



**City & Borough of Wrangell  
SPECIAL ASSEMBLY MEETING AGENDA  
Monday, August 12, 2013  
7:00 p.m.**

1. Call to Order
2. Roll Call
3. Conflict of Interest:
4. Persons to be Heard:
5. Item of Business:
  - a. ORDINANCE NO. 870: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.04 OF THE WRANGELL MUNICIPAL CODE RELATING TO ADMINISTRATION AND PERSONNEL TO MODIFY SECTION 3.04.114 ON NEPOTISM (second reading)
  - b. RESOLUTION NO. 08-13-1281: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING PERSONNEL POLICY SECTION 105, HIRING OF RELATIVES, TO CHANGE THE DEFINITION OF "RELATIVE" AND TO PROVIDE FOR ASSEMBLY APPROVAL OF CERTAIN HIRES IN LIMITED CIRCUMSTANCES; AND PROVIDING FOR AN EFFECTIVE DATE
  - c. RESOLUTION NO. 08-13-1282: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, APPROVING AN EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY; AND PROVIDING FOR AN EFFECTIVE DATE
  - d. RESOLUTION NO. 08-13-1283: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, APPROVING A FAIR HOUSING POLICY; AND PROVIDING FOR AN EFFECTIVE DATE
6. Adjournment

# **Agenda Item 5a**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY SPECIAL MEETING AGENDA ITEM August 12, 2013**

#### **INFORMATION:**

**ORDINANCE NO. 870: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.04 OF THE WRANGELL MUNICIPAL CODE RELATING TO ADMINISTRATION AND PERSONNEL TO MODIFY SECTION 3.04.114 ON NEPOTISM (*second reading*)**

#### **Attachments:**

1. Proposed Ordinance

#### **RECOMMENDED ACTION:**

Move to approve Ordinance No. 870.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 870

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND  
BOROUGH OF WRANGELL, ALASKA, AMENDING  
CHAPTER 3.04 OF THE WRANGELL MUNICIPAL CODE  
RELATING TO ADMINISTRATION AND PERSONNEL TO  
MODIFY SECTION 3.04.114 ON NEPOTISM

WHEREAS, Section 3.04.114 of the Wrangell Municipal Code, Nepotism, prohibits the appointment of individuals related to the mayor, an assembly member, the borough manager, or any other person with authority to appoint, where the relationship is by affinity or consanguinity within the third degree; and

WHEREAS, the Assembly has reviewed this provision and has determined that it is overly restrictive given the population of the City and Borough of Wrangell and the desire to hire employees locally when possible; and

WHEREAS, a review of the codes and personnel policies of several other Alaska municipalities, as well as the State of Alaska, shows that the state and many municipalities have adopted a “second degree” of relation standard to govern the restriction on hiring of relatives; and

WHEREAS, the City and Borough’s conflict of interest code in WMC 3.04.112, defines “immediate family” of a person to mean “anyone related to that person by blood to the second degree of kinship, marriage or adoption or who lives in that person’s household”; and

WHEREAS, it is in the best interests of the City and Borough to amend WMC 3.04.114 to allow for more flexibility in hiring, be consistent with the conflict of interest code, and provide a process for Assembly approval of certain hires in limited circumstances.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The bolded language are the changes to the existing code and the strikethroughs are the language to be deleted from the code.]

SEC. 1.        Action. The purpose of this ordinance is amend Section 3.04.114 of the Wrangell Municipal Code to modify the ordinance on nepotism from “third degree” to “second degree” of affinity or consanguinity, and make certain other changes.

SEC. 2.        Amendment. Section 3.04.114 of the Wrangell Municipal is amended as follows:

3.04.114 Nepotism.

- A. **Except as provided in subsection B of this section,** neither ~~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 **second** ~~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.
- B. **Relatives, within the second degree of affinity or consanguinity to the borough manager cannot be appointed to an office or position of profit in the borough government without the prior approval of the borough assembly. If an employee is currently working for the borough government and a relative within the second degree of affinity or consanguinity is hired as the borough manager, that person cannot continue their employment with the borough without approval of the borough assembly.**

SEC. 3. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

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

SEC. 5. Effective Date. This ordinance shall be effective upon adoption by the assembly.

PASSED IN FIRST READING: July 26, 2013.

PASSED IN SECOND READING: \_\_\_\_\_, 2013.

David L. Jack, Mayor

ATTEST: \_\_\_\_\_  
Kim Lane, Borough Clerk

# **Agenda Item 5b**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY SPECIAL MEETING AGENDA ITEM August 12, 2013**

#### **INFORMATION:**

**RESOLUTION NO. 08-13-1281: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING PERSONNEL POLICY SECTION 105, HIRING OF RELATIVES, TO CHANGE THE DEFINITION OF "RELATIVE" AND TO PROVIDE FOR ASSEMBLY APPROVAL OF CERTAIN HIRES IN LIMITED CIRCUMSTANCES; AND PROVIDING FOR AN EFFECTIVE DATE**

#### **Attachments:**

1. Proposed Resolution

#### **RECOMMENDED ACTION:**

Move to adopt Resolution No. 08-13-1281.

CITY AND BOROUGH OF WRANGELL

RESOLUTION NO. 08-13-1281

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING PERSONNEL POLICY SECTION 105, HIRING OF RELATIVES, TO CHANGE THE DEFINITION OF “RELATIVE” AND TO PROVIDE FOR ASSEMBLY APPROVAL OF CERTAIN HIRES IN LIMITED CIRCUMSTANCES; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, under Section 105 of the City and Borough of Wrangell Personnel Policy, the hiring of persons related to a current Borough employee or a Borough Assembly member, where the relationship is by affinity or consanguinity within the third degree, is restricted;

**WHEREAS**, Section 105 also provides that if an employee is currently working for the Borough and a relative is hired as the Borough Manager, that person cannot continue their employment with the Borough; and

**WHEREAS**, the Assembly has reviewed these provisions and has determined that they are overly restrictive given the population of the City and Borough of Wrangell and the desire to hire employees locally when possible; and

**WHEREAS**, a review of the codes and personnel policies of several other Alaska municipalities, as well as the State of Alaska, shows that the state and many municipalities have adopted a “second degree” of relation standard to govern the restriction on hiring of relatives; and

**WHEREAS**, the City and Borough’s conflict of interest code in WMC 3.04.112, defines “immediate family” of a person to mean “anyone related to that person by blood to the second degree of kinship, marriage or adoption or who lives in that person’s household”; and

**WHEREAS**, it is in the best interests of the City and Borough to amend Personnel Policy Section 105 to provide a new definition of “relative” that will allow for more flexibility in hiring, be consistent with the conflict of interest code, and provide a process for Assembly approval of certain hires in limited circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL OF WRANGELL, ALASKA:

[The bolded language are the changes to the existing Personnel Policy and the strikethroughs are the language to be deleted from the Personnel Policy.]

Section 1. That Section 105 of the Wrangell Personnel Policy is amended to read:

## 105 Hiring of Relatives

The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related **to the employee** by blood or marriage **as defined in this section**, or whose relationship with the employee is similar to that of persons who are related by blood or marriage **as defined in this section**. A relative shall be defined as any relationship by affinity or consanguinity within the ~~third~~**second** degree. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual “romantic” or sexual relationship. This policy applies to all employees without regard to gender or sexual orientation.

**“Affinity” is a relationship by marriage. “Consanguinity” is a relationship by blood.**

**“Affinity within the second degree” is defined as husband, wife, and the following individuals related to the employees’ husband or wife: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, or granddaughter, in a full, half, or step relationship.**

**“Consanguinity within the second degree” is defined as father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, or granddaughter, in a full, half, or step relationship.**

Relatives of current employees may not occupy a position directly under or supervising their relative. Individuals involved in a dating relationship with a current employee may also not occupy a position that will be directly under or supervising the employee with whom they are involved in a dating relationship. The City and Borough of Wrangell also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative relationship or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment.

Relatives, within the ~~third~~**second** degree of ~~either a Borough Assembly member or the Borough Manager~~ cannot be hired for a position with the Borough. If an employee is currently working for the City and Borough of Wrangell and a relative is elected to the assembly, the employee can continue with employment, but cannot take a new position unless the position is similar in nature to the existing job.

**Relatives, within the second degree of the Borough Manager cannot be hired for a position with the Borough without prior approval of the Borough Assembly.** If an employee is currently working for the City and Borough of Wrangell and a relative within **the second degree of affinity or consanguinity** is hired as the Borough Manager, that person cannot continue their employment with the Borough **without approval of the Borough Assembly.**

Section 2. This resolution shall become effective immediately upon adoption.

ADOPTED: \_\_\_\_\_, 2013

\_\_\_\_\_  
David L. Jack, Mayor

ATTEST: \_\_\_\_\_  
Kim Lane, Borough Clerk



# **Agenda Item 5c**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY SPECIAL MEETING AGENDA ITEM August 12, 2013**

#### **INFORMATION:**

**RESOLUTION NO. 08-13-1282: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, APPROVING AN EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY; AND PROVIDING FOR AN EFFECTIVE DATE**

#### **Attachments:**

1. Memorandum from Carol Rushmore dated July 30, 2013
2. Proposed Resolution

#### **RECOMMENDED ACTION:**

Move to adopt Resolution No. 08-13-1282.

## **MEMORANDUM**

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY  
CITY AND BOROUGH OF WRANGELL**

**FROM: MS. CAROL RUSHMORE  
ECONOMIC DEVELOPMENT DIRECTOR**

**SUBJECT: RESOLUTIONS 08-13-1282 AND 08-13-1283**

**DATE: JULY 30, 2013**

### **BACKGROUND:**

The City and Borough of Wrangell applied for and received a Community Development Block Grant from the State of Alaska for \$470,884 for the sewer pumps replacement project. The funding, however, originates from Federal Housing and Urban Development funds. Federal grant monies require considerable more paperwork, signatures, and reporting requirements.

Two of the requirements for the CDBG HUD funds include two resolutions approved by the Borough Assembly. One resolution states that the Borough approves an equal employment opportunity and affirmative action policy. This policy is currently in the Personnel Handbook.

The second resolution is a Fair Housing Policy. Staff asked State grant administrators if this was a necessary document since the Borough does not own or manage any housing units. State staff indicated it was, such that IF the Borough had housing units, would the Borough agree to this policy. The policy is also applicable to any land sold for residential development.

### **RECOMMENDATION:**

Staff recommends Borough Assembly approval of both Resolutions.

### **ATTACHMENTS:**

1. Resolution 08-13-1282 Equal Opportunity/Affirmative Action Policy
2. Resolution 08-13-183 Fair Housing Policy

CITY AND BOROUGH OF WRANGELL

RESOLUTION NO. 08-13-1282

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, APPROVING AN EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, State and Federal law prohibits discrimination in employment on the basis of race, color, sex, religion, family status, age, or national origin; and

**WHEREAS**, the City & Borough of Wrangell supports equal employment opportunities for all.

**NOW, THEREFORE**, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL OF WRANGELL, ALASKA, that it is the policy of the City & Borough of Wrangell to:

Section 1. Afford equal opportunities for employment to all persons regardless of race, color, sex, religion, family status, age, or national origin;

Section 2. State that the City & Borough is an equal opportunity employer in all job announcements;

Section 3. Take affirmative action steps when necessary to assure all persons are afforded an equal opportunity to apply for City & Borough employment.

This **EQUAL EMPLOYMENT/AFFIRMATIVE ACTION PLAN** takes effect immediately.

ADOPTED: \_\_\_\_\_, 2013

\_\_\_\_\_  
David L. Jack, Mayor

ATTEST: \_\_\_\_\_  
Kim Lane, Borough Clerk

# **Agenda Item 5d**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY SPECIAL MEETING AGENDA ITEM August 12, 2013**

#### **INFORMATION:**

**RESOLUTION NO. 08-13-1283: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, APPROVING A FAIR HOUSING POLICY; AND PROVIDING FOR AN EFFECTIVE DATE**

#### **Attachments:**

1. Memorandum from Carol Rushmore dated July 30, 2013
2. Proposed Resolution

#### **RECOMMENDED ACTION:**

Move to adopt Resolution No. 08-13-1283.

## **MEMORANDUM**

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY  
CITY AND BOROUGH OF WRANGELL**

**FROM: MS. CAROL RUSHMORE  
ECONOMIC DEVELOPMENT DIRECTOR**

**SUBJECT: RESOLUTIONS 08-13-1282 AND 08-13-1283**

**DATE: JULY 30, 2013**

### **BACKGROUND:**

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Two of the requirements for the CDBG HUD funds include two resolutions approved by the Borough Assembly. One resolution states that the Borough approves an equal employment opportunity and affirmative action policy. This policy is currently in the Personnel Handbook.

The second resolution is a Fair Housing Policy. Staff asked State grant administrators if this was a necessary document since the Borough does not own or manage any housing units. State staff indicated it was, such that IF the Borough had housing units, would the Borough agree to this policy. The policy is also applicable to any land sold for residential development.

### **RECOMMENDATION:**

Staff recommends Borough Assembly approval of both Resolutions.

### **ATTACHMENTS:**

1. Resolution 08-13-1282 Equal Opportunity/Affirmative Action Policy
2. Resolution 08-13-183 Fair Housing Policy

CITY AND BOROUGH OF WRANGELL

RESOLUTION NO. 08-13-1283

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, APPROVING A FAIR HOUSING POLICY; AND PROVIDING FOR AN EFFECTIVE DATE

Let it be known to all persons of the City & Borough of Wrangell that discrimination because of race, color, religion, sex, national origin, family status or handicap status, is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law) in the sale, rental, leasing, and/or financing of housing or land to be used for construction of housing, or in the provision of brokerage services. It is the policy of the City & Borough of Wrangell to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, national origin, family status or handicap status. Therefore, the City & Borough of Wrangell does hereby pass the following Resolution.

BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL OF WRANGELL, ALASKA, that within available resources, the City & Borough of Wrangell will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, family status or handicap status, to seek equity under federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Seattle Regional Office Compliance Division.

Be it further resolved that the City & Borough of Wrangell shall publicize this Resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state or local laws or ordinances.

Said program will at a minimum include, but not be limited to:

Section 1. The printing and publicizing of this policy and other applicable fair housing information through local media and community contacts;

Section 2. Distribution and/or display of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity on housing.

**This Resolution becomes effective immediately upon adoption.**

ADOPTED: \_\_\_\_\_, 2013

\_\_\_\_\_  
David L. Jack, Mayor

ATTEST: \_\_\_\_\_  
Kim Lane, Borough Clerk