



**City & Borough of Wrangell
SPECIAL ASSEMBLY MEETING AGENDA
Friday, July 26, 2013
1:00 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 (first reading)
 - b. RESOLUTION NO. 07-13-1280: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, APPROVING A WAIVER OF SECTION 105 OF THE PERSONNEL POLICY TO AUTHORIZE THE EMPLOYMENT OF CERTAIN RELATED INDIVIDUALS AS PROVIDED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE
 - c. CONSIDERATION TO APPOINT AN INTERIM BOROUGH MANAGER
6. Adjournment

Agenda Item 5a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY SPECIAL MEETING AGENDA ITEM July 26, 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 (first reading)

RECOMMENDED ACTION:

Move to approve first reading and move to a second with a public hearing to be held on August 5, 2013.

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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: _____, 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 July 26, 2013

INFORMATION:

RESOLUTION NO. 07-13-1280: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, APPROVING A WAIVER OF SECTION 105 OF THE PERSONNEL POLICY TO AUTHORIZE THE EMPLOYMENT OF CERTAIN RELATED INDIVIDUALS AS PROVIDED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE

RECOMMENDED ACTION:

Move to adopt Resolution No. 07-13-1280.

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CITY AND BOROUGH OF WRANGELL

RESOLUTION NO. 07-13-1280

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, APPROVING A WAIVER OF SECTION 105 OF THE PERSONNEL POLICY TO AUTHORIZE THE EMPLOYMENT OF CERTAIN RELATED INDIVIDUALS AS PROVIDED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City and Borough of Wrangell adopted a revised Personnel Policy on January 8, 2013; and

WHEREAS, under Section 105 of the City and Borough of Wrangell Personnel Policy, if an employee is currently working for the City and Borough and a relative is hired as the Borough Manager, that person cannot continue their employment with the Borough; and

WHEREAS, Jeffry Jabusch, the current Finance Director for the Borough has been an employee of the Borough since 1977; and

WHEREAS, Michelle Kay Jabusch has been the Library Director for the Borough since 1981; and

WHEREAS, Jeffry Jabusch and Michelle Kay Jabusch are related by marriage; and

WHEREAS, Jeffry Davidson has been employed by the Borough since March 2010 and currently works in the Wastewater Department of Public Works at the sewage treatment plant and is directly supervised by the Plant Foreman; and

WHEREAS, Jeffry Jabusch and Jeffry Davidson are related, Jeffry Davidson being a nephew of Jeffry Jabusch; and

WHEREAS, it would be in the best interests of the Borough to consider Jeffry Jabusch for appointment as the Interim Borough Manager as of August 6, 2013, the end date for the employment of the current Borough Manager; and

WHEREAS, absent a waiver of Section 105 of the Personnel Policy, if Jeffry Jabusch is appointed Interim Manager, neither Michelle Kay Jabusch nor Jeffry Davidson could work in their chosen professions without relocating from Wrangell; and

WHEREAS, the spirit and intent of Section 105 could be accomplished for the purposes of appointing Jeffry Jabusch as Interim Manager by having Michelle Kay Jabusch be supervised and report directly to the Borough Clerk, and by reassigning certain authority with respect Jeffry Davidson to the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL OF WRANGELL, ALASKA, that the City and Borough of Wrangell approves a waiver of Section 105 of the Personnel Policy as follows:

Section 1. That a waiver of Section 105 of the Personnel Policy shall be implemented specific to the employment relationship between Jeffry Jabusch and Michelle Kay Jabusch, and between Jeffry Jabusch and Jeffry Davidson. This waiver shall become effective if Jeffry Jabusch is appointed as Interim Borough Manager and will remain in effect for so long as Jeffry Jabusch is Interim Manager, provided that during this period (a) Michelle Kay Jabusch shall be supervised by and report directly to the Borough Clerk; and (b) Jeffry Jabusch shall not participate in any employment related decisions that individually impact Jeffry Davidson and if any such matter arises that would otherwise be decided by the Borough Manager, it shall be reassigned to the Borough Clerk.

Section 2. This resolution shall become effective immediately upon the appointment of Jeffry Jabusch as Interim Borough Manager.

ADOPTED: _____, 2013

David L. Jack, Mayor

ATTEST: _____
Kim Lane, Borough Clerk

Agenda Item 5c

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY SPECIAL MEETING AGENDA ITEM July 26, 2013

INFORMATION:

Consideration to appoint an interim Borough Manager

RECOMMENDED ACTION:

Assembly discussion and possible action.