.

B. Vacancies on the commission, by death, resignation, removal or other cause, shall be filled by the appointment by the respective city council or borough assembly or by the other commission members depending on the position that has been vacated. A member may be removed for cause upon a majority vote of the members present at a regularly scheduled meeting.

C. Members shall serve without compensation, except that travel and miscellaneous out-of-pocket expenses previously authorized or subsequently ratified shall be reimbursed. [Ord. 324 § 5, 1974; prior code § 03.90.020.]

3.40.030 Meetings.

A. The commission shall establish rules of procedure and, in the absence of any such rules, meetings shall be conducted pursuant to Robert's Rules of Order, Revised 1972. There shall be meetings held monthly at a place and time to be determined by the commission. All meetings shall be open to the public.

B. The president, in his discretion, is authorized to call special meetings, or a majority of the members may require a special meeting to be called. Notice of special meetings must be given 24 hours in advance by posting in three public places in each municipality. Notice of the time and place of regular meetings shall be posted in the same manner as special meetings. Notice shall be given at least five days prior to such meeting. [Ord. 568 §§ 4, 5, 1990; Ord. 346 § 5, 1976; prior code § 03.90.030(a).]

3.40.040 Quorum – Recordkeeping.

A. A majority of the commission shall constitute a quorum for the transaction of business, and a minimum majority of four affirmative votes shall be necessary to carry any question, including removal of a member from office for cause.

B. Permanent records, or minutes, shall record the vote of every member of each question. Every decision or finding shall be promptly filed in the offices of the commission and shall be open to inspection by any person. [Ord. 568 § 6, 1990; Ord. 346 § 5, 1976; prior code § 03.90.030(b), (c).]

3.40.050 Powers and duties.

The commission shall have the following powers and duties:

A. Generally, to have full and complete supervision, management and control of the study, design, construction, maintenance, operation and improvement of the hydroelectric project known as the “Lake Tyee Hydroelectric Project,” together with any other hydroelectric project proposed by the commission within the area of Petersburg/Wrangell or such area which can reasonably and feasibly serve the hydroelectric power needs of the Petersburg and Wrangell communities;

B. To prepare and file with the borough assembly copies of all budget estimates, including any budget amendment which may subsequently be proposed to be made upon final adoption by the commission; and upon request of the assembly to furnish such further details as may be necessary to a reasonable understanding of any such budget estimate or proposed budget amendment; the commission shall adopt the annual budget estimate no later than April 1st in each year and shall immediately forward the estimate to the borough manager for inclusion in the annual budget estimate of the borough;

C. To file with the borough assembly copies of all audits and all monthly financial and operating reports and such other reports as may come up from time to time and requested by the borough, the state, the federal government or such other agencies or institutions that may fund the commission;

D. The annual budget for operation of the authority shall, if necessary, make provision for payments to become due on account of interest and principal for any bonds issued by the borough to pay the costs of economically sound hydroelectric generation, transmission and distribution improvements;

E. To employ consulting engineers, auditors, environmental specialists, financial specialists, attorneys or other special, professional or skilled services;

F. To employ a general manager in the discretion of the commission who shall serve at the pleasure of the commission at a salary to be fixed by the commission;

G. To act in its own name or in the name of the borough in any revenue bond ordinance for the purpose of financing all, or in part, the construction, acquisition or improvement of the Lake Tyee Hydroelectric Project, or such other hydroelectric project, or transmission facility, as is feasible to be operated by the commission from the revenues derived from the consumers of electric power;

H. To account for all of the commission’s accounts arising out of operations in the manner and form known as the Uniform System of Accounts prescribed by the Federal Energy Regulatory Commission together with the accounting for all disbursements or expenditures; the commission shall select a depository bank at which the accounts of the Thomas Bay Power Authority shall be maintained, and by resolution designate signatures authorized for disbursements; and

I. To review and fix from time to time all of the rates, and charges for use of services and facilities furnished, and policies for the generation, distribution, transmission and consumption of electric power

and when deemed necessary and proper, to prepare new or adjusted rates, charges and policies such as are fair and nondiscriminatory and sufficient to meet the obligations of the commission. [Ord. 568 §§ 7 – 11, 1990; Ord. 324 § 5, 1974; prior code § 03.90.040.]

3.40.060 Operation and maintenance of Lake Tyee hydroelectric project.

On approval by resolution of the borough assembly, the commission may enter into an agreement as an agent of the borough to maintain and operate Lake Tyee hydroelectric project owned by the state. Under said agreement, the commission shall have the following powers and duties:

A. Prepare and approval an annual budget for the operation and maintenance of the project and any such other costs that the commission will have. Said budget shall be submitted to the borough assembly for approval in sufficient time to allow assembly action prior to submittal to the state and the project management committee, as established pursuant to Section 7 of that certain Long-Term Power Sales Agreement Four Dam Pool – Initial Project of the Alaska Power Authority effective October 28, 1985.

B. There shall be no costs incurred above the budget approved in subsection (A) of this section without prior approval of the borough assembly and, when appropriate, the project management committee. If, in the opinion of the general manager, an emergency exists that threatens or endangers life or property, costs in excess of the approved budget may be obligated only insofar as is necessary to halt the emergency that exists, provided he notifies the borough within six hours of commencement of the emergency.

C. To employ consulting engineers, environmental specialists, attorneys or other special, professional or skilled services, the cost of which have prior budget approval.

D. To employ a general manager who shall have the active management of the project, subject to the supervision and control of the commission; and to delegate to such manager authority to hire and discharge such subordinate employees as it may deem advisable.

E. To determine all salaries, wages and benefits to be paid to each classification of labor employed.

F. To submit an operating and financial report to the assembly for each quarter calendar year, which report will be submitted not later than 30 days after the close of each quarter calendar year.

G. To adopt procedures governing purchases of materials, supplies, equipment, improvements and contractual services, including procedures for competitive bidding. Said procedures shall set forth the employee authorized to contract for such purchases and establish an amount which shall require the prior approval of the commission. A copy of the procedures shall be filed with the borough. Purchases of supplies, materials, equipment, improvements, or contractual services whose cost does not exceed \$5,000, excluding freight or shipping costs, may be made without competitive bidding. “Contractual services” means services performed for the project by persons not in the employment of the commission, and may include the use of equipment or the furnishing of commodities in connection with the services under express or implied contract. Contractual services include travel; telephone, telegraph, utilities; rents; printing and binding; improvements, repairs, alterations, and maintenance of buildings, equipment, and other physical facilities of the project; and other services performed for the commission by persons not in the employment of the commission. Contractual services of a professional nature such as legal, engineering, architectural, and placement of insurance coverage are exempt from competitive bidding. The commission may exempt the following purchases from competitive bidding:

1. Supplies, materials, equipment, or contractual services which must be purchased from a specific source in order to prevent incompatibility with previously purchased supplies, materials, equipment, or contractual services. For purposes of this subsection, the term “incompatibility” is defined as the inability to (a) interconnect, combine, interchange, or join, or (b) that which causes or necessitates maintenance expertise or training where such acquisition would result in substantial duplication. The commission

must approve by motion or resolution any purchase whose cost exceeds \$5,000 which is to be excluded from competitive bidding by the authority of this subsection.

2. Supplies, materials, equipment, contractual services, or improvements which the commission declares to be required on an emergency basis or which the commission declares is impractical or impossible.

3. When competitive bidding has been followed, but no bids or quotations are received or the bids or quotations are rejected. In such a case, after commission approval, the general manager may proceed to have the services performed or the supplies purchased without further competitive bidding or quotation.

H. To provide for an independent annual audit of the accounts of the commission in accordance with accepted standards and procedures determined by the project management committee.

I. To follow such procedures as required by the project management committee as they exercise their duties under that certain Long-Term Power Sales Agreement Four Dam Pool – Initial Project of the Alaska Power Authority effective October 28, 1985. [Ord. 521 § 4, 1987; Ord. 510 § 4, 1986.]

Chapter 3.44**PLANNING AND ZONING COMMISSION**

Sections:

- 3.44.010 Established.
- 3.44.020 Composition.
- 3.44.030 Terms of membership.
- 3.44.040 Election of chair and vice chair.
- 3.44.050 Noncompensation.
- 3.44.060 Secretary.
- 3.44.070 Annual report to assembly.
- 3.44.080 Quorum.
- 3.44.090 Meetings – Rules and regulations.
- 3.44.100 Absence from meetings.
- 3.44.110 Special and professional services.
- 3.44.120 Powers and duties generally.
- 3.44.130 Submission of maps, plats, and plans to commission.
- 3.44.140 Assembly – Commission action on ordinances.
- 3.44.150 Recommendations and reports to others.
- 3.44.160 Receipt of gifts, bequests or devises.
- 3.44.170 Powers granted by state law.

3.44.010 Established.

There is created a planning and zoning commission, referred to in this chapter as the “commission,” in accordance with WMC 20.08.160. [Ord. 251 § 5, 1970; prior code § 03.61.010.]

3.44.020 Composition.

The commission shall consist of seven members from the general public, nominated by the mayor and confirmed by the assembly. Appointed members shall not include members of the assembly or of the port commission. They shall be selected with a view toward achieving a broad geographical representation for all areas of the borough. [Ord. 376 § 5, 1978; prior code § 03.61.020.]

3.44.030 Terms of membership.

The term of membership shall be three years. Any vacancy shall be filled by nomination of the mayor and confirmed by the assembly for the unexpired portion of the term. Members appointed to the commission shall serve respective terms expiring 10 days after the general municipal election, and new appointments to the commission shall be made within 10 days after the election. [Ord. 674 § 4, 2000; Ord. 376 § 5, 1978; prior code § 03.61.030.]

3.44.040 Election of chair and vice chair.

The commission, at its first meeting, shall annually elect a chair and vice chair, who shall hold office during the pleasure of the commission. [Ord. 674 § 4, 2000; Ord. 251 § 5, 1970; prior code § 03.61.040.]

3.44.050 Noncompensation.

Members of the commission shall receive no compensation. [Ord. 251 § 5, 1970; prior code § 03.61.050.]

3.44.060 Secretary.

The commission shall request the borough to furnish secretarial assistance. The secretary provided shall keep an accurate record of all proceedings of the commission. [Ord. 277 § 5, 1973; prior code § 03.61.060.]

3.44.070 Annual report to assembly.

The commission shall, on the first day of July, file a prepared report of all transactions of the commission for the past 12-month period of with the borough assembly. [Ord. 277 § 5, 1973; prior code § 03.61.070.]

3.44.080 Quorum.

Four members of the commission shall constitute a quorum. For voting purposes, the vote of a majority of the quorum shall be sufficient for a subject matter's passage or enactment. [Ord. 376 § 5, 1978; prior code § 03.61.080.]

3.44.090 Meetings – Rules and regulations.

A. The commission may make and alter rules and regulations for its government and procedure consistent with the laws of the state and with the borough charter and ordinances. A true and correct copy of the rules and regulations and as from time to time supplemented or amended shall be filed with the borough clerk who shall publicly retain the same and furnish copies thereof to the public upon request.

B. The commission shall meet at least once per month; special meetings may be convened at any time; reasonable public notice of at least 48 hours shall be given for all meetings by public posting of notice in at least three public places and appearance on the local television or mini-scanner, and public radio. Notice of special meetings shall recite the subject matters to be considered and the commission shall take no official action with respect to matters not so noticed. [Ord. 674 § 4, 2000; Ord. 342 § 5, 1975; prior code § 03.61.090.]

3.44.100 Absence from meetings.

If an appointed member is absent from more than one-half of all the meetings of the commission, regular and special, held within any period of four consecutive calendar months, the member shall thereupon cease to hold office. [Ord. 674 § 4, 2000; Ord. 342 § 5, 1975; prior code § 03.61.100.]

3.44.110 Special and professional services.

Whenever the commission finds that the advice and information available from the borough staff is insufficient for them to fulfill their functions, they are empowered to request the borough, through the borough manager's office, to provide special and/or professional services for that purpose. [Ord. 277 § 5, 1973; prior code § 03.61.110.]

3.44.120 Powers and duties generally.

It shall be the duty of the commission, and it shall have the power, except as otherwise provided by law, to recommend and make suggestions to the borough assembly and to all other public authorities concerning planning, widening, extending, parking and locating of streets, sidewalks and boulevards; relief of traffic congestion; betterment of housing and sanitation conditions; and establishment of zones or districts limiting the use, height, and area of buildings and structures in conformance with WMC Titles 19 and 20 concerning zoning and planning; to recommend to the borough assembly and all other public authorities plans for the regulation of future growth, development and beautification of the borough in order to secure to the borough and its inhabitants, sanitation, proper service of all public utilities, harbors, shipping and transportation facilities; to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter; and in general to study and to propose such measures as may be advisable for the promotion of the public interest, health, safety, comfort, convenience and welfare of the borough. [Ord. 674 § 4, 2000; Ord. 277 § 5, 1973; prior code § 03.61.120.]

3.44.130 Submission of maps, plats, and plans to commission.

All maps, plans, plats and replats of lands laying out building lots and the streets, alleys, easements, or other portions of the lot intended to be dedicated to public use or for the use of purchasers or owners of lots fronting or adjacent to the land and located within the borough limits, and all plans or plats for vacating or laying out, widening, extending, parking and locating streets and plans for public buildings shall first be submitted to the commission by the borough engineer or other proper municipal officer, and a report thereon secured from the commission in writing before approval shall be given by the proper municipal official. [Ord. 674 § 4, 2000; Ord. 251 § 5, 1970; prior code § 03.61.130.]

3.44.140 Assembly – Commission action on ordinances.

A. Copies of all ordinances for the establishment of the boundaries of any zone or district provided for by WMC 3.44.120, and all ordinances regulating or limiting the use, height, area, or construction of buildings to be submitted to the assembly shall, before the same are presented to the assembly, be first submitted to the commission for recommendation, and the commission shall make its recommendation thereon in writing to the assembly.

B. The commission shall first hold a public hearing at such time and place as may be directed by the assembly, and make a careful and appropriate investigation thereon.

C. Before final action shall be taken by the borough assembly or any department of a borough government on the location or design of any public building, bridge, statue, park, parkway, boulevard, playground or public grounds, the same shall be submitted to the commission for consideration and report.

D. Unless the borough assembly definitely names a longer period for the return of a report specified in this section, the approval by the commission of any matter so referred to it in accordance with the provisions of this chapter shall be deemed to have been given at the end of 30 days unless the commission submits a report thereon prior to that time. [Ord. 674 § 4, 2000; Ord. 251 § 5, 1970; prior code § 03.61.140.]

3.44.150 Recommendations and reports to others.

The commission may make recommendations to any person or public authority, with reference to the location of buildings, structures or works to be erected, constructed or altered by or for such person or public authority; provided, however, such recommendation shall not have the force or effect of a law or ordinance, except when so prescribed by the laws of the state or by borough ordinance. Any person or public authority having charge of the construction, placing or designing of buildings, or other structures

and improvements, or objects of art, may call upon the commission for a report thereon. [Ord. 251 § 5, 1970; prior code § 03.61.150.]

3.44.160 Receipt of gifts, bequests or devises.

The commission may receive gifts, bequests or devises of property in the name of the borough to carry out any of the purposes of this chapter. [Ord. 376 § 5, 1978; prior code § 03.61.160.]

3.44.170 Powers granted by state law.

The commission is given all the rights, powers and privileges conferred upon planning and zoning commissions as authorized in the Alaska Statutes. [Ord. 251 § 5, 1970; prior code § 03.61.170.]

Chapter 3.48**CIVIL DEFENSE DIVISION**

Sections:

- 3.48.010 Established.
- 3.48.020 Membership.
- 3.48.030 Function.

3.48.010 Established.

There is created the division of civil defense for the borough as an agency of the government to be composed of the borough manager and such other persons as he may appoint. The borough manager shall appoint a civil defense director and staff to serve at the pleasure of the borough manager. [Ord. 216 § 4, 1968; prior code § 24.05.010.]

3.48.020 Membership.

The division of civil defense, all officers and employees of the borough, together with those volunteer forces enrolled to aid them prior to or during a disaster, shall constitute the local civil defense organization, as provided by law. [Ord. 216 § 4, 1968; prior code § 24.05.020.]

3.48.030 Function.

The purpose of the division of civil defense is to provide an orderly means for planning to meet those emergencies which threaten life or property. [Ord. 216 § 4, 1968; prior code § 24.05.030.]

Chapter 3.50

CEMETERY ADVISORY COMMITTEE

Sections:

3.50.010 Established – Membership – Organization.

3.50.020 Powers and duties.

3.50.010 Established – Membership – Organization.

A. There shall be a cemetery advisory committee which shall consist of five members, qualified and selected as set forth below:

1. The present membership of the board is hereby confirmed. Future members shall be appointed by the mayor with the approval of the assembly. A member may be removed by the mayor with the approval of the assembly for the good of the service.

2. All members of the committee shall be residents of the borough and serve without compensation.

3. The term of a member shall be for three years or until a successor is appointed.

B. The committee shall hold regular meetings at least once each calendar quarter at such times as its chair may determine. The chair shall give each member at least 48 hours' prior written or oral notice of the date, time and place of each meeting.

C. The committee shall give reasonable public notice of its meetings, its meetings shall be open to the public, and reasonable opportunity shall be provided for the public to be heard at each meeting.

D. Three members of the committee shall constitute a quorum for the transaction of business. Actions of the committee are taken by the vote of a majority of the members duly present at a meeting of the committee duly held at which a quorum is present. The committee shall keep minutes of its proceedings and records of its official actions.

E. Any member who misses more than two regular meetings in a consecutive 12-month period without being excused by the committee shall automatically forfeit membership on the committee.

F. The committee shall annually elect from among its members a chair, vice chair and secretary-treasurer.

G. Committee members shall conduct their activities in such a way that no conflict of interest arises between their other interests and the policies, interests and operation of the municipal cemeteries.

H. The committee may establish its own rules, regulations and policies consistent with this chapter and subject to the approval of the assembly. [Ord. 794 § 1, 2007; Ord. 767 § 1, 2005.]

3.50.020 Powers and duties.

The powers and duties of the committee shall be as follows:

A. Receive, consider and evaluate public opinions and make recommendations regarding the staffing, equipping, care, maintenance, and managing of the municipal cemeteries;

B. Advise the borough manager and borough assembly on planning and implementation of programs dealing with the use and development of the municipal cemeteries;

C. Review and make recommendations to the assembly regarding the budget of the municipal cemeteries; and

D. Perform such other activities as the assembly may from time to time designate. [Ord. 767 § 1, 2005.]

Chapter 3.52**PARKS AND RECREATION BOARD**

Sections:

- 3.52.010 Established – Membership – Organization.
- 3.52.020 Powers and duties.
- 3.52.030 Director – Appointment.
- 3.52.040 Director – Powers and duties.
- 3.52.045 Regular meetings.
- 3.52.050 Absence from meetings.

3.52.010 Established – Membership – Organization.

A. There shall be created a parks and recreation board, which shall consist of five members appointed by the mayor with the approval of the assembly for overlapping three-year terms. All members of the board shall be residents of the borough. The terms of the members shall begin on October 1st, with three members to be appointed in the first year, and two members in each of two successive years and in like manner thereafter. A member may be removed by the mayor with approval of the assembly for the good of the service. Vacancies shall be filled for the unexpired terms. Members shall serve without compensation. A quorum shall consist of three members.

B. At the time prescribed for the beginning of the terms of the newly appointed members or as soon thereafter as practicable, the board shall elect a chairman, a vice chairman, and a secretary. The board shall determine the time and place of its regular meetings, and the chairman or three members may call special meetings. [Ord. 814 § 2, 2008; Ord. 731 § 4, 2003; Ord. 533 § 4, 1988; Ord. 214 § 5, 1968; prior code § 47.10.010.]

3.52.020 Powers and duties.

The parks and recreation board shall study the recreational needs of the people of the borough and shall make such recommendations relating to parks, playgrounds and other recreational facilities in relation to public recreational programs and activities to the director of the parks, recreation and youth services, the mayor and the assembly, as it deems desirable. The board shall also strive to create public interest in the establishment of a teen club to meet the recreational needs of the teenage youths. The board shall study the possibilities of summer recreation programs for all children, improved parks and recreation areas, and any other recreational activities. [Ord. 814 § 3, 2008; Ord. 214 § 5, 1968; prior code § 47.10.020.]

3.52.030 Director – Appointment.

There may be a director of parks, recreation and youth services who shall be appointed by the borough manager. [Ord. 214 § 5, 1968; prior code § 47.20.010.]

3.52.040 Director – Powers and duties.

The director of parks, recreation and youth services, under the supervision and control of the borough manager, shall have charge of and direct the recreational programs and activities sponsored or carried on by the borough government and shall have charge of the parks and playgrounds and other municipal facilities used in connection therewith. The director shall work with the parks and recreation board to effect and carry out the recommendations of the board, which recommendations have been approved by the assembly. [Ord. 814 § 4, 2008; Ord. 214 § 5, 1968; prior code § 47.20.020.]

3.52.045 Regular meetings.

Regular meetings of the parks and recreation board shall be held on the first Wednesday of each month, except that no regular meetings shall be held in the months of July and August. [Ord. 814 § 5, 2008; Ord. 806 § 1, 2007.]

3.52.050 Absence from meetings.

If an appointed member is absent for more than one-half of all of the meetings of the board, regular and special, held within any period of four consecutive calendar months, he shall thereupon cease to hold office. [Ord. 533 § 5, 1988.]

Chapter 3.54**JAMES AND ELSIE NOLAN MUSEUM AND CIVIC CENTER BOARD**

Sections:

- 3.54.010 Established – Membership – Organization.
3.54.020 Powers and duties.

3.54.010 Established – Membership – Organization.

A. There shall be a James and Elsie Nolan Museum and Civic Center board which shall consist of seven members, qualified and selected as set forth below:

1. The present membership of the board is hereby confirmed. To the extent feasible, future boards shall consist of one at-large member and six representatives, each of whom must be recommended by at least one of the following organizations:

- a. Borough assembly;
- b. School board;
- c. Chamber of commerce;
- d. Forest service;
- e. Friends of Museum;
- f. Alaska Native Brotherhood;
- g. Alaska Native Sisterhood;
- h. Wrangell Cooperative Association;
- i. Convention and visitor bureau.

Organizational representatives shall be recommended by the organizations named above, with the final board members chosen and approved by the assembly, at its discretion. Applications for at-large positions shall be submitted to the borough clerk and the at-large member approved by the assembly. To the extent feasible, at least one board member should have financial and budgetary experience and at least one board member should have building maintenance and construction experience.

2. All members of the board shall be residents of the borough and serve without compensation.

3. The term of a member shall be for three years or until a successor is appointed. The present members of the board shall determine by lot the length of terms so that the terms of four members shall be for one year, the terms of four other members shall be for two years, and the terms of three members shall be for three years, resulting in staggered terms for members subsequently appointed.

B. The board shall hold regular meetings at least once each calendar quarter at such times as its chair may determine. The chair shall give each member at least 48 hours' prior written or oral notice of the date, time and place of each meeting.

C. The board shall give reasonable public notice of its meetings, its meetings shall be open to the public, and reasonable opportunity shall be provided for the public to be heard at each meeting.

D. Six members of the board shall constitute a quorum for the transaction of business. Actions of the board are taken by the vote of a majority of the members duly present at a meeting of the board duly held at which a quorum is present. The board shall keep minutes of its proceedings and records of its official actions.

E. Any member who misses more than two regular meetings in a consecutive 12-month period without being excused by the board shall automatically forfeit membership on the board.

F. The board shall annually elect from among its members a chair, vice chair and secretary-treasurer.

G. Board members shall conduct their activities in such a way that no conflict of interest arises between their other interests and the policies, interests and operation of the museum and civic center.

H. The board may establish its own rules, regulations and policies consistent with this chapter and subject to the approval of the assembly. [Ord. 835 § 1, 2009; Ord. 759 § 1, 2004.]

3.54.020 Powers and duties.

The powers and duties of the board shall be as follows:

A. Receive, consider and evaluate public opinions and recommendations regarding the staffing, equipping and managing of the museum and civic center and regarding the care and maintenance of the museum collection;

B. Advise the curator, civic center manager, borough manager and borough assembly on planning and implementation of programs dealing with the use and development of the museum and civic center and the museum collection;

C. Review and make recommendations to the assembly regarding the museum and civic center budget;

D. Strive to create public interest in and public support for the programs and activities of the museum and civic center. [Ord. 759 § 1, 2004.]

Chapter 3.56

WRANGELL CONVENTION AND VISITOR BUREAU

Sections:

- 3.56.010 Established – Membership – Organization.
- 3.56.020 Powers and duties.

3.56.010 Established – Membership – Organization.

A. There shall be a Wrangell convention and visitor bureau which shall consist of seven members, qualified and selected as set forth below:

1. The present membership of the bureau is hereby confirmed. Future members shall be appointed by the mayor with the approval of the assembly. A member may be removed by the mayor with the approval of the assembly for the good of the service.

2. All members of the bureau shall be residents of the borough and serve without compensation. Travel expenditures such as transportation, lodging, per diem and registration fees will be paid if authorized by the bureau. No member of the borough assembly or the port commission shall be a member of the bureau.

3. The term of membership shall be three-year staggered terms. Members shall continue to serve until a successor is appointed and confirmed. A vacancy shall be filled by appointment by the mayor and confirmation by the assembly for the unexpired term.

B. The bureau shall hold regular meetings at least once each calendar month at such times as its chair may determine. The chair shall give each member at least 48 hours' prior written or oral notice of the date, time and place of each meeting.

C. The bureau shall give reasonable public notice of its meetings, its meetings shall be open to the public, and reasonable opportunity shall be provided for the public to be heard at each meeting.

D. Four members of the bureau shall constitute a quorum for the transaction of business. Actions of the bureau are taken by the vote of a majority of the members duly present at a meeting of the bureau duly held at which a quorum is present. The bureau shall keep minutes of its proceedings and records of its official actions.

E. Any member who is absent more than one-half of all the meetings of the bureau, regular and special, in a consecutive four-month period shall automatically forfeit membership in the bureau.

F. The bureau shall annually elect from among its members a chair and vice chair. The chair will preside at all meetings of the bureau and serve as the chief spokesperson for the bureau. The vice chair will assist the chair and act as chair in the chair's absence.

G. The bureau may establish its own rules, regulations and policies consistent with this chapter and subject to the approval of the assembly. [Ord. 786 § 1, 2006.]

3.56.020 Powers and duties.

The powers and duties of the committee shall be as follows:

A. To make recommendations regarding the policies, staffing and management of the borough's convention, visitor industry, and related economic development activities;

B. To submit an annual marketing plan and operating budget to the borough assembly containing recommendations for the use of the transient tax funds and any other general fund moneys appropriated for visitor services;

C. To make recommendations to the borough assembly regarding marketing, advertising schedules and ad placements;

D. To disseminate visitor information data, reports, issues and other information to residents; and

E. To make recommendations to the borough assembly regarding visitor-related issues, services and needs. [Ord. 786 § 1, 2006.]

Chapter 3.58**PERSONNEL RULES AND POLICIES**

Sections:

- 3.58.010 Personnel rules and policies.
- 3.58.020 Collective bargaining rights.
- 3.58.030 Assembly not to interfere in hirings and removals.

3.58.010 Personnel rules and policies.

Employees of the borough shall be subject to such personnel policies and rules as are established by ordinance or resolution of the assembly. [Ord. 726 §§ 4, 5, 2003.]

3.58.020 Collective bargaining rights.

The borough is subject to the Alaska Public Employees Relations Act, AS 23.40.070 through 23.40.260, borough employees shall have the right to organize and bargain collectively with the borough, and the borough shall recognize bargaining units formed under that Act. Section 214 of the City and Borough of Wrangell Employee Handbook entitled "Annual Meet and Confer" as approved by Resolution No. 02-03-943 is repealed. [Approved by passage of Proposition No. 3 at regular election on October 5, 2004, as authorized by initiative petition certified on July 26, 2004.]

3.58.030 Assembly not to interfere in hirings 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 otherwise provided in this code or the borough 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 code or the borough charter. [Ord. 815 § 4, 2008.]

Chapter 3.60**OMBUDSMAN**

Sections:

3.60.010 Established – General provisions.

3.60.010 Established – General provisions.

A. Established. There is established the office of ombudsman as a part of the legislative branch of the municipality.

B. Appointment. Pursuant to the provisions of AS 24.55.320, the municipality elects to become subject to the jurisdiction of the Alaska State Ombudsman who shall be appointed as municipal ombudsman effective upon the notification provided for in subsection (E) of this section.

C. Jurisdiction. The ombudsman shall have jurisdiction to investigate the administrative acts of all departments, offices, boards, commissions or committees of the municipality, but shall have no such jurisdiction over the assembly, the school district, Wrangell Medical Center and Long-Term Care Facility, or any grievance matter of an employee covered by the ordinances or personnel rules of the borough.

D. Procedures. Investigations shall be initiated and conducted by the ombudsman according to the procedures, with the powers, and subject to the duties established by the Alaska Ombudsman Act and the Alaska Administrative Code enacted pursuant to law.

E. Term. The manager is authorized to negotiate with the office of the State Ombudsman for a contract incorporating the requirements of the ordinance codified in this chapter and such other terms and conditions as the manager may find in the public interest. The assembly shall approve the contract by motion, whereupon the manager shall execute the contract and give notice to the ombudsman pursuant to AS 24.55.320 that the municipality has elected to become subject to the jurisdiction of the ombudsman. The contract shall have a term coincident with the fiscal year, shall be renewed annually upon the appropriation of funds therefor, shall terminate on June 30th of any year during which the assembly fails to appropriate sufficient funds for the contract during the following fiscal year and may be amended or terminated by the manager at any other time in accordance with its terms and upon approval by the assembly by motion. The municipality may also remove the municipality from the jurisdiction of the ombudsman by ordinance.

F. Annual Report. The ombudsman shall submit to the assembly and the public an annual report of activities under this section.

G. Criminal Liability. Any person who willfully hinders the lawful actions of the ombudsman or the ombudsman's staff, or willfully refuses to comply with their lawful demands, is guilty of a misdemeanor. [Ord. 531 § 4, 1988.]

