



THE CITY OF WHITTIER

Gateway to Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

WHITTIER CITY COUNCIL

WILL HOLD

A REGULAR MEETING

TUESDAY, JUNE 20, 2017

AT 7:00 PM

COUNCIL CHAMBERS

P-12 BUILDING

AGENDA

Page #

1. CALL TO ORDER

2. OPENING CEREMONY

3. ROLL CALL

- A. Council Members Present
- B. Administration Present

4. APPROVAL OF MINUTES

- A. May 16, 2017 Board of Equalization Hearing Meeting Minutes
- B. May 16, 2017 Regular Meeting Minutes

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5. APPROVAL OF REGULAR MEETING AGENDA

6. MAYOR'S REPORT

- A. Mayor Report - Dan Blair
- B. Vice Mayor Report - Dave Pinquoch

7. MANAGER'S REPORT

- A. City Manager's Report – Mark Lynch
- B. City Attorney's Report– Holly Wells
- C. School District Report – School not in session
- D. Directors' Reports
 - 1. Finance Officer Report - John Li – No Report
 - 2. Harbormaster Report – Kyle Sinclair
 - 3. Director of Public Safety Report – Dave Schofield
 - 4. Public Works Report – Scott Korbe
 - 5. Public Safety Building Report – Terry Morrison

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8. COMMISSION/COMMITTEE REPORTS

- A. Planning Commission
- B. Port & Harbor Commission – April 6, 2017 Meeting Minutes
- C. Parks & Recreation Committee
- D. Prince William Sound Aquaculture Corp.
- E. Regional Citizen's Advisory Council

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9. CITIZEN'S COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING

10. APPROVAL OF CONSENT CALENDAR

11. PUBLIC HEARINGS (NON-ORDINANCE)

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12. PRESENTATIONS

13. ORDINANCES

Introduction (1st reading)

#03-2017 – An Ordinance amending WMC 2.70 to repeal and reenact code provisions pertaining to personnel.

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14. PUBLIC HEARING (2nd reading)

15. RESOLUTIONS

16. EXECUTIVE SESSION

- A. Potential sale/trade/purchase of real estate** - Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310(1)
- B. Public Safety Building Change Orders** – Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310(1)
- C. Manager's evaluation and contract discussion** – Subjects that tend to prejudice the reputation and character of any person, and matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310(1) and AS 44.62.310(2)

17. UNFINISHED BUSINESS

- A. Shotgun Cove Road Project**
- B. ARRC/COW Land Swap**
- C. Improve Salmon Sport Fishing in Northwest PWS**
- D. Public Safety Building - Phase 2**
- E. Paddle Craft Launch**
- F. Passage Canal Breakwater**

18. NEW BUSINESS

- A. Authorize City Manager to enter into a professional contract for General City Engineering Services.**
- B. Discussion and direction to Manager concerning WERFA funds.**
- C. Discussion and direction to Manager concerning additional City parking in Parcel 2.**
- D. Approval of change orders #8 for PS Building Police Department Proximity Readers in the amount of Sixteen Thousand Eight Hundred and Ninety Four dollars. (\$16,894.)**
- E. Discussion and direction to Manager concerning Municipal Waste disposal.**
- F. Approve City Manager's contract revision.**
- G. Amend August City Council meeting date.**

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19. COUNCIL DISCUSSION

20. CITIZEN'S DISCUSSION

21. COUNCIL AND ADMINISTRATION'S RESPONSE TO CITIZEN'S COMMENTS

22. ADJOURNMENT



THE CITY OF WHITTIER

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THE BOARD OF EQUALIZATION HEARING

TUESDAY, MAY 16, 2017

5:00 P.M.

THE COUNCIL CHAMBERS

P-12 BUILDING

MINUTES

1. CALL TO ORDER

Mayor Daniel Blair called the meeting to order at 5:15 PM

2. ROLL CALL

A. **Council Members Present:** Debra Hicks, Dave Dickason, Davo Pinquoch, Monty Irvin, and Dan Blair

B. **Council Members Absent:** Victor Shen

C. **Administration Present:** Mark Lynch, City Manager, Jennifer Rogers, City Clerk, Scott Korbe, Public Works Director and Dyanna Pratt, Tax Administrator

Others Present: Arnie Erickson, Assessor from Appraisal Company of Alaska and Council Member, Peter Denmark

3. TURN MEETING OVER TO ASSESSORS – Arnie Erickson

Mayor Dan Blair turned the meeting over to Arnie Erickson.

Arnie Erickson announced that he had only one appeal this year and it was from Peter Denmark of Alaska Sea Kayakers.

Arnie Erickson read out loud Peter Denmark's letter of appeal. The letter addressed the ongoing issue of erosion behind his shop and how it is slowly making its way underneath the building. Mr. Denmark claims that the erosion is creating an ever-worsening safety issue.

Mr. Erickson provided council members with photos he took the previous Friday which documents the erosion behind Peter Denmark's kayak shop. He pointed out the base-mark from 2007 and compared it to the photographs taken within the last three years. He explained, "The only way to know exactly what Mr. Denmark has is if there is some type of survey that will provide us with good scientific data."

Mayor Dan Blair asked if there were questions or comments.

Peter Denmark added that last year there was an attempt to find the plat of the lots. He asked, "Do you reduce the value with every passing year? If it is a hundred year lease, should it decline in value about 1% a year? If you were in the 99th year of a 100 year lease, the value will have approached to 0."

Arnie Erickson reported that Mr. Denmark has 17 years remaining on his lease. Mr. Denmark reminded the Council that he isn't doing this for the money and he is aware that the issue is small. He stated that this process is the only way he can get the ongoing erosion issue on public record.

Dave Pinquoch asked Peter Denmark if the value on his appeal form is an old value or if it was a mistake.

Peter Denmark replied that he must have used the numbers from last year's hearing. He stated that the number was to back up his argument, and his opinion, given the issues at hand, the land is not worth what it says. The value on his appeal was an estimated amount due to these circumstances. He claimed that the difference between the two numbers is not a significant dollar amount. He reminded the Council that he is only using this process to get the erosion issue, "on the table."

Dan Blair stated that a bid for engineers will be put out this year. He explained that the engineers will be using gabion baskets as a fix. He said this method won't be cheap, but it will be cheaper than using steel structures and sheet piles.

Mark Lynch asked Mr. Denmark if sheet pile would serve its purpose by his shop.

Mr. Denmark replied that he is operating by low-tide. He explained that if the issue was corrected by sheet wall, it would somehow change the perimeters. He said that if they were to use the sheet piling method, he would like to have a stairway going down to the small floating dock where he can launch his kayaks or a polycraft. Mr. Denmark informed the Council that he has been operating business from the Harbor since 1996. He explained that he purchased the property in the Triangle to be closer to the launch ramp. He stated that he was hopeful that whatever solution is selected, it can be facilitated.

Mark Lynch reported that the Corp. of Engineers will require us to obtain a full construction permit because it has passed the stage of calling it maintenance. A RFP for a city engineer has been completed and its approval from the Mayor is needed before it can be published. To name a few, the city engineer will work on all upcoming City projects such as the new city park, Shotgun Cove Road and the harbor's erosion issue.

Peter Denmark stated that the erosion issue at the Inn at Whittier site is parallel, if not, identical to his. He also added that when the tide is low, there is only 15 ft. between water's edge, and the ocean dock piers in that corner of the harbor. He stated that loading from docks like that, where the profiles are a foot or more above the water line, is less than ideal for loading people into kayaks than docks with a higher profile.

Dan Blair stated that the City is in business of leasing property and we should fix the erosion before all the property goes away. He also added that it's in the best interest for both parties to fix the erosion problem. Peter Denmark replied that the light pole is a marker for his business. He often tells his clients to locate his building by instructing them to look for the one light pole that's leaning into the harbor.

Mark Lynch said he hopes this would be a topic for Council when the City hires an engineer.

Vice-Mayor, Dave Pinquoch suggested having the old gangway lead to a small launch dock for paddle crafts. Peter Denmark was in favor of this suggestion.

MOTION: Dave Dickason made a motion to accept the assessor's recommendation of no change to the assessment of the Alaska Sea Kayakers of the Harborview.

SECONDED: Monty Irvin

VOTE: Passed unanimously

4. ADJOURNMENT

MOTION: Dave Dickason made a motion to adjourn the meeting.

SECONDED: Dave Pinquoch

VOTE: Motion passed unanimously

ATTEST:

Jennifer Rogers, City Clerk

Daniel Blair, Mayor



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**WHITTIER CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 16, 2017
7:00 PM
COUNCIL CHAMBERS
P-12 BUILDING**

MINUTES

1. CALL TO ORDER

Mayor Daniel Blair called the meeting to order at 7:08 p.m.

2. OPENING CEREMONY

Mayor Daniel Blair led the Pledge of Allegiance.

3. ROLL CALL

A. Council members present and establishing a quorum: Monty Irvin, Debra Hicks, Dave Pinquoch, Dave Dickason, Peter Denmark and Daniel Blair.

B. Council Members Absent: Victor Shen

C. Administration Present:

Mark Lynch, City Manager
Jennifer Rogers, City Clerk
Scott Korbe, Public Works Director
David Schofield, Director of Public Safety

Kyle Sinclair, Harbormaster
John Li, Finance Officer
Terry Morrison, Public Safety Bldg. Manager
Katie Davies, City Attorney

Others Present:

4. APPROVAL OF MINUTES

March 21, 2017 Regular Meeting Minutes and April 18, 2017 Regular Meeting Minutes

MOTION: Dave Pinquoch made a motion to approve the meeting minutes of April 18, 2017 as is.

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed unanimously

5. APPROVAL OF REGULAR MEETING AGENDA

MOTION: Dave Dickason made a motion to approve the regular meeting agenda.

SECOND: David Pinquoch

DISCUSSION: None

VOTE: Motion passed unanimously

6. PRESENTATIONS

None

7. MAYOR'S REPORT

A. Mayor's Report by Mayor Daniel Blair

Mayor Blair reported that he telephonically attended the Prince William Sound Economic Development District meeting. He also met with the IRT group (Innovative Readiness Training) that will be evaluating the Buckner Building and the P12 Building for structural integrity. He stated that in addition to evaluating these buildings, they hope to present a plan-of-action which will help the City make a decision on how to begin solving the Buckner Building problem. The IRT group is also interested in participating in our Community Plan.

Mark Lynch stated that the IRT group will assist with the City's Comprehensive Plan and will aid in locating possible funding sources. Dan Blair mentioned that there will be four or five engineers and architects who will provide the City with educational information.

Dan Blair reported that he met with the Corps. of Engineers. The City is waiting for Washington to release of funds so that the City can restart the project.

B. Vice Mayor Report by Vice Mayor Dave Pinquoch

None

8. MANAGER'S REPORT

A. City Manager's Report- Mark Lynch

See written manager's report in original council packet.

Mark Lynch stated that the Mayor did a good job in summarizing some of the items that he was going to address. Mark said the harbor loan and the water loan for the Public Safety Building is still in the works. He reported that the City had scored very well on the Harbor project and we are next in the queue for the water loan's final steps, which include a financial audit.

Mark shared that Samantha Greenwood, a candidate for the assistant city manager position, was interviewed. He informed the council that he will interview another candidate. He believes we will be successful in choosing one of the candidates, as long as they accept what Whittier has to offer. He disclosed that both candidates are very qualified.

• Financial Report

See written report in original council packet.

B. City Attorney's Report

City Attorney, Holly Wells stated that the issues she is concerned about will be discussed during the executive session.

C. School District Report

Melody Clifford went over her written report.

Melody Clifford announced that the last day of school will be on Wednesday, May 24th. She also reminded them of the upcoming graduation and invited them to come out to support Whittier's graduates. Melody concluded her announcement by stating the children released their rovers into the harbor and encouraged Council to keep their eyes out on social media for photos on what they found.

D. Director's Reports

1. Harbormaster's Report

See written report in original council packet.

Mayor Dan Blair asked Kyle Sinclair if the railroad permitted access to the Del Long Dock. Kyle Sinclair replied that access was granted and a walk-through meeting is scheduled for the next morning.

The Mayor inquired about the salmon fry. Kyle Sinclair replied that Scott Korbe and his employees assisted the harbor employees with the placement of the fish bin. He reported that the first batch is expected to arrive on Thursday.

Kyle announced that the harbor rebuild construction is going well.

2. Public Safety Report- Dave Schofield

None

3. Public Works Report- Scott Korbe

None

4. Public Safety Building Report

See written report in original council packet.

Mark Lynch reported that he did a walk-through of the new building and noted that it was coming along. Terry Morrison added that he can do weekly tours on Thursdays for any council member.

9. COMMISSION/COMMITTEE REPORTS

A. Planning Commission

No report.

B. Port & Harbor Commission

No report.

C. Parks & Recreation Committee

Dave Dickason stated that City Clerk, Jennifer Rogers, sent him a grant application last week from the National Parks Service. They offered some resources with the Labor Grant. Dave believes we have an opportunity to obtain support from them. He stated that he is currently working on the application, but we will not have access to these resources until late June.

Mark Lynch reported that there is an RFP out for a City Engineer. Mark spoke of his communications with Nick from Alaska Mining and Diving. Nick promotes Whittier and said he would like to start attending the Parks & Recreation Committee meetings. Mark believes this will be great exposure for Whittier as Nick will promote the park and other recreational activities that Whittier has to offer on his radio show.

D. Prince William Sound Aquaculture Corp.

None

E. Regional Citizen's Advisory Council

None

10. CITIZENS COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING
None

11. PRESENTATIONS
None

12. CONSENT CALENDAR
None

13. ORDINANCES (Non-Ordinance)

A. Introduction (2nd reading)

- 1. #02-2017 – An Ordinance Amending WMC Chapter 2.10, authorizing a Hearing Officer to preside in hearings regarding violations of Chapter 2.10 entitled, “Code of Ethics” of the Whittier Municipal Code, repealing the Board of Ethics, and updating the Administrative Hearing Process to create a more simple appeal process.**

MOTION: David Pinqouch made a motion to open the public hearing for Ordinance #02-2017.

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed unanimously

There was no public comment for this ordinance.

MOTION: David Pinqouch made a motion to close the public hearing for Ordinance #02-2017.

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed unanimously

MOTION: David Pinqouch made a motion to adopt for Ordinance #02-2017.

SECOND: Dave Dickason

DISCUSSION: Monty Irvin asked if this Ordinance will require a Human Resources Officer. Mark Lynch replied by reading section 2.10.11 complaint and response of the Ordinance saying, “Any person may file a complaint with the Clerk alleging that a public official has violated this chapter.” Mark Lynch and Holly Wells both explained the complaint process to the Council.

Peter Denmark questioned the process involving the removal of an elected official. Mark Lynch and Holly Wells clarified that the hearing officer will make recommendations, but the council will make the final decision.

VOTE: Motion passed unanimously

14. RESOLUTIONS

- 1. Resolution # 10-2017- A resolution authorizing the City Manager to sell excess City personal property during 2017.**

MOTION: David Pinqouch made a motion to adopt Resolution #10-2017.

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed unanimously

15. EXECUTIVE SESSION

- A. Potential future sale of municipal real estate** – Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310(1)
- B. Legal brief union petition** – Matters which by law, municipal charter, or ordinance are required to be confidential. AS 44.62.310(3)
- C. Manager's evaluation and contract extension discussion** – Subjects that tend to prejudice the reputation and character of any person and matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310(1) and AS 44.62.310(2)

MOTION: David Pinguoch made a motion to enter executive session to discuss the potential future sale of municipal real estate. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310(1)

To Discuss the Legal brief union petition. Matters which by law, municipal charter, or ordinance are required to be confidential. AS 44.62.310(3)

To Discuss the Manager's evaluation and contract extension discussion – Subjects that tend to prejudice the reputation and character of any person and matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. AS 44.62.310(1) and AS 44.62.310(2)

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed unanimously

Council entered into Executive Session at 8:00 pm

MOTION: David Pinguoch made a motion to end the executive session and return to the regular meeting at 10:00 pm.

SECOND: Dave Dickason

DISCUSSION: None

VOTE: Motion passed unanimously

16. UNFINISHED BUSINESS

- A. Shotgun Cove Road Project**
Nothing new to report.
- B. ARRC/COW Land Swap**
Nothing new to report.
- C. Improve Salmon Sport Fishing in Northwest PWS**
Nothing new to report.
- D. Public Safety Complex- Phase 2**
Nothing new to report.
- E. Paddle Craft Launch**
Nothing new to report.

F. Head of Passage Canal Project

Nothing new to report.

17. NEW BUSINESS

A. Approval of Tax-Exempt Obligations Tax Compliance Guidelines

MOTION: David Pinquoch made a motion to approve the Tax-Exempt Obligations Tax Compliance Guidelines

SECOND: Monty Irvin

DISCUSSION: None

VOTE: Motion passed unanimously

B. Funding for the Tank Farm property

Mark Lynch stated that the City is required to pay for a survey and the administrative environmental documentation. He said that the Corps. Of Engineers contacted him the previous week and provided him with an estimate of \$112,000. He clarified that the City doesn't need to pay this yet; he just needs the price to be authorized. He added that an assessment of the property will be done and that it will cost \$112,000 which will be taken from the General Fund to purchase that property (62 acres).

Peter Denmark stated that he thought the property was going to be deeded over to the City.

Dan Blair said that this process is vital. He commented that this process was the "paperwork" process and compared it to the process the Alaska Railroad did for the Del Long Dock property. He explained the steps; the first step being the paperwork, the second step is the cost of appraisal and the final step involves negotiating a purchase price.

Peter asked, "From who?" Mark Lynch answered Peter by replying that the City will negotiate a price with the Corps. of Engineers. He then directed the Council to page 58 of their packet, under *B. Consideration*. He read the section out loud.

Dan Blair explained that there are three types of remediation and for us to agree to this process, the City might have to encapsulate it.

Mark Lynch explained that the only danger of doing this could be a possible price increase by the Corps. of Engineers after work has been done in the area. The Council further discussed this topic with the City Manager.

MOTION: Monty Irvin made a motion to authorize the City Manager to expend up to \$112,000 from the City's General Fund to pay for the survey and administrative and environmental documentation costs associated with purchase of the Tank Farm property.

SECOND: David Pinquoch

DISCUSSION: Dave Pinquoch didn't understand why the purchase was necessary as the property is contaminated and has nothing to offer for the City. Dan Blair replied that this land will come to us for little or no cost and Whittier is at the top of the list. Mark stated that Department of Environmental Conservation will regulate what the City can do on that property if we get it. He said he had talked to Bill O'Connell who stated that the contaminant level is relatively low. Dan Blair explained the pros of having land by the sea and the many opportunity for business and residential. He concluded, "It's a lot cheaper to buy a flatland than it is to make a flatland out of a mountain."

Peter Denmark, No; Monty Irvin, Yes; David Pinquoch, No; Debra Hicks, Yes; Dave Dickason, Yes; Dan Blair, Yes.

VOTE: 4- Yes, 2-No.

C. Temporary Housing for Whittier Seafood

This topic was not discussed during this meeting.

18. COUNCIL DISCUSSION

19. CITIZEN'S DISCUSSION

20. COUNCIL AND ADMINISTRATION'S RESPONSE TO CITIZEN'S COMMENTS

21. ADJOURNMENT

All were in favor of adjourning the meeting at 11:05 p.m.

ATTEST:

Jennifer Rogers
City Clerk

Daniel Blair
Mayor



THE CITY OF WHITTIER

Gateway to Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

To: Mayor and Council

From: Mark Lynch, City Manager

Subject: Manager's Report

Date: June 15, 2017 (for 6/20/17 Council meeting)

ARRC/DeLong Dock: The deed has been finalized and the DeLong Dock has been transferred to the ARRC. We met with the ARRC and discussed a proposal for final management options for the dock.

Mechanic/Equipment: Our summer mechanic/equipment operator has been working the past few weeks on vehicle and equipment repairs. The Hitachi Excavator has been repaired and was used to move material behind the Buckner building in preparation for a state grant funded underground storage tank removal that will take place this summer. We also intend to use it to clean debris from along Shotgun Cove Road as well as other projects as needed.

Sale of City Surplus: The City is set up to use aksurplus.com to auction surplus city equipment. Lots are beginning to be organized and will be posted to the website soon.

Personnel: We have at least one additional Assistant Manager candidate to interview, but they had scheduling conflicts and won't be able to be here until June 30. I had hoped to have a decision made sooner, but I have tried to keep this moving the best I can. I have also advertised for a new City Clerk.

Harbor Docks and Fingers: The project is complete except for hand railing and lights at the ends of the docks, and those items will be finished soon. We have received \$325,000 of State grant reimbursement, and will receive the remaining \$175,000 as soon as we get the final paperwork from BMI and submit. I am already working on the grant application for the next and final phase of this project.

Harbor Loan: Kyle is still waiting to hear from the agency concerning our application.

IRT (Innovative Readiness Training): The evaluation is still on schedule for the last two weeks of August.

Tankfarm Property: I am waiting on an invoice from the Corps for the \$112,000 authorized for administrative costs. Once I send the check to them they will process the purchase agreement.

Public Safety Building: Progress can be monitored by going to the Whittier Alaska homepage and scrolling down to the link for the Public Safety Building. I believe we are still on track for July 31 completion.

PS Building Water/Sewer Loan: All pre-application materials have been approved. We are now in the formal application process and have been told we are the next in line for the loan people to do their financial review. We are still waiting for the loan agency to finish the next steps.

Prince William Sound Economic Development District: I was elected President of PWSEDD to assist in moving the organization forward and getting a new Executive Director in place. We have advertised for a new Director, and hope to have someone on board in the next few months.



CITY OF WHITTIER HARBOR

P.O. Box 639 Whittier, Alaska 99693
907-472-2327, ext 6; Fax 907-472-2472
E-Mail: harbormaster@whittieralaska.gov

June 07, 2017

From: Harbormaster
To: City Manager

Subj: Monthly Harbor Report

Administration:

- Continuing to work with ADEC on Loans
- Continuing to pursue past due accounts.
- Awaiting final report from Shannon Tolman on the inspection of the DeLong Dock.
- Working with PSWAC and ADF&G for housing and feeding of Salmon Frey.
- First group of salmon released and awaiting next batch of Frey.

Harbor:

- Construction of Phase 2 has been completed.
- Harbor Technicians have begun the process of relocating vessels to their normal assigned slips on B and C Docks and assigning transient vessels to X floats.
- Repairs to concrete on G float.
- Continuation of stripping on parking lot
- Painting and maintenance on Harbor Restrooms

Meetings attended:

- Whittier Boat owners association emergency meeting.



THE CITY OF WHITTIER

Gateway to the Western Prince William Sound

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MEMORANDUM

To: Mark Lynch, City Manager

From: David M. Schofield, Director of Public Safety

Re: Monthly Public Safety Report

Date: 3 June 2017

POLICE-Girdwood

Vehicle Theft	2	Disorderly Conduct	9
Vehicle Recovered	2	Missing Person	1
Agency Assist	6	Citizen Assist	7
Criminal Trespass	4	Motorist Assist	7
REDDI/DUI	7	Domestic Disturbance	14
Misconduct with Weapons	2	Assault	5
Paper Service	1	SI/HI	1
Failure to provide registration	3	Speeding	49
Equipment Violation	9	Warrant Arrest	5
Residential Burglar Alarm	4	Noise Complaint	4
Criminal Mischief	3	Motor Vehicle Accident	2
Civil Standby	2	Welfare Check	8
Animal Complaint	3	Theft	2
Title 47	1	Corrected Citations	7
Wrong way in One Way	3	Minor Consuming	1
Misconduct with Controlled Substance			2
Failure to provide proof of insurance			4
Failure to obey traffic control device			5
Assist in obtaining Protective Order			2

Police-Whittier

Agency Assist	3	Domestic Disturbance	3
Motorist Assist	6	Motor Vehicle Accident	6
Animal Complaint	2	Citizen assist	9
Speeding	5	Criminal Trespass	1
Warrant Arrest	2	Vehicle on Tracks	1
DUI/REDDI	3	Welfare Check	4
Noise Complaint	4	Assault	1
Equipment Violation	1	Commercial Alarm	1
Theft	2		
Failure to Obey Traffic Control Device			5

Police Seward Highway

Motor Vehicle Accident	3	Agency Assist	5
Motorist Assist	2	Speeding	3
Misconduct with Weapons	1	Assault	3
DUI/REDDI	5		

Police Portage Highway

Speeding	3	Motorist Assist	1
DUI/REDDI	1		

Memorandum

To: Mark Lynch - City Manager
From: Scott Korbe
Subject: Monthly Public Works Report

Date: June 15, 2017

During the past month the Publics Works Department has been focused on the following:

Equipment

- ▶ Skid Steer – Repair wear parts on sweeper
- ▶ W/WW Pickup – Oil Service
- ▶ WPD Crown Vic – RR Shocks and front tie rods
- ▶ WPD 08 Expeditions – Repair Coolant Leak
- ▶ WPS 11 Expedition – Tire Swap
- ▶ WPD 08 Expeditions – Tire Swap
- ▶ WPD 08 Expeditions – Oil Change
- ▶

Sanitary Sewer

- ▶ Monthly Testing
- ▶ Lift Station #1 repair double check valve

Water

- All seasonal meters are installed
- Harbor Repair 6" double check valve
- Annual Consumer Confidence Report

Roads

- ▶ Seasonal sign installation
- ▶ Patch Potholes
- ▶ Grade Salmon Run 4 times

Notes from the PW Director This month I have focused my attention on the following areas:

- ▶
- ▶ Operate and Labor in the field to facilitate schedule for construction projects.
- ▶ Whittier Harbor
 - Harbor Rebuild
 - Inspect Construction project
 - Removal of Phase 2 floats
- ▶ Whittier Seafood
 - Water Utility account transfer
- ▶ Whittier Monument
 - Completed the stone work
 - Attended a topping out ceremony with the Army Corp and Whittier School to place a time capsal in the interior side of the monument.
- ▶ Participated in the following meetings
 - Council Meeting
 - Ports and Harbor
 - Staff Meetings
 - Ports and Harbor
- ▶ ARRC – Railroad crossing- discuss long term fix with the following agencies:
 - ARRC – Engineering
 - ARRC - M&O
 - ARRC – Terminal Manager
 - ADOT – Engineering
 - City of Whittier

Whittier Public Safety Facility – Construction Report

Monthly Report: June 15, 2017

Prepared by: Terry Morrison

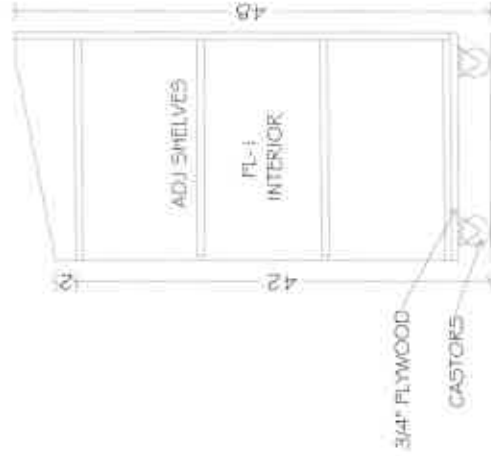
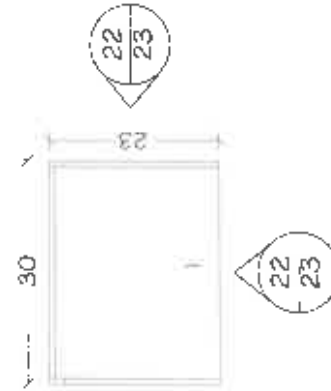
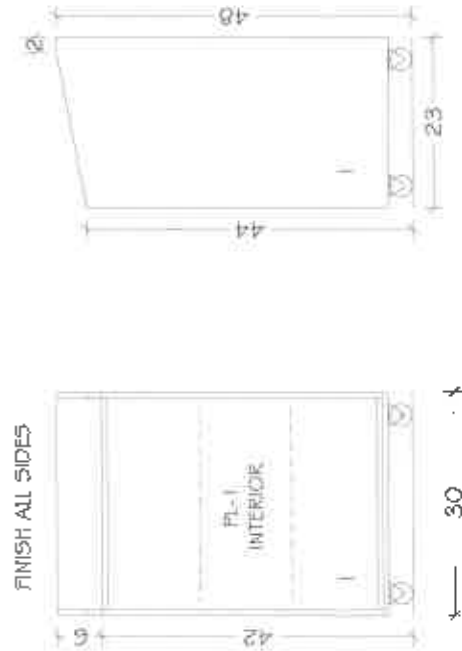
To: City Council

- Council casework design has been submitted for review (10 seat casework & podium)
- Will work with Debra and Victor on review of all public casework and finishes over coming weeks.
- Interior framing is complete
- City to begin data install in the next two weeks
- Sheetrock on 1st floor is 95% and starting second floor 6/19
- Scheduled completion is potentially delayed two weeks to Aug 18th due to procurement

Thanks,

Terry Morrison
Alaska Project Services

CABINETS : PLEASE SPECIFY COLOR
 W/EDGING,COLOR,HERE] EDGING ON BOXES
 & [EDGING,COLOR,HERE] EDGING ON CABINET FACES



16059 WHITTIER-SR BALES

Drawn	J.P.	Appraised by	
Date	6.13.17		

J. R. Heritage Construction, Inc.

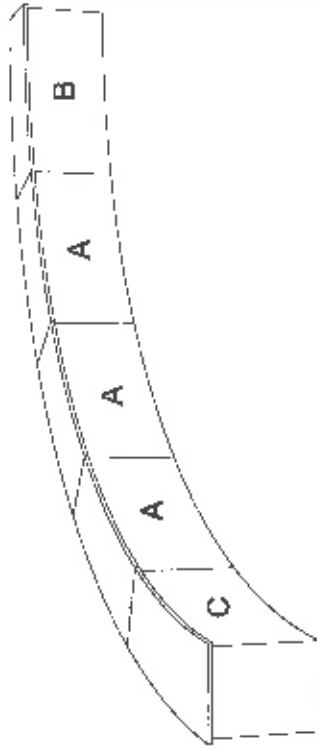
PODIUM

Sheet 1 of 2
 2/1

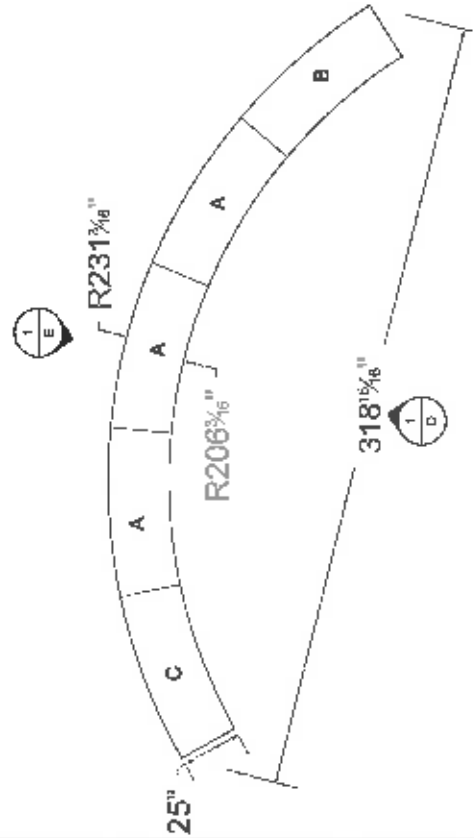
MATERIALS:
UNIT TOPS : Wilsonart #4794-60 " Windswept bronze"
UNIT BASES: P-LAM NEEDS TO BE DEFINED



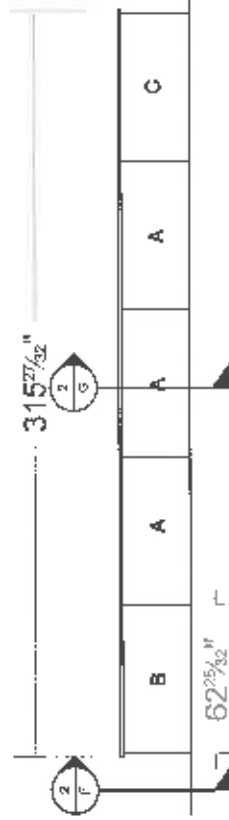
A BACK PERSPECTIVE VIEW



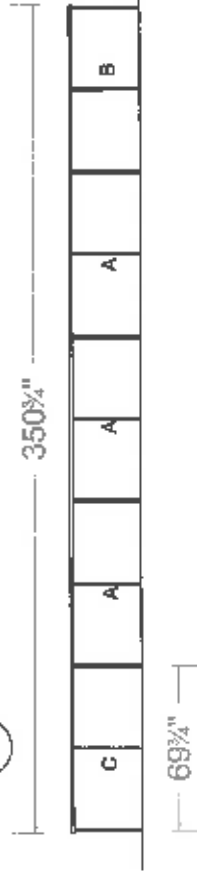
B FRONT PERSPECTIVE VIEW



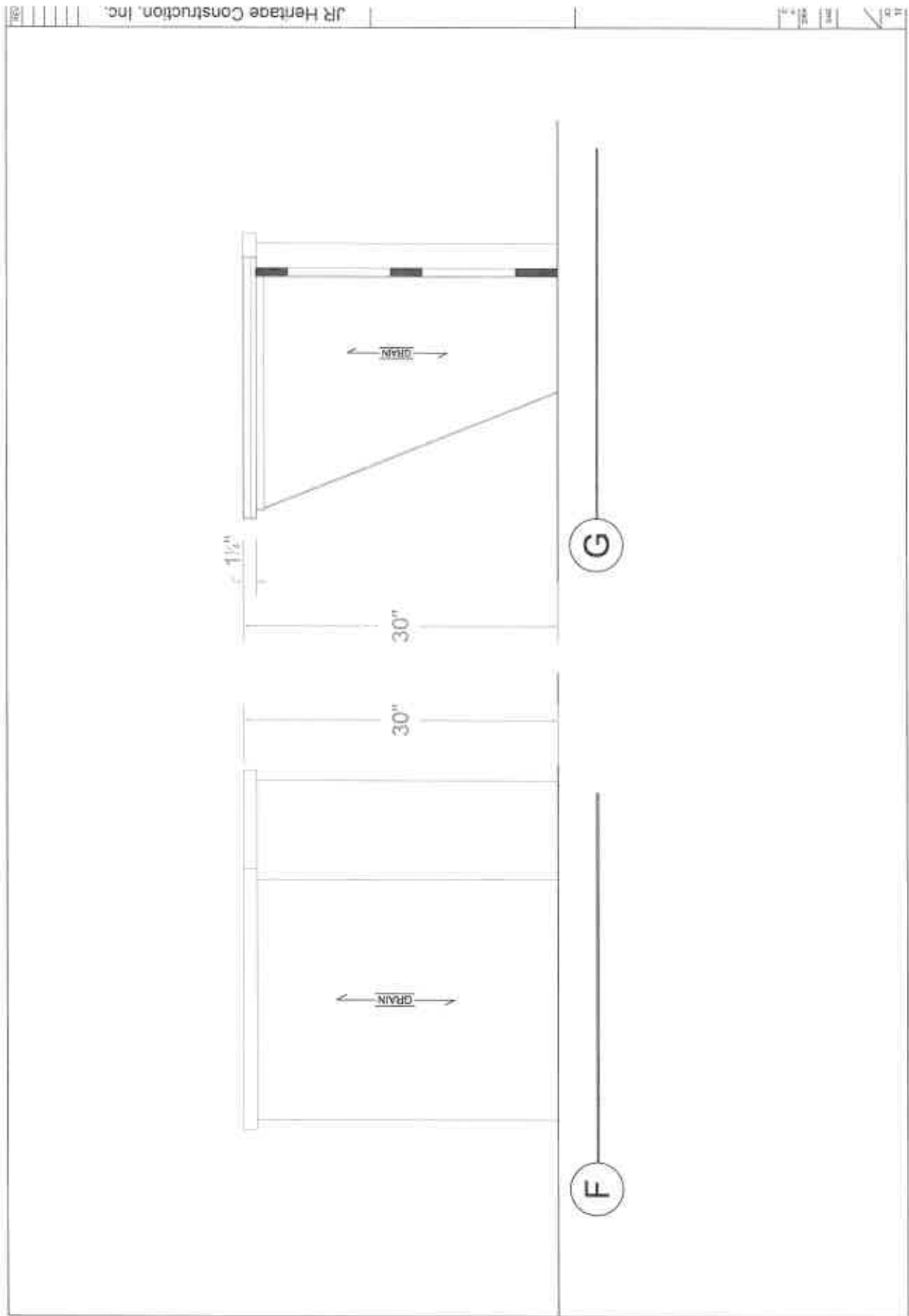
C PLAN VIEW



D FRONT AXONOMETRIC VIEW



E BACK INVERSE AXONOMETRIC VIEW





THE CITY OF WHITTIER

Gateway to Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 427-2327 • Fax (907) 472-2404

**PORT & HARBOR COMMISSION
REGULAR MEETING
Thursday, April 6, 2017
Homeowners' Lounge, BTI Building
6:00 pm**

MINUTES

CALL TO ORDER

Ed Hedges called the meeting to order at 6:05 pm.

OPENING CEREMONY

Ed Hedges led the Pledge of Allegiance.

ROLL CALL

Commission members present: Ed Hedges, Greg Clifford, Arnie Arneson, Dave Goldstein, and Mark Mitchell

ABSENT MEMBERS

Brad VonWichman

ADMINISTRATION PRESENT

Kyle Sinclair – Harbormaster

Jennifer Rogers – City Clerk

Naelene Matsumiya – Office Assistant

PUBLIC CITIZENS PRESENT

Charlene Arneson

APPROVAL OF AGENDA

MOTION: Dave Goldstein made a motion to approve the Regular Meeting Agenda of April 6, 2017 as is.

SECOND: Arnie Arneson

DISCUSSION: None

Mark Mitchell, Yes; Arnie Arneson, Yes; Dave Goldstein, Yes; Greg Clifford, Yes; Ed Hedges, Yes.

VOTE: Unanimous

APPROVAL OF MINUTES

MOTION: Dave Goldstein made a motion to approve the Port & Harbor Regular Meeting Minutes of March 2, 2017 as is.

SECOND: Arnie Arneson

DISCUSSION: None

Mark Mitchell, Yes; Arnie Arneson, Yes; Dave Goldstein, Yes; Greg Clifford, Yes; Ed Hedges, Yes.

VOTE: Unanimous

ADMINISTRATIVE REPORTS

A. Harbormaster Report

None

B. City Manager's Report

None

CORRESPONDENCE

None

UNFINISHED BUSINESS

A. Harbor Policy & Procedure Review

Dave Goldstein started by acknowledging Harbormasters Andy Dennis and Kyle Sinclair's diligent work on the Policy and Procedures handbook for the Harbor. The Commission discussed the handbook for a while. Kyle asked the Commission if they'd like to take more time to look it over to be sure everything that they wanted to be included is actually in it. Kyle commented that he and Dave worked on it for a couple of hours the other night to make more corrections. Dave noted that the changes that were made were mostly grammatical, changing of language, and removing excessive commas. He stated that some fees were left in for Harbormaster discretion due to different payment methods.

Mark Mitchell indicated that somewhere in the handbook, it formerly cited that the Harbor master had more authority than Police Officers. He said Andy had changed that. Mark tried to remember what else was in the handbook with the keyword authority. Kyle affirmed that the Harbor does issue out legitimate tickets.

Charlene Arneson made a statement and said the original handbook went before the attorney to make sure it was valid. She suggested having an attorney review the updates that are going to be made. Greg Clifford clarified that the Commission was just getting recommendations. Kyle replied that Katie Davies, the Harbor's attorney, already has a copy. Charlene was satisfied with their answers.

Dave Goldstein asked when the next Council meeting was planned for and then shared his thoughts about approving the Policy and Procedures handbook before the Council meeting. He suggested having a meeting on Saturday to approve the handbook. Various members of the Commission stated that Saturday was not a good day for a meeting for them. He asked if anyone was available for Tuesday and Arnie Arneson said he will not be available. Arnie asked if they can approve it tonight. Chairperson, Ed Hedges, looked over the handbook and said he doesn't see anything he disagreed with.

Mark Mitchell asked what the three big changes that were made. Ed Hedges named one of the changes and that was for the Annual Transient. The Commission took some time to read the entry. Dave pointed out something that needed clarification; it was the Preferential Slip Holders. Dave read, "Preferential slip holders receive the privilege of occupying an assigned space on a preferential usage basis only if he/she owns at least 51% of the applied vessel and pays the prescribed fees, including personal property taxes and proof of insurance. The owner of 51% must be present when the vessel is moved out of the harbor at least one of the required 3 times a year under its power." Dave suggested a change in the language for the last sentence saying, "I suggest we change it to, 'The majority owner must be present...', or 'The owner of at least 51% must be present...'" The Commission had a lengthy discussion regarding this topic.

Charlene Arneson expressed her concerns about the issue with the preferential moorage. She said that when a boat owner had Preferential Moorage or was on the wait-list, the husband and the wife were usually recorded as owners of the boat. She said it was changed so that only one owner was recorded as it was an understanding/assumption that if something were to happen to the husband, the wife would automatically take possession of the Preferential Moorage. She concluded that it needed to be changed and added into the handbook. Ed Hedges agreed.

Dave Goldstein clarified that there is a separate moorage agreement that two people could sign. Charlene replied that the owner would still have 51% of the ownership. A husband and wife should have equal ownership; 50/50. Charlene explained further by sharing a related anecdote with the Commission. Kyle added it to the handbook while the Commission helped with the wording. Kyle stated he will have the attorney correct the language so it will sound more professional.

The Commission mentioned other items that have been changed in the handbook such as the restroom locations, the emergency spill procedure, fish entrails/carcasses in the Harbor, and the boat lift schedule.

Dave Goldstein asked Kyle if the weather postings were still posted on the bulletin board. Kyle replied that they have been taken down. He mentioned that, in the handbook under Daily Weather, it states the reader should be advised to listen to weather reports broadcasted on VHF weather station channel 3. Dave stated that if we are going to post it, we'd better keep it current. He suggested stopping the postings if the postings aren't going to be periodically updated. Arnie Arneson shared his experience when the weather broadcasted on VHF gave inaccurate forecast of Whittier. Mark Mitchell stated that he uses the app on his phone and it has been very helpful. Dave Goldstein explained that what happened when the weather service stopped using the systems in the City, the weather disseminating businesses grabbed the nearest weather service reporting point, which is in Portage, and end up with weather inaccuracies for the City. The Commission ultimately decided to delete Daily Weather from the handbook.

Ed Hedges asked if there were any other concerns that needed to be discussed.

MOTION: Arnie Arneson made a motion to approve the current Whittier Harbor Policy and Procedures Rules and Regulations with the changes as discussed with the Harbormaster.

SECOND: Greg Clifford

DISCUSSION: None

Mark Mitchell, Yes; Arnie Arneson, Yes; Dave Goldstein, Yes; Greg Clifford, Yes; Ed Hedges, Yes.

VOTE: Unanimous

B. Annual Transients

Item was briefly discussed in Harbor Policy and Procedures Review, fifth paragraph. Remove from future Agendas

C. Moorage Agreements

Item was briefly discussed in Harbor Policy and Procedures Review, sixth paragraph. Remove from future Agendas

D. Harbor Fees

Remove from future Agendas

E. Plan for Harbor and Facilities at Head of the Bay

Arnie Arneson informed the Commission that he had spent a week in Juneau and he talked about his meetings with various people there. He said one of the things he discussed was the head of the bay project. He reported that met with at least 30 legislators and about 2 or 3 of them discussed the project at the head of the bay. The legislator spoke about the bond that was passed in Whittier a few days earlier. They urged him to hold off on the bond issue because the following year, Whittier will qualify for a funding (Arnie was not sure of the name) that

was a grant.

Harbormaster, Kyle Sinclair, asked if was possible he was talking about the Federal Grant Program. Arnie replied that he was unsure. Charlene added that she'll see if she can find anything out from the legislators they spoke to.

Dave Goldstein showed the commission the three concept options for the head of the bay project. He started by saying that a lot transpired during the last meeting after discovering that the City decided to go with option 1; the most minimal option. Dave said, "I did some number crunching and came up with \$6,000/year if there were 300 launches and retrieves at \$10 each way. If 900 boats launched and retrieved from this particular plan, it would be three times that or \$18,000. Not a lot of money for a big project like this. This is an \$8,000,000 \$9,000,000 project."

Dave continued for option 2, saying that it's a somewhat larger breakwater and it's a turning basin. It also includes a 150 slip harbor and a couple of launch ramps

Dave said that option 3 was the most aggressive of all the options as it includes a 300 slip harbor, the biggest breakwater of all the other options, and boundaries intersecting on lands that the City does not own. He noted that there are Hazardous Material circumstances that may be an issue and said that he had spoken to the Army Corps. of Engineers extensively about this project and discovered that the Federal Program will go ahead and fun 80% of the cost of the breakwater and the fairway. He went on, "There is a 10% up front that the City has to pay for and then over an extended period, which is yet undefined, the City has to pay another 10%. In my estimation I think option 2 is probably the one that will trigger some type of development. I don't think option 1 will do anything. It will generate \$18,000 a year with 900 launch and retrieves, but it will cost more than that to manage and take care of it." He claimed that it doesn't make a lot of sense.

Dave Goldstein began to talk about the letter from the President of the Chamber of Commerce that was given to the City Council. Dave said that it was not from the Chamber of Commerce, it was a personal letter. He stated that there was no justification for what was written in the letter. He informed the Commission that other people are very upset about this as well. He remarked that the letter was sent out on Chamber of Commerce Letterhead. "You just don't do that," He continued, "Even if it's to the membership. If you want to discuss this and post something that you have written on there- your viewpoint- you can attach that, but it needs to be separate from the Chamber. To actually go out and do this unilaterally and say, '*This is a bad move*' is totally wrong."

Dave Goldstein brought up the revenue estimation for the head of the bay project and specified, "On these numbers that I did, if you have a 150 slips down there at 28 ft. and you're charging them the same rate (\$65 per linear ft.) G and H are used for five months out of the year. That means that for seven months out of the years, there are no boats in them. No boats. So if people are willing to pay \$65 per linear ft. for G and H slips, they can pay \$65 per linear ft. at the head of the bay. That generates \$273,000." He added that parking for boats and trailers at \$750 per season for 100 boats and trailers would generate \$75,000. He stated that the estimated revenue total of \$354,000 was very conservative. He clarified that this revenue estimation was specific to the second option of the head of the bay plans. He said that the boat owners would also have to pay property tax. Dave began to speak of potential businesses that could be developed at the head of the bay including dry storages, boat repair facilities and boating supplies. The Commission had a lengthy discussion about the many possibilities for developments and uses of the land at the head of the bay that would benefit the City.

MOTION: Dave Goldstein made a motion that the Whittier Port and Harbor Commission recommend to the Whittier City Council that they institute a pause in work regarding projects at the head of the bay (western shore of Passage Canal). The Purpose of this pause is to again review the three projects recommended by the Army Corps. of Engineers with the goal of affording fully transparent vetting of Whittier's options to ensure projects are in line with Whittier's long range goals. The vetting process should include meetings with planners, concerned citizenry and others with interest in developing projects at the head of the bay. These meetings may either be facilitated by the

Port and Harbor Commission and/or the City Council with input from the administration. Focus should also include identifying revenue sources, potential partnerships (public/private or governmental entities) an economic study of impacts to Whittier, etc. After final transparent vetting, the resulting plan will go to the Port and Harbor Commission for review and a vet to approve and forward to the Council.

SECOND: Arnie Arneson

DISCUSSION: None

Mark Mitchell, Yes; Arnie Arneson, Yes; Dave Goldstein, Yes; Greg Clifford, Yes; Ed Hedges, Yes.

VOTE: Unanimous

F. Upcoming Rebuild for "B" and "C" Float

Harbormaster, Kyle Sinclair, gave the Commission an update on the construction progress at the harbor. He reported that the travel lift was down but the men at the Public Works department are working on it. He said that the C float down at the Harbor was being worked on, but they're waiting for the lift to complete it. Arnie Arneson asked Kyle about the estimated time on the renovation of the Travel Lift. Kyle replied anywhere from 10 days to 10 weeks. Kyle stated that X-Ray will be going to Chenega Bay. Mark Mitchell replied that the old floats could be sold. Dave was unsure if the old floats could be refurbished or not.

The Commission talked about the fish cleaning stations down at the harbor. Dave Goldstein suggested turning the old eastern gangway into a cleaning station since there really isn't any use for it anymore. The Commission discussed different plans for the harbor for a while.

NEW BUSINESS

A. Harbor Parking for Upcoming Season

Kyle Sinclair affirmed that the parking plan will remain the same. Mark Mitchell talked about RC's AVIS cars occupying majority of the parking lot at the harbor. Commission members discussed how the rental cars are expanding over the premium spot in the parking lot because it's right in front of the main gangway. Kyle stated that he has talked to RC about this issue. Mark Mitchell continued, saying it was the main area where people want to park. He said that he doesn't understand why citizens have to park a lengthy distance just because his rental cars need the area. He went on to say it was a real issue.

Dave Goldstein asked if the wash-down area (for smaller boats) was going to remain where it is. Kyle replied that the wash-down was not going to be addressed until after the rebuild. He said that when the rebuild is complete, the wash down area will need to be realigned differently.

Mark Mitchell once again addressed that RC's parking for his rental car was in a very prime spot. Dave Goldstein said that this issue has been ongoing and suggested that RC park half of the cars in a different place so that it frees up a lot of space for other cars.

Kyle said that he will speak to RC about the issue.

B. Smitty's Cove Improvements

Greg Clifford reported that he went over to Smitty's Cove the day before to use to launch ramp. He stated that there is a giant crater in the middle of the ramp and offered some photos to the Commission. He said he had spoken to Scott Korbe about options for filling the pothole. Scott suggested to temporarily black top the hole as it was a fairly quick fix. Another option was to pour concrete into it, making it a more permanent and stable fix. Greg Clifford stated that the cost for this repair will be at least \$1,000-\$2,000. He went on to say that kayakers could launch off that ramp, as well as those using jet skis.

Ed Hedges said that Planning and Zoning have been making rules about the Tidelands. Charlene Arneson added

that Smitty's Cove is a Marine Park and boat owners are not allowed to anchor their boats in the area. She said that the Police Department will be enforcing that rule.

She reminded that Commission that there is an estuary environment beneath the surface, a lot of which are historical. Dave Goldstein asked if the reef balls from NOAA are still there. Charlene confirmed. She stated that NOAA and the Whittier Community School placed 35 reef balls in Smitty's Cove. She said that the Planning and Zoning Commission is in the process of zoning the tidelands that belongs to the City simply because people want to put projects in the tidelands areas. She said that people wanted to put a dock in Smitty's Cove, and explained that when the tide goes out, those docks will be sitting on the tidelands and she didn't want that to happen.

Commission members agreed to get the pothole fixed.

MOTION: Mark Mitchell made a motion to repair the launch ramp to Smitty's Cove and to temporarily shut it down until it is repaired.

SECOND: Greg Clifford

DISCUSSION: None

Mark Mitchell, Yes; Arnie Arneson, Yes; Dave Goldstein, Yes; Greg Clifford, Yes; Ed Hedges, Yes.

VOTE: Unanimous

C. Use of Passenger Dock

Dave Goldstein explained that the passenger dock has had a lot of uses over the years. He stated that the dock needed to be available to everybody. Dave said that there is a *no fish cleaning on the dock* rule in the Harbor Policy and Procedures handbook, but there are people who do it anyway. Dave said that the dock should primarily be for picking up and dropping off passengers.

Charlene Arneson mentioned that if a boat were to be parked there overnight, there has to be a crew member on board just in cases of storms and other events that may happen. She also stated that the backside of the dock can get quite shallow.

MOTION: Mark Mitchell made a motion to mark the dock as a City of Whittier dock and anyone who uses the dock is required to contact the Harbormaster before usage.

SECOND: Arnie Arneson

DISCUSSION: None

Mark Mitchell, Yes; Arnie Arneson, Yes; Dave Goldstein, Yes; Greg Clifford, Yes; Ed Hedges, Yes.

VOTE: Unanimous

D. 2017 Harbor Staffing

Commission Chairperson, Ed Hedges, reminded the Commission of the staffing conversation they had at their November meeting. He stated that the commission recommended hiring more people in the winter for reasons related to safety. Mark Mitchell explained that there always has to be two people on the dock just in case of an emergency. Dave Goldstein clarified that the Harbormaster had taken care of it. Kyle elaborated saying there are two permanent positions now, and then a temporary position. He explained that the temporary person will rotate between the two other positions that way there are always two people on the dock.

CITIZENS COMMENTS

None

COMMISSION COMMENTS

None

NEXT MEETING ATTENDANCE PLANS:

Next meeting date: September 7, 2017.

ADJOURNMENT

MOTION: Arnie Arneson made a motion to adjourn the meeting.

SECOND: Dave Goldstein

DISCUSSION: None

Mark Mitchell, Yes; Arnie Arneson, Yes; Dave Goldstein, Yes; Greg Clifford, Yes; Ed Hedges, Yes.

VOTE: Unanimous

Meeting adjourned at 8:25 pm

Attest: _____

Naelene Matsumiya
Office Assistant



Ed Hedges
Chair of Port & Harbor Commission

**CITY OF WHITTIER, ALASKA
ORDINANCE #03-2017**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA
AMENDING WHITTIER MUNICIPAL CODE CHAPTER 2.70 TO REPEAL AND
REENACT CODE PROVISIONS PERTAINING TO PERSONNEL .**

THE WHITTIER CITY COUNCIL HEREBY ORDAINS;

Section 1: Classification. This ordinance is general and permanent in nature and shall become a part of the Whittier Municipal Code.

Section 2: Repeal and Reenactment of Chapter 2.70. Whittier Municipal Code Chapter 2.70 is hereby repealed in its entirety and reenacted to read as follows:

Article I. General Provisions

2.70.005 Purpose.

It is the purpose of this chapter to establish a system of uniform personnel policies and procedures which will improve the quality of personnel administration, and which will assist in the accomplishment of the following specific objectives:

- A. Uniformity in procedure and an effective regulatory policy respecting personnel matters;
- B. Recruitment, selection, and advancement of employees on the basis of their relative ability, knowledge, and skills;
- C. Equitable ~~and adequate~~ compensation for City employees;
- D. Security of tenure for City employees, subject to the requirements of the City, availability of funds, and continued acceptable work performance and personal conduct;
- E. Definite assignments of duty;
- F. Sound training, supervision, and administrative direction;
- G. Recognition for continued good service; and
- H. Fair treatment of applicants and employees in selection, promotion, training and all other aspects of personnel administration, without regard to political affiliation, race, national origin, sex, age, or religious creed, and with proper regard for their privacy. [Ord. 537-08 § 2, 2008].

2.70.010 Applicability.

All offices and positions of the City shall be allocated to either the classified service or the exempt service.

- A. The exempt service shall include all elected officials, the City Manager, the Assistant City Manager, the Director of Administration, the City Clerk, the Finance Officer, the City Attorney, the Director of Public Safety, the Public Works Director, the Harbormaster, members of citizens boards and commissions, other employees who enter into employment contracts, individuals and firms covered by contracts and other employees classified as exempt under the Fair Labor Standards Act.
- B. The classified service shall include all permanent full time and permanent part time positions which are not placed in the exempt category. Unless specifically designated otherwise, personnel policies apply only to employees of the classified service.
- C. The City Council may authorize the hiring of an independent contractor to perform the functions of any position in the exempt service. [Ord. 542-08 § 3, 2008; Ord. 537-08 § 2, 2008].

2.70.015 Review and amendment.

These personnel policies shall be reviewed annually by the City Manager, who shall submit any recommendations for changes to the City Council. [Ord. 537-08 § 2, 2008].

2.70.020 Records maintenance.

Records of the work history of each employee shall be maintained. These records shall include the employee's original application, report of medical examination, reports of the results of investigations and tests, annual reports of performance, reports of the employee's progress and disciplinary actions affecting him or her, and any such other records as may be significant in the employee's service to the City. The City Manager shall prescribe such forms and records for departmental use as may be necessary. [Ord. 537-08 § 2, 2008].

Article II. Employee Conduct

2.70.025 Behavior generally.

All employees shall be fair and impartial in their dealings as employees of the City, and shall avoid any actions which create conflicts of interest or an appearance of conflicts of interest, as well as any actions which adversely affect or appear to affect their ability to perform their duties as municipal employees. [Ord. 537-08 § 2, 2008].

2.70.030 Confidentiality.

Each employee shall exercise the utmost discretion in regard to all matters of official business and records, and shall assure that any information received by him or her on a confidential basis is maintained in confidence to the fullest extent allowed by law. [Ord. 537-08 § 2, 2008].

2.70.035 Public contact.

Each employee shall at all times be courteous and respectful when dealing with the public, all City employees and public officials. [Ord. 537-08 § 2, 2008].

2.70.036 Pets in and around the workplace.

Unless otherwise required by law, no employee may bring his or her pet to work and keep it in or around the workplace. No employee may keep an animal tied up to or in a City vehicle or on City property while at work. [Ord. 537-08 § 2, 2008].

2.70.040 Public statements.

No employee shall present himself or herself as representing the City on matters of policy, by any means whatsoever including oral, written or electronic (i.e., email, social media), without the express permission of the City Manager. Further, no employees shall obligate the City to perform services of any kind without first consulting the City Manager. [Ord. 537-08 § 2, 2008].

2.70.045 Dress code.

All employees will dress in clothing appropriate to the job they perform. Department directors will determine the appropriateness of dress for employees under their direct supervision. Failure to dress appropriately or continued laxness in dress or appearance will be cause for disciplinary action. [Ord. 537-08 § 2, 2008].

~~2.70.046 Firearms prohibited.~~

~~With the exception of public safety officers of the Whittier Department of Public Safety, no employee of the City shall, while performing his/her duties as a City employee, bear or be armed with a loaded or unloaded firearm nor shall any employee(s) have in his/her possession, within City-owned offices/buildings, any loaded or unloaded firearm unless such weapon(s) are locked and secured in an authorized weapons safe/cabinet. Any employee violation of this provision will be subject to disciplinary action by the City pursuant to the City's personnel ordinances as well as other penalties as set forth in this article. [Ord. 537-08 § 2, 2008].~~

2.70.048 Duty of employee to report accidents.

It shall be the duty of each classified service or exempt service employee to immediately verbally report to his or her department director any and all accidents which he or she witnesses while on duty, or to which he or she is a party. If the employee is a department director the verbal report shall be made to the City Manager. If the employee is the City Manager the verbal report shall be made to the Mayor or, in the absence of the Mayor, to any member of the City Council. If the classified service or exempt service employee was a party to the accident the verbal report shall be followed by a written report. The written report shall be submitted no later than 24 hours after the accident or as soon thereafter as practical given the employee's condition. The written report shall be submitted to the same person to whom the verbal

report was made and shall describe the circumstances of the accident. [Ord. 02-2013 § 2, 2013; Ord. 537-08 § 2, 2008].

~~Article III. Grievance Committee~~

~~2.70.050 Establishment.~~

~~A seven member board is established. [Ord. 537-08 § 2, 2008].~~

~~2.70.055 Membership.~~

~~The grievance committee shall be composed of the City Council. [Ord. 537-08 § 2, 2008].~~

~~2.70.060 Duties.~~

~~The duties of the grievance committee shall be:~~

~~A. To submit proposed personnel regulations to the City Council; and~~

~~B. To consider and decide any Step 4 grievances.~~

~~All members of the committee shall declare any conflict of interest and refrain from participating in board actions when a conflict exists. [Ord. 537-08 § 2, 2008].~~

~~2.70.070 Vacancies.~~

~~A vacancy occurring on the grievance committee shall be filled by temporary appointment by the Mayor. [Ord. 537-08 § 2, 2008].~~

Article IV. Organization and Delegation of Authority

2.70.075 Purpose of article.

Proper organization and delegation of authority are essential to effective City government administration and management. The responsibilities and authorities delineated in this article are intended to establish a clear understanding of the role that each segment of the City government should play. [Ord. 537-08 § 2, 2008].

2.70.080 City Council – Responsibility and authority.

The City Council shall be responsible for performing the following functions of the personnel administration process:

- A. Approval of the City's budget, including requests for personnel management funds;
- ~~B.~~ Approval of personnel code policies and procedures as developed by the City Manager; and
- ~~C.~~ Appointment of the City Manager; and
- ~~D-C.~~ Confirmation of mayoral appointments to the grievance committee. [Ord. 537-08 § 2, 2008].

2.70.085 City Manager – Responsibility and authority.

The City Manager shall have the responsibility and authority to:

- ~~A.~~ Administer the personnel code of the City;
- ~~A-B.~~ Develop and administer the internal personnel policies and procedures of the City;
- ~~B-C.~~ Provide for the establishment and maintenance of records of all employees in the City service, including class title, pay and other pertinent data;
- ~~C-D.~~ Foster and develop, in coordination with appointing authorities and others, programs for the improvement of employee effectiveness and productivity, including training, and safety;
- ~~D-E.~~ Administer the City's recruitment and selection program;
- ~~E-F.~~ Insure uniformity in the application of discipline and processing of employee grievances;
- ~~F-G.~~ Prepare and adopt such forms, reports and procedures as may be necessary to administer the City's personnel program;
- ~~G-H.~~ Appoint and dismiss all City ~~exempt~~ employees unless otherwise provided by contract or ordinance; and
- ~~H-I.~~ Oversee the handling of all employee grievances to insure that they are processed in accordance with the procedures stated in this chapter. [Ord. 537-08 § 2, 2008].

2.70.090 Department directors – Responsibility and authority.

Department directors shall have the responsibility and authority to:

- A. Provide for the implementation of, enforce, and keep the employees in their departments informed of personnel policies and rules;
- B. Evaluate employee performance;
- ~~C.~~ Participate in the grievance procedures as specified in Article XIII and keep the City Manager informed of all grievances in progress;
- ~~D.~~ Appoint employees to vacant positions within their respective departments in accordance with established personnel rules and procedures;
- ~~E-C.~~ Develop training programs for employees in their respective departments;
- ~~F-D.~~ Take corrective action within their respective departments as deemed appropriate;
- ~~G-E.~~ Conduct orientation for all new employees, including introduction to fellow workers, work standards, safety regulations, break periods, supplies, etc.; and

~~H.F.~~ Appoint and dismiss all employees under their jurisdiction, in accordance with established personnel rules and procedures, subject to the approval of the City Manager. [Ord. 537-08 § 2, 2008].

2.70.095 Responsibility of all employees.

Employees of the City shall be presented with a copy of the personnel rules adopted hereunder on their hiring date, and shall be responsible for:

- A. Reading these rules and asking their department director to explain them if questions arise;
- B. Understanding the function of the department to which they are assigned and how that function relates to the total mission of the City and all of its departments;
- C. Discussing with their department director any questions relating to the interpretation or application of these rules, ~~either informally or formally through the grievance procedure;~~
- D. Every employee shall read and sign all the Drug Free Workplace Policies. [Ord. 537-08 § 2, 2008].

Article V. Classification of Positions

2.70.100 Plan – Purpose and effect.

The classification plan shall group together those positions that are sufficiently similar in kind, responsibility, and difficulty of work to warrant application of the same pay rate or range of rates and the same general selection standards. Such groupings shall be based upon the current duties and responsibilities of positions in the City. The classification plan shall consist of a list of titles and description of the nature and requirements of work in each classification. [Ord. 537-08 § 2, 2008].

2.70.105 Plan – Adoption and amendment.

The classification plan, and revisions therein which create new or abolish existing classifications, shall be proposed by the City Manager and become effective upon approval by resolution of the City Council. Other modifications to the classification plan shall become effective upon approval by the City Manager. [Ord. 537-08 § 2, 2008].

2.70.110 Plan – Development and administration.

The City Manager shall have the responsibility for the overall administration of the classification plan. In developing the classification plan, he or she shall consult department directors, key staff members, employees and other technical resources as appropriate. [Ord. 537-08 § 2, 2008].

2.70.115 Allocation of positions.

The City Manager shall assign positions to the appropriate classes in the classification plan, and reassign positions ~~as needs of the City change when changes in responsibilities justify reassignment.~~ [Ord. 537-08 § 2, 2008].

2.70.125 Position descriptions.

Position descriptions shall be supplied and kept current by each City department for each position under the department's jurisdiction, subject to the approval of the City Manager. [Ord. 537-08 § 2, 2008].

2.70.130 New positions.

When a new position is proposed or established, the department in which it is created shall provide a written job description to the City Manager, who shall determine the proper classification or prepare a new classification description if an appropriate classification does not exist. [Ord. 537-08 § 2, 2008].

2.70.145 Effective date of change.

Classification actions shall become effective on the first day of the pay period following determination by the City Manager. [Ord. 537-08 § 2, 2008].

2.70.150 Reclassified positions – Status of incumbents.

In all cases of reclassification, the employee in the position under consideration shall be entitled to examine and compete for the reclassified position. If ineligible for appointment to the reclassified position, the employee shall be transferred or reassigned to an open available job position, to the extent the employee is qualified for such alternate position ~~by appropriate action in accordance with the provisions of these rules.~~ [Ord. 537-08 § 2, 2008].

2.70.151 Exempt positions.

As authorized by Alaska Statute, Title 29, Chapter 20, Section 410, Personnel System, subsection (b), there is created a classification for managerial positions, which are wholly or partially exempt from the classified service. A wholly or partially exempt position is filled by a person who serves at the pleasure of the appointing authority and whose terms and conditions of employment are determined by the appointing authority. Unless otherwise provided by contract or City ordinance, the appointing authority shall be the City Manager. [Ord. 537-08 § 2, 2008].

Article VI. Salary Administration

2.70.155 Pay plan – Contents and objectives.

The pay plan shall include a schedule of pay ranges, consisting of minimum, intermediate and maximum rates of pay for all classes of positions in the classified service. The objective of the pay plan shall be:

- A. To provide a salary structure appropriate to the recruitment and retention of competent employees; and
- B. To provide appropriate pay incentive for high employee productivity. [Ord. 537-08 § 2, 2008].

2.70.160 Pay plan – Standards for development.

The development of the pay plan shall be directly linked to the classification plan, and shall be based on the principle of equal pay for equal work. Pay ranges within the pay plan shall be determined with due regard to such factors as:

- A. Relationship between classes;
- B. Relative difficulty and responsibility of work;
- C. Availability of applicants;
- D. Prevailing rates of pay in both public service and private industry in the appropriate recruiting market; and
- E. Cost-of-living factors. [Ord. 537-08 § 2, 2008].

2.70.170 Pay plan – Administration.

The City Manager shall be responsible for administering the pay plan and keeping it current through periodic reviews and comparative studies of pertinent factors affecting levels of pay in accordance with the standards described in WMC 2.70.160, and in consultation with the City Council. [Ord. 537-08 § 2, 2008].

2.70.175 Entrance pay rate.

The entrance pay rate shall normally be the minimum rate in the pay range prescribed for the class. A department director, subject to the approval of the City Manager, may make an appointment above the entrance pay rate only when there are no available candidates at the entrance rate, or in recognition of exceptional qualifications. ~~In no instance shall an appointment be made above the minimum step when qualified applicants are available at the minimum entrance rate.~~ Appointments may be made at a rate below the minimum for the class on a trainee basis. [Ord. 537-08 § 2, 2008].

2.70.180 Salary increases.

Except as otherwise provided by this chapter:

- A. Merit salary increases may be granted by the City Manager, ~~upon recommendation of the department director.~~
- B. Cost-of-living salary increases may be granted by the City Council upon the recommendation of the City Manager. In the event a cost-of-living salary increase is granted, it shall be at the same percentage rate and shall be effective on the same date for all City employees without regard to department. [Ord. 537-08 § 2, 2008].

~~2.70.185 Permanent part-time employee compensation.~~

~~Permanent part-time employees shall be compensated on an hourly basis at a rate equivalent to the hourly wage rate exclusive of benefits established for regular full-time employment in the appropriate classification. [Ord. 537-08 § 2, 2008].~~

2.70.190 Pay rate adjustments – Transfer.

When an employee is transferred from one class to another with a common pay range, he shall continue to receive the same rate of pay. [Ord. 537-08 § 2, 2008].

2.70.195 Pay rate adjustments – Promotions.

When an employee is promoted from one class to another having a higher pay range, the employee shall receive an increase of not less than one pay step. If the employee's current rate of pay is below the minimum rate of the higher class, the pay shall be increased to the minimum rate of the higher class. If the employee's current rate of pay falls within the range of the higher class, the pay shall be adjusted to the next higher pay step in the range for the higher class which is at least equal to one step increase above his current pay rate. [Ord. 537-08 § 2, 2008].

2.70.200 Pay rate adjustments – Reassignments.

When an employee is reassigned for cause, or for administrative purposes, his/her pay rate shall be adjusted to fit the job according to the principles of classification and equal pay for equal work. [Ord. 537-08 § 2, 2008].

2.70.205 Pay rate adjustments – Reinstatement of employees who have resigned.

No preferential pay treatment shall be given to reinstated employees. The principles of job classification and equal pay for equal work, which include work experience, shall apply as if to a new employee.

~~An employee who has resigned due to special reasons such as, but not limited to, family illness or educational leave shall have reinstatement rights according to applicable law. [Ord. 537-08 § 2, 2008].~~

2.70.210 Pay rate adjustments – Layoffs.

When an employee, following layoff, is re-employed in the same class from which he or she was laid off, he or she shall be placed in the same step occupied at the time of layoff. When the employee is re-employed in a class having a lower pay range, his/her rate of pay shall be assigned according to standard principles of job classification and equal pay for equal work. [Ord. 537-08 § 2, 2008].

2.70.215 Compensation during temporary assignment.

When an employee is temporarily assigned to a position in a higher pay range for a period of 30 calendar days or more, he or she shall be paid at the first step of the higher pay range or he shall be granted a one

step pay increase, whichever is higher, for the full period worked in the temporary assignment. An employee who is temporarily assigned to a position with a lower pay range for any period shall not receive a reduction in pay. No temporary assignment shall exceed the greater of twelve (12) months, or the duration of the project~~exceed six months~~. [Ord. 537-08 § 2, 2008].

2.70.220 Hours of work.

Regular working hours of City employees shall consist of a five-day week, eight hours a day, 40 hours per week. The standard work week shall consist of the period from 00:01 Monday~~midnight Sunday~~ to 24:00 Sunday~~the following midnight Sunday~~. The standard workday shall consist of the period from 00:01 to 24:00~~midnight to midnight~~. Unless otherwise provided, the hours of regular employment for City employees shall be from 8:00 a.m. to 5:00 p.m. with an hour for lunch.

Different schedules to meet department operating needs shall be established and altered by department directors, with approval of the City Manager. ~~Employees may volunteer for flexible work hour plans that deviate from the standard workday and do not exceed 40 hours per week. Before a voluntary flexible work hour plan may take effect, the City must submit a written request for, and obtain approval from, the State Department of Labor. Department directors may temporarily shift the working hours of the employees in their respective departments in order to meet City routine needs.~~ [Ord. 553-09 § 2, 2009; Ord. 537-08 § 2, 2008].

2.70.225 Overtime.

Overtime payment will be paid~~received to~~ by all non-exempt employees, to the extent required by applicable law~~except for department directors who are not eligible for overtime payment in any circumstances~~. Overtime must be approved in writing by the department director concerned prior to its performance, except in cases of emergency, ~~which preclude such prior arrangements, and shall be paid to employees who are eligible for overtime payment under this section in accordance with methods established by State laws. The person in charge of providing emergency service shall see that overtime hours related to the service are properly recorded. The department director shall review the record and certify to the Finance Officer any overtime approved for payment as soon as possible after the performance of the emergency service necessitating the overtime.~~ [Ord. 537-08 § 2, 2008].

2.70.230 Time and one-half overtime.

Overtime hours paid at the rate of one and one-half the regular rate shall be calculated and paid to employees who are eligible for overtime payment under WMC 2.70.225 under methods established by the Alaska Wage and Hour Act.

Employees who are eligible for overtime payment under WMC 2.70.225 who are requested to work on a Saturday or on an evening which does not fall within their standard work week shall be paid at time and one-half for those hours, regardless of whether they have worked less than 40 hours in the week. [Ord. 537-08 § 2, 2008].

2.70.235 Overtime pay.

An employee legally entitled to overtime pay under applicable Federal or State law shall be paid at the rate of time and one-half of his/her rate of pay for all hours worked over 40 per week and/or eight hours per day, as required by applicable State law or regulation. When the requirement to work overtime falls on, or on a recognized City holiday, an employee performing services for the City shall receive holiday pay in addition to time and one-half, for a total of two and one half times regular pay in addition to holiday pay. [Ord. 553-09 § 2, 2009; Ord. 537-08 § 2, 2008].

2.70.240 Call-out time.

If an employee is eligible to receive overtime payment under WMC 2.70.225 and is called to work outside his or her regular work shift, he or she shall receive a minimum payment of two hours ~~of~~ at the applicable overtime rate. [Ord. 537-08 § 2, 2008].

2.70.245 Public Safety Department uniform allowance.

The City shall provide employees in the department of public safety who are required to be in uniform in the course of their duties for the City shall receive an amount budgeted by the City Council as "Salary and Benefits" in accordance with the most recent fee schedule, an amount up to or not to exceed \$300.00 for initial hire,

~~Commencing the first full month after completion of the probationary period provided by WMC 2.70.350, such employees shall receive a monthly clothing allowance of \$40.00 in addition to the employee's regular pay. In the event of separation before the probationary period is completed, the employee would owe the balance remaining on the expense of all initial issue items, and upon satisfaction of the balance due, the City would have no further property interest therein. All issue of department equipment, department insignia, and any other department property not forming a part of the initial issue herein provided, shall be returned to the City upon the termination of employment. [Ord. 537-08 § 2, 2008].~~

2.70.250 Higher pay range class reassignment.

~~If a class is reassigned to a higher pay range, the base rate of all employees in affected positions shall be increased by five percent for each pay range advanced, not to exceed the maximum of the new range. [Ord. 537-08 § 2, 2008].~~

2.70.255 Lower pay range class reassignment.

~~If a class is reassigned to a lower pay range, the base salaries of employees in affected positions shall not be reduced. Employees whose base rates exceed the maximum rate of the new pay range will remain unchanged until the base rates are encompassed within the pay range. [Ord. 537-08 § 2, 2008].~~

2.70.260 Position classification and reclassification effective date.

The effective date of personnel transactions implementing classification and reclassification of positions shall be the beginning date of the pay period following the date of the change. [Ord. 537-08 § 2, 2008].

2.70.265 Merit and probationary increases.

- A. Merit salary increases shall be effective the next payroll period following approval by the City Manager.
- B. Probationary salary increases approved by the City Manager shall be effective the next payroll period ~~earlier of the day following completion of three months service as a new hire probationary employee or promotional probationary employee or the day following satisfactory completion of probation. A probationary salary increase shall be one step in the same grade.~~ [Ord. 537-08 § 2, 2008].

2.70.270 Reassignments and reinstatements – Effective date.

The effective date of personnel actions implementing approved promotions, reassignments and reinstatements shall be the next payroll period following the first day of the new City Manager's approval of the change in approved status. [Ord. 537-08 § 2, 2008].

Article VII. Retirement

2.70.280 State retirement system participation.

The City became a participant of the State of Alaska Public Employees Retirement System effective July 1, 1984. Coverage is mandatory for all full-time permanent employees and probationary employees in full-time positions as well as permanent part-time employees. [Ord. 537-08 § 2, 2008].

~~**2.70.285 Age 65 – Continued employment.**~~

~~An employee who attains the age of 65 may be retained in the City service upon written certification of his department director or the personnel officer that such action is in the best interest of the City and deferral of the retirement is authorized by the City Council. The City Manager may require the employee to submit a satisfactory report of medical examination by a physician approved or designated by the City Manager, which shows the employee to be physically and mentally able to perform the duties of his position. An initial deferral of retirement shall be for a period of one year, and subject to renewal in the above manner. [Ord. 537-08 § 2, 2008].~~

Article VIII. Disability and Health Insurance

2.70.290 Group health insurance.

The City provides health and life insurance to each of its permanent full-time and part-time employees under the State of Alaska Group Health Care and Life Insurance Plan. The employee may insure their immediate family under the plan for an additional premium payable by the employee. [Ord. 537-08 § 2, 2008].

Article IX. Recruitment

2.70.300 Policy.

It shall be the policy of the City to recruit and select the most qualified persons for positions in the City service, and to fill vacancies by promotion from within the City when well-qualified employees are available. To ensure that this policy is carried out, it shall be the responsibility of the City Manager to:

- A. Conduct recruitment and selection in an affirmative manner to insure open competition;
- B. Provide equal employment opportunity. [Ord. 537-08 § 2, 2008].

2.70.305 Method.

The City Manager shall develop and conduct an active recruitment program designed to meet current and projected manpower needs. Recruitment will be tailored to the various classes of positions to be filled and will be directed to all sources likely to yield qualified candidates. [Ord. 537-08 § 2, 2008].

2.70.310 Job announcements and publicity.

- A. In order to attract an adequate number of candidates for present or anticipated vacancies and to permit successful competition with other employers, the City Manager shall issue job announcements and otherwise publicize vacancies through the City website and any other methods selected by the City Manager~~such media which shall include, but not be limited to, newspapers within the State~~. Job announcements shall be clear and readable. They shall include the job title, salary range, and a brief description of job duties and qualifications~~job qualification requirements~~.
- B. Publicity for job vacancies shall be conducted for a sufficient period of time to insure reasonable opportunity for persons to apply and be considered for employment. ~~All job vacancies shall be publicized first to all City employees at least five working days prior to public advertisement. If any City employee applies for an advertised position whether it is a contract or noncontract position, Council or the department director shall consider the applicant and if the person qualifies for the position, the position shall be filled in-house and not advertised publicly.~~ The City Manager may also initiate continuous recruitment programs for any class of positions as appropriate. [Ord. 537-08 § 2, 2008].

2.70.315 Application forms.

All applications for employment shall be made on forms prescribed by the City Manager, including the use of online forms. Such forms shall require background information including training, experience and other

pertinent data. All applications must be signed, including the use of electronic signatures. Application forms shall not elicit any information concerning race, politics, religion or national origin.

A resume may be accepted in place of an application when requested in recruitment advertising or if, in the opinion of the City Manager, the information provided on the resume is sufficient. [Ord. 537-08 § 2, 2008].

~~2.70.320 Rejection of applications.~~

~~The City Manager may reject any application which indicates that the applicant does not possess the minimum qualifications established for the position. An application may also be rejected if the applicant:~~

- ~~A. Has deliberately falsified any information on the application form;~~
- ~~A. Is unable to meet the physical and other requirements, which have been demonstrated as necessary to perform the work of the position;~~
- ~~A. Is unable to meet the mental requirements necessary to perform the work;~~
- ~~A. Does not meet the legal age limits or other requirements established by State law;~~
- ~~A. Has established an unsatisfactory employment record of such nature as to demonstrate unsuitability for the position.~~

~~Whenever an application is rejected, notice of such rejection shall be promptly made to the applicant. [Ord. 537-08 § 2, 2008].~~

Article X. Selection

2.70.325 Responsibility for selection devices.

The City Manager, in conjunction with the department directors, shall be responsible for determining the selection device or devices to be used to obtain the best qualified candidates for each class of positions. Selection devices shall be utilized separately or in various combinations as appropriate to the class and available manpower resources. Such selection devices may include work samples, performance tests, practical written tests, individual physical examinations, background and reference inquiries, and evaluation of training and experience. [Ord. 537-08 § 2, 2008].

2.70.330 Confidentiality.

Job selection materials shall be disclosed only to the City Manager, department director and other City employees with a job-related need to know.~~Only the City Manager and department director shall know selection material.~~ All persons participating in the development and maintenance of selection materials shall exercise every precaution to maintain the highest level of integrity and confidentiality. [Ord. 537-08 § 2, 2008].

2.70.350 Probationary period.

All appointments are subject to a probationary period of ~~six~~^{three} months with the exception of appointments to the Department of Public Safety ~~for~~^{to} which a 12-month probationary period shall apply. A probationary period shall apply to all positions prior to the acquisition of permanent status. The length of the probationary period may be extended for up to a twelve (12) month period if deemed necessary by the Department Head after consultation with the City Manager.

Probationary employees must obtain at least a satisfactory performance rating at the completion of their probationary period in order to obtain permanent status. Employees in probationary status may be terminated at any time during their probationary period for any reason or for no reason with no recourse to the ~~personnel complaint grievance~~ procedure.

Exempt employees are not subject to serving a probationary period, as they serve at the pleasure of the City Manager.

[Ord. 537-08 § 2, 2008].

2.70.355 Probation – Reassigned employee.

When an employee is reassigned to a position in a class where he previously held permanent status, no probationary period shall be served. When an employee is reassigned to a position where he did not hold permanent status, the department director shall decide whether a probationary period shall be served, subject to the approval of the City Manager. The employee concerned shall be notified in writing of the decision before reassignment is accomplished and, in either case, the employee's anniversary date shall remain unaffected. [Ord. 537-08 § 2, 2008].

2.70.360 Probation – Promoted employee.

When it becomes clear that an employee serving a promotional probationary period is not performing adequately, he shall be so informed in writing with a copy to the City Manager.

If reassignment is found to be necessary, the employee shall be reassigned to a position in his previous class and his anniversary date shall remain unaffected. [Ord. 537-08 § 2, 2008].

2.70.365 Probation – Reinstated employee.

An employee reinstated within two years of termination shall not be required to serve a probationary period unless rehired into a different class than previously served or if a previous probationary period was not completed. [Ord. 537-08 § 2, 2008].

2.70.370 Temporary appointments.

Temporary appointments are for a short-term period not to exceed twelve (12) months, or the date of completion of the project for which the employee was hired~~30 days; however, extensions in 30-day increments may be allowed with the approval of the City Manager, up to a maximum of six months.~~ Probationary periods shall not be served for temporary appointments, and no probationary increases shall

be awarded. A person hired for a temporary appointment or hired temporarily to replace an absent employee shall not be entitled to any fringe benefits. [Ord. 537-08 § 2, 2008].

2.70.375 Emergency appointments.

~~Emergency appointments not to exceed 30 calendar days may be authorized by the City Manager without recourse to usual certification procedures. Such appointments shall be made only in cases of unforeseen emergencies and when necessary to prevent impairment to City services. Emergency appointments are not entitled to any fringe benefits. [Ord. 537-08 § 2, 2008].~~

Article XL Performance Evaluation

2.70.380 Purpose.

The primary purpose of the employee performance evaluation program is to inform employees of how well they are performing and to offer constructive criticism on how they can improve their work performance. Performance evaluation shall also be considered in decisions affecting salary advancement, promotions, reassignments, dismissals, order of layoff, and order of re-employment, placement and training needs. [Ord. 537-08 § 2, 2008].

2.70.385 Evaluation – Probationary period end.

Each employee shall be evaluated 10 days prior to the completion of his or her probationary period. The employee must have an overall evaluation of at least “satisfactory” in order to become permanent. [Ord. 537-08 § 2, 2008].

2.70.390 Evaluation – Annual.

Each employee who has been employed with the City for at least six consecutive months shall receive an annual performance evaluation ~~no later than October 31st of each calendar year.~~ [Ord. 05-2013 § 2, 2013; Ord. 537-08 § 2, 2008].

2.70.395 Evaluation – Special.

A special performance evaluation shall be completed whenever:

- A. There is a significant change either upward or downward in an employee’s performance;
- B. ~~A department director permanently leaves his or her position. The department head shall complete a performance report on each employee under his supervision who has not been evaluated within six months prior to the date the department director is to leave his or her position.~~ [Ord. 537-08 § 2, 2008].

2.70.400 Evaluation – Completion – Department director responsibility.

The department director shall be responsible for completing a performance evaluation at the time prescribed for each employee under his supervision. [Ord. 537-08 § 2, 2008].

2.70.405 Evaluation – Review – City Manager responsibility.

The City Manager shall review each performance evaluation report completed by a department director before the report is discussed with the employee. The City Manager shall consider the performance evaluations completed by the department director when evaluating the department director's performance. [Ord. 537-08 § 2, 2008].

2.70.410 Evaluation – Form.

The performance evaluation form shall be ~~a letter from the department director which states that the employee's performance has been discussed with the employee, and shall be. This letter will be signed by the department director and the employee, and be accepted as evidence of satisfactory performance.~~

~~The only deviation from this procedure will be in the case of outstanding or unsatisfactory performance. Performance of this nature will be explained in full. In the case of unsatisfactory performance, the rating officer will also make written comment as to remedial action and the employee will be allowed to add comments.~~ [Ord. 537-08 § 2, 2008].

2.70.415 Performance report review.

The department director shall discuss the performance evaluation report with the employee before the report is made part of the employee's permanent record. Performance evaluation reports are not subject to the personnel complaint/grievance procedure. [Ord. 537-08 § 2, 2008].

2.70.425 Appeal procedure.

~~See WMC 2.70.495, Steps, of Article XIII, Grievance Procedure. [Ord. 537-08 § 2, 2008].~~

2.70.430 Disciplinary action – Employee education.

All department directors shall inform the employees under their jurisdiction of standards of performance and personal conduct of City employees in various positions. Employees shall be acquainted with the various provisions of disciplinary action regulations of WMC 2.70. ~~All City employees shall have in their possession a copy of an up-to-date personnel regulations manual. Copies of the manual shall always be available in the City Manager's office.~~ [Ord. 537-08 § 2, 2008].

2.70.435 Disciplinary action – Procedures.

All disciplinary actions, including occasions of oral counseling~~except oral admonitions~~, shall be documented in writing, presented to the affected employee, and placed in the employee's personnel file. The written document shall be reviewed with the employee, and sincere efforts shall be made to obtain agreement with the employee that facts are stated correctly, that the inappropriate or incorrect behavior did occur, that it did represent behavior that should be disciplined, that the discipline is appropriate and that the behavior will not be repeated.

If errors are found, the written document shall be revised and reviewed again. Comments by the employee shall be entered under the heading "Employee Comments." The employee shall be requested to sign the written document, and informed that his or her signature indicates only his or her agreement that the document accurately records the discussion. If the employee refuses to sign the memo, the statement shall be entered:

(Employee's Name) read the contents of this disciplinary action on (date) and refused to sign.

One copy of each completed report shall be forwarded immediately to the City Manager's office for review and inclusion in the employee's personnel file. A copy shall be given to the employee. The department director may, if necessary, complete reviews to the employee's progress in correcting the cause of the original action at scheduled intervals throughout the following 12 months. These reports shall be made in writing. Twelve months from the date of the action concerned, the City Manager shall review the disciplinary action, and, if no subsequent report of similar violations has been made, the department director shall be instructed to return department and division copies to the affected employee. The original shall be sealed in a confidential envelope and replaced in the employee's personnel file. The envelope shall not be referred to again unless there is a later occurrence requiring further discipline. [Ord. 537-08 § 2, 2008].

2.70.440 Suspension without pay.

The City Manager, or a department director with the approval of the City Manager may at any time suspend an employee for cause without pay for a period not to exceed 30 calendar days in any calendar year. Employees against whom allegations of misconduct have been made may be placed on administrative leave ~~charges are professed may, at the discretion of the department director, be suspended from duty pending final disposition of an internal investigation~~ charges. A suspension shall be recorded in writing, and a personnel evaluation report completed for any suspended employee. Both documents shall be reviewed with the employee immediately after preparation if possible. Following this action, a copy shall be given to the employee and a copy forwarded immediately to the City Manager. [Ord. 537-08 § 2, 2008].

2.70.445 Demotion or Reassignment for disciplinary reasons.

The City Manager, or a department director with the approval of the City Manager ~~An appointing authority may~~ demote or reassign an employee for disciplinary reasons in accordance with other provisions of these regulations. Demotion or Reassignment is considered a more moderate penalty than dismissal and may be offered in lieu thereof, as approved by the City Manager, when mitigating circumstances warrant such leniency. The City Manager reserves the prerogative to alter job descriptions and pay classifications for purposes of managing the City's workforce to meet the needs of the City. [Ord. 537-08 § 2, 2008].

2.70.450 Reassignment without prejudice.

Reassignment without prejudice shall not be considered a punitive action. The City Manager, or a department director with the approval of the City Manager may ~~An appointing authority may~~ reassign an employee in accordance with other provisions of these regulations for any of the following reasons:

- A. Inability to perform duties adequately;
- B. Layoff because of lack of work or funds or abolition of positions. When employees are laid off, the appointing authority shall consider the advisability of reassigning them to vacant positions in lower classifications for which they are qualified;
- C. Personal Reasons. There are a variety of reasons why an employee might wish to work in a position on a lower level class, such as personality conflicts and being placed in a new class series where new experience and greater likelihood of advancement are available. [Ord. 537-08 § 2, 2008].

2.70.455 Administration.

The City Manager shall be responsible for overall administration of the employee performance evaluation program. He or she shall advise and assist employees to assure that performance evaluation procedures are handled in accordance with the provisions stated in this article. [Ord. 537-08 § 2, 2008].

Article XII. Employee Development

2.70.460 Purpose.

The purpose of the employee development program is to foster and promote the training and development of employees in order to:

- A. Improve the quality of services to the City;
- B. Equip employees for career advancement within the City service; and
- C. Provide a reservoir of occupational skills necessary to meet current and future employment needs. [Ord. 537-08 § 2, 2008].

2.70.465 Program development and administration.

The City Manager shall have the overall responsibility for the development, administration and coordination of the employee development program and shall:

- A. Assist the department directors in developing and implementing employee development programs to meet the current and future needs of their departments and to increase employee efficiency;
- B. Conduct or coordinate employee development programs to meet the common needs of all departments;
- C. Maintain a file of current information and materials on job requirements, training opportunities, employee development manuals and other employee development literature;
- D. Maintain a record of all training conducted and insure that authorized employee development programs are properly administered;

- E. Periodically analyze and evaluate the overall development needs of employees within the City service;
- F. Assure that all employees receive equal consideration for appropriate training opportunities; and
- G. Assure that employee personnel files are updated upon successful completion of any employee development activities to insure maximum consideration for placements, transfers and promotions. [Ord. 537-08 § 2, 2008].

2.70.470 Program development – Role of department directors.

Department directors shall provide active leadership in developing the employees under their supervision. In this capacity, they shall:

- A. Cooperate closely with the City Manager in determining the current and future employee development needs in their departments;
- B. Participate with the City Manager in developing and implementing employee development programs;
- C. Budget sufficient funds to secure needed career development programs;
- D. Evaluate the effectiveness of completed career development programs and make recommendations for improvement where appropriate;
- E. Assure that employees are provided with sufficient time to participate in career development programs. [Ord. 537-08 § 2, 2008].

2.70.475 Reimbursement of training costs upon separation.

- A. When an employee attends a school, training session or other similar program of mutual benefit to the employee and the City, the employee shall agree to:
 - 1. Remain in City service one month for every day (including Saturdays and Sundays) that he is attending the school and for which the City is paying his salary, travel costs and per diem; and
 - 2. Remain in City service two weeks for every day (including Saturdays and Sundays) that he is attending the school and for which the City is paying either his salary, or travel costs and per diem costs.
- B. There shall be a two-year maximum to the length of time that an employee must remain in service.
- C. Should the employee leave the service of the City municipality prior to the completion of computed service time, he or she shall reimburse the City for costs incurred in proportion to length of time remaining to be served, and shall allow the City to deduct such reimbursable cost from the employees pay, including final pay, pursuant to a written agreement entered into between the City and the employee on or about the time the school, training, or similar program commenced.
- D. If an employee is involuntarily separated from the service of the City before completion of computed service time, the remaining reimbursable cost for failure to complete the time to be served will be canceled. [Ord. 537-08 § 2, 2008].

Article XIII. Grievance Procedure

2.70.480 Policy.

It is the policy of the City to treat all employees equitably and fairly in matters affecting their employment. Each permanent full time and permanent part time employee of the City will be provided ample opportunity to understand and resolve matters affecting employment, which the employee documents as being a violation of rules and regulations. The presentation of any grievance shall be the right of each permanent full-time and permanent part time employee without fear of reprisal. [Ord. 537-08 § 2, 2008].

2.70.485 Grievance – Defined.

A “grievance” is a written complaint by an employee or group of employees alleging a violation of a section or sections of the City code, personnel rules and regulations, or departmental rules and regulations, which pertain to the terms or conditions of employment by the City and which are within the scope of the grievance procedure established by this chapter. Employee performance evaluations are not grievable. Temporary employees, volunteers, independent contractors and any employee is his/her probationary period are not entitled to use the grievance procedures. Exempt employees are not entitled to use the grievance procedures. [Ord. 537-08 § 2, 2008].

2.70.490 Discussion of a problem with supervisor.

An eligible employee having a problem regarding employment shall first discuss the problem with his or her immediate supervisor. If the problem is not settled and the problem meets the definition of is defined as a “grievance” set forth in Section 2.70.485, the employee has the right to present the grievance in accordance with the procedure outlined in WMC 2.70.495. [Ord. 537-08 § 2, 2008].

2.70.495 Steps.

A grievance shall be handled in the following manner:

- A. Step 1. The aggrieved employee or group of employees shall present the grievance orally to the immediate supervisor within five working days of the occurrence of the event leading to the grievance, not including the day of the occurrence. The supervisor shall give an oral reply within three working days of the date of presentation of the grievance, not including the date of presentation.
- B. Step 2. If the grievance is not settled in Step 1, or if the grievance involves allegations of a violation of policy by the affected employee’s supervisor, the employee shall document, in detail, in writing, the specific subsection(s) of this WMC 2.70, personnel policy, departmental rule, or other regulation alleged to be misinterpreted, misapplied or violated. This formal grievance shall be dated, signed and submitted to the Department Head within five (5) working days from (i) the oral reply of the supervisor from Step 1, or (ii) of the violation which is the subject matter of the employee’s grievance. it shall be reduced to writing, dated, and signed by the aggrieved employee and presented to the department director within five working days after the supervisor’s oral reply is given. The department director shall reply in writing to the grievance within five working days of the date of presentation of the written grievance, not including the day of the presentation.
- C. Step 3. If the grievance is not settled in Step 2, or if the grievance involves allegations of a violation of policy by the affected employee’s department head, the written grievance shall be

presented, along with all pertinent correspondence, records and information accumulated to date, to the City Manager. This presentation must be made within five working days after the department director's response is made, not including the day of the response. The department director shall receive a copy of the grievance. The City Manager may meet with the aggrieved employee, the immediate supervisor and the department director, and obtain through investigation such additional information or documentation as the City Manager deems pertinent to his/her review of the grievance. The City Manager shall reply to the grievance in writing within five working days of the date of presentation of the written grievance to him or her, not including the day of presentation.

- ~~D. Step 4. If not satisfied with the City Manager's decision, an employee may request a hearing before the grievance committee.~~
- ~~E. The grievance committee shall conduct the hearing expeditiously and in a manner conducive to obtaining a clear understanding of the facts. The procedure shall be informal. Technical rules regarding evidence and witnesses shall not apply.~~
- ~~F. The grievance committee shall submit a written report of its findings and determinations to all interested parties within 10 working days after hearing testimony.~~
- ~~G-D. The decision of the grievance committee is the final step within the administrative process of the City a hearing officer, as provided in Section 2.70.296.~~
- ~~H. Grievances related to an act or failure to act of a department director shall be initiated at Step 2.~~
- I.E. Grievances related to an act or failure to act of the City Manager shall be initiated at Step 3.
[Ord. 537-08 § 2, 2008].

2.70.496 Hearing Officer Proceedings.

A. Initiating Proceedings Before Hearing Officer. Upon receipt of the City Manager's response or failure of the City Manager to respond, the employee shall have five (5) working days to that the matter be appealed to a Hearing officer. If the employee fails to file a written request for an appeal to a hearing officer within five (5) working days, such failure will serve to decide the grievance in favor of the City Manager's Step 2 decision.

B. Hearing officer.

1. If an appeal to a Hearing officer is made under Step 3, the City Manager shall send the complaint to the hearing officer selected by the city attorney. The hearing officer shall be a private attorney or an individual trained as an administrative hearing officer. The hearing officer shall not be an employee of the City of Whittier..
2. The City Manager will furnish to the hearing officer the grievance and any official responses obtained from Steps 1 through 3 of the grievance Process.
3. The hearing officer shall schedule a hearing within ninety days after the date of receiving the notice of appeal. The hearing officer may extend this deadline for good cause.

C. Hearing notice.

1. The Hearing official shall serve on the complainant and the City Manager a notice of hearing setting out the time and place of hearing and the schedule for any preliminary matters. This notice shall include a statement of the right to provide written evidence and

oral testimony. The complainant and the City Manager shall also be informed of the right to be represented at the hearing.

2. The hearing officer shall determine if the grievance has been proven by the preponderance of the evidence.

D. Service by mail and filing.

1. All motions or requests shall be served upon the opposing party. If service by mail is used, three days will be added for response time from the date of mailing. The party must certify the date mailed on the document. If the deadline falls on a weekend or holiday, the deadline shall fall on the next city business day.
2. All documents shall be filed with the City Manager.

E. Hearing.

1. All hearings shall be before the hearing officer who shall preside.
2. The hearing officer may administer oaths, hold hearings, and take testimony. The hearing officer may, on their own or in response to a motion by a party to the hearing, request the presence of witnesses and the production of records, books, and papers at the hearing.
3. The complainant and the City Manager may each present opening statements setting out the matters they intend to prove. The complainant shall proceed first with his or her evidence and the City Manager shall follow, setting forth his or her evidence. The complainant and the City Manager may make closing arguments.
4. The Alaska Rules of Evidence do not apply to the admission of evidence in a hearing, but the hearing officer's findings of fact must be based on reliable and relevant evidence.
5. At the conclusion of the presentation of evidence and closing arguments, the hearing officer shall consider the allegations, the evidence supporting them, and the City Manager's evidence.

F. Findings of fact and conclusions of law.

1. The hearing officer shall enter findings of fact and conclusions of law no later than 30 days after the conclusion of the hearing. The hearing officer shall notify the parties and their attorneys if an extension is required to permit the preparation of findings of fact and conclusions of law.
2. If the hearing officer finds that no violation has occurred, the complaint shall be dismissed.
3. If the hearing officer finds that a violation of this chapter 2.70 or a personnel policy, rule, or procedure has been violated, the hearing officer shall prepare and submit its findings of fact and conclusions of law to the City Manager, and shall include an order for remediation of the violation.
4. The findings of fact and conclusions of law are final and conclusive.

5. If the hearing officer determines that no violation has occurred, or otherwise dismisses the complaint for substantive reasons, the hearing officer may award full or partial attorney fees to the City. An award of fees to the complainant may not be made unless the City Council has appropriated funds for that purpose.
6. The procedures of this section are the sole and exclusive remedies of employees contesting violations of these policies and/or disciplinary actions. An employee must fully exhaust these remedies prior to filing any lawsuit or other administrative action.

G. Appeal of findings of fact and conclusions of law and penalty.

1. If the hearing officer imposes a penalty with its decision, appeal of the findings of fact and conclusions of law and the penalty may be taken to the superior court in accordance with the Alaska Rules of Appellate Procedure.
2. Notice of an appeal must be filed with the superior court within 30 days of the imposition of the penalty.

2.70.500 Employee representation.

Each employee shall be afforded an opportunity to be represented at each of the above steps upon providing reasonable documentation acceptable to the City that the person is engages as the employee's representative. At Steps 1 and/or 2 of the grievance procedure, a representative of his choice who shall be any other full-time employee of the City may accompany the employee. At Steps 3 and/or 4 of the grievance procedure, a representative of his or her choice may accompany the employee. Employees shall contact and discuss their problems with their representative only during break periods, lunch hour, before or after work or at any other time when they are not on duty. ~~Grievance hearings may be held during work hours.~~ [Ord. 537-08 § 2, 2008].

~~**2.70.505 Disciplinary action—Appeals.**~~

~~All appeals of disciplinary action shall be initiated at Step 3 of the grievance procedure. [Ord. 537-08 § 2, 2008].~~

2.70.510 Violation of grievance procedure.

The grievance procedures of this section are the sole and exclusive remedies of the employees of City contesting violations of policies and/or disciplinary actions. An employee must fully exhaust these remedies prior to filing any lawsuit or other administrative action. ~~An employee who takes an employment problem outside the administrative structure of the City without first attempting to resolve the problem in accordance with the provisions of this article shall be subject to disciplinary action.~~ [Ord. 537-08 § 2, 2008].

2.70.515 Time limits – Generally.

- A. If grievance procedures are not initiated within the time limits established by this section, the employee shall be considered as having waived his or her right to grieve the particular violation and initiation of a grievance for the same act or omission is thereafter barred.
- B. Any grievance not taken to the next step of the grievance procedure by the grievant within the time limits established by this section shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section.
- C. If the City fails to meet or answer any grievance within the time limits prescribed for such action by this section, such grievance shall automatically advance to the next step. If the City fails to meet or answer any grievance on Step 4 of the grievance procedure within the time limits prescribed for such action by this section, the grievant may consider the City's last action on the grievance the City's final step within the administrative process of the City. Thereafter, the grievance process may be initiated by the aggrieved employee through the hearing officer. [Ord. 537-08 § 2, 2008].

2.70.520 Time limits -- Extension.

The time limits prescribed in this section for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties so involved, or in extant circumstances, by notification of the City Manager to the aggrieved employee if such extension is necessary to the fact finding process. Likewise, any step in the grievance procedure may be eliminated by mutual content. Mutual consent shall be indicated in writing and shall be signed by all parties. [Ord. 537-08 § 2, 2008].

2.70.525 No discrimination.

No employee shall be disciplined or discriminated against in any way because of the employee's proper use of grievance procedures. [Ord. 537-08 § 2, 2008].

Article XIV. Leave

2.70.535 Eligibility entitlement.

All permanent full time and permanent part time employees-classified employees shall be entitled to leave accrual benefits. [Ord. 537-08 § 2, 2008].

2.70.540 Accrual rate.

Leave shall accrue at a minimum of the rate of:

0 – 2 years	12 hours per month
2 – 5 years	14 hours per month
5 – 10 years	16 hours per month

10 or more years

18 hours per month

The City Manager shall have discretion to award service credit for accrual purposes to newly hired City employees based on prior experience. Sick leave shall be included in the benefit package at the rate of four hours per month. [Ord. 537-08 § 2, 2008].

2.70.545 Approval – Administrative procedures.

Department directors shall submit all leave requests to the Administration Department prior to granting leave to employees in their departments so that a determination can be made that the requested amount of leave has in fact been accrued. The Administration Department shall complete the leave balance portion of the leave slip, initial the leave slip and return it to the department director. If the employee does not have sufficient leave accrued, the City Manager and the department director will be so advised. The City Manager is the only person with authority to grant leave without pay. [Ord. 537-08 § 2, 2008].

2.70.550 Accrual while on paid leave.

Leave shall continue to accrue during the period of time that an employee is on paid leave. Leave does not accrue during periods of leave without pay nor during a period of terminal leave. [Ord. 537-08 § 2, 2008].

2.70.555 Accrual computation for permanent part-time employees.

Permanent part-time employees shall accrue leave at the same rate as regular full-time employees, except that leave shall be accrued based on the proportion of actual hours worked to the number of normal duty hours in a month for a full-time employee. [Ord. 537-08 § 2, 2008].

2.70.560 Accrual – Temporary appointment.

Temporary employees shall not accrue leave. [Ord. 537-08 § 2, 2008].

2.70.565 Accrual – Maximum accumulation.

The maximum number of hours of annual leave that may be carried over after December 31st of each year is 240 hours. [Ord. 537-08 § 2, 2008].

2.70.566 Reserved.

[Ord. 537-08 § 2, 2008].

2.70.570 Accrual – Credit upon completion of probationary period.

Employees who are entitled to accrue leave upon satisfactory completion of a probationary period shall receive credit for leave accrued since the date of appointment. Leave shall be due and usable upon

completion of probationary period, ~~generally with the exception of police officer's leave, which shall be due and usable following 180 90~~ days of employment. [Ord. 537-08 § 2, 2008].

2.70.575 Regular use.

The employee shall be allowed to use any amount of accrued leave at the time he or she desires; provided, that the department director determines that the employee's absence will not be detrimental to departmental operations. The employee shall give the department director adequate notice of his or her intent to take leave. The City Manager shall approve accrued leave requests of the department directors. [Ord. 537-08 § 2, 2008].

2.70.580 Amount to be taken yearly.

The minimum number of hours of annual leave that must be taken by all employees annually is 80 hours. This limitation shall not apply to new employees until January 1st of the calendar year following this date of hire. It shall be the responsibility of each department director to insure that work is conducted and vacation planning scheduled so that each employee in the department has the opportunity to use his or her hours of leave at a time that most nearly meets his or her desires, while still allowing the maintenance of City services at an adequate level. It shall be the responsibility of each department director to see that each employee under his or her supervision takes the minimum annual leave required by this section. The department director shall provide written justification to the City Manager if an employee in his or her department fails to take the minimum number of annual leave hours required. Such written justification shall be made a part of the personnel file of the employee in question. [Ord. 537-08 § 2, 2008].

2.70.585 Regular holidays not counted.

A recognized holiday which occurs during an employee's leave shall not be counted as a day of leave. [Ord. 537-08 § 2, 2008].

2.70.590 Exemptions.

When it is not feasible nor in the best interest of the City ~~service~~ to grant requested leave to an employee, such employee shall not be penalized by loss of ~~bona fide~~ accrued earned leave by the imposition of the maximum limits set forth above, but shall receive an automatic cashout of the excess accrued leave at the next payroll period, and the limitations of accrued leave accumulation shall be temporarily suspended. The decision of the City Manager shall govern as to the further use of such leave. [Ord. 537-08 § 2, 2008].

2.70.595 Annual – Cash in lieu.

An employee who has a balance of more than 240 hours of annual leave shall automatically receive a cashout of the excess accrued leave at the next payroll period. Such employees also may submit a request to cash in any number of annual leave hours at the employee's regular rate of pay so that the balance of remaining leave does not reduce the leave balance below 80 hours. An employee must submit their leave

cash-in requests by November 15th to be paid with the first regular payroll in December. The leave use requirements as stated above are not diminished or alleviated by cash-in of annual leave.

In documented cases of unforeseen financial emergencies, consistent with City policies of deferred compensation cash-in, the City Manager may authorize the City to purchase an employee's annual leave at his/her regular rate of pay. [Ord. 537-08 § 2, 2008].

2.70.600 Terminal leave.

Employees terminated shall be paid for their accrued earned annual leave. Accrued annual leave shall not be granted nor paid to an employee upon separation during initial probation. Accrued leave shall be paid in a lump sum. The salary or hourly rate used in computing a cash payment shall be that rate being received by the employee on the date of application for cash payment or the date that a resignation/separation notice is signed by the employee. [Ord. 537-08 § 2, 2008].

2.70.605 Reinstated employees' leave.

Reinstated employees must wait 90 days from their latest date of rehire before they will be permitted to use their accrued leave. Employees laid off due to a reduction of workforce are exempt from this section. [Ord. 537-08 § 2, 2008].

2.70.610 Military leave.

Absence from City duty for the purpose of participating as a member of a United States reserve component, either in active military service of the State or in military training, shall be authorized as required by law. [Ord. 537-08 § 2, 2008].

2.70.615 Jury leave.

Jury duty shall be treated as administrative leave from City duty without loss of longevity, leave or pay. Services in court performed by an employee when subpoenaed as a witness on behalf of the City, or when called as an expert on a matter of City concern, or relating to a municipal function, will be treated in the same manner as jury duty. In order to be entitled to jury leave, the employee shall provide his or her department director with written proof of the requirement of his or her presence for the hours claimed. Fees paid by the court ~~(other than travel and subsistence allowance)~~ shall be turned in for deposit to the City's general fund, except that fees paid for court duty occurring on the employee's normal nonworking days may be retained by the employee. Witness service for purposes other than those provided in this section will require use of annual leave or be considered leave without pay. The individual may retain any fees in this connection. [Ord. 537-08 § 2, 2008].

2.70.620 Leave without pay.

Leave without pay may be granted to an employee as required by law. No benefits will accrue while on leave without pay, except insurance, which will continue to be paid for 30 days or as required by law whichever is greater. [Ord. 537-08 § 2, 2008].

2.70.625 Unauthorized leave.

Any absence not authorized and approved in accordance with provisions of these regulations shall be without pay for the period of absence and shall be grounds for disciplinary action. [Ord. 537-08 § 2, 2008].

2.70.627 Emergency leave and donating leave.

An employee shall be given three paid working days off in a case of immediate family death. "Immediate family" consists of mother, father, brother, sister, wife, husband, grandmother, grandfather, children, grandchildren or stepchildren. Employees may donate their hours of leave to another employee only in cases where that employee is recovering from an accident or illness only after the employee receiving the donated leave has exhausted their accrued annual and sick leave. Such leave donations shall be time-based and made without regard to pay grade or valuation of services. [Ord. 537-08 § 2, 2008].

2.70.633 Extended absence due to illness.

Any absence for health reasons in excess of three working days or requiring hospitalization must have a signed release by a physician or physician assistant. [Ord. 537-08 § 2, 2008].

Article XV. Holidays with Pay

2.70.635 Recognized City holidays.

The following days shall be recognized as holidays with pay for all employees in ~~permanent regular full-time and, permanent part-time positions and temporary full-time positions (excluding all temporary positions of less than 15 working days' duration or not exceeding 30 hours of work per week)~~ who are in the pay status the day before and the day after the recognized holidays:

- A. The first of January, known as New Year's Day;
- B. The third Monday in February, known as Presidents' Day;
- C. The last Monday in May, known as Memorial Day;
- D. The Fourth of July, known as Independence Day;
- E. The first Monday in September, known as Labor Day;
- F. The third Friday in October, known as Alaska Day;
- G. The eleventh of November, known as Veterans' Day;
- H. The fourth Thursday in November, known as Thanksgiving Day, and the Friday immediately following Thanksgiving Day.
- I. The twenty-fifth day of December, known as Christmas Day, and one half working day immediately preceding Christmas Day; and
- J. One personal day. [Ord. 537-08 § 2, 2008].

2.70.640 Holiday falling on Saturday or Sunday.

When a recognized holiday falls on a Saturday, the preceding Friday shall be recognized in lieu thereof and treated as a holiday with respect to overtime compensation. When a recognized holiday falls on a Sunday, the Monday following shall be recognized in lieu thereof and treated as a holiday with respect to overtime compensation. [Ord. 537-08 § 2, 2008].

2.70.645 Holiday during annual leave.

A recognized City holiday, which occurs during an employee's annual leave, shall be counted as a holiday. [Ord. 537-08 § 2, 2008].

2.70.650 Holiday falling between two days of leave without pay.

A holiday occurring between two days of leave without pay shall not be paid. [Ord. 537-08 § 2, 2008].

2.70.655 Computation of holiday pay for permanent part-time employees.

Permanent part-time employees shall be paid holiday pay prorated based on their regularly scheduled hours equivalent to the actual hours they would normally have worked on a day on which a holiday falls. [Ord. 537-08 § 2, 2008].

Article XVI. Separations

2.70.660 Resignations.

To resign in good standing, a ~~non-exempt~~ employee must present a written resignation to his appointing authority at least 14 calendar days in advance of the day of termination. Exempt employees shall give no less than thirty (30) calendar days' written notice to the City Manager in advance of the effective date of his/her resignation. The City Manager at his/her discretion may provide pay in lieu of notice for any resigning employee, but in no account shall the amount of pay exceed 14 calendar days for non-exempt employees, or 30 calendar days for department directors and exempt employees. ~~is requirement may be waived in writing by the department director where adequate provision can be made for a successor in that period of time, as well as under extenuating circumstances.~~ A copy of the employee's resignation, ~~as well as any waiver by the department director,~~ shall be supplied by the appointing authority to the City Manager. The City Manager may conduct an investigation in order to verify the facts relating to a resignation. [Ord. 537-08 § 2, 2008].

2.70.665 Withdrawal of resignations.

Once a written resignation has been submitted, an employee may not withdraw a resignation without the express written approval of the City Manager. [Ord. 537-08 § 2, 2008].

2.70.670 Failure to give adequate notice.

Failure to give adequate notice shall be noted on personnel separation transaction form ~~if the requirement for such notice is not waived~~. This shall prevent the employee from preferential rehire. It may also be cause for denial of any future employment with the City. [Ord. 537-08 § 2, 2008].

2.70.675 Layoffs.

Examples of reasons for layoffs are:

- A. Abolishment of a position resulting from a shortage of work funds;
- B. Completion of seasonal work for a seasonal employee;
- C. End of temporary appointment because of reinstatement of regular employee returned from military or other approved leave and transfer to another position in the same class has not been achieved.

When it is necessary to reduce the number of employees because of lack of work or funds or abolition of positions, the department director concerned shall make recommendations to the City Manager, who shall decide which employees shall be laid off. Employee efficiency shall be the major factor in determining the order in which employees shall be released, and consideration shall then be given to employees' length of service with the City. The advisability of reassigning employees in higher classes to lower classes for which they are qualified and laying off those in lower classes shall also be considered. [Ord. 537-08 § 2, 2008].

2.70.680 Dismissal for disciplinary reasons.

A department director may dismiss an employee for any just cause, including but not limited to: (i) engaging in any form of dishonesty, criminal conduct, or unethical conduct, (ii) theft of property, (iii) failure to satisfactorily perform the employee's job duties, (iv) inefficiency, insubordination, (v) tardiness or absenteeism, (vi) violating the City's Drug- and Alcohol-Free Workplace Policy, or (vii) habitual tardiness, unexcused absences and use of or influence from intoxicating beverages or drugs while on duty~~engaging in any act or omission that constitutes just cause for termination under the laws of the State of Alaska. Prior to dismissing an employee, the department director shall discuss the proposed action. Dismissal action shall be reported immediately to with the City Manager by personal consultation.~~ A personnel evaluation report shall be submitted as soon as possible, setting forth the circumstances of the case. Any nonexempt employee shall be given the opportunity to participate in a pre-termination hearing. ~~Exempt employees are not eligible to participate in a pre-termination hearing and are not entitled to use the grievance process. Any exempt employee shall be given the opportunity to participate in a post-termination "name clearing" hearing before the grievance committee or in public at the choice of the terminated exempt employee.~~ [Ord. 537-08 § 2, 2008].

2.70.690 Dismissal notice or severance pay.

In a case where a permanent full time or permanent part time employee is laid off the City shall give the employee two weeks' notice or severance pay not to exceed two weeks. [Ord. 537-08 § 2, 2008].

Article XVII. Special Provisions

2.70.695 Gifts and gratuities.

It shall be the responsibility of each City employee to remain free from indebtedness or favors which would tend to create a conflict of interest between personal and official interests or might reasonably be interpreted as affecting the impartiality of the individual employee. If an employee is tendered or offered a gift or gratuity that would, in the eyes of the public or public officials, be construed as an attempt to bribe, influence or encourage special consideration with respect to municipal operations, such offer shall be reported without delay to the employee's immediate supervisor who in turn will inform the department director. If there is any doubt about whether a gift or gratuity is of such significance as to create undue influence upon an employee, the matter shall be reported to the department director concerned. If any employee knowingly accepts any gift or gratuity, which creates undue influence or results in special consideration, which benefits the giver, then, with the approval of the City Manager, that employee shall be dismissed from the City service. [Ord. 537-08 § 2, 2008].

2.70.700 Outside employment.

- A. No employee shall engage in any other employment, whether public, private or self-employment, during scheduled work hours nor outside scheduled work hours if such employment conflicts with the City's interests or adversely affects the employee's availability and usefulness. Supervisors are responsible for enforcing this regulation, and informing all employees under their supervision of its provisions.
- B. The following types of other employment are considered contrary to the City's interests and to adversely affect the availability and usefulness of employees:
 - 1. Preparation of financial reports subject to City audit or review;
 - 2. For department or division directors, or supervisory personnel, service as an officer of any union or association of City employees other than one representing such supervisory position;
 - 3. Active participation in the management of any business organization that obtains, or is attempting to obtain, funds or business from the City; ~~and~~
 - 4. Other employment wherein data or information to which access is provided by City employment could be used; and
 - 4.5. Any secondary employment that interferes with the employee's ability to adequately perform their job position for the City.
- C. ~~In administering this regulation, all management personnel shall encourage their employees to obtain w~~All employees engaged in secondary employment shall obtain written permission from the City Manager through their supervisor before accepting other employment. [Ord. 537-08 § 2, 2008].

Article XVIII. Travel Expenses

2.70.710 Per diem allowance.

Officers and employees of the City, while traveling on official business away from the City, shall be allowed a per diem allowance, which shall ~~be equivalent to the per diem rate offered by the State of Alaska to its employees, as the same may be amended from time to time~~be established by resolution of the City Council. [Ord. 537-08 § 2, 2008].

2.70.715 Mileage allowance.

Officials and employees of the City, while on official business away from the City, when using their own privately owned vehicle, shall be allowed a mileage allowance, which shall ~~be equivalent to the current Internal Revenue Service mileage rate, as amended from time to time~~established by resolution of the City Council. In addition to this mileage allowance, reimbursement shall be allowed for the actual cost of parking and other charges. [Ord. 537-08 § 2, 2008].

Article XIX. Prevention of Substance Abuse in the Workplace

2.70.720 Substance abuse policy.

It is the policy of the City of Whittier to achieve and maintain a safe work environment free from influence of alcohol and drug abuse through education, intervention and, where appropriate, drug and alcohol testing and disciplinary measures in order to assure the safety and protection of City employees, residents, visitors and facilities. City employees must comply with the Drug- and Alcohol-Free Workplace Policy of the City, the terms and conditions of which are incorporated herein by reference. ~~The City prohibits the possession, use, distribution, or sale of alcohol or illicit drugs in the workplace or when conducting City business and requires employees, contractors, and volunteers to be free from illicit drugs and the influence of alcohol when entering upon the workplace, while on duty and when conducting City business. The City cannot tolerate impairment of employee performance from the use of alcohol, drugs or other unlawful substances, including abuse of prescription drugs.~~ [Ord. 537-08 § 2, 2008].

2.70.723 Substance abuse program.

~~A. The City Manager shall promulgate and enforce procedures for the implementation of WMC 2.70.720 consistent with the personnel administration standards and procedures contained in WMC 2.70.010 et seq., including, where appropriate:~~

- ~~1. Pre-employment drug testing for all safety-sensitive and public safety positions and positions required by Federal or State law or regulations to be subject to pre-employment drug testing;~~

~~2. Random drug and alcohol testing of all employees, contractors and volunteers involved in transportation or other activities who are required by State or Federal laws or regulations to submit to such random tests, at the frequency required under the State or Federal laws or regulations;~~

~~3. Post-accident drug and alcohol testing of an employee, contractor or volunteer involved in a work related accident, when testing is justified, including a vehicle accident or other event where State or Federal laws or regulations require the employees associated with the accident to submit to post accident drug and alcohol tests;~~

~~4. Follow up random and return to duty testing of an employee who has either tested positive on an earlier test or has agreed to enter a rehabilitation program or counseling because of drug or alcohol induced problems; and~~

~~5. Reasonable suspicion drug and alcohol testing where any supervisor or other designated person who has received the minimum training required to recognize the symptoms of substance abuse has determined pursuant to established procedures that reasonable and specific grounds exist to believe that poor performance, unsafe or other acts of an employee, contractor or volunteer in the workplace are due to observed symptoms of being under the influence of drugs or alcohol.~~

~~The Manager, upon a determination that a position covered under the general language of this subsection (A) does not have duties or responsibilities involving possible significant threats to employee or public safety, may exempt or reduce the testing requirements applicable to such position to the extent Federal and State testing requirements do not apply to the position.~~

~~B. Where a State or Federal law or regulation requires drug or alcohol testing of employees, contractors, volunteers or applicants, the City shall implement the applicable requirements. A testing program meeting applicable State and Federal requirements is deemed to meet the requirements of subsection (A) of this section. This existence of State or Federal testing requirements does not preclude the City Manager from implementing a broader drug or alcohol testing program.~~

~~C. The City Manager shall take such additional actions as necessary to implement a program that will meet the requirements of the Drug Free Workplace Act of 1988. [Ord. 537-08 § 2, 2008].~~

Section 4: Effective Date. This ordinance is effective immediately upon adoption.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE WHITTIER CITY COUNCIL THIS ____ DAY OF _____, 2017.

1. Introduction date: June 20, 2017

Public Hearing: _____, 2017

ATTEST:

Jennifer Rogers
City Clerk

Daniel Blair
Mayor



THE CITY OF WHITTIER

Gateway to Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

June 16, 2017

From: City Manager

To: City Council

Memo re: WERFA Funds

All,

WERFA is a defunct firefighting unit that existed in Whittier to do fire protection for the tunnel in the early 2000s. They have reported to the City that they have \$14,650 of remaining funds that need to be distributed back to the community, or will be lost to the state. Our fire department is in need of an automated chest compression machine that costs around \$15,000. Chief Schofield and I suggest the money be used for that purpose. Holly is researching the matter, but can find no reason that the funds cannot be distributed back to local emergency services.

Thanks,

Mark Lynch



THE CITY OF WHITTIER

Gateway to Western Prince William Sound
P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

June 16, 2017

From: City Manager

To: City Council

Memo Re: PS Building Change Order / Police Proximity Detectors

All,

The new business item for Police Department proximity detectors is a change order for a requirement that Chief Schofield discovered after the contracts were signed. Therefore it is an additional charge of \$16,894. He will be available at the meeting to explain.

Thanks,

Mark Lynch



THE CITY OF WHITTIER

Gateway to Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

June 16, 2017

From: City Manager

To: City Council

Memo Re: August Meeting Date Amendment

All,

The August meeting date will fall on August 15th. I will be gone that week to the AML/AMMA summer meeting in Haines. It was suggested to me that Council might prefer to amend the meeting date. The following Tuesday is the 22nd, which might work for everyone.

Thanks,

Mark Lynch