

**CITY OF UNALASKA
UNALASKA, ALASKA
REGULAR MEETING
TUESDAY, JUNE 13, 2017, 6:00 PM
UNALASKA CITY HALL COUNCIL CHAMBERS
AGENDA**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

RECOGNITION OF VISITORS

ADDITIONS TO AGENDA

MINUTES: May 23-24, 2017

FINANCIAL REPORT

BOARD/COMMISSION REPORTS

AWARDS/PRESENTATIONS

MANAGER'S REPORT

COMMUNITY INPUT/ANNOUNCEMENTS

PUBLIC INPUT ON AGENDA ITEMS

PUBLIC HEARING

WORK SESSION:

1. Presentation: Scott Goodman of the Bering Sea Fisheries Research Foundation
2. Discussion: Changes to Title 2 - Administration
3. Discussion: Changes to Title 4 - Elections
4. Discussion: Fee Schedule changes for FY18
5. Discussion: Organization of Department of Public Safety - Fire/DPS separation
6. Discussion: Extended lease to GCI for a tower at the water division storage yard
7. Discussion: Port Request for Information survey results
8. Discussion: Fed Funding Priorities

RECONVENE TO REGULAR SESSION

CONSENT AGENDA:

1. RESOLUTION 2017-45: REQUESTING FY18 PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
2. RESOLUTION 2017-40: AUTHORIZING THE CITY MANAGER TO EXTEND THE PROFESSIONAL SERVICES AGREEMENT WITH BRAD GILMAN OF ROBERTSON, MONAGLE & EASTAUGH FOR LOBBYING SERVICES FOR AN ADDITIONAL TERM
3. RESOLUTION 2017-41: AUTHORIZING THE CITY MANAGER TO EXTEND THE PROFESSIONAL SERVICES AGREEMENT WITH RAY GILLESPIE OF GILLESPIE AND ASSOCIATES FOR AN ADDITIONAL TERM

UNFINISHED BUSINESS

NEW BUSINESS:

1. ORDINANCE 2017-08 – FIRST READING: AMENDING UNALASKA MUNICIPAL CODE CHAPTER 4.12 TO UPDATE CANDIDATE RESIDENCY AND FILING REQUIREMENTS, CHAPTER 4.20 TO UPDATE LANGUAGE ABOUT BALLOTS AND BALLOT COUNTING SYSTEMS, CHAPTER 4.24 AND 4.26 TO UPDATE PROCEDURES FOR THE USE OF OPTICAL SCAN EQUIPMENT AS STANDARD ELECTION PRACTICE, AND 4.32 TO ALLOW DELIVERY OF ABSENTEE BALLOTS BY ELECTRONIC MAIL
2. ORDINANCE 2017-09 – FIRST READING: AMENDING THE SCHEDULE OF FEES AND CHARGES FOR CITY PROVIDED SERVICES
3. RESOLUTION 2017-43: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTHERN ALASKA CONTRACTORS, LLC TO CONSTRUCT THE WESTWARD CAPTAIN'S BAY 35 KV LINE EXTENSION PROJECT IN THE AMOUNT OF \$1,399,060.52.
4. RESOLUTION 2017-44: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DEFORGE MARITIME TOWING TO SHIP SCRAP METAL AND JUNK VEHICLES FROM THE CITY OF UNALASKA'S LANDFILL TO SEATTLE IN THE AMOUNT OF \$275,000.
5. Mayor/Council Travel: Summer AML meeting in Haines, AK, August 14-19; Washington DC Lobby Trip Sept 8-14

COUNCIL DIRECTIVES TO MANAGER

COMMUNITY INPUT

ANNOUNCEMENTS

ADJOURNMENT

**CITY OF UNALASKA
UNALASKA, ALASKA
REGULAR MEETING
TUESDAY, MAY 23, 2017, 6:00 PM
UNALASKA CITY HALL COUNCIL CHAMBERS
MINUTES**

The regular meeting of the Unalaska City Council was called to order at 6:00 pm, May 23, 2017, in the Unalaska City Hall Council chambers. Roll was taken:

PRESENT:

Frank Kelty, Mayor
Rachelle Hatfield
Roger Rowland
John Waldron
Alejandro Tungul
David Gregory

ABSENT:

Yudelka Leclere

RECOGNITION OF VISITORS

ADDITIONS TO AGENDA

MINUTES: Waldron made a motion to adopt May 9, 2017 meeting minutes and Board of Equalization meeting minutes; Tungul seconded. Motion passed by consensus.

FINANCIAL REPORT: April 2017

BOARD/COMMISSION REPORTS

AWARDS/PRESENTATIONS: Recognition of Unalaska High School Band and Native Youth Olympians

MANAGER'S REPORT: In the packet.

COMMUNITY INPUT/ANNOUNCEMENTS:

- Library
 - o Summer Reading Program
- UCSD
 - o Dockside Discovery
 - o Graduation
- Ballyhoo Lions
 - o Memorial Day Ceremony
- 75th Anniversary WWII Bombing in Unalaska
- "Beyond the Grave" public speaker

PUBLIC INPUT ON AGENDA ITEMS: None.

PUBLIC HEARING:

Mayor Kelty opened the Public Hearing on Ordinance 2017-07.

1. **ORDINANCE 2017-07:** ADOPTING FISCAL YEAR 2018 OPERATING AND CAPITAL BUDGET FOR THE CITY OF UNALASKA

Hearing no comment, the Public Hearing was closed.

WORK SESSION:

Tungul made a motion to move into Work Session; Gregory seconded. Motion passed by consensus.

1. **Discussion:** Lobbyist contracts for FY18

David Martinson, City Manager, led the discussion on Lobbyist contracts for FY18.

RECONVENE TO REGULAR SESSION

CONSENT AGENDA: None.

UNFINISHED BUSINESS:

1. ORDINANCE 2017-07 – SECOND READING: ADOPTING FISCAL YEAR 2018 OPERATING AND CAPITAL BUDGET FOR THE CITY OF UNALASKA

NEW BUSINESS:

1. RESOLUTION 2017-28: AUTHORIZING THE CITY MANAGER TO SIGN THE FY18 COMMUNITY SCHOOLS AGREEMENT BETWEEN THE CITY OF UNALASKA AND THE UNALASKA CITY SCHOOL DISTRICT

Rowland made a motion to adopt Resolution 2017-28; Tungul seconded.

Waldron declared a conflict of interest.

Chair ruled a conflict of interest exists and Council Member Waldron will not vote on this resolution.

Roll Call Vote: Tungul – yes; Gregory – yes; Hatfield – yes; Rowland – yes.

Motion passed. 4-0.

2. RESOLUTION 2017-39: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTHERN ALASKA CONTRACTORS, LLC, TO CONSTRUCT THE MISCELLANEOUS STORM DRAIN IMPROVEMENTS PROJECT FOR \$1,719,581

Rowland made a motion to adopt Resolution 2017-39; Waldron seconded.

Roll Call Vote: Gregory – yes; Hatfield – yes; Rowland – yes; Waldron – yes; Tungul – yes.

Motion passed. 5-0.

Hatfield made a motion to enter into Executive Session; Gregory seconded.

EXECUTIVE SESSION: IBU Contract

Meeting returned to regular session.

3. RESOLUTION 2017-42: AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT BETWEEN THE CITY OF UNALASKA AND THE INLAND BOATMEN'S UNION OF THE PACIFIC, ALASKA REGION, REPRESENTING DEPARTMENT OF PORTS EMPLOYEES.

Waldron made a motion to adopt Resolution 2017-42; Hatfield seconded.

Roll Call Vote: Hatfield – yes; Rowland – yes; Waldron – yes; Tungul – yes; Gregory – yes.

Motion passed. 5-0.

COUNCIL DIRECTIVES TO MANAGER: None.

COMMUNITY INPUT: None.

ANNOUNCEMENTS: None.

ADJOURNMENT:

Council Member Gregory: "I move that when this meeting adjourns, it adjourns to meet at 6:00 pm, Wednesday, May 24th in the Unalaska City Hall council chambers; Hatfield seconded.

Vote: Motion passed by consensus.

Rowland made a motion to adjourn; seconded.

Vote: Motion passed by consensus.

**CITY OF UNALASKA
UNALASKA, ALASKA
CONTINUED REGULAR MEETING
WEDNESDAY, MAY 24, 2017, 6:00 PM
CONTINUED FROM TUESDAY, MAY 23, 2017
UNALASKA CITY HALL COUNCIL CHAMBERS
MINUTES**

The continued regular meeting from Tuesday, May 23, 2017, of the Unalaska City Council was called to order at 6:00 pm, May 24, 2017, in the Unalaska City Hall Council chambers. Roll was taken:

PRESENT:

Frank Kelty, Mayor
Rachelle Hatfield
Roger Rowland
John Waldron
Alejandro Tungul
David Gregory
Yudelka Leclere (Telephonic)

ABSENT:

None

UNFINISHED BUSINESS:

1. **ORDINANCE 2017-07 – SECOND READING:** **ADOPTING FISCAL YEAR 2018 OPERATING AND CAPITAL BUDGET FOR THE CITY OF UNALASKA**

Rowland made a motion to adopt Ordinance 2017-07; Leclere seconded.

Rowland made a motion to amend Ordinance 2017-07 to *Increase Ports and Harbors Debt Reimbursement Grants to \$369,494 and to decrease Ports and Harbors Budgeted Use of Unrestricted Net Assets to \$10,012,194*; seconded by Tungul.

Vote on amended motion: Motion passed 6-0.

Rowland: I move the question be divided into five parts to separate the following operating budget categories from the rest of the budget:

Part 1: Section 3(I)(A) –Expenditures

General Government
City Clerks

Part 2: Section 3(I)(A) – Expenditures

General Government
Parks, Culture & Recreation

Part 3: Section 3(I)(A) – Expenditures

General Government
Public Works

Part 4: Section 3(I)(C) - Proprietary Funds

Electric Fund
Water Fund
Wastewater Fund
Solid Waste Fund

Hatfield seconded.

Roll Call Vote: Leclere – yes; Hatfield – yes; Rowland – yes; Waldron – yes; Tungul – yes; Gregory – yes.

Motion passed 6-0.

Rowland: I move to approve that portion of Ordinance No. 2017-07 appropriating funds for General Government – City Clerks;

Gregory seconded.

Hatfield declared a conflict of interest and requested to recuse herself.

Chair ruled Hatfield will not vote on this section due to a conflict of interest.

Roll Call Vote: Rowland – yes; Waldron – yes; Tungul – yes; Gregory – yes; Leclere – yes.

Motion passed 5-0.

Rowland: I move to approve that portion of Ordinance No. 2107-07 appropriating funds for General Government – Parks, Culture & Recreation; Gregory Seconded.

Tungul declared a conflict of interest and requested to recuse himself.

Chair ruled Tungul will not vote on this section due to a conflict of interest.

Roll Call Vote: Rowland – yes; Waldron – yes; Gregory – yes; Leclere – yes; Hatfield – yes.

Motion passed 5-0.

Rowland: I move to approve that portion of Ordinance No. 2017-07 appropriating funds for General Government – Public Works; Tungul seconded.

Gregory declared a conflict of interest and requested to recuse himself.

Chair ruled Gregory will not vote on this section due to a conflict of interest.

Roll Call Vote: Waldron – yes; Tungul – yes; Leclere – yes; Hatfield – yes; Rowland – yes.
Motion passed 5-0.

Rowland: I move to approve that portion of Ordinance No. 2017-07 appropriating funds for Proprietary Funds – Electric Fund, Water Fund, Wastewater Fund and Solid Waste Fund; Waldron seconded.
Hatfield declared a conflict of interest and requested to recuse herself.
Chair ruled Hatfield will not vote on this section due to a conflict of interest.
Gregory declared conflict of interest and requested to recuse himself.
Chair ruled Gregory will not vote on this section due to a conflict of interest.
Roll Call Vote: Tungul – yes; Leclere – yes; Rowland – yes; Waldron – yes.
Motion passed 4-0.

Rowland: I move to approve the remaining portions of Ordinance No. 2017-07; Gregory seconded.
Roll Call Vote: Gregory – yes; Leclere – yes; Hatfield – yes; Rowland – yes; Waldron – yes; Tungul – yes.
Motion passed. 6-0.

ADJOURNMENT: The meeting adjourned at 7:20 p.m.

Cat Hazen
City Clerk

To: Mayor and Council

From: David A. Martinson, City Manager

Subject: City Manager's Report

Date: June 13, 2017

Fire Chief and Senior Fire Captain Vacancies: The job positing for the Fire Chief closed. There are 26 applications and GovHR, our recruiting firm, will winnow them down based on our criteria. We continue to work the process and hope to have final candidate within the next 30 days or so.

Public Safety Department Assessment: Due to medical issues Russell Consulting LLC, whom we were working to get to present their findings to the public on Monday June 12, 2017 will not be able to be here in Unalaska. As of Thursday June 8, 2017 we have not been able to get a copy of the report. Once we do we will determine the best method to share with the community.

Finance: We continue to advertise for a new finance director. Thus far we have had no applications. We are going to give it another week or two and then regroup to determine if we need to go out to hire a recruiter.

Summer Construction: This year we are trying something new. We have developed and published a Summer 2017 Construction Notice. We began posting it around town to give the community information on the major projects we will be working with dates. We hope this helps folks better understand where the inconveniences may occur during the summer. I have attached a copy to this report.

Council Training: As a reminder, there is Council Training scheduled on June 24, 2017. We will provide more details as we get the information.

Housing: As discussed in a previous email, housing is in a critical situation for City Employees and my guess is others in the community. I intend to submit a letter of interest to OC in the hopes the OC Board will consider building housing the City can lease. If OC's Board decides they are willing to move forward I plan to submit a letter of intent to OC for a minimum of 10 units pending an agreeable cost. We need to move forward so we can recruit and retain quality employees.



THE CITY OF UNALASKA
DEPARTMENT OF PUBLIC WORKS

SUMMER 2017 CONSTRUCTION NOTICE

Captains Bay Road – August 1 thru November 15 - Expect single lane closures and delays from the intersection of Airport Beach Road to Westward Seafoods as 6,900 feet of new electrical and communications gear is being trenched and installed.

Makushin Drive – July 1 thru November 30 - Expect about a 3 week period of closures with the road open to local traffic only between the intersections with Kashega Drive as 445 feet of new storm drain is being trenched and installed.

East Point Road – July 1 thru November 30 - Expect a 6 week period of lane closures, some 8-hr road closures, and delays from the intersection of Airport Beach Road to the Alley behind Safeway extending to Margaret's Bay as 1,785 feet of new storm drain is being trenched and installed.

East Point Road/Matson Yard – July 1 thru November 30 - Expect a 6 week closure in the area between the Delta Western Fuel Rack and the Matson Gatehouse as 1,528 feet of new storm drain is being trenched and installed.

Ballyhoo Road – June 12, 2017 thru November 1, 2018 - Expect speed limit reductions, heavy truck traffic, and some intermittent lane closures as the UMC Dock Expansion is being installed.

Overland Drive – July 10, 2017 thru July 21, 2017 - Expect a two week closure near the bottom of the hill on the north side of the pass (near Peace of Mind Trailhead) while crews replace a failing culvert.

The dates given above are preliminary and are subject to change. Road closures will be advertised on Channel 8 and KUCB at least 48 hours in advance. Direct questions to the City of Unalaska Department of Public Works at 907-591-1260 and email lgregory@ci.unalaska.ak.us if you wish to be added to the notification list.

Unalaska, Alaska Code of Ordinances

TITLE 2: ADMINISTRATION

Chapter

2.04 CITY OFFICES AND OFFICERS

2.08 MAYOR

2.12 CITY COUNCIL

2.16 CITY COUNCIL MEETINGS

2.20 CITY COUNCIL PROCEDURES

2.24 CITY MANAGER

2.28 CITY ATTORNEYS

2.30 ASSESSOR

2.32 DEPARTMENT OF ADMINISTRATION

2.36 DEPARTMENT OF THE CITY CLERK

2.38 DEPARTMENT OF FINANCE

2.40 DEPARTMENT OF PLANNING

2.44 DEPARTMENT OF PUBLIC SAFETY

2.48 DEPARTMENT OF PUBLIC WORKS

2.50 DEPARTMENT OF PARKS, CULTURE AND RECREATION

2.52 DEPARTMENT OF PUBLIC UTILITIES

2.54 DEPARTMENT OF PORTS AND HARBORS

2.60 STANDING COMMITTEES AND COMMISSIONS

2.62 SPECIAL COMMITTEES

2.64 PLANNING COMMISSION

2.72 PARKS, CULTURE AND RECREATION COMMITTEE

2.76 HISTORIC PRESERVATION COMMISSION

2.80 LIBRARY ADVISORY COMMITTEE

2.84 BONDS

2.88 RESPONSIBILITY OF OFFICERS, EMPLOYEES, AND COMMITTEE AND
COMMISSION MEMBERS

2.92 DOCUMENTS

2.96 EMERGENCY PREPAREDNESS

2.98 SCHOOLS

CHAPTER 2.04: CITY OFFICES AND OFFICERS

Section

2.04.010 City officials

2.04.020 Oath of office

2.04.030 Prohibitions

2.04.040 Conflict of interest

§ 2.04.010 CITY OFFICIALS.

(A) The following officials of the City shall be elected in accordance with City ordinances:

- (1) Mayor;
- (2) Members of the City Council; and
- (3) Members of the School Board.

(B) The City Manager and City Attorney shall be appointed by the City Council and shall serve at the discretion of the City Council.

(C) The following employees shall be appointed by the City Manager and shall serve at the discretion of the City Manager:

- (1) Assistant City Manager;
- (2) City Clerk;
- (3) Director of Finance;
- (4) Director of the Department of Planning;
- (5) Director of the Department of Public Safety;
- (6) Director of the Department of Public Works;
- (7) Director of the Department of Parks, Culture and Recreation;
- (8) Director of Public Utilities;
- (9) Port Director; and
- (10) Such other employees as may be authorized by the City Council.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.04.020 OATH OF OFFICE.

City officers, before taking office, shall affirm in writing that they will honestly, faithfully, and impartially perform their duties. The oath shall be filed with the City Clerk. The following city officials are required to sign the oath:

- (A) All elected officials;
- (B) Planning Commission members;
- (C) City Manager;
- (D) Assistant City Manager;
- (E) City Clerk;
- (F) Director of Finance;
- (G) Director of the Department of Public Safety;

(H) City Attorney; and

(I) Public Safety employees identified in 2.44.140.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2014-15, passed 7-8-14)

§ 2.04.030 PROHIBITIONS.

(A) A person may not be appointed to or removed from City office or in any way favored or discriminated against with respect to a City position because of the person's race, sex, creed, national origin, or, unless otherwise contrary to law, because of the person's political opinions or affiliations.

(B) Subject to AS 14.14.140, a state employee or school district employee may not be denied the right to serve as an elected City official because of employment by the state or a school district. For purposes of this subsection, a school district employee is not a City employee.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.04.040 CONFLICT OF INTEREST.

(A) A member of the City Council shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter.

(B) The Mayor shall rule on a request by a member of the City Council to be excused from a vote.

(C) The decision of the Mayor on a request by a member of the City Council to be excused from a vote may be overridden by the majority vote of the City Council.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.08: MAYOR

Section

2.08.010 Office of Mayor

2.08.020 Mayor's additional duties

2.08.030 Election and term of Mayor

2.08.040 Vacancy in the office of Mayor

2.08.050 Mayor pro tem

2.08.060 Salary of Mayor

2.08.070 Financial disclosure

§ 2.08.010 OFFICE OF MAYOR.

The Mayor shall preside at City Council meetings, act as ceremonial head of the City, execute official documents on authorization of the City Council, and perform such other duties as prescribed in this Code.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.08.020 MAYOR'S ADDITIONAL DUTIES.

The Mayor shall, in addition to the powers and duties conferred on this office by § 2.08.010, have the following duties:

(A) Assure that all ordinances and resolutions are executed;

(B) Sign the special assessment rolls;

(C) Act as ex-officio chair of the Board of Equalization for matters of taxation and special assessments;

(D) Take part in the discussion of matters before the City Council; and

(E) Vote in the case of a tie vote by the City Council. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.08.030 ELECTION AND TERM OF MAYOR.

(A) No person shall hold the elective office of Mayor or be eligible to seek election thereto unless at the time of declaration of candidacy, the person is a qualified voter of

the City who has resided within the City for a period of no less than twelve (12) consecutive months immediately prior to the time of submission of declaration of candidacy.

(B) The Mayor is elected at large for a term of three (3) years and until a successor is elected and has qualified.

(C) The regular term of the Mayor begins on the first Monday following certification of their election to office.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2014-15, passed 7-8-14)

§ 2.08.040 VACANCY IN THE OFFICE OF MAYOR.

(A) The City Council shall, by two-thirds affirmative vote, declare the office of Mayor vacant only when the person elected:

- (1) Fails to qualify or take office within thirty (30) days after election or appointment;
- (2) Unless excused by the City Council, is physically absent for ninety (90) consecutive days;
- (3) Resigns and the resignation is accepted by the City Council;
- (4) Is physically or mentally unable to perform the duties of office;
- (5) Is convicted of a felony or an offense involving a violation of the oath of office;
- (6) is convicted of a felony or misdemeanor described in AS 15.56;
- (7) Is convicted of a violation of AS 15.13; or
- (8) No longer physically resides in the City.

(B) A vacancy in the office of Mayor occurring six (6) months or less before a regular election shall be filled by the City Council. The person appointed serves until the next regular election, when a successor is elected to serve the balance of the term. If a member of the City Council is appointed Mayor, the member shall resign the seat on the City Council. If a vacancy occurs more than six months or less than sixty (60) days before a regular election, the City Council shall call a special election to fill the unexpired term.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.08.050 VICE MAYOR AND MAYOR PRO TEM.

The City Council may appoint a vice Mayor annually in the meeting immediately following the certification of the results of the election. The Vice Mayor shall serve for a term of one (1) year. Should the office of Mayor and Vice Mayor become vacant, or if the existing Mayor and Vice Mayor are-is temporarily absent or disabled, or areis unable to act, the City Council may appoint a Mayor pro tem, to serve until the Mayor or Vice Mayor resumes his or her official duties or until a new Mayor or Vice Mayor is qualified under this Chapter.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.08.060 SALARY OF MAYOR.

The compensation of the Mayor shall be seven hundred dollars (\$700) per month. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.08.070 FINANCIAL DISCLOSURE.

The Mayor shall submit to the City Clerk a Statement of Financial Disclosure as required by Alaska law by March 15 of each year. (Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.12: CITY COUNCIL

Section

2.12.010 Composition of City Council

2.12.020 Qualifications of City Council

2.12.030 Election and term of City Council

2.12.040 Compensation of City Council members

2.12.050 Vacancy on City Council

2.12.060 Financial disclosure

§ 2.12.010 COMPOSITION OF CITY COUNCIL.

The City Council shall be composed of six (6) members, elected as designated in § 2.12.030. The City Council shall propose and adopt ordinances and resolutions and generally legislate for the affairs of the community. It shall also approve the budget, the capital improvement program, and other matters as provided in City ordinances.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.12.020 QUALIFICATIONS OF CITY COUNCIL.

(A) No person shall hold the elective office of City Council or be eligible to seek election thereto unless at the time of declaration of candidacy they are a voter in the city who has resided within the city for a period of no less than twelve (12) consecutive months immediately prior to the time of submission of declaration of candidacy. A member of the City Council who ceases to be a voter in the city immediately forfeits office.

(B) A member of the City Council who accepts appointment to the City of Unalaska Planning Commission/Platting Board immediately forfeits their membership on the City Council upon acceptance by performing the duties of a Commission/Board member or by taking the oath of office for the Commission/Board.

(C) All members shall take an oath to honestly, faithfully, and impartially perform the duties of their office, which oath shall be filed with the City Clerk.

(Am. Ord. 99-25, passed 11-23-99; Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2014-15, passed 7-8-14)

§ 2.12.030 ELECTION AND TERM OF CITY COUNCIL.

An annual election shall be held every year on the first Tuesday of October for the election of the vacant or expired seats of the City Council as provided for in Title 4 of this Code. Newly elected members shall serve three (3)-year terms, and until a successor is qualified, except as otherwise provided in § 2.12.050(C)(3). Members shall be elected at large. The term of a City Council member begins on the first Monday following certification of their election to office.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.12.040 COMPENSATION OF CITY COUNCIL MEMBERS.

The salary of members of the City Council shall be two hundred fifty dollars (\$250) per scheduled regular meeting and work session, -and one hundred twenty-five dollars (\$125) per special meeting. The Salary may not exceed seven hundred (\$700) in a single calendar month. In the event a Council Member is absent from a scheduled regular meeting due to travel on City business, the Council Member shall be paid for the meeting. No elected or appointed official of the City shall receive additional compensation from the City for any service to the City, except pre-approved per diem for travel authorized by the City, or as provided by this Code.

(Am. Ord. 99-05, passed 4-27-99; Am. Ord. 2002-09, passed 6-25-02; Am. Ord. 2004-04, passed 3-9-04)

§ 2.12.050 VACANCY ON CITY COUNCIL.

(A) The office of City Council member is vacated under the following conditions and upon the declaration of vacancy by the City Council. The City Council shall declare a vacancy when the person elected:

- (1) Fails to qualify or take office within thirty (30) days after election or appointment to office;
- (2) Is physically absent from the city for ninety (90) consecutive days, unless excused by the City Council;
- (3) Resigns and the resignation is accepted;
- (4) Is physically or mentally unable to perform the duties of office as determined by a two-thirds vote of the City Council;
- (5) Is convicted of a felony or of an offense involving a violation of the oath of office;
- (6) Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the City Council concur in expelling the person elected;
- (7) Is convicted of a violation of AS 15.13;
- (8) No longer physically resides in the City or the Council Member accepts appointment to the City of Unalaska Planning Commission or Platting Board and the City Council by

a two-thirds vote declares the seat vacant with the exception that this paragraph does not apply to a member of the City Council who forfeits office under AS 29.20.140(a); or

(9) Misses more than four (4) consecutive regular meetings, including work sessions, in any twelve (12)-month period beginning January 1 of each year and is not excused; provided, however, that exceptions will be granted for members who cannot attend meetings due to death in the immediate family, due to a personal or family medical emergency, and due to official City business so long as the Member provided advance notice of their expected absence to the Mayor in which instance non-attendance due to these circumstances shall be considered "excused absence" and shall not be counted in the attendance policy.

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

(B) During a meeting, the Mayor will declare, for the record, if an absent Council Member is excused or unexcused. When a regular meeting and a work session are held the same day, it will be counted as one meeting.

(C) Vacancies on the City Council shall be filled according to the following procedures:

(1) The remaining members shall, within thirty (30) days of vacancy, appoint a qualified person to fill the vacancy. If a vacancy occurs less than sixty (60) days before a regular election, Council shall appoint a qualified person to serve until the following year's regular election.

(2) Notwithstanding division (A) of this section, if the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall within seven (7) days appoint a number of qualified persons to constitute a quorum.

(3) A person appointed under this section serves until the next regular election which can be conducted in accordance with requirements for declaration of candidacy, notice of election, and the printing of the ballots, when a successor shall be elected to serve the balance of the term.

(Am. Ord. 99-25, 11-23-99; Am. Ord. 2004-04, passed 3-9-04)

§ 2.12.060 FINANCIAL DISCLOSURE.

Council Members shall submit to the City Clerk a Statement of Financial Disclosure as required by Alaska law by March 15 of each year.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.16: CITY COUNCIL MEETINGS

Section

2.16.010 Meetings public

2.16.020 Notice of meetings

2.16.030 Publication

2.16.040 Regular meetings

2.16.050 Special meetings

2.16.060 Work sessions

2.16.070 Executive session

§ 2.16.010 MEETINGS PUBLIC.

Meetings of the City Council shall be public. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.16.020 NOTICE OF MEETINGS.

Reasonable public notice shall be given of all City Council meetings. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.16.030 PUBLICATION.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time, and place of the meeting is published not less than seventy-two (72) hours before the time of the meeting by posting such statement in not less than three (3) public places within the City or by announcement of such meeting seventy- two (72) hours before the time of the meeting on radio or television stations within the city.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.16.040 REGULAR MEETINGS.

(A) Regular meetings of the City Council shall convene at the City Hall, or any other designated place as may be approved by a majority vote of the City Council, on the second and fourth Tuesday of each month at the hour of 6:00 p.m., unless a different time is designated by the Mayor at least twenty-four (24) hours in advance of the meeting to be convened at a different time. All regular meetings shall be promptly adjourned no later than 11:00 p.m. of the same evening unless a majority vote of the City Council approves a later adjournment. If all agenda items of the regular meeting and work sessions are not able to be heard in the time allotted above, the regular meeting or work session will be reconvened the immediate following evening, or succession of evenings at 6:00 p.m., unless a different time is designated by the Mayor. Any such designation shall be made on the record at the time it is decided to reconvene at a later date, with the same time-adjournment provisions. If reasons prohibit successive evening meetings in order to accomplish the complete hearing of all agenda items, then a specific day and time will be set for resumption of the regular meeting pursuant to the procedure set forth in this Chapter under "Special Meetings," and all business at the meeting, including notification times and agenda, will conform to the procedures governing special meetings.

(B) When the City Council intends to hold a regular meeting or a work session at a public location other than the usual place of the City Council meeting, the City Clerk shall give notice of the City Council meetings and work sessions. Such notice shall set forth with particularity the location of the meeting. The notice shall be published at least twenty-four (24) hours prior to the scheduled meeting.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2014-15, passed 7-8-14)

§ 2.16.050 SPECIAL MEETINGS.

Special City Council meetings or work sessions may be called by the City Manager, Mayor, or upon the request of at least two members of the City Council. The request shall be directed to the City Clerk who shall give notice of the special meeting to the City Manager, Mayor and/or the other members of the City Council. No less than twenty-four (24) hours' notice from the time of the scheduled meetings must be given each City Council member and the general public. Only those agenda items included in the notification will be allowed to be heard by the City Council at the meeting.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.16.060 WORK SESSIONS.

The City Council may hold work sessions for the purposes of planning, and for studying and discussing any question permitted by law. No official action, such as adoption of an ordinance or resolution, shall be taken by the City Council on any matters discussed in the work session until the matter is placed on the City Council agenda at a regular or special meeting. Work sessions shall be held in the regular meeting place of the City Council, or at any other designated place as may be approved by a majority vote of the City Council. Adjournment times and reconvening procedures shall follow the provisions set forth for regular meetings. The City Council may set public hearings at work sessions and may hold executive sessions.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.16.070 EXECUTIVE SESSION.

(A) The City Council may, after convening as a public meeting, upon a majority vote of the body, determine to meet in an executive session to consider any matter set forth in divisions (B) or (C) of this section. The motion calling for the executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private, and no other matters may be considered at the executive session.

(B) The following may be discussed in an executive session:

(1) Matters that, if immediately disclosed, would tend to adversely affect the finances of the City;

(2) Matters that would tend to injure the reputation of a person; provided, however, that the person may request a public discussion;

(3) Matters which by law are required to be kept confidential;

(4) Negotiations with labor organizations representing City employees; and

(5) Matters involving the consideration of government records that by law are not subject to public disclosure.

(C) At the request of the City Attorney, the City Manager, or any member of the City Council, the City Council may vote to meet in executive session to discuss legal matters or receive legal advice from an attorney, including but not limited to matters of pending or anticipated litigation, recommendations regarding proposed City Council action

having serious legal implications, or other legal matters the disclosure or public discussion of which will or may tend to adversely effect the legal positions of the City. All discussions with the City Attorney of legal matters considered pursuant to this section shall be confidential.

(D) No official action may be taken at an executive session except to give direction to an attorney or labor negotiator regarding the handling of a specific matter or pending labor negotiations.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.20: CITY COUNCIL PROCEDURES

Section

2.20.010 Mayor as presiding officer

2.20.020 Order of business

2.20.025 Agenda

2.20.030 Minutes

2.20.040 Rules of order

2.20.050 Motions

2.20.060 Voting

2.20.070 Quorum

2.20.075 Telephonic participation

2.20.080 Mayor's vote

2.20.090 Veto

2.20.100 Duties of the City Clerk at City Council meetings

§ 2.20.010 MAYOR AS PRESIDING OFFICER.

(A) The Mayor shall preside at all meetings of the City Council. The Mayor shall preserve order and decorum among the City Council members, and is responsible for conducting the meeting in compliance with the rules of the City Council. The Mayor may at any time make such rules as deemed proper to preserve order among the spectators during sessions of the City Council.

(B) The Mayor may speak to points of order in preference to other members, and shall decide all points of order, subject to appeal to the City Council by motion duly seconded. The Mayor may at any time call any member to the chair during any meeting, such substitution to discontinue when the Mayor elects to resume the chair, and in no event beyond adjournment of the meeting at which such substitution is made.

(C) In the temporary absence or disability of the Mayor, any member of the City Council may call the City Council to order at any duly called meeting to elect a Mayor pro tem from among its members and the Mayor pro tem shall exercise all the powers of chair during such temporary absence or disability of the Mayor and may also vote.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.20.020 ORDER OF BUSINESS.

(A) The following shall be the order of business at the regular meetings of the City Council:

- (1) Call to order;
- (2) Roll call;
- (3) Pledge of allegiance;
- (4) Recognition of visitors;
- (5) Minutes of previous meetings;
- (6) Reports;
- (7) Awards/presentations;
- (8) Adoption of agenda;
- (9) Community input/announcements;
- (10) Public testimony on agenda Items;

- (11) Public hearings;
- (12) Consent agenda;
- (13) Regular agenda;
- (14) Community input/announcements; and
- (15) Adjournment.

(B) A period for public testimony for each agenda item shall occur during the City Council's discussion of the item. Members of the audience wishing to testify on an agenda item during a regular meeting must notify the City Clerk. During a work session, members of the audience wishing to testify may raise their hand and be recognized by the Mayor.

(C) Discussion and/or action by the City Council during the course of the meeting shall be undisturbed by members of the audience unless requested to speak by the Mayor.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.20.025 AGENDA.

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

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

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

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

(1) For purposes of this division, an "action item" is any item which:

- (a) Introduces an ordinance or a resolution;
 - (b) Requires an ordinance or a resolution;
 - (c) Awards a contract;
 - (d) Expends budgeted funds or authorizes expenditure of budgeted funds in excess of ten thousand dollars (\$10,000); or
 - (e) Due to its complexity, requires more extensive public notice.
- (2) This division is intended to allow additions to the agenda which:
- (a) Direct the City Manager or the City Attorney to investigate and/or to report on an issue;
 - (b) Direct the City Manager to prepare a document or other item for future consideration by the Council;
 - (c) Request the Council to hold an executive session concerning an item which appears on the published agenda, or concerning an item which may be added under this division;
 - (d) Are for the purpose of receiving information only; or
 - (e) Are other minor matters of a similar nature as those listed in (2)(a) through (2)(d) of this division.
- (Ord. 2006-10, passed 5-23-06)

§ 2.20.030 MINUTES.

- (A) Minutes of all regular and special meetings shall be taken. All minutes of meetings shall be kept in the journal of the proceedings of the City Council. Copies of the minutes of the City Council shall be distributed by the City Clerk to the public upon request.
- (B) Unless a reading of the minutes of a City Council meeting is requested by a member of the City Council, such minutes may be approved without reading if the City Clerk has previously furnished each member with a synopsis.
- (C) A City Council member may request, through the Mayor, the privilege of having a verbatim record of their statement on any subject under consideration by the City Council entered in the minutes.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.20.040 RULES OF ORDER.

The conduct of the meetings of the City Council shall be governed by the Mayor according to Robert's Rules of Order, except as may otherwise be prohibited by Alaska Statute or this Code. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.20.050 MOTIONS.

All original main motions shall require a second. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.20.060 VOTING.

(A) Actions of the City Council are adopted by a majority of the total membership of the body.

(B) The Mayor shall declare all votes; but, if any member doubts a vote, the Mayor, without further debate upon the question, shall request the members voting in the affirmative and negative respectively to so indicate, and shall declare the result.

(C) The vote upon all original main motions considered by the City Council shall be taken by "yes" or "no" votes which shall be entered upon the record, except when the vote is unanimous, it shall be necessary only to so state.

(D) Every member who shall be present when a question is put, where the member is not disqualified by conflict of interest, shall vote, unless the City Council for special reason approves an excuse from the vote. Applications to be excused must be made before the vote.

(E) In all cases where an extraordinary majority (two-thirds majority) is not required, and when no motion is before the City Council, the Mayor may, in lieu of calling for or awaiting a motion to be made, put the question in the following form: "Without objection, it will be so ordered." If no objection is heard, the Mayor shall announce: "It is so ordered," which will have the same effect as if a motion to that effect had been made and voted upon favorably. If a single objection is reasonably expressed when the question is put, the Mayor shall not proceed further under this rule, but instead shall call for a motion, which motion shall be handled in the regular manner.

(F) The final vote on each ordinance, resolution, or substantive motion is a record roll

call vote. All City Council members present shall vote unless the City Council, for special reasons, permits a member to abstain.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.20.070 QUORUM.

A majority of the total membership of the City Council authorized by law constitutes a quorum.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.20.075 TELEPHONIC PARTICIPATION.

(A) A Council member or the Mayor may participate via telephone in any meeting or work session up to six times annually. Additional meetings by telephone may be considered by the Mayor or Mayor pro-tem depending on the circumstances which prevent the person's physical attendance at the meeting. A City Council meeting must have at least three members physically present. Any member participating by telephone shall be considered present at the meeting or session for all purposes under this chapter. In order to participate by telephone, the member or the Mayor must declare in advance to the City Clerk that out of town travel prevents physical attendance at the meeting. If the Mayor chooses to participate via telephone, the Council shall appoint a Mayor pro tem to preside in the Mayor's stead.

(B) Notice under this section is acceptable, if provided in writing or via electronic mail, and must include a short description of the circumstances which prevent the person's physical attendance at the meeting.

(C) Telephonic participation shall be refused by the Mayor if, at any time, it appears that technical capabilities or other interference does not allow all persons, whether physically present or not, to hear and engage in discussion. Where practicable, any written materials or other information presented during the meeting should be made available to persons participating via telephone.

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

(Ord. 2006-10, passed 5-23-06; Am. Ord. 2015-09, passed 5-12-15; Am. Ord. 2015-20,

passed
11-10-15)

§ 2.20.080 MAYOR'S VOTE.

The Mayor is not a City Council member. The Mayor may take part in the discussion of a matter before the City Council, but the Mayor may not vote except in the case of a tie.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.20.090 VETO.

(A) The Mayor may veto any ordinance, resolution, motion, or other action of the City Council and may, by veto, strike or reduce items in appropriation ordinances. The Mayor shall submit to the City Council at its next regular meeting a written statement advising of the veto and giving the reasons for the veto. A veto may be overridden by the vote of two-thirds of the authorized membership of the City Council within twenty-one (21) days following exercise of the veto or at the next regular meeting, whichever is later.

(B) The veto does not extend to (1) appropriation items in a school budget ordinance; (2) actions of the governing body sitting as a Board of Equalization; or (3) adoption or repeal of a manager plan of a government.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.20.100 DUTIES OF THE CITY CLERK AT CITY COUNCIL MEETINGS.

The City Clerk shall give notice of the City Council meetings, shall attend all meetings of the City Council and keep the journal of its proceedings, and shall authenticate by signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.24: CITY MANAGER

Section

2.24.010 City Manager

2.24.020 Term of City Manager

2.24.030 Qualifications of City Manager

2.24.040 Power and duties of the City Manager

2.24.050 City Council meetings

2.24.060 Interference with the City Manager

2.24.070 Financial disclosure

§ 2.24.010 CITY MANAGER.

There shall be a manager of the City. The City Council shall appoint the City Manager. The City Manager shall receive such compensation as the City Council may determine. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.24.020 TERM OF CITY MANAGER.

The City Manager shall hold office at the discretion of the City Council. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.24.030 QUALIFICATIONS OF CITY MANAGER.

The City Manager shall be appointed solely on the basis of their executive and administrative qualifications, and with particular reference to their education, training and experience as a professional city administrator. The City Council by ordinance may set forth specific qualifications. No member of the City Council may be appointed as City Manager unless at least two (2) years have intervened since the expiration of the member's last term on the City Council and the date of appointment.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.24.040 POWER AND DUTIES OF THE CITY MANAGER.

The City Manager is the chief administrative officer of the City. The City Manager shall:

- (A) Appoint, suspend, or remove City employees and administrative officers except as provided otherwise in this Code and AS 14.14.065;
- (B) Supervise the enforcement of City law and carry out the directives of the governing body;
- (C) Prepare and submit the annual budget and capital improvement program for consideration by the City Council;
- (D) Execute the budget and capital programs adopted by the City Council;
- (E) Make monthly financial reports on City finances and operations as required by the City Council;
- (F) Report to the City Council at the end of each fiscal year on the finances and administrative activities of the City;
- (G) Prepare and make available for public distribution an annual report on City affairs;
- (H) Serve as or appoint a City personnel officer;
- (I) Exercise custody over all real and personal property of the City, except property of the school district;
- (J) Direct and supervise the construction, maintenance, and operation of City public works;
- (K) Make such recommendations to the City Council as they deem expedient or necessary;
- (L) Assign additional functions or duties to offices, departments or agencies established by ordinance and may likewise transfer functions or duties from one such office, department or agency to another; and
- (M) Administer and manage the public utilities and such other City services, by means of such officers and employees as the Manager shall appoint.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.24.050 CITY COUNCIL MEETINGS.

The City Manager shall have the right to take part in the discussion of all matters before the City Council.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.24.060 INTERFERENCE WITH THE CITY MANAGER.

Except for the purposes of inquiry, the City Council and the Mayor or other official of the City shall deal with the administrative service solely through the City Manager, and neither the City Council, nor any member thereof, nor the Mayor, nor any other city official shall give orders to any subordinate of the City Manager, either publicly or privately. Neither the City Council, nor any of its members, nor the Mayor shall dictate the appointment of any person to office or employment by the City Manager, except as permitted by state law or by an ordinance of the City, nor shall they interfere in any manner with the City Manager or prevent the City Manager from exercising their own judgment in the selection of officers and employees in the administrative service.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.52.040 SUCCESSION TO THE CITY MANAGER

Should the City Manager position become vacant or should the City Manager be absent or unable to perform their duties, the order of interim succession of the City Manager shall be determined as follows:

(A) The Assistant City Manager;

(B) The Director of Ports and Harbors;

(C) The Director of Public Safety.

§ 2.24.070 FINANCIAL DISCLOSURE.

The City Manager shall submit to the City Clerk a Statement of Financial Disclosure as required by Alaska law by March 15 of each year.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.28: CITY ATTORNEYS

Section

2.28.010 City Attorneys

2.28.020 Duties of the City Attorneys

§ 2.28.010 CITY ATTORNEYS.

The City Attorneys shall be appointed by the City Council and shall hold office at the discretion of the City Council.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.28.020 DUTIES OF THE CITY ATTORNEYS.

(A) The City Attorneys shall have the following duties:

- (1) Be charged with the performance of all legal services for the City, including those of legal advisor to the City Council, to the City Manager, and to all departments and offices of the City;
- (2) Upon the request of the City Council, the Mayor, the City Manager, or on their own initiative, take the necessary steps to arrange for the prosecution of violations of the City ordinances;
- (3) Represent the City in all matters, civil and criminal, in which the City is interested, before any court or tribunal;
- (4) Draft any ordinance when required by the City Council or by the City Manager;
- (5) Perform such other duties as may be required by the City Council or the City Manager;
- (6) Report to the City Council promptly all suits brought against the City;
- (7) Call to the attention of the City Council and the City Manager all matters of law affecting the City;
- (8) Maintain a record of all Attorney opinions rendered and turn that record over to any successor;

(9) Render all opinions in writing, insofar as practicable; and

(10) Appear before the state legislature or any committee thereof, when required by the City Council or the City Manager, and there represent the interests and welfare of the City whenever the same may be directly or incidentally affected.

(B) The School Board may hire independent counsel, when, in its judgment, independent counsel is needed.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.30: ASSESSOR

Section

2.30.010 Assessor

2.30.020 Duties of the Assessor

§ 2.30.010 ASSESSOR.

The City Assessor shall be appointed by the City Manager and shall hold office at the discretion of the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.30.020 DUTIES OF THE ASSESSOR.

The City Assessor shall annually list and assess all of the taxable property in the city at its just and fair value. The City Assessor shall file the list and assessment as soon as completed with the City Clerk, who shall serve a notice of the filing upon each person or business within the city whose property has been assessed. The City Assessor shall also perform such other duties as are required.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.32: DEPARTMENT OF ADMINISTRATION

Section

2.32.010 Department of Administration

2.32.020 Assistant City Manager

2.32.030 Duties of the Assistant City Manager

§ 2.32.010 DEPARTMENT OF ADMINISTRATION.

There is created a Department of Administration, the head of which shall be the Assistant City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.32.020 ASSISTANT CITY MANAGER.

The Assistant City Manager shall be appointed by the City Manager and shall hold office at the discretion of the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.32.030 DUTIES OF THE ASSISTANT CITY MANAGER.

Under the supervision of the City Manager, the Assistant City Manager shall have the following duties:

- (A) Unless otherwise established by written directive of the City Manager, function as the City Manager in the absence of the City Manager;
- (B) Supervise the personnel systems of the City, including compensation, recruitment, selection, and training of employees;
- (C) Manage the City's housing program;
- (D) Establish and maintain personnel and administrative policies and procedures;

(E) Supervise risk management for the City, including safety/loss control and insurance programs; and

(F) Perform other such duties as may be specified in this Code or by the City Manager.
(Am. Ord. 2004-04, passed 3-9-04)

§ 2.52.040 SUCCESSION TO THE ASSISTANT CITY MANAGER

Should the Assistant City Manager position become vacant or should the Assistant City Manager be absent or unable to perform their duties, the City Manager will appoint an interim Assistant City Manager.

CHAPTER 2.36: DEPARTMENT OF THE CITY CLERK

Section

2.36.010 Department of the City Clerk

2.36.020 City Clerk

2.36.030 Duties of the City Clerk

2.36.040 Acting City Clerk

§ 2.36.010 DEPARTMENT OF THE CITY CLERK.

There is created a Department of the City Clerk, the head of which shall be the City Clerk. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.36.020 CITY CLERK.

The City Clerk shall be appointed by the City Manager and shall hold office at the discretion of the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.36.030 DUTIES OF THE CITY CLERK.

Under the supervision of the City Manager, the City Clerk shall have the following duties:

- (A) Give notice of the time and place of City Council meetings to the City Council and to the public;
- (B) Attend City Council meetings and be responsible for keeping a journal of such meetings;
- (C) Arrange publication of notices, ordinances, and resolutions;
- (D) Maintain and make available for public inspection an indexed file containing City ordinances, resolutions, rules, regulations, and Codes;
- (E) Attest deeds and other documents;
- (F) Administer all oaths required by law;
- (G) Be the custodian of the City Seal and the official records of the City;
- (H) Maintain records and files of all official documents, deeds, contracts, and agreements;
- (I) Be the registrar of the City and be responsible for the calling and supervision of all City elections, unless otherwise provided by law;
- (J) Arrange the tax calendar, compile and be responsible for the tax rolls and all tax billings and collections by the City; and
- (K) Perform other duties specified in this Code or prescribed by the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.36.040 ACTING CITY CLERK.

§ 2.52.040 SUCCESSION TO THE CITY CLERK

Should the City Clerk position become vacant or should the City Clerk be absent or unable to perform their duties, the interim succession of the City Clerk shall be the Deputy City Clerk. If the Deputy City Clerk is unavailable the City Manager will appoint

~~an interim City Clerk. In case of the temporary absence of the City Clerk, the City Manager may designate an acting~~ The interim City Clerk ~~shall, with~~have all the powers and obligations of the City Clerk. The acting City Clerk shall sign all documents in the name of the City Clerk, subscribing their personal signature as acting City Clerk.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.38: DEPARTMENT OF FINANCE

Section

2.38.010 Department of Finance

2.38.020 Director of Finance

2.38.030 Duties of the Director of Finance

§ 2.38.010 DEPARTMENT OF FINANCE.

There is created a Department of Finance, the head of which shall be the Director of Finance. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.38.020 DIRECTOR OF FINANCE.

The Director of Finance shall be appointed by the City Manager and shall hold office at the discretion of the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.38.030 DUTIES OF THE DIRECTOR OF FINANCE.

Under the supervision of the City Manager, the Director of Finance shall have the following duties:

(A) Function as the chief financial officer of the City, and hold the office and perform the duties of City Treasurer of the City, unless the office and duties of City Treasurer are assigned otherwise by the City Manager;

(B) Supervise all accounting activity of the City including periodic and annual financial reporting, budget preparation and monitoring, and billing and collections for the City's enterprise funds;

(C) Supervise purchasing for the City;

(D) Supervise data processing for the City; and

(E) Perform other such duties as may be specified in this Code or by the City Manager.

(F) Before paying any unpaid account, the Director of Finance shall deduct from the amount owed such sum, consistent with applicable law, if any, as may be due the City, by the person in whose favor such unpaid account is drawn.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.52.040 SUCCESSION TO THE DIRECTOR OF FINANCE

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

(A) The Controller;

(B) Information Systems Supervisor.

CHAPTER 2.40: DEPARTMENT OF PLANNING

Section

2.40.010 Department of Planning

2.40.020 Director of Planning

2.40.030 Duties of the Director of Planning

§ 2.40.010 DEPARTMENT OF PLANNING.

There shall be a Department of Planning, the head of which shall be the Director of Planning. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.40.020 DIRECTOR OF PLANNING.

The Director of Planning shall be appointed by the City Manager and shall hold office at the discretion of the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.40.030 DUTIES OF THE DIRECTOR OF PLANNING.

Under the supervision of the City Manager, the Director of Planning shall have the following duties:

- (A) Attempt to supervise and direct enforcement of the City's land use ordinances, rules, and regulations;
- (B) Provide technical and staff support to the Planning Commission/Platting Board and the Historic Preservation Commission;
- (C) Act as the platting authority for right of way acquisition plats and abbreviated plats;
- (D) Review all building permits for consistency with the requirements set forth in Title 8 of this Code;
- (E) Issue, or in conjunction with the Department of Public Safety, cause to be issued, citations for minor offenses and notices of other violations of the city's planning and zoning laws; and
- (F) Perform other such duties as may be specified in this Code or by the City Manager. (Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2015-01, passed 1-27-15; Am. Ord. 2016-02, passed 2-23-16)

§ 2.52.040 SUCCESSION TO THE PLANNING DIRECTOR

Should the Planning Director position become vacant or should the Planning Director be absent or unable to perform their duties, the order of interim succession of the Planning Director shall be determined as follows:

(A) The Assistant City Manager;

(B) The Associate Planner

CHAPTER 2.44: DEPARTMENT OF PUBLIC SAFETY

Section

2.44.010 Department of Public Safety

2.44.020 Director of Public Safety

2.44.030 Duties of the Director of Public Safety

2.44.040 Succession to the Director of Public Safety

2.44.050 Division of Police Services

2.44.060 Deputy Chief of Police

2.44.070 Duties of the Deputy Chief of Police

2.44.080 Duties of the Division of Police Services

2.44.090 Application of state law to police and correctional officers

2.44.100 Division of Fire and Emergency Medical Services

2.44.110 Fire Chief

2.44.120 Duties of the Fire Chief

2.44.130 Duties of the Division of Fire and Emergency Medical Services

2.44.140 Oath of Office

2.44.150 Code of Ethics

§ 2.44.010 DEPARTMENT OF PUBLIC SAFETY.

There is created a Department of Public Safety, the head of which shall be the Director of Public Safety.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2009-14, passed 7-28-09; Am. Ord. 2014-15, passed 7-8-14)

§ 2.44.020 DIRECTOR OF PUBLIC SAFETY.

The Director of Public Safety shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. The Director of Public Safety shall also hold the title of Chief of Police.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2009-14, passed 7-28-09; Am. Ord. 2014-15, passed 7-8-14)

§ 2.44.030 DUTIES OF THE DIRECTOR OF PUBLIC SAFETY.

Under the supervision of the City Manager, the Director of Public Safety shall have the following duties:

- (A) Supervise all activities of the Department;
- (B) Establish a set of rules and regulations governing the discipline, training, and operation of the Department; and
- (C) Perform other such duties as may be specified in this Code or by the City Manager.
(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2009-14, passed 7-28-09; Am. Ord. 2014-15, passed 7-8-14)

§ 2.44.040 SUCCESSION TO THE DIRECTOR OF PUBLIC SAFETY.

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

- (A) The Deputy Chief of Police;
- (B) The Fire Chief;
- (C) The Police Sergeants in order of seniority. (Ord. 2014-15, passed 7-8-14)

§ 2.44.050 DIVISION OF POLICE SERVICES.

There is created a Division of Police Services, the head of which shall be the Deputy Chief of Police.

(Ord. 2014-15, passed 7-8-14)

§ 2.44.060 DEPUTY CHIEF OF POLICE.

The Director of Public Safety shall hire and supervise a Deputy Chief of Police to administer the Division of Police Services.

(Ord. 2014-15, passed 7-8-14)

§ 2.44.070 DUTIES OF THE DEPUTY CHIEF OF POLICE.

Under the supervision of the Director of Public Safety, the Deputy Chief of Police shall have the following duties:

- (A) Manage the budget, operation and personnel of the Division of Police Services;
- (B) Direct and manage all activities of the Division;
- (C) Direct and manage the community contract jail;
- (D) Direct and manage Animal Control;
- (E) Direct and manage contract DMV services;
- (F) Establish Standard Operating Guidelines necessary to govern the discipline, training, and operation of the Division;
- (G) Report Division status and activities to the Director of Public Safety; and
- (H) Perform other such duties as may be necessary to ensure compliance with the requirements of applicable Alaska Statutes and Alaska Administrative Code, or as required by the Director of Public Safety.

(Ord. 2014-15, passed 7-8-14)

§ 2.44.080 DUTIES OF THE DIVISION OF POLICE SERVICES.

It shall be the duty of the Division of Police Services to do the following:

- (A) Provide comprehensive police services, including community patrols, emergency responses and criminal investigations;
 - (B) Attempt to apprehend, arrest, and bring to justice all violators of federal, state, or City law;
 - (C) Attempt to suppress all riots, affrays, and unlawful assemblies, and generally keep the peace;
 - (D) Serve warrants, writs, executions, and other processes properly directed and delivered to it;
 - (E) Investigate all applicants for any license or permit when such application requires certification by the Department of Public Safety;
 - (F) Attempt to promote productive community partnerships through education, outreach and public relations programs;
 - (G) Manage a community contract jail which provides housing for persons being held on criminal charges, those in need of protective custody, and persons being held at the request of Federal agencies;
 - (H) Provide Animal Control services which enforces animal control ordinances, cares for impounded animals and educates the public about animal welfare issues;
 - (I) Provide a contract DMV office and employee for the community; and
 - (J) Perform such other duties as shall be required of the Division by the Director.
- (Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2009-14, passed 7-28-09; Am. Ord. 2014-15, passed 7-8-14)

§ 2.44.090 APPLICATION OF STATE LAW TO POLICE AND CORRECTIONAL OFFICERS.

The hiring, employment, certification and dismissal of police and corrections employees shall be consistent with state law and regulations as defined in AS 18.65.130 - 18.65.290, and 13 AAC Chapter 85.

(Am. Ord. 2001-17, passed 9-25-01; Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2009-14, passed 7-28-09; Am. Ord. 2014-15, passed 7-8-14)

§ 2.44.100 DIVISION OF FIRE AND EMERGENCY MEDICAL SERVICES.

There is created a Division of Fire and Emergency Medical Services, the head of which shall be the Fire Chief.

(Ord. 2014-15, passed 7-8-14)

§ 2.44.110 FIRE CHIEF.

The Director of Public Safety shall hire and supervise a Fire Chief to administer the Division of Fire and Emergency Medical Services.

(Ord. 2014-15, passed 7-8-14)

§ 2.44.120 DUTIES OF THE FIRE CHIEF.

Under the supervision of the Director of Public Safety, the Fire Chief shall have the following duties:

- (A) Manage the budget, operation and personnel of the Division of Fire and Emergency Medical Services;
- (B) Appoint and supervise fire officers as needed for effective operation of the Division;
- (C) Maintain adequate volunteer membership in the Division;
- (D) Direct and manage all activities of the Division;
- (E) Direct and manage dispatch services;
- (F) Direct and manage the investigation of the cause, origin and circumstances of all fires;
- (G) Establish Standard Operating Guidelines necessary to govern the discipline, training, and operation of the Division;
- (H) Report Division status and activities to the Director of Public Safety; and
- (I) Perform other such duties as may be necessary to ensure compliance with the requirements of applicable Alaska Statutes and Alaska Administrative Code including but not limited to 13 AAC 52.030, or as required by the Director of Public Safety. (Ord. 2014-15, passed 7-8-14)

§ 2.44.130 DUTIES OF THE DIVISION OF FIRE AND EMERGENCY MEDICAL SERVICES.

It shall be the duty of the Division of Fire and Emergency Medical Services to do the following:

- (A) Provide fire supersession, fire prevention, rescue, and emergency medical services;
- (B) Enforce ordinances relating to fires, fire prevention, and safety of persons from fire;
- (C) Investigate fires to determine cause and origin as required by 13 AAC 52.030;
- (D) Coordinate emergency response to hazardous materials incidents and natural or manmade disasters;
- (E) Coordinate and perform search and rescue functions undertaken by the City of Unalaska;
- (F) Provide fire safety, fire prevention, health, and safety education to attempt to reduce the risk and consequences of emergencies;
- (G) Assist in the review of building plans and permits to include code inspections as requested by the Planning Director or the Alaska State Fire Marshal;
- (H) Provide other services intended to protect life and property;
- (I) Provide dispatch services for the Department, Alaska State Troopers, and other emergency response agencies; and
- (J) Perform such other duties as shall be required of the Division by the Director.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2009-14, passed 7-28-09; Am. Ord. 2014-15, passed 7-8-14)

§ 2.44.140 OATH OF OFFICE.

The following members of the Department of Public Safety will be required to take and sign an Oath of Office prior to assuming duties of the position:

- (A) Deputy Chief of Police;
- (B) Fire Chief;

(C) Police Officers;

(D) Corrections Officers;

(E) Fire Officers.

(Ord. 2014-15, passed 7-8-14)

§ 2.44.150 CODE OF ETHICS.

Certain members of the Department of Public Safety will be required to attest and subscribe to a Code of Ethics:

(A) In accordance with 13 AAC 85.040 members required to hold a basic, intermediate, or advanced police certificate must attest and subscribe to the law enforcement Code of Ethics.

(B) In accordance with 13 AAC 85.235 members required to hold a basic, municipal correctional officer certificate must attest and subscribe to the municipal correctional officer Code of Ethics.

(C) The fire and EMS service is founded on mutual respect and trust between responders and the citizens they serve. To ensure the continuing integrity of the fire and EMS service, the highest standards of ethical conduct must be maintained at all times. Therefore, all members of the Division of Fire and EMS must attest and subscribe to the Firefighter/EMT Code of Ethics as adopted by the City of Unalaska Department of Public Safety.

(Ord. 2014-15, passed 7-8-14)

CHAPTER 2.48: DEPARTMENT OF PUBLIC WORKS

Section

2.48.010 Department of Public Works

2.48.020 Director of Public Works

2.48.030 Duties of the Director of Public Works

§ 2.48.010 DEPARTMENT OF PUBLIC WORKS.

There is created a Department of Public Works, the head of which shall be the Director of Public Works.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.48.020 DIRECTOR OF PUBLIC WORKS.

The Director of Public Works shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. The Director of Public Works may be combined with the Director of Public Utilities at the discretion of the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.48.030 DUTIES OF THE DIRECTOR OF PUBLIC WORKS.

Under the supervision of the City Manager, the Director of Public Works shall have the following duties:

(A) Be responsible for all matters pertaining to construction, management, maintenance, and operation of City facilities under the Department of Public Works' jurisdiction;

(B) Coordinate with the Department of Planning the planning of such changes or improvements to City facilities as are essential or desirable for the future growth of the City;

(C) See that no encroachments of fences, buildings, or otherwise are made upon any street, public land, or land of the City;

(D) Upon request, furnish to all applicants, so far as the records reasonably allow, any information pertaining to the lines and grades of streets on which the applicant's home is situated, or upon which the applicants may intend to build;

(E) Prepare or cause to be prepared all contracts, and all specifications that may be required for public works, subject to review by the City Attorney; and

(F) Maintain the City streets, sidewalks, public lands, grounds, and buildings under the Department of Public Works' jurisdiction.

(G) Perform the duties of the Director of Public Utilities where the position of Director of

Public Utilities has been incorporated into the position of Director of Public Works at the discretion of the City Manager.

(H) Perform other duties as may be specified in this Code or by the City Manager. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.48.040 SUCCESSION TO THE DIRECTOR OF PUBLIC WORKS

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

(A) The Director of Public Utilities;

(B) The Deputy Director of Public Utilities;

(C) The City Manager

CHAPTER 2.50: DEPARTMENT OF PARKS, CULTURE AND RECREATION

Section

2.50.010 Department of Parks, Culture and Recreation

2.50.015 Unalaska Public Library

2.50.020 Director of Parks, Culture and Recreation

2.50.030 Duties of the Director of Parks, Culture and Recreation

§ 2.50.010 DEPARTMENT OF PARKS, CULTURE AND RECREATION.

There is created a Department of Parks, Culture and Recreation, the head of which shall be the Director of Parks, Culture and Recreation. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.50.015 UNALASKA PUBLIC LIBRARY.

There is created the Unalaska Public Library, the administration of which shall be the responsibility of the Director of Parks, Culture and Recreation.

(Ordinance No. 95-31; Am. Ord. 2004-04, passed 3-9-04)

§ 2.50.020 DIRECTOR OF PARKS, CULTURE AND RECREATION.

The Director of Parks, Culture and Recreation shall be appointed by the City Manager and shall hold office at the discretion of the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.50.030 DUTIES OF THE DIRECTOR OF PARKS, CULTURE AND RECREATION.

Under the supervision of the City Manager, the Director of Parks, Culture and Recreation shall have the following duties:

- (A) Supervise and direct the recreational programs and activities sponsored or administered by the City;
- (B) Coordinate the maintenance and use of the parks, recreational areas, playgrounds, and other City facilities used in conjunction with the recreational programs and activities sponsored or administered by the City;
- (C) Work with and provide technical assistance and staff support to the Parks, Culture and Recreation Advisory Committee and the Library Advisory Committee; and
- (D) Perform other duties as may be specified in this Code or by the City Manager. (Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2015-01, passed 1-27-15)

§ 2.52.040 SUCCESSION TO THE DIRECTOR OF PARKS, CULTURE AND RECREATIONCITY

Should the PCR Director position become vacant or should the PCR Director be absent or unable to perform their duties, the order of interim succession of the PCR Director shall be determined as follows:

(A) Recreation Manager;

(B) Operations Manager;

(C) City Librarian

CHAPTER 2.52: DEPARTMENT OF PUBLIC UTILITIES

Section

2.52.010 Department of Public Utilities

2.52.020 Director of Public Utilities

2.52.030 Duties of the Director of Public Utilities

§ 2.52.010 DEPARTMENT OF PUBLIC UTILITIES.

There is created a Department of Public Utilities, the head of which shall be the Director of Public Utilities.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.52.020 DIRECTOR OF PUBLIC UTILITIES.

The Director of Public Utilities shall be appointed by the City Manager and shall hold office at the discretion of the City Manager. The Director of Public Utilities may be combined with the Director of Public Works at the discretion of the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.52.030 DUTIES OF THE DIRECTOR OF PUBLIC UTILITIES.

Under the supervision of the City Manager, the Director of Public Utilities shall have the following duties:

- (A) Manage the City's electric, water, wastewater, and solid waste utilities;
- (B) Administer the electric, water, wastewater, and solid waste enterprise funds;
- (C) Supervise all matters related to the management, operation, and maintenance of the City's public utility facilities and systems;
- (D) Coordinate with the Director of Public Works the construction of capital projects related to the City's public utility facilities and systems;

(E) Coordinate with the Director of Finance on fiscal matters relating to the administration of the utility enterprise funds; and

(F) Perform other duties as may be specified in this Code or by the City Manager. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.52.040 SUCCESSION TO THE DIRECTOR OF PUBLIC UTILITIES

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

(A) The Deputy Director of Public Utilities;

(B) The Director of Public Works;

(C) The City Manager.

CHAPTER 2.54: DEPARTMENT OF PORTS AND HARBORS

Section

2.54.010 Department of Ports and Harbors

2.54.020 Director of Ports and Harbors

2.54.030 Duties of the Director of Ports and Harbors

§ 2.54.010 DEPARTMENT OF PORTS AND HARBORS.

There is created a Department of Ports and Harbors, the head of which shall be the Director of
Ports and Harbors.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.54.020 DIRECTOR OF PORTS AND HARBORS.

The Director of Ports and Harbors shall be appointed by the City Manager and shall

hold office at the discretion of the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.54.030 DUTIES OF THE DIRECTOR OF PORTS AND HARBORS.

Under the supervision of the City Manager, the Director of Ports and Harbors shall have the following duties:

- (A) Manage the City's port and airport terminal facilities;
- (B) Administer the ports and harbors, and airport enterprise funds;
- (C) Supervise all matters related to the management, operation, and maintenance of the City's ports and harbors and airport terminal facilities;
- (D) Coordinate with the Director of Public Works on the construction of capital projects related to the City's port and airport terminal facilities;
- (E) Coordinate with the Department of Finance on fiscal matters relating to the administration of the ports and harbors, and airport enterprise funds; and
- (F) Perform other duties as may be specified in this Code or by the City Manager. (Am. Ord. 2004-04, passed 3-9-04)

§2.54.040 Succession to the Director of Ports and Harbors

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

(A) The Deputy Ports and Harbor Director

(B) The Harbor Master

CHAPTER 2.60: STANDING COMMITTEES AND COMMISSIONS

Section

2.60.010 Standing committees and commissions

2.60.020 Establishment

2.60.030 Members

2.60.040 Appointment

2.60.050 Vacancy

2.60.060 Ex officio members

2.60.070 Quorum

2.60.080 Meetings

2.60.090 Reports and minutes

2.60.100 Conflict of interest

2.60.110 Procedure

§ 2.60.010 STANDING COMMITTEES AND COMMISSIONS.

(A) Unless a specific ordinance provides otherwise, a standing advisory committee or commission of the City shall be governed by each of the following provisions set forth in this Chapter.

(B) A committee or commission shall be established in the manner provided in this Chapter.

(C) Committees or commissions shall, unless otherwise provided, act in an advisory capacity through the Department Director to the City Manager and the City Council. If not otherwise provided for in this Code, the City Manager shall appoint a Department Director to a committee or commission.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.020 ESTABLISHMENT.

A standing committee or commission shall be established by ordinance.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.030 MEMBERS.

The term of each member of a committee or commission shall be three (3) years. A member of a committee or commission shall be a city resident. A committee or commission shall appoint one of its members chair, for a term to fixed by the committee or commission. The committee or commission shall also appoint a vice-chair to act in the absence of the chair, or in the inability of the chair to act.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.040 APPOINTMENT.

Each member of a committee or commission shall be appointed by the Mayor subject to approval of the City Council. The terms of initial appointments to a committee or commission shall be staggered so that as nearly as possible a pro rated number of members shall be appointed for each year during the regular term of office established for the members of the committee or commission. A member shall serve until the expiration of their term. The regular term of a member of a committee or commission shall commence on February 15 of the year of appointment, and shall expire on February 14 of the year their term expires.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.050 VACANCY.

(A) Unless stated otherwise, the office of a member of a committee or commission shall become vacant on the failure of a member:

- (1) To qualify within thirty (30) days;
- (2) To attend three (3) consecutive regular and special meetings without excuse; or
- (3) To attend a majority of regular and special meetings during any calendar year without excuse.

(B) A member intending to be absent at a regular meeting shall request the Chair, in advance of the meeting, for permission to be absent. During a meeting, the Chair will declare, for the record, if an absent member is excused or unexcused. Minutes shall reflect when an absent member is excused or unexcused.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.060 EX OFFICIO MEMBERS.

The Mayor and/or the City Manager may, at their discretion, be an ex officio member of any committee or commission. The City Manager may appoint an employee of the City for the purpose of acting as a secretary to the committee or commission, or to furnish the committee or commission with technical advice, and information. An ex officio member shall not be entitled to vote on any question to be determined by the committee or commission, nor shall an ex officio member be considered a member for the purpose of establishing a quorum of any committee or commission. An ex officio member shall not be entitled to any compensation for ex officio duties on any committee or commission. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.070 QUORUM.

A majority of the voting members of a committee or commission shall be a quorum for the transaction of business. In the absence of quorum for the transaction of business, any number less than a quorum may recess a meeting to a later time or date.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.080 MEETINGS.

A committee or commission shall hold regular monthly meetings at such time and place as may from time to time be designated by the committee or commission unless otherwise specified by the Code. Meetings need not be held if no business is pending. The chair of a committee or commission, or the City officer or employee who is an ex officio member of the committee or commission, at the request of the chair, may call a special meeting of the committee or commission. All meetings of a commission, committee, special committee, subcommittee, authority, agency, or other organization, including subordinate units of the above groups, created by this Code or by the City Council, shall be public; except, however, executive sessions may be held as described in § 2.16.070. Public notice of all meetings of a commission, committee, subcommittee, authority, agency, or other organization, including subordinate units of the above groups, created by this Code or by the City Council shall be given as described in § 2.16.020.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.090 REPORTS AND MINUTES.

The committee or commission shall keep minutes of the meeting proceedings and such minutes shall record the vote of each member upon every question. The minutes shall be filed in the office of the City Clerk and shall be a public record open to inspection by any person. Each committee or commission shall prepare an annual report to be submitted to the City Council and City Manager prior to February 1 of the following year. The report shall summarize the activities and business of the committee or commission during the prior calendar year. Annually, committees and commissions will present their reports to the City Council at a regularly scheduled meeting.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.100 CONFLICT OF INTEREST.

No member of a committee or commission may vote on any question upon which the member has a substantial financial interest.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.60.110 PROCEDURE.

The conduct of the meetings of a committee or commission board shall be governed by the chair according to its own rules and order of business which it may establish in writing. In all matters of procedure not covered by rules adopted by the committee or commission the conduct of the meetings shall be governed by the chair according to Robert's Rules of Order.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.62: SPECIAL COMMITTEES

Section

2.62.010 Special committees

2.62.020 Establishment

2.62.030 Members

2.62.040 Appointment

§ 2.62.010 SPECIAL COMMITTEES.

(A) Unless a specific ordinance or resolution provides otherwise, a special committee of the City shall be governed by each of the following provisions set forth in this Chapter and in §§ 2.60.050, 2.60.060, 2.60.070, 2.60.080, 2.60.100 and 2.60.110 of this Code.

(B) A special committee shall be established in the manner provided in this Chapter.

(C) Special committees shall, unless otherwise provided, act in an advisory capacity through the Department Director to the City Manager and the City Council.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.62.020 ESTABLISHMENT.

A special committee shall be established by the City Council by resolution. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.62.030 MEMBERS.

A member of a special committee shall be a City resident. A special committee shall appoint one of its members as chair, for a term to be fixed by the committee.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.62.040 APPOINTMENT.

Each member of a special committee shall be appointed by the Mayor subject to approval of the City Council. The term of an appointment to a special committee shall be fixed by the City Council.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.64: PLANNING COMMISSION

Section

2.64.010 Establishment

2.64.020 Membership

2.64.030 Duties and responsibilities

§ 2.64.010 ESTABLISHMENT.

There is hereby established a Planning Commission and Platting Board hereinafter referred to collectively as the Commission.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.64.020 MEMBERSHIP.

(A) The Commission shall consist of the same five (5) members who shall serve on both the Planning Commission and the Platting Board. All members shall be bona fide residents and qualified voters of the City.

(B) The City Manager and the Director of Planning shall be ex officio members of the Commission with their participation subject to the provisions of § 2.60.060.

(C) A member of the Commission, other than an ex officio member, shall submit to the City Clerk a Statement of Financial Disclosure as required by Alaska law by March 15 of each year. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.64.030 DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the Commission are set forth in § 8.04.050 of this Code. (Am. Ord. 2004-04, passed 3-9-04)

Based on the roles and responsibilities of the Planning Commission this is the only standing committee that shall receive compensation for serving.

§ 2.64.040 COMPENSATION OF PLANNING COMMISSIONERS.

The salary of members of the Planning Commission shall be one hundred dollars (\$100) per scheduled regular meeting or special meeting. No elected or appointed official of the

City shall receive additional compensation from the City for any service to the City, except pre-approved per diem for travel authorized by the City, or as provided by this Code.

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CHAPTER 2.72: PARKS, CULTURE AND RECREATION COMMITTEE

Section

2.72.010 Committee created

2.72.020 Duties and responsibilities

§ 2.72.010 COMMITTEE CREATED.

The Parks, Culture and Recreation Committee is hereby created. The Committee shall consist of seven (7) members, one of whom shall be a student in the Unalaska City School. The term of the student shall be one (1) year.

(Ordinance No. 95-25; Am. Ord. 99-27, passed 12-14-99; Am. Ord. 2004-04, passed 3-9-04)

§ 2.72.020 DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the Parks, Culture and Recreation Committee are:

(A) To work in an advisory capacity relating to the improvement, operation, and maintenance of the City's parks and recreation facilities and programs and relating to the creation of public interest in and public support of such facilities and programs; and

(B) To make recommendations to the City as the committee deems desirable to the City Manager and City Council through the Director of Parks, Culture and Recreation. (Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.76: HISTORIC PRESERVATION COMMISSION

Section

2.76.010 Membership

2.76.015 Appointment

2.76.020 Officers

Cross Reference:

2.76.030 Meetings

2.76.040 Duties and responsibilities

2.76.050 Support staff

Register of historic places, Ch. 17.32

§ 2.76.010 MEMBERSHIP.

The Historic Preservation Commission is hereby established. The Commission shall consist of seven (7) members who reside in the community, and who have demonstrated interest in, competence in, or knowledge of historic preservation, history, anthropology, and/or architecture. Those filling the professional positions of historian, anthropologist, and architect, as required by the National Park Service regulations, may reside outside of the City and shall act as ex officio members of the Commission with their participation subject to the provisions of § 2.60.060 where not otherwise restricted by law. A professional may reside within the City and be a voting member of the Commission while serving in their professional capacity.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.76.015 APPOINTMENT.

All members of the Planning Commission are appointed as members of the Historic Preservation Commission. This appointment includes as voting members of the Historic Preservation Commission the ex officio members of the Planning Commission, the City Manager and the Director of Planning.

(Ord. 2014-15, passed 7-8-14)

§ 2.76.020 OFFICERS.

The Historic Preservation Commission shall designate a member as its clerk. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.76.030 MEETINGS.

The Historic Preservation Commission shall meet at least twice each calendar year. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.76.040 DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the Historic Preservation Commission are:

(A) SURVEY AND INVENTORY COMMUNITY HISTORIC RESOURCES. The Commission shall conduct, or cause to be conducted, a survey of the historic, architectural, and archeological resources within the community. The survey shall be compatible with the Alaska Heritage Resources Survey and be capable of being readily integrated into statewide comprehensive historic preservation planning, and other planning processes. Survey and inventory documents shall be maintained by the City and released on a need-to-know basis to protect the site location from possible vandalism. The survey will be updated at least every ten (10) years.

(B) REVIEW UNDER THE NATIONAL HISTORIC PRESERVATION ACT. The Commission shall serve as the historic preservation review commission for the City for the purpose of qualifying the City as a certified local government to review nominations to the National Register of Historic Places and for the purpose of consulting with federal and State authorities in the section 106 review under to the National Historic Preservation Act. The Commission shall review and comment on all proposed National Register nominations for properties within the boundaries of the City to the State Historic Preservation Officer. Recommendations on nominations shall be transmitted to the State Historic Preservation Office through the Mayor. When the Historic Preservation Commission considers a National Register nomination or participates in a section 106 consultation requiring expertise or knowledge of an area in which the Commission members do not possess, the Commission shall consult with experts in that area before making a recommendation. Review and consultation made under the National Historic Preservation Act shall be an independent review of the Commission.

(C) PROVIDE ADVICE AND INFORMATION. The Historic Preservation Commission shall act in an advisory role to other officials, and to City Departments regarding the identification and protection of local historic and archaeological resources and historic preservation planning. Subject to division (B) of this section, the Historic Preservation Commission shall not make any applications or endorsements to other agencies, entities, or governmental units on behalf of the City without prior approval by the City Council. The Commission shall work toward the continuing education of the public

regarding historic preservation and the community's history.

(D) ENFORCEMENT OF STATE HISTORIC PRESERVATION LAWS. The Historic Preservation Commission shall support the enforcement of the Alaska Historic Preservation Act.

(E) RECOMMENDATIONS. At least twice yearly, the Commission shall review and, where it deems appropriate, recommend nominations to or deletions from the Unalaska Register of Historic Places to the Unalaska City Council. Recommendations shall be made through the Director of Planning to City Manager and the City Council.

(Am. Ord. No. 2001-02, passed 2-27-01; Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2015-01, passed 1-27-15)

§ 2.76.050 SUPPORT STAFF.

The Department of Planning shall provide technical assistance and staff support to the Historic Preservation Commission.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2015-01, passed 1-27-15)

CHAPTER 2.80: LIBRARY ADVISORY COMMITTEE

Section

2.80.010 Committee established

2.80.020 Duties and responsibilities

§ 2.80.010 COMMITTEE ESTABLISHED.

The Library Advisory Committee is hereby established and shall consist of seven (7) members.

(Ordinance No. 95-09; Am. Ord. 2004-04, passed 3-9-04)

§ 2.80.020 DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the Library Advisory Committee are:

(A) To work in an advisory capacity relating to the improvement, operation, and maintenance of the City's public library, including evaluating recommendations from the City Librarian regarding the care, staffing, equipping, and managing of the City's public library;

(B) To consider and evaluate on-going and proposed programs of the public library and to make recommendations regarding the development of the City's public library and its resources.

(C) To work in an advisory capacity relating to the creation of public interest in and public support of the programs of the City's public library; and

(D) To make recommendations to the City as the committee deems desirable to the City Manager and City Council through the Director of Parks, Culture and Recreation. (Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.84: BONDS

Section

2.84.010 Official bonds

§ 2.84.010 OFFICIAL BONDS.

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

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

~~(B) (C) OTHER OFFICERS AND EMPLOYEES. Every City officer and employee who collects, has custody of, or disburses any public monies, or who has custody of, and issues materials, supplies, and equipment, must prior thereto, at the expense of the City, furnish to the City and maintain in full force and effect a corporate surety bond in an amount not less than five hundred thousand dollars (\$500,000). Other City officers~~

and employees who collect, have custody of, or disburse public monies materials, supplies or equipment shall be bonded on a case by case basis as determined by the City Manager and/or City Council.

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

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

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(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.88: RESPONSIBILITY OF OFFICERS, EMPLOYEES, AND COMMITTEE AND COMMISSION MEMBERS

Section

2.88.010 Conduct in office

2.88.020 Participation in contracting prohibited

2.88.030 Voting on certain questions prohibited

2.88.040 Disclosure of interests

2.88.045 Restrictions on gifts

2.88.046 Restrictions on political activity

2.88.047 Restrictions on use of municipal property

2.88.048 Restrictions on employment of elected officials

2.88.050 Suspension and forfeiture of office or employment

2.88.060 Transactions between City and official or employee

2.88.070 Indemnification of City employees against claims

2.88.080 Insurance coverage

2.88.085 Definitions

2.88.090 Penalty for violations

§ 2.88.010 CONDUCT IN OFFICE.

(A) The City Council or City Manager may investigate the conduct of any City department, official, committee member, or employee. Any person, committee, or commission which is specifically authorized by the City Council or the City Manager shall also have the power to investigate the conduct of any City department, official, committee member, or employee. The authority to investigate includes the authority to order the appearance of witnesses, to administer oaths, and to compel the production of books, records, paper and electronic documents, and other evidence. Failure to obey such orders or to produce evidence as ordered under the provisions of this section may constitute grounds for the immediate termination or discharge of any officer, agent, contractor, or employee of the City.

(B) All records and documents of every office, department, and agency of the City shall be open to inspection by the public at all reasonable times, and under reasonable regulations established by the City Manager, except records and documents the disclosure of which would tend to defeat the lawful purpose for which they are intended

to accomplish, and except such records as are required to be kept confidential. Each department director shall be held responsible for the preservation of all public records under the director's jurisdiction unless provided otherwise in this Code or by the City Council.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.88.020 PARTICIPATION IN CONTRACTING PROHIBITED.

(A) No city officer or employee who has or whose immediate family member has a substantial financial interest, direct or indirect, in any contract or proposed contract with the City, or in the sale of any land, material, supplies, or services to the City or to a contractor supplying the City, may participate in the making or performance of such contract or the making of such sale while acting in their capacity as a City officer or employee.

(B) The following shall not constitute a substantial financial interest prohibited by this section:

(1) A contract with a person, firm, corporation, limited liability company, or association in which a City officer or employee has an interest solely by reason of employment as an officer or employee thereof where the remuneration of such employment will not be directly affected as a result of such contract, and the duties of such employment do not directly involve the procurement, preparation, or performance of any part thereof;

(2) A contract in which a City officer or employee has an interest if such contract was entered into prior to the time the officer or employee was elected or appointed as such officer or employee, but this exception shall in no event authorize a renewal of any such contract;

(3) A contract with, or sale by, a corporation or, limited liability company or limited partnership in which a City officer or employee has an interest by reason of stockholdings or ownership interest when:

(a) The stock of the corporation is listed on either the New York or American Stock Exchanges, or any other stock exchanges; or

(b) Less than five percent (5%) of the outstanding stock of the corporation or membership interest of the limited liability company or limited partnership is owned or controlled, directly or indirectly, by such officer or employee; or

(4) A contract or sale in which a City officer or employee has an interest if the total consideration payable when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year,

does not exceed the sum of one hundred dollars (\$100).

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2008-02, passed 3-11-08)

§ 2.88.030 VOTING ON CERTAIN QUESTIONS PROHIBITED.

(A) No member of the City Council or member of any committee or commission may vote on any question on which the member or a member of their immediate family has a substantial financial interest.

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

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

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

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2008-02, passed 3-11-08)

§ 2.88.040 DISCLOSURE OF INTERESTS.

(A) Any City officer or employee who has or whose immediate family member has any financial interest in any contract with the City, or in the sale of any land, material, supplies, or services to the City, or to a contractor supplying the City shall make known that interest. Any City Council member or member of any committee or commission who has or whose immediate family member has any financial interest in any question to be voted upon by the body of which they are a member shall make the interest known.

(B) Violation of this section with the knowledge, express or implied, of the person contracting with or making a sale to the City shall render the contract or sale voidable by the City Manager or the City Council.

(C) All disclosures of financial interest shall be referred in a timely manner to the City Attorney who shall determine whether the disclosed interest in the transaction constitutes or would constitute a violation of this Chapter. If the City Attorney is unavailable or fails to render a timely opinion, the City Council in the case of any City officer or employee, or the committee or commission of which the person is a member, may decide the issue.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2008-02, passed 3-11-08)

§ 2.88.045 RESTRICTIONS ON GIFTS.

It shall be the responsibility of each City officer to remain free from indebtedness or favors which would tend to create a conflict of interest between personal and official interests, or which might reasonably be interpreted as affecting the impartiality of the individual council member, committee member or commission member. If a City officer is tendered or offered a gift or gratuity which would, in the eyes of the public, be construed to be an attempt to bribe, influence or to encourage special consideration with respect to City operations, such offer shall be reported without delay to the City Manager who in turn will inform the City Attorney. If any officer shall knowingly accept any gift or gratuity that creates the appearance of undue influence or that result in special considerations benefitting the giver, then that officer may be investigated as provided in this Chapter and any and all action up to but not excluding forfeiture of office may be taken as determined by the City Council.

(Ord. 2008-02, passed 3-11-08)

§ 2.88.046 RESTRICTIONS ON POLITICAL ACTIVITY.

A City officer shall not expend municipal funds or use municipal property for the support, opposition or endorsement of candidates for any elective office.

(Ord. 2008-02, passed 3-11-08)

§ 2.88.047 RESTRICTIONS ON USE OF MUNICIPAL PROPERTY.

An elected official shall not use City property or facilities with intent to secure a benefit for the official or the official's immediate family or in a manner not available to the public.

(Ord. 2008-02, passed 3-11-08)

§ 2.88.048 RESTRICTIONS ON EMPLOYMENT OF ELECTED OFFICIALS.

A former elected official shall not be eligible for employment in a position created during that elected official's last year in office. This prohibition shall expire one (1) year after the elected official's last day in office.

(Ord. 2008-02, passed 3-11-08)

§ 2.88.050 SUSPENSION AND FORFEITURE OF OFFICE OR EMPLOYMENT.

(A) In addition to the penalty provided in § 2.88.090, any City officer or employee who knowingly conceals any financial interests in violation of this Chapter, or who willfully violates the requirements of this Chapter, is guilty of malfeasance and shall be subject to disciplinary action and/or forfeiture or suspension from office or employment.

(B) Unless otherwise provided in a collective bargaining agreement, the City Council shall be the body to hear and decide all matters concerning suspension or removal of any City employee or officer on the ground of a violation of this Chapter:

(1) Upon a complaint in writing and signed by any resident of the City being filed with the City Clerk, which complaint can be interpreted as a charge that a named City officer or employee has violated a provision of this Chapter, the City Attorney shall immediately investigate the complaint. Where the complaint is against the City Clerk, the complaint may be filed with either the City Manager or the City Attorney. When the complaint is against the City Attorney, it will be referred by the City Clerk to the City Manager who will retain private counsel to investigate and who will, if so ordered by the City Manager or the City Council, prosecute the charge. The authority to investigate includes the authority to order the appearance of witnesses, to administer oaths, and to compel the production of books, records, paper and electronic documents, and other evidence. Failure to obey such orders or to produce evidence as ordered under the provisions of this section may constitute grounds for the immediate termination or discharge of any officer, agent, contractor, or employee of the City.

(2) The person investigating the complaint shall provide a copy of the complaint to the person named in the complaint. The person named in the complaint may submit a written response to the person investigating the complaint identifying documents and persons the respondent would like the investigator to review and interview. Any such written response must be submitted within fourteen (14) calendar days of the date of mailing or delivery of the complaint.

(3) The City Attorney or retained counsel shall render an opinion to the City Manager and the City Council no later than thirty (30) days after the complaint is submitted. The opinion shall include their determination regarding whether a violation has occurred as charged in the complaint and a statement of the facts provided by the party whose actions are being questioned.

(4) When the City Attorney's opinion involves a member of the City Council, a hearing on the matters concerning the City Council member involved may be initiated by the introduction of a resolution of forfeiture by another member of the City Council, by a group of City Council members, or by a committee of the City Council.

(5) After the City Attorney's opinion or that of retained counsel has been delivered to the City Manager and the City Council, the City Manager, or a member of the City Council may, if they believe that reasonable people would differ as to whether a violation of this Chapter has occurred, proceed to bring the matter before the City Council for hearing by filing charges with the City Clerk. Any hearing shall be held no later than thirty (30) days after receipt of the opinion. The person named in the charges shall attend any such hearing and may be represented by counsel. Failure of the person named to attend the hearing in person shall be deemed an admission of the charges filed with the City Clerk.

(6) If the City Attorney cannot, in good conscience or without conflict, prosecute the charge, after direction to do so by the City Council, the City Manager or the City Council shall retain counsel for the purpose of prosecution. This provision shall apply to both divisions (B)(4) and (B)(5) of this section.

(7) The City Council shall issue written findings of fact and conclusions of law no later than fourteen (14) days after conclusion of any hearing. The decision of the City Council may be appealed to Superior Court in accordance with the Alaska Rules of Appellate Procedure. Notice of an appeal must be filed with the Superior Court within thirty (30) days of the issuance of the findings of fact and conclusions of law.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2008-02, passed 3-11-08; Am. Ord. 2016-02, passed 2-23-16)

§ 2.88.060 TRANSACTIONS BETWEEN CITY AND OFFICIAL OR EMPLOYEE.

(A) Should any officer or employee of the City desire, or intend, to have business dealings with the City whereby the officer or employee may derive income and benefits other than those provided as remuneration for their official duties, or employment, the officer or employee shall file with the City Clerk, and in such form as the City Clerk may prescribe, a statement which shall include the nature of the proposed transaction and the extent of the interest which the officer or employee has in the transaction. This statement shall be made under oath.

(B) The City Clerk shall publish a copy of the statement of the intent to do business with the City in a newspaper of general circulation within the city. Publication shall be made at least once within seven (7) days after the statement is filed with the City Clerk, or as soon thereafter as possible considering the frequency of the newspaper publication. In addition, the City Clerk shall post a copy of the statement in at least one (1) public place

in the city. The cost of the newspaper publications shall be borne by the officer or employee who intends to enter into a business transaction with the City; provided that any member of a commission or committee who serves in that capacity without compensation shall have the cost of the publication paid by the City. The City Clerk may require of any officer or employee, who is obligated to pay the cost of publication a deposit to cover such costs.

(C) The City Council, or other agency or official with authority to act for the City in the transaction shall take no action with regard thereto until at least ten (10) days after filing of the statement with the City Clerk and until at least seven (7) days after the publishing and posting of the statement.

(D) Claims arising in tort or under applicable worker's compensation statutes shall not, for the purpose of this section, be construed as business dealings with the City.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.88.070 INDEMNIFICATION OF CITY EMPLOYEES AGAINST CLAIMS.

When a civil claim is made against an employee and the City and/or an elected official of the City and the City, and where the claim is based on actions taken by the employee or elected official in the scope and course of their duties with the City, the employee or elected official may request the City to provide to them independent legal counsel. The City will provide independent legal counsel at no expense to the employee or elected official only if, in the judgment of the City Council, there is an actual conflict of interest between the City's position and that of the employee or elected official.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.88.080 INSURANCE COVERAGE.

The City shall provide insurance to generally cover claims made against City officials and employees, including committee and commission members, resulting from the act or omission of such official or employee made on behalf of the City in their capacity as a City official or employee, which act or omission is within the scope of their service or employment with the City.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.88.085 DEFINITIONS.

(A) "Immediate Family Members" means spouse, children, father, mother, brother, sister, grandfather, grandmother, father-in-law, or mother-in-law. It also means other family members who reside permanently with the officer or employee.

(B) "City Official" means all persons identified in Sections 2.04.010 or 2.04.020, and all members of: a) any standing or special committee or commission established pursuant to Chapter 2.60 or Chapter 2.62. b) the Parks Culture and Recreation Committee; c) the Historic Preservation Commission; d) the Library Advisory Committee. (Ord. 2008-02, passed 3-11-08)

§ 2.88.090 PENALTY FOR VIOLATIONS.

A violation of any provision of this Chapter shall be a minor offense punishable as provided in Chapter 1.24 of this Code.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2016-02, passed 2-23-16; Am. Ord. 2016-16, passed 7-12-16)

CHAPTER 2.92: DOCUMENTS

Section

2.92.010 Documents

2.92.020 Documents to file with the state

2.92.030 Document retention

2.92.040 Definition

2.92.050 Open documents

2.92.060 Access and inspection of documents

2.92.070 Copies of documents

2.92.080 Compilation or creation of documents

2.92.090 Exemptions for particular records

2.92.100 Appeal of denial of request

§ 2.92.010 DOCUMENTS.

All legal documents requiring the assent of the City shall be:

- (A) Signed by the Mayor or the City Manager on behalf of the City; and
- (B) Approved as to substance by the City Manager. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.92.020 DOCUMENTS TO FILE WITH THE STATE.

The City shall file with the State of Alaska the following documents:

- (A) Maps and descriptions of all annexed or excluded territory;
- (B) A copy of an audit or statement of annual income and expenditures;
- (C) Tax assessment figures as requested; and
- (D) Reports relating to long-term debt as provided in AS 44.19.205. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.92.030 DOCUMENT RETENTION.

(A) The City Clerk shall prepare a schedule of documents known as a document retention schedule to be adopted by the City Council by resolution or regulation. The document retention schedule shall specify the documents to be:

- (1) Retained permanently;
- (2) Destroyed;
- (3) Disposed of routinely in the regular course of public business; and
- (4) Microfilmed.

(B) The document retention schedule shall list, with sufficient detail for identification, all documents to be destroyed by the City in the regular course of public business. Any records to be destroyed shall be certified by the City Clerk and City Manager as having no legal or administrative value, or historical interest. The City may promulgate

additional regulations for the effective administration of the document retention program and the document retention schedule.

(C) The City Clerk shall dispose of the records to be destroyed pursuant to a document retention schedule adopted by the Council. Upon disposal, the City Clerk shall file in the City Clerk's office and in the Department from which the records were drawn, a descriptive list of the records disposed of and microfilmed and a record of the disposal itself.

(D) The document retention schedule may authorize the substitution of microfilmed copies for any original documents, including documents to be periodically disposed of, and the disposal of these original documents when microfilmed. Documents pertaining to any claim and demand by the City or against it, or any account in which the City is concerned, either as a debtor or creditor, shall not be destroyed until the claim, demand or account has been settled and adjusted. A reproduction, print, or enlargement from an authorized microfilm copy of an original document shall be considered as an original document for all purposes, including the introduction in evidence in any court or other legal or administrative proceedings. When microfilmed, the original documents may be destroyed or otherwise disposed of. When microfilmed, any original document of historical interest may be turned over to the City Library or museum for display. The microfilmed copies shall be kept in conveniently accessible and properly fireproofed and insulated files, cabinets or containers, and shall be indexed, assembled, and maintained for ready reference.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.92.040 DEFINITION.

As used in this section, the word "document" means recorded information that documents a transaction or activity by or with any public officer, agency or employee of the City government. Regardless of physical form or characteristic, the recorded information is a document if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium on which such information is recorded may be, but is not limited to paper, film, magnetic, optical or solid state devices which can store electronic signals, tapes, mylar, linen, silk or vellum. The general types of records may be, but are not limited to books, papers, letters, documents, printouts, photographs, films, tapes, microfiche, microfilm, photostats, sound recordings, maps, drawings, and any representations held in computer memory.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.92.050 OPEN DOCUMENTS.

Except as provided by § 2.92.090 of this Code, or by other provision of City, state or federal law, the documents, records, files, accounts, and transactions of the City are open to inspection by the public, under reasonable rules, during regular office hours. The City recognizes the competing interest of personal privacy and the right of the public to have access to information concerning the conduct of the people's business.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.92.060 ACCESS AND INSPECTION OF DOCUMENTS.

Public records may be inspected at the City office where the records are kept during the regular office hours of that particular office. All City officers and employees shall, consistent with the orderly conduct of City business, make a good faith and diligent effort to respond to requests for inspection of records made pursuant to this Code. If one or more requests by a single requestor, or agent of a requestor, within a calendar month are anticipated to require more than four (4) person-hours to complete, the City may require the requestor to pay costs for the period in excess of four hours. The costs may not exceed the unit cost of salary and benefits for employees who are involved in the search.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.92.070 COPIES OF DOCUMENTS.

(A) The City Clerk shall give, on request and payment of costs, a certified copy of any public record required to be disclosed under this Code.

(B) The City Clerk shall provide copies of records only upon request of the requestor, and at the requestor's expense.

(C) The charge for copies (whether certified or not) may not exceed the cost to the City, which cost may include photocopy, clerical, and other costs directly related to the provision of the copies. Payment for copies must be received before making the copies.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.92.080 COMPILATION OR CREATION OF DOCUMENTS.

Nothing in this Code shall require the City to create documents, compile, summarize,

outline, or in other ways create information from existing public documents. In those instances where the City official, who is the custodian of the document, determines that the City has the requisite resources to compile or create documents to comply with a request for information, the City may charge the requestor with the costs of such compilation or summary, which costs shall include the salary and benefits and overhead charges for the City employees who accomplished the work.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.92.090 EXEMPTIONS FOR PARTICULAR RECORDS.

This Chapter shall not be construed to require disclosure of the following records:

- (A) Personnel, payroll, or medical files which reveal the financial or medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy;
- (B) Records of vital statistics and adoption proceedings;
- (C) Records pertaining to juveniles;
- (D) Medical and related public health records;
- (E) Records required to be kept confidential by federal law or regulation or by state law;
- (F) Records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information
 - (a) could reasonably be expected to interfere with enforcement proceedings,
 - (b) would deprive a person of a right to a fair trial or an impartial adjudication,
 - (c) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness,
 - (d) could reasonably be expected to disclose the identity of a confidential source,
 - (e) would disclose confidential techniques and procedures for law enforcement investigations or prosecutions,
 - (f) would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law, or
 - (g) could reasonably be expected to endanger the life or physical safety of an individual;

(G) Records held by the City pertaining to any client, customer, or subscriber, the release of which would constitute an unwarranted invasion of privacy of that person or entity;

(H) Records of engineering, marketing, accounting, or other technical or financial data, which, if released, would provide a competitive advantage to any other persons or business engaged in similar or related activities;

(I) Proprietary information which a manufacturer, consultant, or provider reasonably expects to be kept privileged or confidential to protect the property interests of persons providing the information or data;

(J) Communications between any agency and the City Attorney which contain legal questions concerning potential, pending, or actual litigation, however this subsection does not protect from disclosure documents which were public records prior to the commencement of the litigation, and public records which are otherwise subject to disclosure may not be protected from disclosure by mere submission to the City Attorney. Any documents marked "Confidential" which are submitted to the agency by the City Attorney shall be produced only if the City Attorney so authorizes;

(K) Communications between the City and any insurance carrier discussing potential, threatened, or pending claims against the City;

(L) The names of persons who have reported violations of the City's building, zoning, environmental health, tax, or other ordinances to the City. The substance of zoning complaints shall be public information, but the names of reporters shall be disclosed only if necessary to the fair and just disposition of the complaint in an enforcement proceeding;

(M) Information which municipal governments engaged in collective bargaining regularly consider to be privileged or confidential for the purpose of successful collective bargaining; and

(N) City personnel records to the extent that the release of such records would constitute an unwarranted invasion of privacy of the person.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.92.100 APPEAL OF DENIAL OF REQUEST.

In the event an individual requests information from the City and is refused, the City official or employee denying the request shall provide to the individual making the request a written notice of the denial along with notice that they have five (5) working

days to appeal the decision to the City Manager. The City Manager shall issue a decision on the appeal in writing within ten (10) days of the date the appeal is received. If the City Manager denies the appeal, the City Manager shall provide to the individual making the request a written notice of the denial along with notice that the individual has five (5) working days to appeal the decision to the City Council by filing a written notice of appeal with the City Clerk. The City Council will hear the appeal at a regularly scheduled meeting held within thirty (30) days of receipt of a timely filed notice of appeal by the individual making the request. The decision of the City Council may be appealed to the superior court.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.96: EMERGENCY PREPAREDNESS

Section

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2.96.030 Disaster proclamation

2.96.040 City Manager as Director of Emergency Preparedness

2.96.045 Succession to office of Director of Emergency Preparedness

2.96.050 Emergency Management Coordinator

2.96.060 Succession to office of Emergency Management Coordinator

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2.96.080 Emergency plan

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2.96.110 Compensation

2.96.120 No governmental or private liability

2.96.130 Limitations

2.96.140 Administration

2.96.150 Conflicting orders

§ 2.96.010 INTENT AND PURPOSE.

(A) It is the intent and purpose of this Chapter to provide for the complete and efficient utilization of the City's personnel, facilities, and equipment in the event of natural or human-made disasters, and to provide for the coordination of disaster functions of the City with all other public agencies and affected private persons, corporations, and organizations.

(B) The Department of Public Safety shall be the coordinating agency for all activity in connection with emergency preparedness and other disaster operations. It will be the instrument through which the Emergency Preparedness Director and the Coordinator of Emergency Management may exercise the authority and discharge the responsibilities vested in them by AS 26.20 and AS 26.23.

(C) All emergency preparedness and disaster operations shall be conducted utilizing the National Incident Management System (NIMS).

(D) This Chapter will not relieve any City department of the moral responsibilities or authority given to it by law, nor will it adversely affect the work of any volunteer agency.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2014-15, passed 7-8-14)

§ 2.96.020 DEFINITIONS.

The following definitions shall apply in the interpretation of this chapter:

(A) "Civil Disorder" means a public disturbance involving:

(1) An act of violence by one or more individuals part of an assemblage of four or more individuals, which act constitutes a clear and present danger of, or results in damage or injury to the property or person of any other individual; or

(2) A threat of the commission of an act or acts of violence by one or more individuals part of an assemblage of one or more individuals having the ability of immediate execution of such threat, where the performance of the threatened act of violence would constitute a clear and present danger of, or would result in, damage or injury to the

property or person of any other individual.

(B) "Civil Emergency" means a civil disorder, or a national or man-made calamity.

(C) "Disaster" includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, Tsunami, storm, earthquake, epidemic, or other impending or actual calamity endangering, or threatening to endanger health, life, property, or constituted government.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.96.030 DISASTER PROCLAMATION.

(A) A condition of disaster or emergency shall be declared by order of the Mayor, or in the event of the Mayor's absence or unavailability, the City Manager, should the Manager find that a disaster has occurred or that such an occurrence is imminent or threatened. If the City Council is not in session when the proclamation is issued, concurrent with the issuance of the proclamation, a special session of the City Council will be requested to ratify the actions taken under this Chapter. The emergency proclaimed in accordance with the provisions of this section shall terminate after seven (7) days from the issuance of the proclamation, or upon issuance of a resolution of the City Council declaring that an emergency may be extended for such additional periods of time as deemed necessary by resolution of the City Council. All proclamations issued under this section shall indicate the nature of the disaster, that area or areas threatened or affected, and the conditions which have brought it about or which make possible the termination of the disaster emergency. A copy of all proclamations issued under this section shall, if possible, be sent to the Alaska Division of Emergency Services.

(B) A proclamation of a disaster activates the disaster response and recovery aspects of the City disaster plan, and constitutes authority for the development and use of any civil defense forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available under this Chapter or any other provisions of law relating to disaster response.

(C) The Director of Emergency Preparedness may, during a proclaimed disaster, issue orders, proclamations, and regulations to carry out the purpose of this Chapter, and to amend or rescind those order, proclamations, or regulations. These orders, proclamations, and regulations have the force of law.

(D) An order, proclamation, or regulation issued under this Chapter shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless prevented or impeded by circumstances attendant upon the disaster, a copy shall be filed with the City Clerk.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2014-15, passed 7-8-14)

§ 2.96.040 CITY MANAGER AS DIRECTOR OF EMERGENCY PREPAREDNESS.

(A) During a proclaimed disaster emergency, the City Manager is the Director of Emergency Preparedness and other unorganized forces available for emergency duty.

(B) In addition to any other powers conferred upon the City Manager by law, the City Manager may, under this Chapter, do the following:

(1) Suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of City business, or the orders or regulations of any City department, if compliance with the provisions of the statute, order, or regulation would prevent, substantially impede, or delay action necessary to cope with the disaster emergency;

(2) Use all the resources of City government as reasonably necessary to cope with the disaster emergency;

(3) Transfer personnel or alter the functions of City departments for the purpose of performing or facilitating the performance of Disaster Emergency Management;

(4) Subject to any applicable requirements for compensation under § 2.96.110 of this Chapter, may commandeer or utilize any private property, except for the news media, other than as specifically provided for in this Chapter as necessary to cope with the disaster emergency;

(5) Direct and compel the relocations of all or part of the population from any stricken or threatened area in the city, if the City Manager considers relocation necessary for the preservation of life or for other disaster mitigation purpose;

(6) Prescribe routes, modes of transportation, and destination in connection with necessary relocation;

(7) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in it;

(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, ammunition, explosives, and combustibles;

(9) Make provisions for the availability and use of temporary emergency housing;

(10) Impose a curfew upon all or any portion of the city thereby requiring all persons in such designated and restricted curfew areas to remove themselves from public

property, streets, alleys, sidewalks, thoroughfares, vehicle parking areas, or other public places except that physicians, nurses, and paramedical personnel performing essential medical services, utility personnel maintaining essential public services, firemen, members of the news media upon showing of authorized press cards, civil defense volunteers, and city, state and federal authorized law enforcement officers and personnel may be exempted from such curfew; or

(11) Allocate, ration, or redistribute food, water, fuel, clothing, and other items as deemed necessary to cope with the disaster emergency.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.96.045 SUCCESSION TO OFFICE OF DIRECTOR OF EMERGENCY PREPAREDNESS.

Should the Director of Emergency Preparedness become a vacant or should the Director be absent or unable to perform their duties, the order of interim succession of the Director of Emergency Preparedness shall be determined as follows:

- (A) The Assistant City Manager.
- (B) The Director of Public Works.
- (C) The Director of Public Utilities.
- (D) Remaining Directors in order of seniority. (Ord. 2014-15, passed 7-8-14)

§ 2.96.050 EMERGENCY MANAGEMENT COORDINATOR.

(A) The City Manager shall appoint an Emergency Management Coordinator who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety, and welfare in the event of danger from enemy action or disaster as defined in this Chapter.

(B) If the City Manager elects to appoint someone other than the Director of Public Safety as Emergency Management Coordinator, the Director of Public Safety will assist the appointed individual in the planning operations of Emergency Management including mitigation, preparedness, response, and recovery procedures.

(C) The Emergency Management Coordinator shall be responsible to the City Manager in regard to all phases of emergency preparedness activity in the city. Under the supervision of the City Manager, the Emergency Management Coordinator shall maintain liaison with the state and federal authorities and the authorities of other nearby

political preparedness plans, and, during a proclaimed disaster emergency, shall maintain operational control of emergency activities from an Emergency Operations Center.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.96.060 SUCCESSION TO OFFICE OF EMERGENCY MANAGEMENT COORDINATOR.

Should the Office of Emergency Management Coordinator become vacant or should the Coordinator be absent or unable to perform their duties, the order of interim succession of the office of Emergency Management Coordinator shall be determined as follows:

- (A) The Director of Public Safety;
 - (B) The Deputy Chief of Police of the Department of Public Safety;
 - (C) The Fire Chief of the Department of Public Safety;
 - (D) Such other person as may be designated by the City Council or the City Manager.
- (Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2014-15, passed 7-8-14)

§ 2.96.070 POWERS AND DUTIES OF THE EMERGENCY MANAGEMENT COORDINATOR.

The Emergency Management Coordinator may:

- (A) Coordinate the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the City for emergency preparedness purposes;
- (B) Develop and coordinate plans for the immediate use of facilities, equipment, manpower and other resources of the City for the purposes of minimizing or preventing damage to persons and property, and protecting and restoring to usefulness government services and public utilities necessary for public health, safety and welfare;
- (C) Negotiate and conclude agreements with owners or persons in control of buildings or other property for use of such buildings or other property for emergency preparedness purposes and designating suitable buildings as public shelters;
- (D) Through public information programs, educate the public as to actions necessary and required for the protection of their persons and property in case of emergency or disaster;

(E) Conduct public practice alerts and training to insure the efficient operation of civil defense forces and to familiarize residents with emergency preparedness procedures, regulations and operations;

(F) Coordinate the activity of all other public and private agencies engaged in civil defense activities;

(G) Prepare for issuance by the City Manager, orders, proclamations and regulations as necessary or appropriate in coping with disasters;

(H) Develop and carry out procedures and policies to effectively employ disaster relief funds made available by the City Manager's authority or by the Governor's authority through the Alaska Division of Emergency Services. These procedures shall include application and documentation, review, verification and funding approval; and

(I) Do other things necessary or proper for the implementation of this Chapter, including assuming such authority and conducting such activity as the City Manager may direct to promote and execute the emergency plan.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.96.080 EMERGENCY PLAN.

(A) The Emergency Management Coordinator shall prepare and maintain an Emergency Plan which shall include the following:

(1) Prevention and minimization of injury and damage caused by disasters;

(2) Prompt and effective response to disasters;

(3) Coordination of federal, state and local disaster activities;

(4) Coordination of the City Emergency Plan with the disaster plan of the state government; and

(5) Other matters necessary to carry out the purpose of this Chapter.

(B) In preparing and maintaining the Emergency Plan, the Emergency Management Coordinator shall seek the advice and the assistance of local government, business, industry, civic and volunteer organizations and community leaders.

(C) The Emergency Plan shall be submitted to the City Council for approval by ordinance. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.96.090 VIOLATIONS AND PENALTIES.

It shall be a misdemeanor, punishable by a fine not to exceed the sum of five hundred dollars (\$500), or by imprisonment for a term not to exceed six (6) months, or both, for any person during a proclaimed disaster emergency to willfully:

(A) Obstruct, hinder or delay any member of the disaster and emergency preparedness organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter, or in the performance of any duty imposed upon him by the virtue of this Chapter;

(B) Do any act forbidden by any lawful rule or regulation issued pursuant to this Chapter, if such act is of such a nature as to give, or be likely to imperil the lives or property of inhabitants of the city, or prevent, hinder or delay the protection thereof; and

(C) Wear, carry or display without authority any means of identification specified by the City or the Alaska Division of Emergency Services.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2014-15, passed 7-8-14)

§ 2.96.100 FINANCING.

Nothing in this Chapter limits the City Manager's authority to apply for, receive, administer, and spend grants, gifts, or payments from any source to aid in disaster prevention, preparedness, response or recovery.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.96.110 COMPENSATION.

(A) No personal services may be compensated by the City except in accordance with the Alaska law or local ordinance.

(B) Compensation for property shall be made only if the property was commandeered or otherwise used in coping with a disaster emergency, and its use or destruction was ordered by the City Manager or by a member of the disaster emergency forces of this City who is authorized by the Emergency Management Coordinator to issue such an order.

(C) Any person claiming compensation for the use, damage, loss, or destruction of property occasioned by action taken under this Chapter shall file a claim for that compensation with the Emergency Management Coordinator in the form and manner

required by that office.

(D) Unless the amount of compensation resulting from property damaged, lost or destroyed is agreed upon in writing between the claimant and the Emergency Management Coordinator, the amount of compensation shall be calculated in the same manner as compensation due for taking of property under the condemnation laws of the State of Alaska.

(E) The City shall provide for medical benefits to injured members of the emergency preparedness forces of the City in the event those members sustain injuries while rendering aid under this Chapter, provided those members are not already covered by a comparable form of insurance or health benefits plan.

(Am. Ord. 2004-04, passed 3-9-04; Am. Ord. 2014-15, passed 7-8-14)

§ 2.96.120 NO GOVERNMENTAL OR PRIVATE LIABILITY.

(A) This section is an exercise by the City of its government functions for the protection of the public peace, health, and safety, and the City or its agents, or any individual, firm, partnership, corporation, limited liability company, association, or any of the agency thereof, in good faith carrying out, complying with, or attempting to comply with any order, rule, or regulation promulgated pursuant to the provisions of this Chapter shall not be liable for any damage sustained to persons or property as the result of said activity.

(B) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the City the right to inspect, designate, and use the whole or part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice civil emergency or enemy attack shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premise under such license privilege or other permission, or for loss of, or damage to, the property of such person.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.96.130 LIMITATIONS.

No provision in this Chapter shall be interpreted to:

(A) Interfere with, or allow interference with the course or conduct of a labor dispute, except that actions otherwise authorized by this Chapter may be taken when necessary to forestall or mitigate imminent or existing danger to public health and safety;

(B) Interfere with or allow interference with dissemination of news or comment on public affairs, but any communications facility or organization (including, but not limited to radio, television, wire service and newspaper) may be requested to transmit or print public service messages furnishing information or instruction in connection with a disaster, in a manner which encroaches as little as possible upon the normal functions of news media;

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel of them when on active duty, but the Emergency Plan shall place reliance upon the emergency preparedness forces available for performance of functions related to disaster emergencies; or

(D) Limit, modify, or abridge the authority of the City Manager to proclaim martial law, or exercise any other powers vested in him or her by law, independent of, or in conjunction with, any provision of this Chapter.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.96.140 ADMINISTRATION.

This Chapter shall be administered by the Emergency Management Coordinator who is responsible to, and who may receive delegations of authority from, the City Council and the City Manager.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.96.150 CONFLICTING ORDERS.

At all time when orders made and promulgated pursuant to this Chapter shall be in effect, they shall supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

(Am. Ord. 2004-04, passed 3-9-04)

CHAPTER 2.98: SCHOOLS

Section

2.98.010 Election of School Board

2.98.020 Organization of School Board

2.98.030 Membership

2.98.040 Vacancy on School Board

2.98.050 Qualification of members

2.98.055 Financial disclosure

2.98.060 Oaths

2.98.070 Powers and duties of the School Board

2.98.080 School funds

2.98.090 Relationship between School Board and city

2.98.100 Procedure for construction of school buildings

§ 2.98.010 ELECTION OF SCHOOL BOARD.

The City constitutes the Unalaska School District, of which the governing body is the Unalaska School Board. Members of the Board are elected at the regular election held annually on the first Tuesday of October for three-year (3) terms and until their successors take office. All Board members are elected at-large.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.020 ORGANIZATION OF SCHOOL BOARD.

Within seven (7) days after the certification of the results of each regular school election, the School Board shall meet and elect one (1) of its members as president, one (1) of its members as clerk, and if necessary, one (1) of its members as treasurer.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.030 MEMBERSHIP.

The School Board shall be composed of five (5) members. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.040 VACANCY ON SCHOOL BOARD.

(A) The office of a School Board member is vacated under the following conditions and upon declaration of vacancy by the School Board. The School Board shall declare a vacancy when the person elected:

- (1) Fails to qualify or take office within thirty (30) days after election or appointment to office;
- (2) Departs from the city with the intention of remaining absent more than ninety (90) days;
- (3) Resigns and the resignation is accepted;
- (4) Is removed from office by a court of competent jurisdiction;
- (5) Fails to attend meetings of the Board for a period of ninety (90) days; or
- (6) Has attended less than five
(5) meetings of the Board during any continuous period of five (5) months.

(B) Vacancies on the School Board shall be filled according to the following procedures:

- (1) The remaining members shall, with thirty (30) days of vacancy, appoint a qualified person to fill the vacancy. If a vacancy occurs less than sixty (60) days before a regular election, the School Board shall appoint a qualified person to serve until the following year's regular election.
- (2) Notwithstanding division (A), if the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall within seven (7) days appoint a number of qualified persons to constitute a quorum.
- (3) A person appointed under this section serves until the next regular election which can be conducted in accordance with requirements for declaration of candidacy, notice of election, and the printing of the ballots, when a successor shall be elected to serve the balance of the term.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.050 QUALIFICATION OF MEMBERS.

~~To be eligible to be a member of a School Board, a person must have the same qualifications as are necessary to be a City voter in the school district. No person shall hold the elective office of member of the school board or be eligible to seek election thereto unless the person is a qualified voter of the city and has been a resident of the city for a period of not less than 30 days immediately preceding the time of submission of declaration of candidacy.~~

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.055 FINANCIAL DISCLOSURE.

Members of the School Board shall submit to the City Clerk a Statement of Financial Disclosure as required by Alaska law by March 15 of each year. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.060 OATHS.

School Board members, before taking office, shall take and sign an oath or affirmation of office.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.070 POWERS AND DUTIES OF THE SCHOOL BOARD.

The School Board shall be responsible for operating the public school system for the City. (Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.080 SCHOOL FUNDS.

The School Board shall adopt rules and regulations subject to the approval of the City Council for the custody and accounting of all funds received and disbursed by the School District.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.090 RELATIONSHIP BETWEEN SCHOOL BOARD AND CITY.

(A) The School Board shall submit the proposed school budget for the following school year to the City Council by April 1 of each year. Within thirty (30) days after receipt of the budget, the City Council shall determine the total of money to be made available from local sources for school purposes and shall furnish the School Board with a statement of the sum to be made available. If the City Council does not, within thirty (30) days of receipt of the school budget by the School Board, furnish the School Board with a statement of the sum to be made available, the amount requested by the School Board in the proposed school budget is automatically approved. By June 30 of each year, the City Council shall appropriate the amount to be made available from local sources from money available for that purpose.

(B) The School Board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes. The City Council, through the City Manager, shall provide for all major rehabilitation, all construction, and major repair of school buildings. The recommendations of the School Board shall be considered in carrying out the provisions of this section.

(C) The School Board is a separate and distinct entity, and it is not within the control or supervision of the City Council, except as otherwise provided in this Code.

(Am. Ord. 2004-04, passed 3-9-04)

§ 2.98.100 PROCEDURE FOR CONSTRUCTION OF SCHOOL BUILDINGS.

(A) GRANT APPLICATION AND ADMINISTRATION. The School District may apply for grants to assist in the funding of the construction of school buildings; however, any transfer of responsibilities grant agreement with the State of Alaska shall identify the City of Unalaska as the entity with responsibility for grant administration. The City shall administer any grant related to the construction of school buildings.

(B) SITE SELECTION. The City Council shall approve the location of school buildings based on due consideration to the recommendations of the School Board. The School District's recommendations shall be accompanied by a written report which shall consider population, school enrollment, transportation, the relationship of the proposed sites to other community facilities, multiple use of the building for community purposes, site development costs, a proposed purchase agreement between the School District and any landowner from whom property is proposed to be purchased, and other appropriate criteria and data.

(C) DESIGN AND CONSTRUCTION BUDGETING. Funds shall not be expended on the design or construction of a school building unless the funds have been included in the City's Capital Improvement Program and unless the funds have been appropriated for the design or construction or remodeling of the school building by the City Council.

(D) SELECTION OF CONSTRUCTION CONSULTANTS AND DESIGN PROFESSIONALS.

(1) The City Council shall approve or disapprove the persons proposed by the School Board to provide consultant or design services in connection with the construction of any school buildings. The School Board shall submit to the City Council a recommendation in the form of a written report. The report shall set forth the selection procedure, the selection criteria and the reasons for the School Board's selection. This report shall include all professional services contracts relating to the design of the building. The contracts shall define how compensation for the professional services is to be calculated. The contracts shall set forth the relationship of the design professional or consultant to the School Board, the School Superintendent, the City Council and the City Manager during all phases of design and construction. The contracts shall establish the maximum costs applicable to the design and construction phases of the project. The contracts shall contain a date for substantial completion of the design and construction of the project and include dates for completion of defined milestones.

(2) The City Council shall report its action on the School Board's selection and proposed contract to the School Board. Any disapproval of any design professional or consultant selected by the School Board shall be in writing and state the reasons for the disapproval.

(E) DESIGN APPROVAL. The School Board, with the services of a design professional, shall develop and submit to the City Council for approval or disapproval a preliminary design with a detailed cost estimate that is within the capital program budget allocation. If the City Council approves the preliminary design, the School Board shall develop and submit to the City Council, for approval or disapproval, and to the Department of Public Works for coordination purposes, a final design including bidding documents, proposed contract conditions, and general requirements along with a detailed cost estimate within the capital program budget allocation. Following final design approval, the City Council shall approve any significant design changes that are made prior to bidding the project. If the City Council disapproves of any design or design change, such disapproval shall be in writing and shall include the reasons for such disapproval.

(F) CONSTRUCTION MANAGEMENT. If the City Council approves of a final design, the Department of Public Works shall invite and award bids and oversee construction of the building. During construction, the School Superintendent or designee may attend site coordination meetings. Any significant changes in design made during construction involving change orders in excess of ten thousand dollars (\$10,000) shall be forwarded by the City Manager or designee to the School Superintendent or designee for review and comment. Any design change which alters the intended educational use of any

portion of the building shall be submitted to and approved by the School Superintendent or designee. If the School Superintendent or designee fails to act to either approve or disapprove the proposed design change within forty-eight (48) hours of submittal by the City, such design change may be considered approved, and the City may proceed to implement the design change.

(Am. Ord. 2004-04, passed 3-9-04)

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2017-08

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA MUNICIPAL CODE CHAPTER 4.12 TO UPDATE CANDIDATE RESIDENCY AND FILING REQUIREMENTS, CHAPTER 4.20 TO UPDATE LANGUAGE ABOUT BALLOTS AND BALLOT COUNTING SYSTEMS, CHAPTER 4.24 AND 4.26 TO UPDATE PROCEDURES FOR THE USE OF OPTICAL SCAN EQUIPMENT AS STANDARD ELECTION PRACTICE, AND 4.32 TO ALLOW DELIVERY OF ABSENTEE BALLOTS BY ELECTRONIC MAIL

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

Section 1: **Form.** This is a Code ordinance

Section 2: Subsections 4.12.010(A) and (B) of the Unalaska Code of Ordinances are hereby amended to read as follows: [additions are underlined, deletions are overstruck]

(A) No person shall hold the elective office of Mayor or member of the City Council, or be eligible to seek election thereto, unless at the time of filing the declaration of candidacy, the person is a qualified voter of the city who has resided within the city for a period of no less than ~~one year~~ twelve consecutive months immediately prior to the time of submission of declaration of candidacy.

(B) No person shall hold ~~any~~ the elective office, ~~with the exception of Mayor and member of the City Council,~~ or member of the school board or be eligible to seek election thereto unless the person is a qualified voter of the city and has been a resident of the city for a period of not less than 30 days immediately preceding election day ~~the time of submission of declaration of~~ candidacy.

Section 3: Section 4.12.020 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

A person who seeks to become a candidate for an elected office shall execute and file a declaration of candidacy. The declaration shall be executed under oath before, ~~and~~ the City Clerk or a person empowered by law to administer oaths, on a form provided by, the City Clerk. A declaration of candidacy shall be filed with the City Clerk no later than 45 days prior to the election.

Section 4: Section 4.20.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

The City Clerk shall provide booths at each polling place, with appropriate supplies and conveniences, to enable each voter to mark the ballot screened from observation. At least three

sides of each booth shall be enclosed. Optical scan voting units ~~Ballot boxes~~ shall be placed within plain view of the election judges and clerks, voters, and other persons at the polling places. At least once each hour, an election judge will inspect each voting booth for extraneous materials.

Section 5: Subsection 4.20.040(A) of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

(A) All ballots prepared under the provisions of this title shall conform to the following requirements:

- (1) Be on ~~paper of good quality and of uniform grade, or on~~ required stock to be computer counted, and names shall be printed in black ink;
- (2) Contain the name of every candidate whose declaration of candidacy for any office specified in the ballot has been filed according to the provisions of these ordinances, and no other names;
- (3) Contain, preceding the list of candidates for each office, the words ~~“vote for no more than three; or~~ “vote for not more than one,” or such other number as are to be elected;
- (4) Contain the names of candidates as they appear upon the petitions filed with the City Clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate’s name appearing on the ballot may include a nickname or familiar form of a proper name. The positions of the names of candidates shall be determined by lot conducted by the City Clerk with a representative of each candidate for any office where more than one candidate has filed a petition in attendance;
- (5) Contain the heading “Official Ballot of the City of Unalaska”, and the date of the election. In preparing said ballot, the City Clerk shall follow a form substantially as hereinafter provided, which said official ballots the City Clerk shall cause to be numbered consecutively beginning with the number one (1); and
- (6) At the top of the ballot, the following instructions to the voters: Mark “X” in the square ~~Mark “X” in the square~~ Completely fill in the oval at the ~~left~~ right of the name of the candidate for whom you desire to vote. If the names of a candidates for whom you desire to vote does not appear on the ballot, write it ~~in the blank space~~ on the “Write-in” line and completely fill in the oval to the right.

Section 6: A new Section 4.20.070 is added to Unalaska Code of Ordinances Chapter 4.20 to read as follows:

4.20.070 BALLOT COUNTING SYSTEMS

The City Clerk shall designate the computers to be used in counting the ballots and may negotiate and contract with the state or a private computer service for the needed computer services. The City Clerk, subject to any further approval as may be required by law, may prescribe rules for the use of these systems or may adopt such rules, regulations and procedures as have been adopted by the state for use in state elections.

Section 7: Section 4.24.030 of the Unalaska Code of Ordinances is hereby amended to read as follows:
[additions are underlined, deletions are overstruck]

4.24.030 PREPARATION OF ~~BALLOT BOX~~ OPTICAL SCAN VOTING UNIT

Before receiving any ballots, the Election Board must, in the presence of all persons assembled at the polling place, ~~open and exhibit the ballot box to be used at the polling place. Thereafter, the box will be sealed and not open again until the polls are finally closed. At the close of the polls and upon the receipt within the ballot box of all ballots timely voted, the box will be personally opened by the election judges.~~ prepare the optical scan voting unit according to the instructions supplied by the State of Alaska for setting up the optical scan voting unit and opening the polls.

Section 8: Subsection 4.24.040(B) of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

4.24.040 VOTING PROCEDURE

(B) A voter shall be given one ballot and shall retire alone to a voting booth. There the voter, without undue delay, shall prepare the ballot by marking the appropriate ~~boxes~~ ovals opposite the names of candidates of choice, whether printed on the ballot or written on the ~~blank~~ “write-in” lines provided for the purpose, and the appropriate ~~boxes~~ ovals for questions and propositions. ~~Before leaving the voting booth, the~~ The voter shall ~~fold the ballot in a manner displaying the number thereon and deliver it to one of the election judges or clerks, who shall tear the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by election judges and clerks.~~ If voting on computer counted ballots insert the voted ballot into a secrecy sleeve; and return to the election judges or clerks, who ~~will~~ may assist the voter with inserting the ballot into the optical scan voting unit.

Section 9: Section 4.24.050 of the Unalaska Code of Ordinances is hereby amended to read as follows:
[additions are underlined, deletions are overstruck]

4.24.050 MARKING OF BALLOTS BY VOTERS

(A) A voter ~~may~~ shall mark a ~~computer counted~~ ballot by filling in the oval with a pen, ~~or, if paper ballots are used, a crossmark, by “X” marks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.~~

(B) If a voter damages or mismarks their ballot they may be issued a replacement after tearing the spoiled ballot and giving it to an election judge. The election judges will keep a tally of the spoiled ballots. No voter may be given more than two replacement ballots.

~~(B)~~ (C) A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

~~(C)~~ (D) If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

~~(D)~~ (E) If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

~~(E)~~ (F) The mark shall be counted only if it is substantially fills the inside of the square oval provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

~~(F)~~ (G) Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.

~~(G)~~ (H) An erasure or correction invalidates only that section of the ballot in which it appears.

~~(H)~~ (I) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot, unless the Election Board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.

~~(I)~~ Write-in votes are not invalidated if the voter fails to mark the square provided if, in the opinion of the Election Board, the voter intended to vote for the person whose name was written in as a write-in vote.

~~(J)~~ Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name if write-in votes or ballots are otherwise permitted. Stickers may not be used on computer counted ballots.

Section 10: Section 4.24.070 of the Unalaska Code of Ordinances is hereby amended to read as follows:
[additions are underlined, deletions are overstruck]

4.24.070 DISPOSITION OF CHALLENGED BALLOTS

After a challenged voter has cast his ballot, the challenged voter will insert the ballot into a small blank envelope ~~and seal it.~~ This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope will be put in the ballot box and delivered to the City Clerk with all other election material. The City Clerk shall present these materials to the canvass committee and assist in determining the merits of the challenge.

Section 11: Section 4.24.080 of the Unalaska Code of Ordinances is hereby amended to read as follows:
[additions are underlined, deletions are overstruck]

4.24.080 COUNTING AND TALLYING OF BALLOTS

(A) Immediately after the polls close and the last vote has been cast, the election judges will ~~open the boxes containing the ballots cast~~ end voting on the optical scan voting unit and print the election results. The election judges will then open the optical scan voting unit containing the regular ballots cast. The judges will count the ballots to determine whether the number of ballots equals the number of voters on the election results report and also equals the number of signatures on the voter register. The number of regular ballots cast, plus the number of questioned ballots, personal representative ballots, and spoiled ballots must equal the total number of ballots used from the ballot pads. If the numbers do not match, the election judges shall recount the ballots

and signatures until the numbers match or it is determined that a discrepancy exists. Any discrepancy shall be explained in detail, in writing, and shall be signed by the election judges. ~~The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the original registry. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the registration book to have been cast in the precinct, the ballots shall be recounted until the Election Board finds that there is a discrepancy or that the number of ballots cast matches the number of ballots indicated by the registration tally. If a discrepancy is determined to exist, it shall be explained in detail on the tally paper or papers, and such explanation shall be signed by the election judges.~~

(B) The counting of the ballots shall be public. The opening of the ~~ballot box~~ optical scan voting unit at the close of the polls shall be accomplished in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the Election Board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties and no one other than appointed election officials may handle the ballots. The election judges, optical scan voting unit, or a combination thereof, shall count the ballots one by one, and tally the number of votes for each candidate and for or against each issue. ~~The ballots shall be inspected for disqualifying marks or defects.~~

(C) The election judges shall cause the vote tally to be continued without adjournment until the count is completed.

~~(D) Tally of computer counted ballots:~~

~~(1) When a voter has finished marking a ballot, the voter shall return to the election official overseeing the ballot counting unit.~~

~~(2) The voter shall insert the voted ballot into the counting unit. If the voter has over-voted a race, proposition or questions, they may vote a new ballot.~~

~~(3) If emergency ballots are brought to the City Clerk with the counting unit, the Election Board will oversee the insertion of the emergency ballots into the counting unit.~~

~~(D) Write in votes shall only be tabulated by person if the total number of write in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.~~

(D) If circumstances make it impracticable to use the optical scan voting unit, the votes shall be tallied by person according to the procedures set forth by the state for hand count precincts.

Section 12: Section 4.24.120 of the Unalaska Code of Ordinances is hereby amended to read as follows:
[additions are underlined, deletions are overstruck]

4.24.120 PROHIBITION OF PERSUASION NEAR ELECTION POLLS

(A) During the hours that the polls are open, no election official may discuss any political party, candidate or issue while on duty.

(B) During the hours the polls are open, no person who is in the polling place or within ~~100~~ 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. The Election Board shall post warning notices in the form and manner prescribed by the City Clerk.

Section 13: Section 4.26 is hereby deleted in its entirety from the Unalaska Code of Ordinances:

Section 14: Section 4.32.020 of the Unalaska Code of Ordinances is hereby amended to read as follows:
[additions are underlined, deletions are overstruck]

4.32.020 ABSENTEE BALLOTS

(A) A person who seeks to vote by absentee ballot may file either in person, by electronic transmission, or mailing a written application to the City Clerk.

(B) An application made by mail must be received by the City Clerk not more than 35 days, nor less than five days before a city election. An application made in person must be filed with the City Clerk not more than 20 days before the city election. An application requesting an absentee ballot by electronic transmission must be received by the City Clerk by noon on the day preceding the election.

(C) The application must include the address or, if the application requests delivery of an absentee ballot by electronic transmission, the electronic mail address or telephone electronic transmission number to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature.

Section 15: Effective Date: This ordinance shall be effective as of July 1, 2017.

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

MAYOR

ATTEST:

CITY CLERK

MEMORANDUM TO COUNCIL

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: CAT HAZEN, CITY CLERK
THRU: DAVID MARTINSON, CITY MANAGER
DATE: JUNE 13, 2017
RE: ORDINANCE 2017-08 AMENDING UNALASKA MUNICIPAL CODE CHAPTER 4.12 TO UPDATE CANDIDATE RESIDENCY AND FILING REQUIREMENTS, CHAPTER 4.20 TO UPDATE LANGUAGE ABOUT BALLOTS AND BALLOT COUNTING SYSTEMS, CHAPTER 4.24 AND 4.26 TO UPDATE PROCEDURES FOR THE USE OF OPTICAL SCAN EQUIPMENT AS STANDARD ELECTION PRACTICE, AND 4.32 TO ALLOW DELIVERY OF ABSENTEE BALLOTS BY ELECTRONIC MAIL

SUMMARY: The primary focus of Ordinance 2017-08 is to update requirements and procedures in Unalaska Code of Ordinances Title 4 by removing obsolete language specific to hand counted elections and adding language to reflect our current use of optical scan voting equipment in our elections. This ordinance also adds language specifically authorizing electronic mail as a method of delivering absentee ballots and makes other minor changes in language for clarity and to accurately reflect current practice.

PREVIOUS COUNCIL ACTION: In May of 2001 Council passed Ordinance 2001-06, which amended Title 4 of the Unalaska Code of Ordinances in its entirety. The main changes to Code included in Ordinance 2001-06 were the addition of language allowing the use of the Accuvote counting machine for tallying ballots and the addition of language allowing absentee voting by fax. Additionally the Ordinance made grammatical changes, removed gender specific language, and made some housekeeping changes to reflect actual practice and more closely mirror Alaska Statutes and the Alaska Administrative Code.

BACKGROUND: Prior to the passage of Ordinance 2001-06 sixteen years ago it was standard practice to hand count voted ballots. The revisions to Title 4 adopted with Ordinance 2001-06 added the use of optical scan voting equipment as an allowable alternative, but left in place much of the procedural language in Title 4 that was more applicable to hand counted than to computer counted elections.

Today the use of optical scan voting equipment is our standard election practice. We would only hand count ballots on election night in the unlikely event of an optical scan equipment failure. The language currently in Title 4 that is specific to procedures for hand counted elections is confusing and in some cases is contradictory to the procedures required for processing computer counted ballots.

DISCUSSION: The changes to Unalaska Code of Ordinances Title 4 proposed by Ordinance 2017-08 are summarized and explained below:

Section 2: The change to subsection (A) will bring the residency requirements for mayor and council candidates expressed in Title 4 into agreement with those in Title 2. The changes to subsection (B) clarify language and correct the residency requirement for school board candidates. As currently written this subsection of our code will allow someone to declare candidacy for a school board seat before they become a resident of Unalaska.

Section 3: This change will bring Title 4 into compliance with current practice. As it is now written, Title 4 requires the City Clerk to administer the oath to a candidate, which would make it impossible for someone who is out of town during the candidacy period to run for office if it was enforced exactly as written. The proposed language change acknowledges that the declaration of candidacy can be executed before anyone who is legally empowered to administer oaths.

Sections 4 through 11: These sections change language to correctly reflect the procedures applicable to the use of optical scan voting equipment and compatible ballots as well as making some minor changes for clarity and re-numbering subsections.

Section 12: This section changes the “prohibition of persuasion” distance from 100 feet to 200 feet so that our code agrees with the Alaska statute.

Section 13: This deletes the current section of the Unalaska Code of Ordinances that authorizes computer voting, as the authorization will, with the passage of Ordinance 2017-08, be incorporated into other code sections.

Section 14: This section specifically includes electronic mail as an acceptable means of delivery of ballots by electronic transmission.

FINANCIAL IMPLICATIONS: None anticipated.

LEGAL: Ordinance 2107-08 has been reviewed by the City Attorney.

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance 2017-08.

PROPOSED MOTION: I move to send Ordinance 2017-08 to public hearing and second reading on June 27th.

CITY MANAGER’S COMMENTS: I recommend Council approve Ordinance 2017-08.

**CITY OF UNALASKA
UNALASKA, ALASKA**

ORDINANCE 2017-09

**AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING THE SCHEDULE OF
FEES AND CHARGES TO BE ASSESSED FOR CITY-PROVIDED SERVICES.**

BE IT ENACTED BY THE UNALASKA CITY COUNCIL AS FOLLOWS:

Section 1: Form. This is a Non-Code ordinance.

Section 2: Adoption of a Schedule of Rates and Charges. The Council hereby amends the following schedules of rates and charges to be paid by consumers of the identified City-provided services, labor, and equipment. The schedules adopted are listed individually below and are attached hereto. Each schedule shall remain in effect until such time as it may be amended by subsequent ordinance.

- ◆ Department of Parks, Culture, and Recreation
- ◆ Department of Public Works
- ◆ Water Department
- ◆ Wastewater Department
- ◆ Solid Waste Department
- ◆ Department of Ports and Harbors

Section 3. Effective Date. This ordinance shall take effect on July 1, 2017.

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

MAYOR

ATTEST:

CITY CLERK



CITY OF UNALASKA
~~FY17~~ FY18 Schedule of Fees and Services
Effective July 1, ~~2016~~ 2017

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GENERAL FEE SCHEDULE

The following fees and services apply to all City of Unalaska departments unless stated in a Department's specific fee schedule.

Photocopies

1 st five copies	Free
Six or more copies	\$0.25 per copy
1 st two copies (11x17 / legal)	Free
Three or more copies (11x17 / legal)	\$0.50 per copy
Copies for non-profits	Free unless the document to be copied is available digitally and is over 25 pages in length, in which case, a charge of \$0.10 per page will be imposed for each page after the 25 th .

Digital copies of a meeting	No charge; flash drive must be provided by patron
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Notary Public Services

Simple notarizations	Free
Signing Agent Service (i.e. loan, real estate or mortgage closing documents)	\$150.00

Non-Sufficient Funds (Bad Check)	\$25.00
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Interest Rate:	Unless a different rate of interest is provided for by ordinance or by agreement, interest shall accrue on obligations owing to the city at the rate of 10.5% per annum from the date that they are due.
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CITY CLERK'S DEPARTMENT

Business License	\$25.00
Taxi Permit	\$100.00
Annual renewal	\$100.00
Transfer fee	\$50.00
Faxing for Customers/Patrons	
Receiving	Free with cover sheet (held for 7 days)
Outgoing to Standard Dialed Numbers	\$1.00 per page including the required cover page
Outgoing to Standard Linked to Satellite and Radio Communications Systems	\$1.00 per page including the required cover page, plus additional fees based on per minute charges for special telephonic connections

PARKS, CULTURE & RECREATION DEPARTMENT

General Fees Statement: The Fee Schedule for programs and services are made through a public process. The PCR Advisory Committee reviews the staff recommendations and makes recommendations each year to the City Council for the City Council's review and final approval.

The Department of Parks, Culture, and Recreation (PCR) user fees provide patrons with access to the Aquatics Center and Community Center. User fees at the Community Center are waived for all ages up to 19 years of age, and for those 55 years old and older. The Aquatics Center user fees are waived for children 4 years old and under and those 55 years old and older.

I. PCR USER FEES

Aquatics Center: Pool & Slide, Fitness Center, Sauna, Showers and Mezzanine

Community Center: Art Room, Multipurpose Room, Racquetball Courts, Teen Room, Cardio Room, Music Room, Run/Walking Track, Weight Room, Gymnasium, Showers/Lockers, Commercial Kitchen, Kids Room, Conference Room and Outdoor Playground

Length of Use	Adult (ages 19-54)	Aquatic Center (ages 5-18)	Family (maximum 3 adults)
12 Month Pass	270.00	120.00	600.00
6 Month Pass	180.00	80.00	350.00
3 Month Pass	112.50	50.00	250.00
1 Month Pass	45.00	20.00	100.00
*20 punch card	60.00	25.00	
*10 punch card	40.00	13.00	
Daily Admission	5.00	2.00	

- All punch passes expire one year from the purchase date.
- Family members utilizing a family pass must reside in the same residence.
- A 25% discount is available to current fulltime college students who present a valid college ID and proof of enrollment at the time of registration.
- No refunds, transfers, or prorating of pass values are permitted without approval from PCR management except for punches on a punch pass.

CORPORATE USER FEES

Corporate pass rates are available for commercial fishing ships/boats, businesses, corporations, nonprofits, etc. Advance daily passes may be purchased at the corporate rate of \$3.00 per person, per day. Corporate pass applications may be obtained at the Community Center. A minimum purchase of 100 punches is required for every Corporate Account transaction.

II. FACILITY & ROOM RENTAL RATES

AQUATICS CENTER

Aquatics Center – includes Mezzanine	\$60.00 per hour <i>for a minimum of two hours</i>
Aquatics Center Mezzanine	\$20.00 per hour
Use of Pool Slide with Rental	\$20.00 per hour (additional guards required)

BURMA ROAD CHAPEL (includes kitchen)	\$40.00 per hour
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COMMUNITY CENTER

Conference Room	\$20.00 per hour
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Gymnasium	\$50.00 per hour
Rentals are available on Sundays from 12:00 PM – 2:00 PM	

Gymnasium, plus one of the following	\$75.00 per hour and \$50.00 for additional hour
inflatables – Castle Pirate Ship or Dragon Bounce Castle	

Gymnasium plus Obstacle Course	\$125.00 per hour and \$50.00 for additional hour
Five week advance notice required for scheduling purposes	

Gymnasium rental will only be available on Sunday from 12:00-2:00p.m., total rental time. ~~Gym
portion will be 1:00-2:00 p.m.~~

~~Note: Gymnasium and Teen/Rec Room may not be rented simultaneously.~~

~~**Teen Room** \$30.00 per hour~~

Multipurpose Room	\$40.00 per hour and \$25.00 for every additional hour
Includes Tables/Chairs /Audio Visual	

Commercial Kitchen	\$35.00 for first hour and \$15.00 for additional hours
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Multipurpose Room & Kitchen	\$60.00 for first hour and \$40.00 for additional hours
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All room rentals require a \$50.00 refundable short term damage deposit. [Renter will be responsible for the set up and tear down of chairs and tables in rental space.](#) ~~PCR staff will be responsible to move for moving the~~ [correct number of rented chairs and tables to rental space.](#) Cleaning and/or damage fee will be assessed if rooms are left unclean or damaged. [Renter must complete a walkthrough of space with PCR staff members before and after each rental to ensure that no damage has occurred and that space has been cleaned to department standards. Failure to complete these walkthroughs will result in the deposit being kept by PCR.](#) No charge for non-profit organizations registered with the City of Unalaska, UCSD, or other city departments.

III. PROGRAM FEES

General Fees Statement: Program fees may vary depending on the length of a program, if it is an adult or youth program, and the varying cost of equipment and supplies. Program fees are published in the PCR Activity Guides, program flyers, and other advertisements and announcements. [PCR offers a 10% discount for early bird registrations, which is rounded to the nearest whole dollar amount. Early bird fee is defined as a registration taking place at least two weeks before a program's scheduled start date.](#)

Late Pickup Fee:	6-10 minutes = \$ 5.00
	11-15 minutes = \$10.00
	16-20 minutes = \$15.00
	21-25 minutes = \$20.00
	26-30 minutes = \$25.00

***Scholarships may be available based on financial need. Anyone needing financial assistance in registering for the PCR programs is encouraged to apply at the Community Center. All scholarship information is confidential. For more information, call the PCR Recreation Manager at 581-1297.**

IV. LIBRARY FEES

Fines for Overdue Materials

General: Use of a library card to check-out material creates a contract between a library patron and the City of Unalaska. A library patron is financially responsible for all items checked out with their library card. Though some materials may not incur fines if held for extended periods of time, library

patrons are responsible for replacement of any materials that are lost if checked out on their library card. The City reserves the right to charge a processing fee to partially offset expenses incurred for re-acquiring and replacing lost materials.

Interlibrary Loan Materials: Libraries that loan materials to patrons in Unalaska determine replacement costs and processing fees if those materials are lost. In addition to a local processing fee, fees imposed by lending libraries are passed through to the borrowing patron by the Unalaska Public Library.

Books and Magazines If Materials are Lost	No overdue charge Replacement cost plus \$5.00 per item processing fee
Interlibrary Loan Materials If Materials are Lost	\$0.25 per day local overdue charge, maximum overdue charge \$5.00 Fines, replacement cost and processing fee as determined by the lending library, plus \$5.00 local processing fee and local overdue charge
DVDs If Materials are Lost	\$1.00 per day local overdue charge, maximum overdue charge \$5.00 Replacement cost plus \$5.00 per item processing fee
Lost or Damaged Items	Replacement cost, plus applicable fines, plus \$5.00 per item processing fee

Library Conference Room Rental	\$20.00 per hour, with below exception: Conference Room use is free of charge to non-profit, civic, social, cultural, educational, and government groups, as long as the meetings or programs they hold are open to the public, are free of charge, and are not held with the intention of generating revenue.
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Photocopying and printing	\$0.10 per page black & white \$1.00 per page color (2-sided copies count as two pages)
For school assignments	No charge

Faxing for Customers/Patrons

Receiving	Free with cover sheet (held for 7 days)
Outgoing to Standard Dialed Numbers	\$1.00 per page including the required cover page
Outgoing to Standard Linked to Satellite and Radio Communications Systems	\$1.00 per page including the required cover page, plus additional fees based on per minute charges for special telephonic connections

Passport Processing Fees

All fees for passport application and processing, including local processing fees, are set by the U.S. Department of State and are not refundable.

Items Available for Purchase at Library

USB Drive	\$7.50
Headphones	\$5.00
Passport Photos	<u>\$15.00</u>

V. PARK USE FEES

PCR programs and co-sponsored activities take priority at all playground and park facilities. ~~All park~~ Park amenities such as, ball fields, playgrounds, ~~pavilions~~, and picnic areas are on a first come basis when PCR or co-sponsored activities have not been scheduled. Please check with the ~~PCR~~ Community Center at 581-1297 for availability before planning any personal events.

Pavilion Rental Fee \$10.00 per hour

The pavilions at Community Park/Kelty Field and Expedition Park are available for reservation from the first weekend in May to the last weekend in October. Pavilions must be reserved at least seven days in advance of reservation date. Pavilion rental includes the use of the large charcoal grill beside each pavilion. Pavilions can only be reserved during Community Center operating hours and users must adhere to all park use regulations.

VI. OTHER FEES

Gym floor tarp	\$50.00 for set up and take down
I.D. card replacement fee	\$ 5.00

Aquatics Center Lockers	\$10.00/month
Lost day-use lock	\$ 5.00
Lost Towel	\$ 5.00
Laminating	\$1.00/ft.
Clay (25 lb. Block)	\$30.00
Photocopying (8.5x11)	\$1.00 per page
Helium for Balloons (must provide	\$2.50 for standard latex
Balloons balloons and string)*	\$12.00 for large Mylar
Color Poster Machine Printing*	
11x17 poster	\$2.00 each
18x24 poster	\$20.00 each
Two 18x24 posters	\$30.00
24x36 poster	\$30.00 each

*Note: The preferred poster format is a large format JPG, PNG, or BMP file. The suggested pixel dimensions are at least 1700 x 2500, or a file size of at least 3MB. Smaller files may become blurry when enlarged. We can also enlarge Word, PDF, and Publisher files. Files that do not meet the suggested file types or formats may be subject to a \$10.00 set up fee. There are no waived or reduced fees for any agencies or non-profit organizations for making posters.

Important: Poster printing is not available as an on demand service. Community Center staff may need up to three business days to process printing requests.

*Note: Balloon filling is dependent upon staff and helium availability. Filling of balloons should be scheduled 3 days in advance to ensure availability.

Kiln Firing Fee: \$25.00 for any personal firings outside of the PCR's complimentary firing schedule or for pieces requiring firing to specific temperatures outside of the standard PCR fires. This fee may be split amongst a group of patrons.

Popcorn Machine Rental: The PCR popcorn machine is available for rent for \$25.00 per hour with a \$200.00 deposit. The popcorn machine must be rented at least one week in advance and must be cleaned to staff specifications upon return.

Celebration Tent – 20'x20' includes side walls	\$250.00 per day with \$200.00 refundable security/damage deposit. Any damage or lost items that cost more than the \$200.00 damage deposit will be charged to the rental party. (Rental party is responsible for pick up, set up, take down, and return.)
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The following items require a \$50.00 refundable deposit:

Chairs	\$ 1.00 per chair
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Tables	\$ 3.00 per day/per table
Snowshoes	\$ 10.00 per pair per day

Other equipment and facilities may be available on a contingent basis with PCR Director's approval.

DEPARTMENT OF PLANNING

Variance/Conditional Use Application	
Residential Structure/Use	50.00
Commercial/Industrial Structure/Use	200.00
After-the-Fact Variance/Conditional Use Application	
Residential Structure/Use	100.00
Commercial/Industrial Structure/Use	400.00
Plat Application	250.00
Zone Change Application	250.00
Appeals	100.00
Tideland Lease Application	
Category A	500.00
Category B	200.00
Large Format Scanning (Labor Cost)	35.00/hour
Large Format Copies (Black and White)	0.01 per square inch + labor
Large Format Copies (Color)	0.02 per square inch + labor
Comprehensive Plan	20.00
Housing Strategy	10.00

Title 8 UCO	15.00
Street Address Map Book	35.00
Tax Map Book	50.00
Zoning Map (36x60 Color)	40.00
Landmarks and Location Map (36x60 Color)	40.00

DEPARTMENT OF PUBLIC SAFETY

POLICE

Civil Process Service, Served or Unserved	50.00
Private Party Fingerprints	25.00
Portable Breath Test (PBT)	75.00

PUBLIC INFORMATION REQUESTS

Copy of report	20.00
Copy of DVD/CD	5.00

CHAUFFEURS LICENSE

Chauffeurs license (Original)	55.00, plus State of Alaska processing fee for fingerprinting
Renewal	15.00
Taxi Meter Inspection	20.00

EMS CLASS FEES

Heartsaver First Aid	75.00
Heartsaver First Aid CPR AED	75.00
Heart Saver CPR AED	75.00
BLS for Healthcare Providers	75.00
BLS Instructor	150.00
Heartsaver Instructor	150.00
ACLS	150.00
PALS	150.00
ETT	300.00
EMT I	400.00
EMT II	500.00
EMT III	500.00
ETT Refresher	100.00
EMT I, II, III Refresher	200.00
All CPR Refreshers	50.00

AMBULANCE FEES

Loaded Mileage	11.00/mile
BLS	300.00
BLS-E	500.00
ALS1	600.00
ALS2	800.00

VEHICLE IMPOUND

Removal of Tire Boot	40.00
Storage of Vehicle	20.00 per day

TOWING SERVICE

Actual cost of towing service will be as charged by provider

ANIMAL CONTROL

Dog Impound – 1 st offense	25.00
Dog Impound – 2 nd offense	50.00
Dog Impound – 3 rd offense	100.00
Animal License	5.00
Replace lost tag	5.00
Maintenance Fee	20.00 per day

DEPARTMENT OF PUBLIC WORKS/PUBLIC UTILITIES

It is recognized that from time to time for various reasons the city shall be called upon to perform services for private individuals and companies using the city labor force and equipment. It is the policy of the city and as such the duty of the Director of Public Works or the Director of Public Utilities, before agreeing to perform such services for a private entity, other than those required to be performed by the city forces, that he be assured that all attempts by the applicant to enlist such services from the private business sector have been exhausted.

EQUIPMENT RATES DO NOT INCLUDE THE COST OF AN OPERATOR. THE EQUIPMENT WILL BE RENTED WITH A QUALIFIED CITY EMPLOYEE TO OPERATE THE EQUIPMENT AT ALL TIMES. FEES FOR OPERATORS ARE SET OUT BELOW.

LABOR CHARGE OUT RATE

DEPARTMENT OF PUBLIC WORKS

Note: See Utilities specific fee schedules for Public Utilities labor charge out rates.

Straight Time	85.00 per hour
Over time (time and a half)	128.00 per hour
Double Time	170.00 per hour

TRUCKS

10 CY End Dump Truck	125.00 per hour
10 CY Sand Truck	140.00 per hour
Truck Tractor to Pull Trailer	110.00 per hour
Water Truck, 2000 Gallon Capacity	125.00 per hour
Water Truck, 4000 Gallon Capacity	140.00 per hour
Terex Rock Hauler 2205B	180.00 per hour
2½ Ton Flat Bed	90.00 per hour
Vactor Truck	200.00 per hour
2½ Ton Flat Bed w/Hydr. Boom Crane	150.00 per hour
5 CY End Dump Truck	90.00 per hour
Street Sweeper	150.00 per hour
Bucket Truck	150.00 per hour

TRAILERS

Generator Trailer	90.00 per hour
Lowboy Trailer, 70,000 lb. capacity	140.00 per hour
<u>Tilt-Deck Trailer</u>	<u>100.00 per hour</u>

MOTOR GRADERS

Cat 14 HG Grader	190.00 per hour
Volvo 976	220.00 190.00 per hour
Volvo G990	220.00 per hour

BULLDOZERS

Cat D-3B Dozer	110.00 per hour
Cat D7 Dozer w/ripper	190.00 per hour
Cat D4 Dozer	140.00 per hour
Cat D6 Dozer	160.00 per hour

FRONT END LOADERS

Cat IT28B	120.00 per hour
Cat 950	120.00 per hour
Cat 902	100.00 per hour
Volvo L-120E	120.00 per hour

BACKHOES

Case 580 Backhoe	110.00 per hour
Case 590 Backhoe	125.00 per hour
<u>JCB Backhoe</u>	<u>150.00 per hour</u>
Case 580 Backhoe with hammer attachment	150.00 per hour
Cat 307C	100.00 per hour
Volvo EC210CL	150.00 per hour

COMPACTORS

Cat CB214D	90.00 per hour
Volvo SD100D Vibratory Drum	125.00 per hour

MISCELLANEOUS

Jack Hammer	40.00 per hour + supplies
Pickups, 4x4, ½ Ton	20.00 per hour
Air Compressor, 120 PSI	50.00 per hour
DXL-750 Air Compressor, 160 PSI	50.00 per hour
Manitou M40 Lift Truck/Forklift	100.00 per hour
Bowie Lancer 500 Hydro Seeder	100.00 per hour
Core Driller	50.00 per hour
Concrete wall saw	125.00 per hour + supplies
Stanley Spinax Pneumatic Gun	50.00 per hour + supplies
Ned-Hut Cement Saw	125.00 per hour + supplies
Pipeline Video Inspection Unit	50.00 per hour

Snocrete Snow Blower	100.00 per hour
Genie Z45/25 Telescoping Man Lift	75.00 per hour
Genie Scissor Lift	75.00 per hour

ASPHALT PATCHING – ROAD

Minimum Amount (Up to 200 sq. ft.)	2,500.00, plus \$20/sq. ft. for each additional sq. ft.
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ASPHALT PATCHING – PATHWAY

Minimum Amount (Up to 100 sq. ft.)	1,000.00, Plus \$10/sq. ft. for each additional sq. ft.
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BUILDING PERMITS

New Residential Dwelling Unit;	100.00
Addition to add Second Dwelling Unit;	
Container Storage Unit;	
Major Additions (2 or more rooms)	

Single Family or Duplex Remodel;	25.00
Minor Additions (less than 2 rooms);	
Re-roofing; Demolitions; Arctic Entry	

All commercial; 3 or more dwelling unit
residential

Valuation \$0-\$50,000	250.00
Valuation over \$50,000	400.00

After-the-Fact Building Permits Penalty	250.00 additional
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UTILITY INSPECTION CARD DEPOSIT

Residential	500.00
Commercial	1,000.00
Replacement Card	100.00

DEPARTMENT OF PUBLIC UTILITIES

Electric Utility

SCHEDULE A **RESIDENTIAL SERVICE**

The Residential Service Rate applies only to service provided exclusively for general domestic purposes, including single family residences, housing units in multi-family residences, and mobile homes.

Customer Charge	8.00 per month
Energy Charge	0.23395 per kWh

SCHEDULE B **SMALL GENERAL SERVICE**

The Small General Service Rate applies to all non-residential services with 20 kW of demand or less, and does not require demand metering.

Customer Charge	10.00 per month
Energy Charge	0.20545 per kWh

SCHEDULE C **LARGE GENERAL SERVICE**

The Large General Service Rate applies to all services with demands exceeding 20 kW but less than or equal to 100 kW for a minimum of 6 months per city fiscal year. A review of service classification will be performed annually. The new rate will be applied from that time forward and will not be retroactive.

Customer Charge	50.00 per meter per month
Demand Charge	6.70 per kW
Energy Charge	0.17395 per kWh

SCHEDULE D **INDUSTRIAL SERVICE**

The Industrial Service Rate applies to services with demands exceeding 100 kW for a minimum of 6 months per city fiscal year. A review of service classification will be performed annually. The new rate will be applied from that time forward and will not be retroactive.

Customer Charge	100.00 per meter per month
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Demand Charge
Energy Charge

8.00 per kW
0.14385 per kWh

SCHEDULE E
STREETLIGHTS

For streetlights with energy meters, the City will charge the rate in effect for Small General Service. Monthly customer charges will be applied to each streetlight meter, and the energy charge shall be applied to the actual amount of energy consumed each month.

For streetlights without energy meters, the monthly charge will be equal to the Small General energy charge multiplied by the actual energy usage of a metered streetlight with similar wattage. A monthly customer charge will not be applied to unmetered streetlights.

SCHEDULE F
COST OF POWER ADJUSTMENT

A surcharge or credit (Cost of Power Adjustment) shall be applied to all energy in Schedule A – E to reflect all Fuel and Purchased Power Cost included in the Energy Charge for Schedules A - E. The City shall calculate the Cost of Power Adjustment on a quarterly or monthly basis with the calculation to take into account the actual costs for the previous period and the estimated costs for the period in which the Cost of Power Adjustment is to be in effect.

SCHEDULE G
STANDBY SERVICE

Standby service means electrical service supplied or made available to load which is serviced all or part of the time by the customer's own electric generation or by any non-City source of power. Standby service will be provided under the Large General Service Rate (Schedule C) except that the minimum payment each month will be equal to the customer charge plus the product of the demand charge and the estimated maximum demand of the load serviced by the standby service. With large loads or special circumstances, the City may require that standby service be supplied by the City only under a special contract specifying the rates, terms and conditions governing such service.

SCHEDULE H
INTERRUPTIBLE SERVICE

Interruptible service means electrical service under which the City retains the right to interrupt service, in whole or in part, at any time, with or without notice, whenever the City deems necessary in order to meet the demand of other customers or for any other reason. Interruptible service may be supplied, at the City's discretion, only under a special contract specifying the rates, terms and conditions governing such service.

SCHEDULE I
FEES AND SPECIAL CHARGES

- A. **Billing Deposits** A deposit equal to two months estimated billing is required. Interest in the amount of 3 ½% per annum will accrue on billing deposits, and will be paid to

customer when deposit is refunded or applied to account.

B. New Service Connection

Labor:	Straight Time	85.00 per hour
	Over Time	128.00 per hour
	Double Time	170.00 per hour
Materials:	Cost plus 15%	

C. Construction Deposit 50% of City's construction estimate due prior to start of construction. Balance due prior to activation.

D. Service/Reconnection 80.00

E. Service Call Out:

Labor:	Straight Time	85.00 per hour
	Over Time	128.00 per hour
	Double Time	170.00 per hour
Materials:	Cost plus 15%	

F. Power Factor Adjustment
(if demand charge applies)

If the average power factor of the customers' system is less than 90% lagging, the billing demand may be increased by the amount of kW that is required to bring the average power factor to no less than 90% lagging.

For all new services installed after September 30, 2006, if the average power factor of the customers' system is less than 95% lagging, the billing demand may be increased by the amount of kW that is required to bring the average power factor to no less than 95% lagging.

G. Billable Time

In addition to labor time, billable time will include travel time to and from the job site and will be rounded to the nearest hour.

Water Utility

SCHEDULE A

SINGLE FAMILY OR DUPLEX WATER SERVICE MONTHLY CHARGES

Schedule A is restricted to service provided exclusively for unmetered general domestic purposes to single family and duplex dwelling units. The fixed monthly charge includes customer and volume charges. Duplex

services will receive two unit charges. Residential units that are also used for commercial purposes are required to be metered and charged in accordance with Schedule B. All new water services will be metered.

COST PER DWELLING UNIT

Single Family/Duplex

Effective 07/01/15
\$35.59 per unit per month

SCHEDULE B
METERED WATER SERVICE MONTHLY CHARGE

	Effective 07/01/15	
Meter Size	Fixed Monthly Charge	Charge Per 1,000 Gallons
5/8"	\$3.53	\$2.51
3/4"	\$3.74	\$2.51
1"	\$4.15	\$2.51
1.5"	\$5.21	\$2.51
2"	\$6.47	\$2.51
3"	\$9.40	\$2.51
4"	\$13.18	\$2.51
6"	\$24.08	\$2.51
8"	\$36.67	\$2.51
10"	\$63.43	\$2.51
12"	\$100.12	\$2.51

SCHEDULE C
SERVICE TO HIGH ELEVATIONS

If pumping is required to serve a customer or subdivision at an elevation too high to be continuously served by gravity, it is the customer's responsibility to meet necessary State requirements to install, to operate, and to maintain such a facility.

SCHEDULE D
FEE FOR SERVICE CONNECTIONS

Fees for new service connections are comprised of two types of charges, costs for the actual physical hook-up and system development charges (SDCs), which pay for system wide capital expansion. SDC's are comprised of both reimbursement (past system expansion) and improvement (future system expansion) fees.

D-1 PHYSICAL HOOK-UP FEES:

Labor:	Straight Time	85.00 per hour
	Over Time	128.00 per hour
	Double Time	170.00 per hour
Materials:	Cost plus 15%	

- All services to be installed by the Utility will be cost estimated at the time of application.
- All estimates will be valid for 30 days.
- A deposit of 50% of the construction estimate is required.
- Deposit must be paid before work can proceed.
- Balance due prior to activation of service.

D-2 SYSTEM DEVELOPMENT CHARGE:

D-2a: System development charges are to be assessed and paid prior to service activation. Charges are based on domestic service meter size as follows:

SYSTEM DEVELOPMENT CHARGES SCHEDULE

METER SIZE	SYSTEM DEVELOPMENT CHARGE
Unmetered Residential	565.00
5/8 inch	565.00
¾ inch	565.00
1 inch	5,088.00
1 1/2 inch	10,175.00
2 inch	16,280.00
3 inch	30,530.00
4 inch	48,845.00
6 inch	101,765.00
8 inch	165,825.00
10 inch	292,680.00
12 inch	470,766.00

D-2b: The System Development charge component of the water services connection charge for residential housing shall be waived.

SCHEDULE E **FEES AND SPECIAL CHARGES**

- | | | |
|----|-----------------------------|--|
| A. | <u>Billing Deposits</u> | A deposit equal to two months estimated billing is required. Interest in the amount of 3½% per annum will accrue on billing deposits, and will be paid to customer when deposit is refunded or applied to account. |
| B. | <u>Service/Reconnection</u> | 70.00 |
| C. | <u>Service Call Out</u> | |
| | Labor: | Straight Time 85.00 per hour |

Over Time 128.00 per hour
Double Time 170.00 per hour

Materials: Cost plus 15%

D. Mainline Inspection

Labor: Straight Time 85.00 per hour
Over Time 128.00 per hour
Double Time 170.00 per hour

Materials: Cost plus 15%

E. Billable Time In addition to labor time, billable time will include travel time to and from the job site and will be rounded to the nearest 1/2 hour.

Wastewater Utility

SCHEDULE A UNMETERED RESIDENTIAL SEWER SERVICE

Schedule A is restricted to service provided exclusively for general domestic purposes to single family, duplex, or individual trailer housing units. Charges for unmetered monthly service are made up of a service charge and a volume charge. Duplex services will receive two unit charges. Residential units that are also used for commercial purposes shall be metered and charged in accordance with Schedule B.

Unmetered	Effective 07/01/15
	\$98.50 per unit per month

UNMETERED

<u>Effective</u> <u>07/01/17</u>	<u>Effective</u> <u>07/01/18</u>	<u>Effective</u> <u>07/01/19</u>	<u>Effective</u> <u>07/01/20</u>
<u>\$105.40 per</u> <u>unit per</u> <u>month</u>	<u>\$109.61 per</u> <u>unit per</u> <u>month</u>	<u>\$111.80 per</u> <u>unit per</u> <u>month</u>	<u>\$114.04 per</u> <u>unit per</u> <u>month</u>

SCHEDULE B METERED COMMERCIAL SEWER SERVICE

Any service that does not fall into the residential category as defined in Schedule A above or into the industrial category as defined in Schedule C below shall be classified as a commercial service. Commercial sewer service charges are made up of both a fixed service charge and a usage charge. The usage component is based on a

volume rate per 1,000 gallons of metered water consumption. The total monthly bill for metered commercial services is comprised of the fixed service charge and volume charge components as detailed below:

<u>Metered/Commercial</u>	<u>Effective 07/01/15</u>
<u>Service Charge</u>	<u>\$18.03 per month</u>
<u>Volume Charge</u>	<u>\$15.37 per 1000 gallons</u>

<u>Metered/Commercial</u>				
<u>-</u>	<u>Effective 07/01/17</u>	<u>Effective 07/01/18</u>	<u>Effective 07/01/19</u>	<u>Effective 07/01/20</u>
<u>Service Charge</u>	<u>\$19.29 per month</u>	<u>\$20.06 per month</u>	<u>\$20.46 per month</u>	<u>\$20.87 per month</u>
<u>Volume Charge</u>	<u>\$16.44 per 1000 gallons</u>	<u>\$17.10 per 1000 gallons</u>	<u>\$17.44 per 1000 gallons</u>	<u>\$17.79 per 1000 gallons</u>

Monthly billings may be adjusted for a commercial service that consumes more than 50,000 gallons of water per month that is not returned to the sewer system. To obtain an adjustment, the customer must petition the City, separately meter water usage not entering the sewer system, and demonstrate that the separately metered water will not enter the sewer system. Upon review and approval, the City will deduct the volume of separately metered water which is not returned to the sewer system from the total metered consumption prior to calculation of the volume charge each month.

SCHEDULE C
METERED INDUSTRIAL SEWER SERVICE

Any service which has a current individual NPDES permit, where a plant's metered water use does not accurately reflect sewage flows due to large quantities of water consumption that are not returned to the sewer system, shall be classified as an industrial service. Industrial sewer service charges are made up of both a fixed service charge and a usage charge. The usage component is based on a volume rate per 1,000 gallons of metered water consumption. The total monthly bill for metered industrial services is comprised of the fixed service charge and volume charge components as detailed below:

<u>Metered/Industrial</u>	<u>Effective 07/01/15</u>
<u>Service Charge</u>	<u>\$18.03 per month</u>
<u>Volume Charge</u>	<u>\$0.98 per 1,000 gallons</u>

<u>Metered/Industrial</u>	<u>Effective 07/01/17</u>	<u>Effective 07/01/18</u>	<u>Effective 07/01/19</u>	<u>Effective 07/01/20</u>
<u>Service Charge</u>	<u>\$19.29 per month</u>	<u>\$20.06 per month</u>	<u>\$20.46 per month</u>	<u>\$20.87 per month</u>
<u>Volume Charge</u>	<u>\$1.05 per 1,000 gallons</u>	<u>\$1.09 per 1,000 gallons</u>	<u>\$1.11 per 1,000 gallons</u>	<u>\$1.13 per 1,000 gallons</u>

SCHEDULE D
FEES AND SPECIAL CHARGES

- A. Billing Deposit A deposit equal to two months estimated billing is required.
Interest in the amount of 3½% per annum will accrue on
billing deposits, and will be paid to customer when deposit is
refunded or applied to account.
- B. New Service Connection
- Labor: Straight Time 85.00 per hour
 Over Time 128.00 per hour
 Double Time 170.00 per hour
- Materials: Cost plus 15%
- C. Construction Deposit 50% of City's construction estimate due prior to start of
construction. Balance due prior to activation of service.
- D. Service/Reconnection 70.00
- E. Service Call Out
- Labor: Straight Time 85.00 per hour
 Over Time 128.00 per hour
 Double Time 170.00 per hour
- Materials: Cost plus 15%
- F. Service Inspection
- Labor: Straight Time 85.00 per hour
 Over Time 128.00 per hour
 Double Time 170.00 per hour
- Materials: Cost plus 15%

G. Billable Time

In addition to labor time, billable time will include travel time to and from the job site and will be rounded to the nearest hour.

Solid Waste

SCHEDULE A **LANDFILL MAINTENANCE FEE**

The monthly landfill maintenance fee applies to all metered and non-metered utility locations and any other person or organization that receives landfill services or deposits waste in the landfill. Multi residential unit services will receive maintenance fee charges in accordance with the number of units. This fee is included on each customer's monthly utility bill. In the event a landfill customer does not receive a utility bill, this fee will be assessed at the landfill and billed on a monthly basis.

	Effective 07/01/15
Maintenance	\$23.51

Maintenance Fee

<u>Effective</u> <u>07/01/17</u>	<u>Effective</u> <u>07/01/18</u>	<u>Effective</u> <u>07/01/19</u>
<u>\$25.61</u>	<u>\$26.76</u>	<u>\$27.97</u>

SCHEDULE B **TIPPING FEE/MINIMUM FEE**

The tipping fee applies to all landfill customers other than residential customers depositing their own household refuse and applies to such customers in addition to the landfill maintenance fee in Schedule A above. Such customers will be charged the tipping fee or the minimum fee whichever is greater. If scales are operational at the landfill, the tipping fee will be based on the following rate per ton; otherwise, the rate per cubic yard will apply. Tipping and minimum fees will be assessed at the landfill by the operator on duty and billed on a monthly basis.

For purposes of the tipping fee exemption, household refuse is defined as "refuse generated within a household during normal, day-to-day activities." It does not include furniture, major appliances, construction or demolition debris, large amounts of yard waste, or any other items that, because of their bulk, weight or composition, the landfill staff determines to be chargeable.

Effective 07/01/15

Refuse Type	Tipping Fee	Loose (per cubic yard)	Compacted (per cubic yard)	Minimum Fee
General Refuse	\$220.13 per Ton	\$10.78	\$21.56	\$24.42
Batteries	\$517.41 per Ton		\$297.09	\$35.27
Scrap Metal*	\$940.74 per Ton		\$358.13	\$59.01
Fish Waste	\$470.37 per Ton		\$101.63	\$339.14

*See Schedule G, Paragraph A.

Effective 07/01/17

<u>Refuse Type</u>	<u>Tipping Fee</u>	<u>Loose (per cubic yard)</u>	<u>Compacted (per cubic yard)</u>	<u>Minimum Fee</u>
<u>General Refuse</u>	<u>\$230.03 per Ton</u>	<u>\$11.27</u>	<u>\$22.53</u>	<u>\$25.52</u>
<u>Batteries</u>	<u>\$540.69 per Ton</u>	-	<u>\$310.50</u>	<u>\$36.86</u>
<u>Scrap Metal*</u>	<u>\$983.07 per Ton</u>	-	<u>\$374.24</u>	<u>\$61.55</u>
<u>Fish Waste</u>	<u>\$491.54 per Ton</u>	-	<u>\$106.20</u>	<u>\$354.40</u>

*See Schedule G, Paragraph A

Effective 07/01/18

<u>Refuse Type</u>	<u>Tipping Fee</u>	<u>Loose (per cubic yard)</u>	<u>Compacted (per cubic yard)</u>	<u>Minimum Fee</u>
<u>General Refuse</u>	<u>\$240.38 per Ton</u>	<u>\$11.78</u>	<u>\$23.54</u>	<u>\$26.67</u>
<u>Batteries</u>	<u>\$565.02 per Ton</u>	-	<u>\$324.47</u>	<u>\$38.52</u>
<u>Scrap Metal*</u>	<u>\$1027.31 per Ton</u>	-	<u>\$391.08</u>	<u>\$64.32</u>
<u>Fish Waste</u>	<u>\$513.66 per Ton</u>	-	<u>\$110.98</u>	<u>\$370.35</u>

*See Schedule G, Paragraph A

Effective 07/01/19

<u>Refuse Type</u>	<u>Tipping Fee</u>	<u>Loose (per cubic yard)</u>	<u>Compacted (per cubic yard)</u>	<u>Minimum Fee</u>
<u>General Refuse</u>	<u>\$251.20 per Ton</u>	<u>\$12.31</u>	<u>\$24.60</u>	<u>\$27.87</u>
<u>Batteries</u>	<u>\$590.45 per Ton</u>	<u>-</u>	<u>\$339.07</u>	<u>\$40.25</u>
<u>Scrap Metal*</u>	<u>\$1073.54 per Ton</u>	<u>-</u>	<u>\$408.68</u>	<u>\$67.21</u>
<u>Fish Waste</u>	<u>\$536.77 per Ton</u>	<u>-</u>	<u>\$115.97</u>	<u>\$387.02</u>

*See Schedule G, Paragraph A

SCHEDULE C
VEHICLE DISPOSAL FEE

Any person disposing of a vehicle at the landfill must remove fluids, batteries and tires from the vehicle prior to disposal. If fluids, batteries and tires are not removed from the vehicle prior to disposal, those vehicles will not be accepted. All Commercial Vehicles are defined as commercially licensed or vehicles with a rating of one ton or higher. Vehicles must be clean of all trash prior to disposal. All vehicle parts will be charged at the metal charges in Schedule G.

	<u>Effective 07/01/15</u>
<u>Passenger cars</u>	<u>No Charge</u>
<u>Pick-up trucks & SUV's up to 1 Ton Rating</u>	<u>No Charge</u>
<u>All commercial vehicles</u>	<u>\$805.27/ton</u>

Vehicle Disposal Fee

<u>Effective 07/01/17</u>		<u>Effective 07/01/18</u>		<u>Effective 07/01/19</u>	
<u>Passenger cars</u>	<u>No Charge</u>	<u>Passenger cars</u>	<u>No Charge</u>	<u>Passenger cars</u>	<u>No Charge</u>
<u>Pick-up trucks & SUV's up to 1 Ton Rating</u>	<u>No Charge</u>	<u>Pick-up trucks & SUV's up to 1 Ton Rating</u>	<u>No Charge</u>	<u>Pick-up trucks & SUV's up to 1 Ton Rating</u>	<u>No Charge</u>
<u>All commercial vehicles</u>	<u>\$841.51/ton</u>	<u>All commercial vehicles</u>	<u>\$879.37/ton</u>	<u>All commercial vehicles</u>	<u>\$918.95/ton</u>

SCHEDULE D
SPECIAL WASTE HANDLING FEES

The special waste handling fees apply to all landfill customers who deposit wastes in the landfill that require special handling to be accommodated. Such customers will be charged the special handling fee in addition to the landfill tipping fee in Schedule B above. Special wastes include trawl nets, and appliances with refrigerant.

	<u>Effective 07/01/15</u>
<u>Trawl Nets (per cubic yard)**</u>	<u>\$940.74</u>
<u>Nets Compact Fee (per ton)**</u>	<u>\$199.44</u>
<u>Appliance with refrigerant</u>	<u>\$94.07 each</u>

**See Schedule G, Paragraph D

<u>Effective 07/01/17</u>		<u>Effective 07/01/18</u>		<u>Effective 07/01/19</u>	
<u>Trawl Nets (per cubic yard)**</u>	<u>\$983.07</u>	<u>Trawl Nets (per cubic yard)**</u>	<u>\$1,027.31</u>	<u>Trawl Nets (per cubic yard)**</u>	<u>\$1,073.54</u>
<u>Nets Compact Fee (per ton)**</u>	<u>\$208.41</u>	<u>Nets Compact Fee (per ton)**</u>	<u>\$217.79</u>	<u>Nets Compact Fee (per ton)**</u>	<u>\$227.59</u>
<u>Appliance with refrigerant</u>	<u>98.30 each</u>	<u>Appliance with refrigerant</u>	<u>\$102.27 each</u>	<u>Appliance with refrigerant</u>	<u>\$107.35 each</u>

** See Shedule G, Paragraph D

Special handling charges shall not be limited to the items specified above. Any person with other waste materials that require special handling to be accommodated at the landfill shall notify the Department of Public Utilities prior to disposal. Such wastes will be accepted at the discretion of the City, subject to an agreement between the customer and the Director of Public Utilities on charges that will reasonably compensate the City.

SCHEDULE E
SEPARATION FEES

Customers responsible for any mixed load arriving at the City’s solid waste disposal facility that includes prohibited items or materials requiring separation shall be charged the labor charge out rate as stated in Schedule F, Section B, based upon the extra time required for handling by City personnel and equipment. This charge will be in addition to the landfill tipping fee in Schedule B above.

“Materials requiring separation” include: major items and appliances; pallets and large wood items; nets and line; fish waste; fish meal; preservative; galley/restaurant waste; tires; wire rope/cables; junk vehicles; and scrap metal. “Prohibited materials” include: creosote or creosote treated items; petroleum products; corrosive materials; toxic materials; liquids; off-island waste; PCB’s; and Asbestos.

SCHEDULE F
FEES AND SPECIAL CHARGES

A. Billing Deposits A deposit equal to two months estimated billing is required. Interest in the amount of 3½% per annum will accrue on billing deposits, and will be paid to customer when deposit is refunded or applied to account.

B. <u>Labor Charge Out rates:</u>			
Labor:	Straight Time		87.40 per hour
	Over Time		131.10 per hour
	Double Time		174.80 per hour
Equipment Charge			166.43 per hour
Materials:	Cost plus 15%		

C. Billable Time In addition to labor time, billable time will include travel time to and from the job site and will be rounded to the nearest hour.

SCHEDULE G
OTHER SPECIAL REGULATIONS

EFFECTIVE 07/01/15

A. Scrap Metals. Scrap metals must be cut into less than four feet lengths and be no more than one (1) foot thickness. Scrap metals not cut up accordance with the preceding dimensions will be charged the **per ton** Tipping Fee ~~of \$940.74 per ton rate~~ plus the compacted cubic yard rate ~~fee \$358.13~~. In the event the landfill scales are not operating, and the scrap metal is greater than 1 cubic yard, the rate charged shall be two times the compacted cubic yard rate for Scrap Metal. Cubic yard volume is determined by the following formula: (maximum length in feet times maximum width in feet times maximum height in feet divided by 27). All cables and wire rope must be separated from metal deliveries. All webbing, nets, and rope must be removed from crab pots and other metal material.

B. Wood. Wood including demolition and construction materials must be cut into lengths not exceeding four (4) foot lengths and be no more than one (1) foot thickness.

C. Containers. All containers including vans, tanks and other large vessels exceeding fifty five (55) gallons in capacity must be cleaned of any residue and cut into less than four (4) feet lengths and be less than four (4) feet diameter. Containers are defined as: A large reusable receptacle that can accommodate smaller cartons or cases in a single shipment designed for efficient shipment of cargo or is used for the storage of liquid. All valves must be removed from cylinders before disposal. All propane tanks must be separated from general metal. All fuel and oil tanks must be cut in half.

EFFECTIVE 07/01/15

D. Nets and Line. Nets and lines must be free of all non-synthetic polymerized materials and must be cut up into tightly bound bundles of less than one (1) cubic yard. Synthetic polymerized materials include, but are not limited to, nylon, polypropylene, polyethylene, and spectra. (Note nets are charged in accordance with Schedule D and Schedule B.) Customers that deliver nets and lines that are in one (1) cubic yard bundles will be charged a **per ton** tipping fee ~~of \$199.44 per ton~~. Nets and lines that are not cut and tightly bound into one (1) cubic yard bundles will be charged a **per ton** tipping fee ~~of \$199.44 per ton~~ and ~~a fee of \$940.74 per the~~ cubic yard **fee**.

E. Other. Other emergency limitations on waste material may be added as authorized by the Director with approval from the City Manager.

DEPARTMENT OF PORTS AND HARBORS

SECTION I: SPIT DOCK HARBOR FACILITY

A. Definitions

Moorage: The charge assessed against a vessel for berthing at a space designated as a mooring space or for mooring to a ship so berthed.

VESSEL LENGTH		Monthly
From	To	Prepay
0'	99'	\$1,205.78
100'	124'	\$1,521.68
125'	149'	\$2,364.30
150'	174'	\$4,048.88
175'	199'	\$6,074.55
200'	224'	\$8,437.73
225'	300'	\$10,626.08

VESSEL LENGTH		RATE	
From	To	Per Day	
0'	99'	53.59	<u>\$55.20</u>
100'	124'	67.63	<u>\$69.66</u>
125'	149'	105.08	<u>\$108.23</u>
150'	174'	179.95	<u>\$185.35</u>
175'	199'	269.98	<u>\$278.08</u>
200'	224'	375.01	<u>\$386.26</u>
225'	300'	472.27	<u>\$486.44</u>

B. Prepaid Monthly Moorage

Vessels ~~that may prepay for 30 or more days of moorage qualify for a 50% discount from the regular daily rate. Prepayment is required to qualify for monthly rates at the monthly prepay rate. A month will be considered 30 days.~~ Previous charges on vessel account must be paid in full to qualify for prepayment option

and the owner must be in good standing with the Port. Monthly moorage rate vessels that occupy moorage beyond the expiration of their prepaid terms will be charged at the daily rate for that size vessel classification from the day that prepayment of monthly rate expires. Prepayment extensions may be granted prior to expiration of the current agreement.

*Note: Due to periods of heavy overflow vessels may be granted permission by the Port Director or Harbormaster to tie up at the UMC Dock at Spit Dock Rates.

For labor, crane, equipment and other charges see Section VI.

SECTION II: BOB STORRS INTERNATIONAL BOAT HARBOR

A. Definitions

Long Term Moorage: Moorage for those vessel owners/operators who have a permanent slip or are on the wait list. A minimum of 180 days' moorage must be prepaid to be placed on the wait list.

Reserved Moorage: ~~Moorage that has paid the minimum required pre-payment and vessel owner/operator has been assigned a reserved slip.~~

Transient Moorage: Moorage that is not reserved and the vessel owner is not on the wait list.

Wait List: A list of vessels waiting to be assigned a reserved slip based on length classification and date of application. A minimum of 180 days moorage must be prepaid to be placed on the wait list. Owners may request to be placed on the wait list free of charge.

B. Long Term and Reserved Moorage

1. Monthly rate:

VESSEL LENGTH		MONTHLY RATE	
From	To		
0'	20'	54.56	<u>\$55.65</u>
21'	25'	73.55	<u>\$75.02</u>
26'	30'	85.44	<u>\$87.15</u>
31'	35'	105.54	<u>\$107.65</u>
36'	40'	121.55	<u>\$123.98</u>
41'	45'	137.55	<u>\$140.30</u>
46'	50'	153.54	<u>\$156.61</u>
51'	55'	169.55	<u>\$172.94</u>
56'	60'	185.55	<u>\$189.26</u>
61'	65'	201.54	
66'	70'	217.60	
71'	75'	233.60	
76'	80'	249.60	

~~2. 1 year pre-payment of moorage 20% discount~~

~~3. 6 months pre-payment of moorage 10% discount~~

~~4. Waste oil disposal charge — See Section VI~~

~~2.5. A. No refunds for pre-payment of long term moorage will be allowed for less than 180 days of occupancy.~~

~~B. 180 days minimum pre-payment required for long-term moorage.~~

~~6. Live-Aboard Fees (Robert Storrs SBH ONLY)* \$58.23 per month~~

~~*Must be approved by Harbor Master~~

C. Transient Moorage

1. Daily rate:

VESSEL LENGTH		DAILY RATE	
From	To		
0'	20'	6.85	<u>\$6.99</u>
21'	25'	9.20	<u>\$9.38</u>
26'	30'	10.99	<u>\$11.21</u>
31'	35'	13.06	<u>\$13.32</u>
36'	40'	14.85	<u>\$15.15</u>
41'	45'	16.93	<u>\$17.27</u>
46'	50'	18.99	<u>\$19.37</u>
51'	55'	20.78	<u>\$21.20</u>
56'	60'	22.85	<u>\$23.31</u>
61'	65'	24.64	
66'	70'	26.70	
71'	75'	28.78	
76'	80'	30.56	

~~2. Waste oil disposal fee — See Section V. For labor, equipment and other fees, see Section VI~~

~~3. Pre-payment of transient moorage is required Vessel owners may be required to post a deposit.~~

~~For labor, equipment and other fees, see Section V.~~

SECTION III: POT & LIGHT CARGO DOCK

Definitions:

Dockage: The charge assessed against a vessel for berthing at a facility ~~for the purposes of transferring with cargo~~ operations.

Moorage: The charge assessed against a vessel for berthing at a facility without cargo operations space designated as a mooring space or for mooring to a ship so berthed.

Wharfage: A charge assessed against all cargo being transferred over a facility or between vessels when berthed at a facility.

A. **Dockage**

Rate ~~per Day~~: Dockage shall be charged at \$.89 per foot per 12 hour period

B. **Prepaid Monthly Moorage**

~~Vessels that prepay for 30 or more days of moorage qualify for a 50% discount from the regular daily rate. Prepayment is required to qualify for monthly rates. Monthly moorage rate vessels that occupy moorage beyond the expiration of their prepaid terms will be charged at the daily rate for that size vessel classification from the day that prepayment of monthly rate expires. Prepayment extensions may be granted prior to expiration of the current agreement.~~

*Note: Due to periods of heavy overflow vessels may be granted permission to tie up at the UMC Dock at Spit Dock Rates. In the event that other facilities are over capacity the Port Director or Harbor Master may honor Spit Dock moorage rates.

For labor, equipment, and other charges, see Section VI.

C. **Moorage Rate per Day**

VESSEL LENGTH		DAILY RATE	
From	To		
0'	99'	52.56	<u>\$54.14</u>
100'	124'	67.63	<u>\$69.66</u>
125'	149'	105.08	<u>\$108.23</u>
150'	174'	179.95	<u>\$185.35</u>
175'	199'	269.98	<u>\$278.08</u>
200'	224'	375.01	<u>\$386.26</u>
225'	Up to 300'	472.27	<u>\$486.44</u>
All Dockage, Moorage & Wharfage for vessels 300' & greater will be billed exactly as written in the UMC Tariff			

D. **Fishing Gear Wharfage:**

1. Crab Pots/Cod Pots \$2.01 per Pot
2. Other Pots \$1.15 per 10/ minimum of 10
3. Trawl Nets \$92.08 each
4. Trawl Doors \$17.26 each
5. Longline Modules \$57.56 each
6. Dockage is assessed when loading and unloading gear

E. **Other Wharfage:** Per UMC Tariff Section VI

F. **Land Use:**

Cargo Storage Section VI Daily: \$0.03 x sq. ft. x total days
Monthly: \$0.43 x sq. ft.

G. **General Notes**

1. On/off-loading of fishing gear and cargo has priority over moorage and all other non-emergency uses.
2. Vessels must vacate the dock after cargo or gear on/off-loads are complete when requested to do so by the Harbormaster.
3. Moorage at Spit ~~Pot~~ and Cargo Dock is by permission only.
4. For labor, equipment and other fees, see Section VI.

SECTION IV: CARL E. MOSES BOAT HARBOR

A. Definitions

Permanent Moorage: Moorage that has paid the minimum required pre-payment and vessel owner/operator has been assigned a reserved slip.

Transient Moorage: Moorage ~~that is not reserved and the vessel owner is not on the wait list for vessel~~
without a permanent slip.

Dockage: The charge assessed against a vessel for berthing at a facility for the purpose of transferring cargo or gear.

Waste oil disposal fee: See Section VI.

B. Long Term and Reserved Moorage

1. Annual Rates are based on Length over all x Annual cost per Linear Feet (LF)

Annual Rate:

VESSEL LENGTH		Annual Base Rate	
From	To	Per Foot LF x LOA	
0	49	\$40.25	<u>\$41.46</u>

50	59	\$46.00	<u>\$47.38</u>
60	69	\$51.75	<u>\$53.30</u>
70	79	\$63.25	<u>\$65.15</u>
80	89	\$74.75	<u>\$76.99</u>
90	99	\$80.50	<u>\$82.92</u>
100	109	\$86.25	<u>\$88.84</u>
110	119	\$92.00	<u>\$94.76</u>
120	129	\$103.50	<u>\$106.61</u>
130	139	\$115.00	<u>\$118.45</u>
140	149	\$132.25	<u>\$136.22</u>
150		\$149.50	<u>\$153.99</u>

- Not more than one vessel may be moored in a stall at any one time except with the prior consent of the harbor master. The harbor master may permit multiple occupancy of a single stall or float area if the harbor master determines that multiple occupancy would be safe and would facilitate maximum use of the harbor facilities.
- A person who owns or operates more than one vessel is permitted to lease only one exclusive stall unless there is no waiting list for the size of exclusive stall required by the second vessel. The second or other vessel(s) owned or operated by such a person shall be accommodated on a transient basis.
- An entity with multiple vessel(s) that has a permanent slip must indicate which vessel name belonging to that entity will occupy that slip and may substitute only one vessel owned by the entity per annual payment period for that slip. The request must be submitted in writing and pre-approved by the Port Director or Harbor Master.

~~2. Waste oil disposal charge — See Section VI.~~

~~3.2.~~ Vessels will not be credited for unused pre-paid moorage time.

C. Transient Moorage

1. Daily Rates are based on Length over all x Daily base cost per Linear Feet (LF)

Daily rate:

VESSEL LENGTH		Daily Base Cost	
From	To	Per Foot LF x LOA	
0	49	\$0.22	<u>\$0.23</u>
50	59	\$0.25	<u>\$0.26</u>
60	69	\$0.29	<u>\$0.30</u>
70	79	\$0.36	<u>\$0.37</u>
80	89	\$0.41	<u>\$0.42</u>
90	99	\$0.45	<u>\$0.46</u>
100	109	\$0.48	<u>\$0.49</u>
110	119	\$0.51	<u>\$0.53</u>

230	129	\$0.58	<u>\$0.60</u>
130	139	\$0.64	<u>\$0.66</u>
140	149	\$0.74	<u>\$0.76</u>
150		\$0.83	<u>\$0.85</u>

~~—Waste oil disposal fee— See Section VI.~~

2. For labor, equipment and other fees, see Section VI.

D. Drive-Down Float

Definitions:

Wharfage – The charge assessed against all cargo being transferred over a facility or between vessels when berthed at a facility. (See Tariff)

- On/off loading of fishing gear and cargo have priority over moorage and all other non-emergency uses.
 - Vessels must vacate the dock after cargo or gear on/off-loads are complete when requested to do so by the harbor master.
1. Permanent vessels will be granted a four-hour grace period. Once the vessel exceeds the four-hour grace period, the vessel will be charged the daily rate.
 2. Transient vessels will be charged the transient daily rate.

~~3. For labor, equipment, and other fees, see Section VI.~~

~~3. Wharfage Rate: \$4.60 per ton~~

~~4. For labor equipment and other fees see Section VI~~

~~5. Fishing gear per Light Cargo Dock rates~~

~~Drive Down Float is for active loading and unloading Gear will charged per ton~~

~~E. Fishing Gear and Other Wharfage — Per UMC Tariff~~

SECTION V: EMERGENCY MOORING BUOY

Definitions:

Moorage: The charge assessed against a vessel for berthing at a space designated as a mooring space or for mooring to a ship so berthed.

Fee: Charges are based on a 24 hour period beginning at the time the vessel has secured the mooring pendant until the mooring pendant is released

Mooring Buoy Daily Rates:

BASED ON LENGTH OVER ALL IN FEET		DAILY RATE
FROM	TO	
0	100	\$172.66
101	125	\$216.39
126	150	\$258.98
151	175	\$343.00
176	200	\$391.34
201	225	\$440.84
226	250	\$489.19
251	275	\$538.67
276	300	\$587.03
301	325	\$636.51
326	350	\$690.61
351	375	\$820.68
376	400	\$874.78
401	425	\$930.03
426	450	\$984.12
451	475	\$1,035.92
476	500	\$1,093.47
501	525	\$1,151.02
526	550	\$1,208.57
551	575	\$1,266.12
576	600	\$1,323.68
601	625	\$1,438.78
626	650	\$1,726.54
651	675	\$2,014.29
676	700	\$2,302.05
701	725	\$2,589.80
726	750	\$2,877.56
751	775	\$3,165.32
776	800	\$3,453.07
Vessels in excess of 800' will be assessed an additional \$4.32 per foot per day		

SECTION VI: APPLIES TO ALL CITY OF UNALASKA PORT FACILITIES**A. Harbor Master Services, Facilities, and Equipment**

1.	Pump Fee (per day or portion thereof)	\$59.27 <u>\$120.00</u>
2.	Harbor Department or other City labor charges	
	Labor: Straight Time	\$103.27 <u>\$111.82</u> per hour
	Over time	\$160.04 <u>\$167.73</u> per hour
	Double Time	\$213.40 <u>\$223.64</u> per hour
	Materials	Cost plus 18%
3.	Private contractors and their materials and equipment contracted by the City to perform services or repairs chargeable to vessel owner/ operator for owners or operators that damage port facilities through accident, intentional tampering, failure to leave facilities in orderly condition or other acts reimbursable under UCO Title 18.	Cost plus 30%
4.	Spit Dock Crane	\$ 23.72 <u>\$24.43</u> per hour
5.	Mobile Ramps	\$177.84 <u>183.17</u> per ramp per day
B.	Towing	
1.	Towing of vessels with the Ports patrol vessel, per UCO Title 18.08.	\$474.23 <u>725.00</u> per hour
C.	Showers	
	Shower Cards	\$5.00 per use
D.	Responsibility for Charges	
	Vessels, their owners, agent masters, and shippers or consignees of goods docking at or using the facilities covered by this fee schedule, agree to be responsible, jointly and severally, for the payment of charges assessed in accordance with this fee schedule. Rates, rules and regulations of this fee schedule and liability for charges apply without regard to the provision of any bills of lading, charter party agreement, third party agreement, contract or any other conflicting documents. Vessel will not be credited for unused, pre-paid moorage time.	
E.	Electrical Rates	
	Where available, the Port will furnish electrical power to vessels at what the Port is charged plus \$0.04 per kWh. In addition, meter maintenance and reading fee will be charged to each meter for \$6.91 <u>7.12</u> per month.	
F.	Garbage & Refuse	

1. No wood or pallets, metal, heavy plastic such as crab line or poly totes, fish waste, chemical or food additives such as sugar or sorbitol will be allowed in the 50 yard dumpsters. Metal, pallets, plastic, fish waste or food additives or chemicals will be hauled to the landfill separately.
2. The following charges will be made when a ship places refuse in a Port supplied drop box or dumpster:

40 yard dumpster	\$815.47 <u>\$1257.47</u>
20 yard dumpster	\$407.74
¾ (three quarters) of a 40 yard dumpster	\$611.60 <u>\$943.10</u>
½ (one half) of a 40 yard dumpster	\$407.74 <u>\$628.74</u>
¼ (one quarter) of a 40 yard dumpster	\$203.86 <u>\$314.38</u>
¼ (one quarter) of a 20 yard dumpster	\$101.94

3. Charges for separately hauled materials are as follows:

Pallets or other wood scraps:	1 flatbed truckload	\$663.92 <u>710.39</u>
Other waste or scrap:	1 flatbed truckload	\$201.54
		Landfill Fees + <u>\$209.81</u> and 18% Admin Fee

G. Fresh Water

First 1000 Gallons	<u>\$61.48</u>
Each additional 1000 gallons or fraction thereof	<u>\$7.38</u>

G.H. Impound Fee

~~\$23.72~~24.43 per day

H. Parking Violation

\$11.51 State fee
\$11.51+18% Port
Administration Fee

I. Port Rates for providing security (TWIC)

(Security that is required by the owner, shipper, agent, or USCG regulations)

Labor:	Straight Time	\$108.56 <u>111.82</u> per hour
	Over time	\$155.39 <u>167.73</u> per hour
	Double Time	\$207.18 <u>223.64</u> per hour

J. Security Testing Fee: \$ 75.00 per person

K.	Facility Security Preparation: (set up and tear down)	\$302.30
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JL.	Waste Oil Disposal Fee – Waste Oil, plus 18%
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- | | | |
|---|------------------------|---------------|
| • | Waste Oil | Cost Plus 18% |
| • | Contaminated Waste Oil | Cost Plus 18% |
| • | Antifreeze | Cost Plus 18% |

M.	Wharfage:	\$4.60 per ton
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N.	Storage:	Daily Rate:	\$.03 per square foot
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Monthly:	\$.43 per square foot
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O.	Cranes: (dock mounted)	\$24.43
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POLICY HISTORY

Adopted: 06/08/1999
Revised: 08/25/1999
Revised: 09/28/1999
Revised: 09/12/2000
Revised: 06/25/2002
Revised: 05/28/2003
Revised: 06/08/2004 – Effective 07/01/2004
Revised: 01/25/2005 – Effective 02/01/2005
Revised: 06/28/2005 – Effective 07/01/2005
Revised: 10/25/2005 – Effective 11/01/2005
Revised: 01/24/2006 – Effective 02/01/2006
Revised: 06/12/2006 – Effective 07/01/2006
Revised: 02/13/2007 – Effective upon adoption
Revised: 08/13/2007 – Effective 08/01/2007
Revised: 06/10/2008 – Effective 07/01/2008
Revised: 06/09/2009 – Effective 07/01/2009
Revised: 12/22/2009 – Effective 01/01/2010
Revised: 06/08/2010 – Effective 07/01/2010
Revised: 11/22/2011 – Effective 11/23/2012
Revised: 06/04/2012 – Effective 07/01/2012
Revised: 06/11/2013 – Effective 07/01/2013
Revised: 11/12/2013 – Effective 11/12/2013
Revised: 03/31/2014 – Effective 01/01/2014
Revised: 07/08/2014 – Effective upon adoption
Revised: 09/09/2014 – Effective 09/10/2014
Revised: 05/20/2015 – Effective 07/01/2015
Revised: 06/14/2016 – Effective 07/01/2016

MEMORANDUM TO COUNCIL

TO: MAYOR AND CITY COUNCIL MEMBERS
THRU: DAVID MARTINSON, CITY MANAGER
FROM: CAT HAZEN, CITY CLERK
DATE: JUNE 13, 2017
RE: ORDINANCE 2017-09: AMENDING THE SCHEDULE OF FEES AND CHARGES TO BE ASSESSED FOR CITY-PROVIDED SERVICES

SUMMARY: Each year, the Unalaska City Council reviews the City of Unalaska's Schedule of Fees and Charges. Attached is the fee schedule with proposed amendments for Council's review.

PREVIOUS COUNCIL ACTION: In 1999, Council adopted the Schedule of Fees and Charges, which incorporated fees paid by consumers for City-provided services into one document. Each year following that, the schedule has been reviewed for amendments.

BACKGROUND: In the past, the City of Unalaska maintained several different fee schedules within City departments. At times, fees were established without Council approval. In an attempt to bring consistency to the schedule, all of the fees charged by City departments were incorporated into a single Schedule of Fees and Charges for Council adoption. Because it was previously connected to AIEDA requirements, the Ports tariff is not included in the fee schedule.

During the recodification of the Unalaska Code of Ordinances, all references to fees were removed from the Code and included in the Schedule of Fees and Charges, which was the adopted by non-code ordinance.

DISCUSSION: PCR, Public Works, Water, Waste Water, Solid Waste and Ports departments have submitted changes this year. Explanations of changes submitted by department directors follow:

Parks, Culture and Recreation (From Roger Blakeley, PCR Director)

We have made a few changes to the Fiscal Year 2018 Fees and Services for the PCR Department. Most of the changes to the Fees and Services document are text changes that we were already doing but needed to be placed in the document. Others were to correct errors and we have included a few new fees for new and existing programs.

Facility & Room Rental Rates

We have deleted the \$30.00 room rental rate on the Teen Room. We are no longer going to rent this room out for parties. However, if you have a room rental at the PCR facility for a party in the building you can use the Teen Room as part of your rental.

Multipurpose Room and Kitchen

We have up-dated the text to indicate the procedure of the set up and take down of the multipurpose room and kitchen. The fees were not changed and this text change is only clarifying what we are already doing.

Program Fees

In the general statement section we are offering a 10% discount for PCR programs if you sign up early. This helps us better anticipate the number of people in the program and helps us in ordering supplies for the given event. It also gives a discount to the residents who plan ahead.

Passport Processing Fees

The Library is offering a new service taking passport photos and is providing a needed service to the community. The Passport photo charge is \$15.00 and covers the cost of labor, ink, and processing.

Park Use Fees

Pavilion Rental is a new fee, \$10.00 per hour, and is driven by community request to have a rental fee on the Park Pavilions allowing the community to use the pavilion at a specific time instead of a first come first serve system we have today. This process will eliminate people showing up early in the morning and holding the pavilion all day in order to have a picnic. Park maintenance will clean the pavilion after each use so multiple parties/events can take place during the day.

Other Fees

We included some text changes allowing us additional time to help meet the communities request on Poster Printing and filling of balloons.

We have also included the Popcorn Machine Rental. We were already providing this service.

We no longer rent snowshoes so we have eliminated this fee.

Department of Public Works (from Tom Cohenour, Director of Public Works)

The Department of Public Works proposes the following changes to the FY18 version of the Fee Schedule in order to add recently purchased equipment as well as to update fees so they reflect current market rates.

TRUCKS	FEE	REASON FOR CHANGE
1 Ton Flatbed Sand/Salt Truck	\$ 90 per hour	New addition to fleet
TRAILERS	FEE	REASON FOR CHANGE
Tilt Deck Trailer	\$100 per hour	New addition to fleet
MOTOR GRADERS	FEE	REASON FOR CHANGE
Cat 14M Grader	\$220 per hour	New addition to fleet
Cat 14C Grader	\$220 per hour	Current fair market rate
Volvo 976 Grader	\$220 per hour	Current fair market rate
FRONT END LOADERS	FEE	REASON FOR CHANGE
Cat 950M Loader	\$120 per hour	New addition to fleet

Department of Public Utilities (from Dan Winters, Director of Public Utilities)

Following are the changes to the Utilities Fee Schedule:

Electric: No changes.

Water:

- I deleted the Case 590 backhoe, which was sold and added the JCB Backhoe, which replaced the 590 Backhoe.
- I deleted 1 ½” meters from the System Development Charge, since we no longer issue 1 ½” meters
- I rounded billable time to ½ hour to represent true cost.

Wastewater: All changes to Wastewater fee Schedule is due to Council approved rate increases.

Solid Waste: All changes to Wastewater fee Schedule is due to Council approved rate increases.

Department of Ports and Harbors (from Peggy McLaughlin, Ports Director)

Ports and Harbors restructured the Department's portion of the Assessment for fees and services to provide continuity in the formatting of fees outlined for each facility. Also included is the appropriate assessment for fees charged for utilities and labor. The mooring fees for the harbor facility's daily and permanent slip holders increased between 2-3%. Added as new fees are the assessments for security testing and the set up and tear down for port provided security barriers and perimeters. We also added a schedule for the monthly prepay benefit at the spit dock.

ALTERNATIVES:

FINANCIAL IMPLICATIONS: Staff does not anticipate any significant financial impact.

LEGAL: None

STAFF RECOMMENDATION: Staff recommends adopting of Ordinance 2017-09.

PROPOSED MOTION: Motion to move to public hearing and second reading on June 27th.

CITY MANAGER'S COMMENTS: I recommend Council approve this Ordinance adjusting the fees as indicated.

Public Safety Discussion

Combined Public Safety Departments

- Combined Public Safety Departments in Alaska
 - State of Alaska - Airports
 - Sand Point
 - Saint Paul
 - Unalaska
 - Dillingham
 - King Cove
- Much of what we've read shows that the national trend is to combine departments
 - Cost savings is driving force
 - Fire personnel do not like combined departments

Benefits of Combined Departments

- Shared resources (efficiency & cost savings)
 - Services (dispatch, etc.)
 - Personnel
 - Equipment
 - Facilities
- Shared Mission (effectiveness & coordination)
 - Regularly respond and work together (teamwork)
 - Ability to frequently train together (more effective)
 - Allows for better coordination during emergency responses

Previously

Combined Public Safety Departments

- Separated Public Safety Departments in Alaska
 - Ketchikan
 - Palmer
 - Kodiak
 - Valdez
 - Fairbanks

Reasons for Separating Combined Departments

- The construction of new facilities
 - LEO & Jail
- Resource allocation disputes
- Change in city administration
 - Operational decision by City Manager
- City Fire Department absorbed by Borough Fire Department
 - Provided cost savings through increased sharing of equipment, etc.

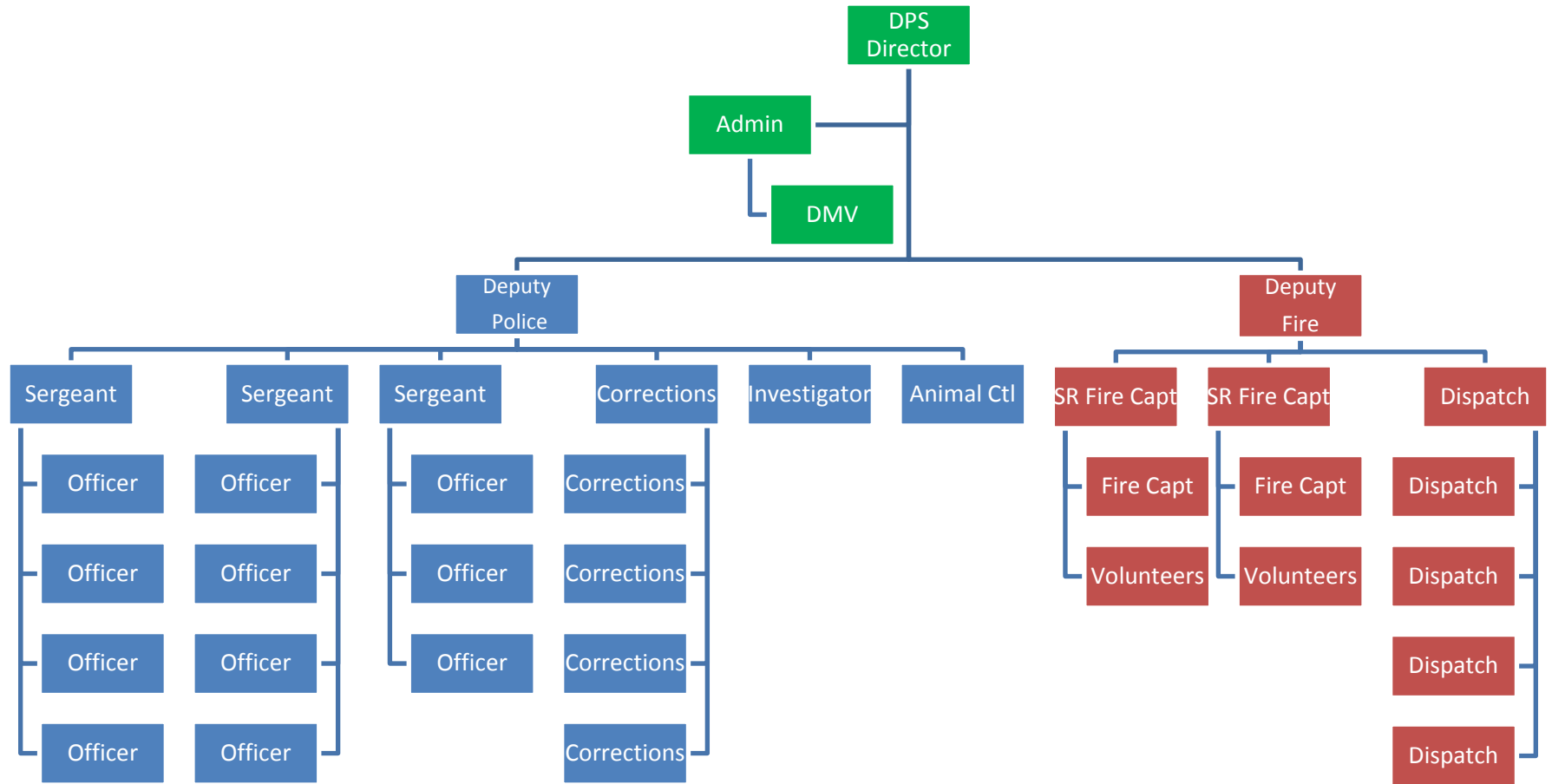
Unalaska Department of Pubic Safety

- Option 1: Maintain Fire Division within Department of Public Safety
 - Change Title 2 language
 - 2 Deputy Directors (Police & Fire)
- Option 2: Create Independent Fire Department
 - Significant initial cost
 - Increased span of control for City Manager
 - Reduction in efficiency and effectiveness
- Option 3: Reorganize as a true combined Dept. of Public Safety
 - Train all paid staff as Firefighters and as Police Officers

Option 1: Maintain Fire Division within DPS

- Title 2 Language changes
 - Director of Public Safety
 - Deputy Director (Police)
 - Police services
 - Community jail - corrections
 - Deputy Director (Fire)
 - Fire & EMS services
 - Communications (dispatch) center
 - Continue to include Fire Chief in relevant meetings where expertise is warranted
 - No cost
 - Position titles consistent with other City departments

Option 1: Maintain Fire Division within DPS



Option 2: Create Independent Fire Department

- Changes required in the following areas
 - Services (dispatch, etc.)
 - Personnel
 - Equipment
 - Facilities
- Much work must be done after decision and before transition

Option 2: Service Changes & Requirements

- Dispatch Services
- Combined Emergency Responses
- Fire Investigations (arson, etc.)
- City Code Enforcement
- Emergency Preparedness
- Building Plan Reviews
- Tracking of Hazardous Materials

Option 2: Personnel Requirements

- Additional Personnel Required
 - Administrative
 - DPW/DPU - information not restricted in same fashion; entire facility open to all
 - Deputy Fire Chief
 - Would be ideal so leadership succession is established
- Union Contract Modifications – PSEA current contract expires June 30, 2018
 - Fire Personnel to determine whether they want union representation and which union
 - City will need to work new union agreement with Fire
- Job Description changes
 - All job descriptions will need to be reviewed and updated depending on workload distribution
 - There may be jobs that are currently performed by police that need to move to fire
- Dispatch services
 - At the very least we must determine standard operating procedures and train
- Policy changes
 - Review all policies, internal to DPS and Citywide, in order to ensure the break is clean

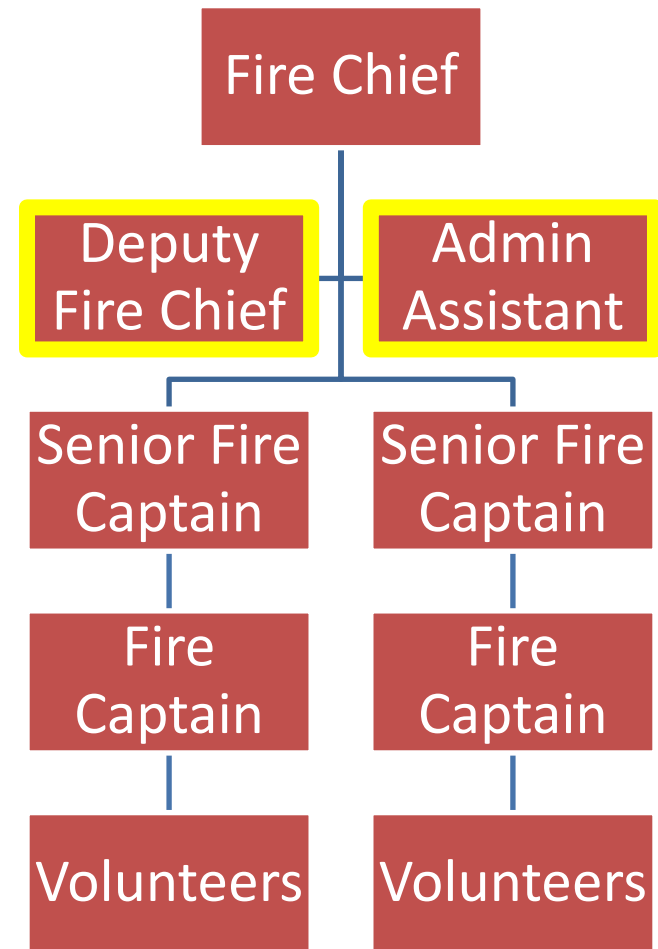
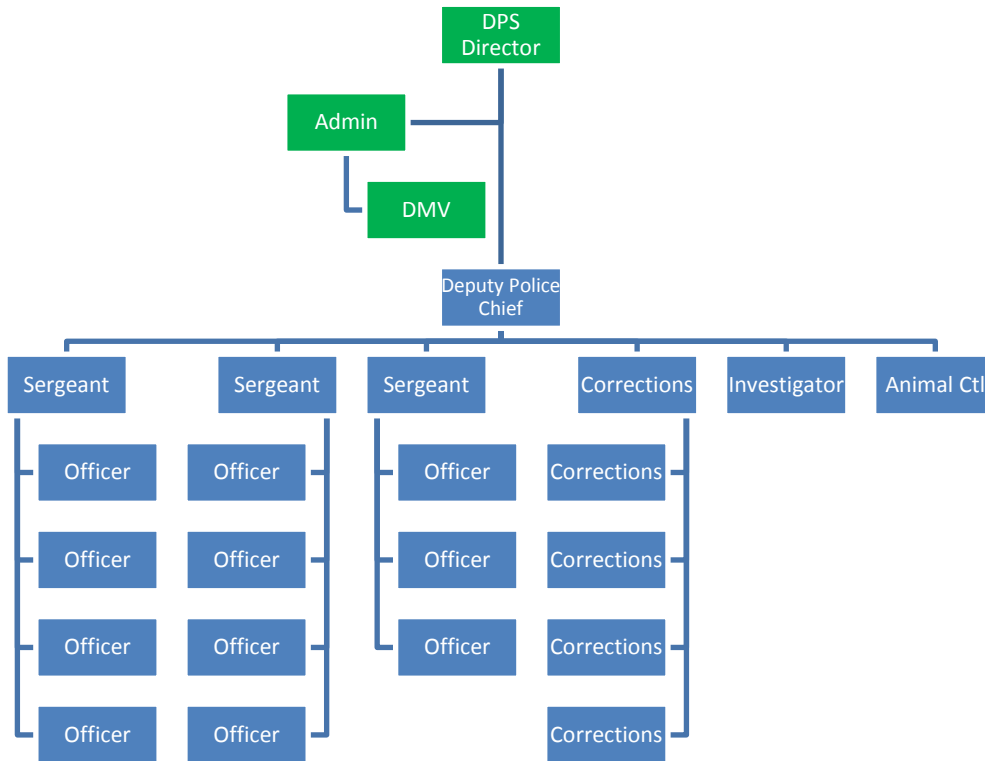
Option 2: Equipment Requirements

- Major Equipment & Technology Concerns
 - Separate Records Management System will be needed
 - New RMS cost is \$200K - \$500K
 - Increased radio equipment & channels
 - Obtain new equipment (copier, servers, etc.) which are currently shared
- Remove all reference to DPS from fire equipment

Option 2: Facility Requirements

- Facility Requirements
 - Restricted Building Access
 - Security clearance requirements (state & federal)
 - Public Safety Dept. vs Non-LEO Depts.
 - Secure Areas
 - If all stay in current DPS facility there will be renovations required to ensure areas can be secured
 - ADA Requirements for existing DPS Building
 - If Fire separated and upstairs we may be in violation of ADA
 - Either Remodel existing DPS facility; or remodel Amaknak Fire Station; or install modular office building at Amaknak.

Option 2: Separate Fire Division from Police Division



Option 3: Reorganize into True Combined Department

- Hire & train staff to be both firefighters and police officers
 - Expensive initial training costs & lengthens initial training time
 - Difficulty in recruiting
 - Continued training requirements in both disciplines
 - Rigorous standards for police officers would apply unilaterally
 - Would need to develop new organizational chart
- Improved Flexibility with Staffing Needs
 - Could provide for better coverage in both divisions
 - Fire response: additional paid staff available
 - Police: additional officers to staff shifts and conduct investigations

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 - Police – additional officers to staff shifts & conduct investigations

Not Recommended

Post Decision Workload BEFORE Separation can be made

- Budget revision
- Emergency Operation Plan (EOP) changes
- Revise Memorandums of Understanding (internal and external)
- State registration
- Insurance Service Office (ISO) rating
- APEI Insurance
- Revise Emergency Response Plans of other agencies
- Local Emergency Planning Committee (LEPC)
- Ambulance billing
- Contracts
- Code enforcement
- Social Media

Moving Forward

- Council choice: keep a consolidated DPS or create an independent Fire Department
- If Council chooses to create a Fire Department, Staff recommends the following:
 - Title 2 change to be effective July 1, 2018
 - Appropriate the funding to move the Fire Department offices to Amaknak Fire Station
 - Current DPS facility will be secondary
 - Council approve budget amendments in early FY18 to fund requirements

MEMORANDUM TO COUNCIL

TO: MAYOR AND CITY COUNCIL MEMBERS
THRU: DAVE MARTINSON, CITY MANAGER
FROM: BIL HOMKA, PLANNING DIRECTOR
DATE: JUNE 9, 2017
RE: EXTENDED LEASE TO GCI FOR A TOWER AT THE WATER DIVISION'S STORAGE YARD TAX ID 06-05-250

DISCUSSION:

- The map provided shows the approximate lease area based on the lease application by GCI.
- The property is zoned Public/Quasi-Public. The tower is a use permitted **by-right, and is placed within the regulations of the zoning district.**
- Properties are labeled for Ownership and Zoning
- Properties are color coded for zoning:
 - o Pink = Public/Quasi-Public
 - o Brown = High Density Residential
 - o Lavender = Marine Related Industrial
 - o Yellow = Single-Family/Duplex
- The tower is represented by the triangle.
- The lease area is designated by a 40x40 square approximately 39 feet from the road as indicated by the yellow line.
- The red circle indicates the fall radius of the tower at its projected height of 100 feet.
- The green circle is the 1.1x fall distance required for wind turbines. (100 x 1.1 = 110 feet).
- The nearest residential property is approximately 168 feet from the property as indicated by the blue line.
- According to information provided by CGI, the tower is designed to withstand winds in excess of 120 miles per hour
 - o Staff believes the risk is very low that the tower would fall and if it did staff believes there would be few vehicles on the road during such conditions.
- The sole reason this discussion is before council is that the initial lease period is longer than 5 years. If the lease was less, or this was another property that the tower was allowed by right, then Council or even Planning Commission **would not** see the plan for the tower.

CURRENT LAND USE: City Water Department maintains and approximately 18,000 square foot storage yard for pipes and materials. There is also a well over 100 feet from the proposed tower and a tsunami siren.

ALTERNATIVES: Section 7.12.110 outlines potential Council action as follows: the City Council may reject the lease.

FINANCIAL IMPLICATIONS: Not accepting the lease has implications beyond the lost revenue from the lease site. Upgrade to 4G has the potential to improve operations at businesses across the

island, possibly generating more tax revenue. Additionally the potential losses incurred as part of the appeal process from the site at the MAC Enterprises property on Steward Road, which is pending the approval of a new site.

LEGAL: The lease of City land is governed by UCO §7.12. The list of By-Right uses in a Public/Quasi-Public district can be found in UCO §8.12.120.

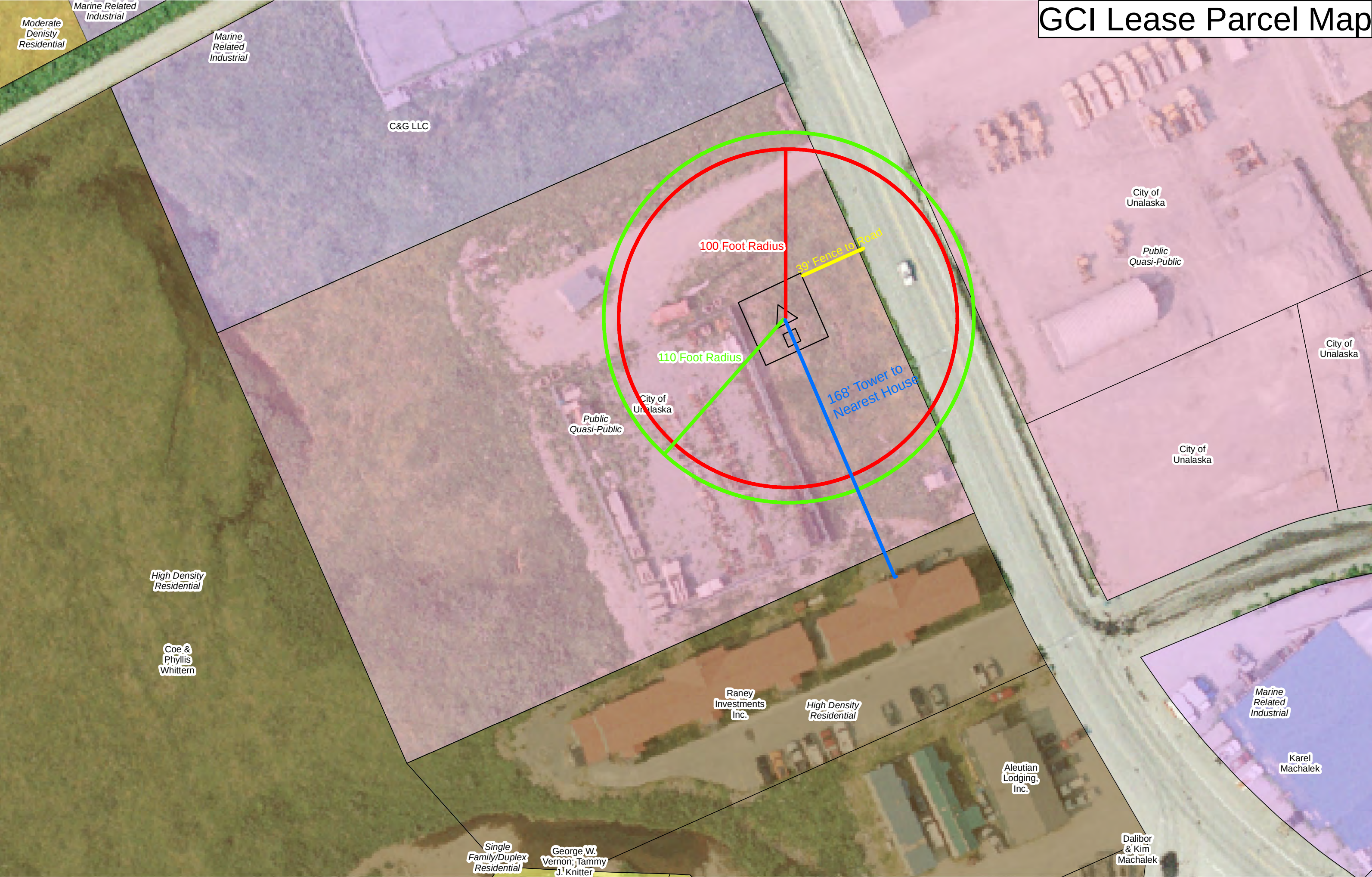
STAFF RECOMMENDATION: Staff provides this map for the City Council's information.

PROPOSED MOTION: "I move to accept the terms of the lease."

CITY MANAGER'S COMMENTS: Recommend moving forward with lease as negotiated by the City Manager and Staff.

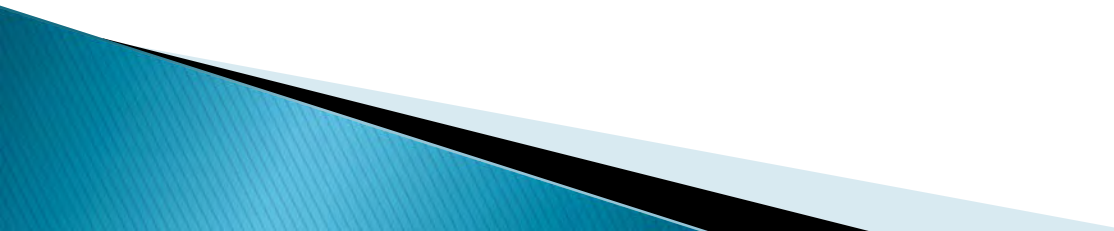
Attached: GCI Lease Parcel Map

GCI Lease Parcel Map



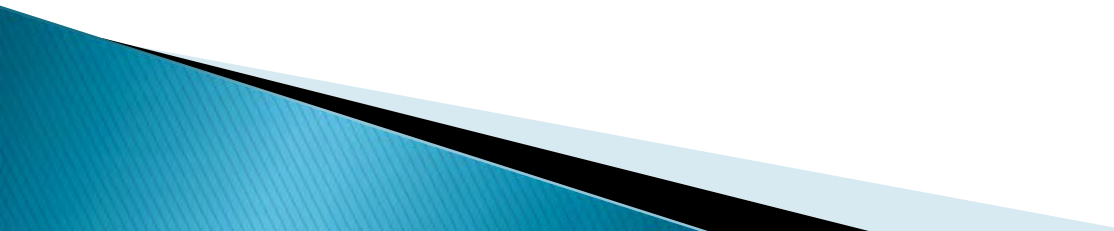
Unalaska Marine Center Use Agreement Survey

A confidential 16-question survey was sent to the customer base at UMC to collect information for the following:

- Berthing requirements
 - Land Use requirements
 - Long-term lease agreement desires
 - Type and frequency of cargo
 - Vessel Type
 - Long-term commitment to UMC
 - Operational needs
- 

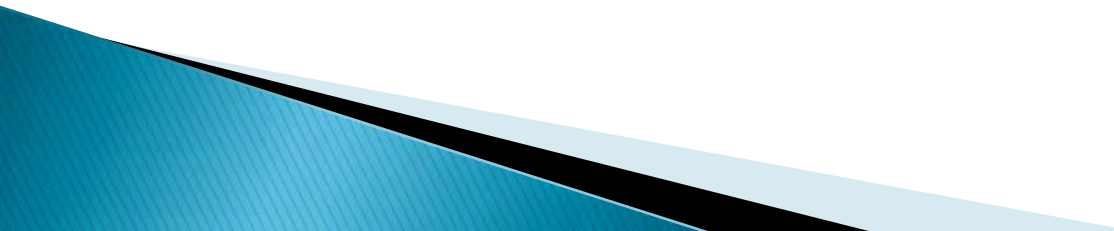
Unalaska Marine Center Use Agreement Survey

We contacted...

- ▶ 11 total companies
 - ▶ They are active customers of the UMC or
 - ▶ Participated in the Public Design Process for Positions 3 and 4
 - ▶ They have either a direct or indirect vested interest in cargo operations at UMC
 - ▶ 6 companies responded (4 Container, 1 Fuel, 1 Fishing related)
- 

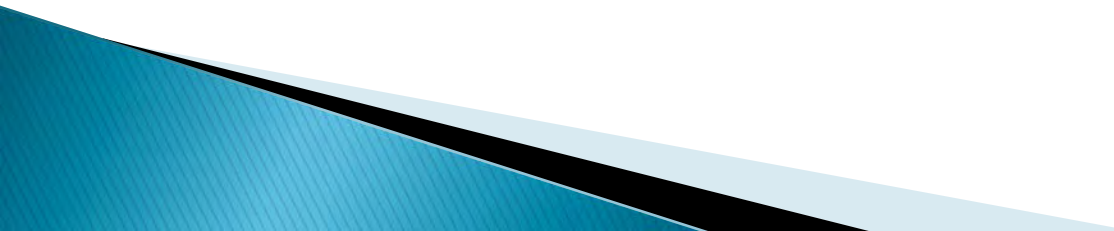
Unalaska Marine Center Use Agreement Survey

Berthing Information:

- ▶ 5 of 6 request weekly berthing, these 5 would require a committed berthing window
 - ▶ 1 of 6 request seasonal berthing
 - ▶ No vessel has LOA less than 151', 4 responses represent LOA between 701–1050'
 - ▶ Average draft is between 21–36' with one response exceeding 40'
 - ▶ 3 Responses indicated operations between 12–24 hours, 1 response between 24–36, and one response had variables
- 

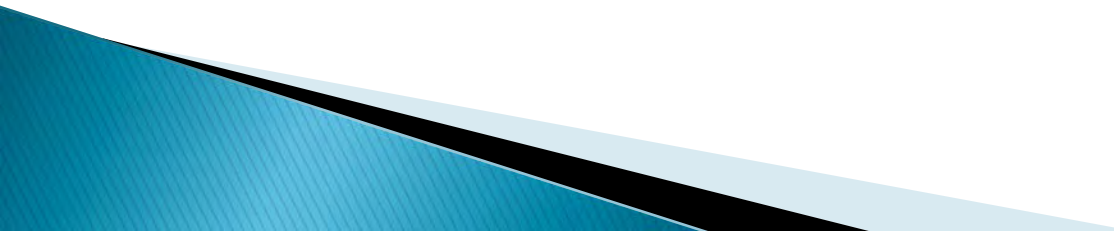
Unalaska Marine Center Use Agreement Survey

Land Use:

- ▶ 3 Responses indicate they desire a long-term lease on the uplands
 - ▶ 2 indicated they would like 15,000 square ft. for their operations
 - ▶ 2 would like between 15,000–30,000 square ft. for their operations
- 

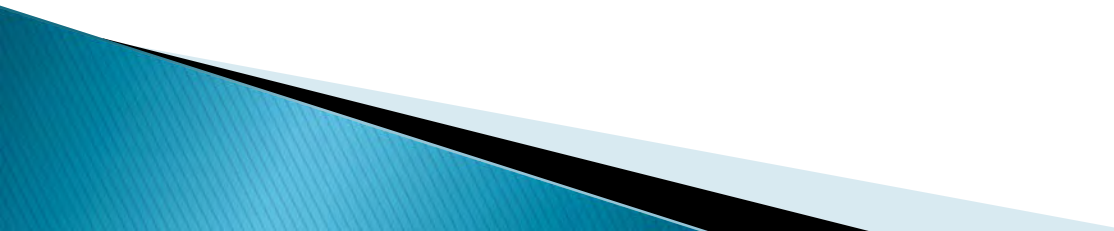
Unalaska Marine Center Use Agreement Survey

Payment:

- ▶ 4 responses indicated they would commit to a certain amount of volume (tons or gallons)
 - ▶ 3 responses request to pay below tariff
 - ▶ 2 responses indicated they would pay tariff
 - ▶ 1 non-response
- 

Unalaska Marine Center Use Agreement Survey

Commitment:

- ▶ 1 indicated an agreement for less than 5 years
 - ▶ 1 indicated a 5-year agreement
 - ▶ 2 indicated a 10-year agreement
 - ▶ 1 did not want an agreement
- 

Unalaska Marine Center Use Agreement Survey

▶ Questions?

**CITY OF UNALASKA
UNALASKA, ALASKA**

RESOLUTION 2017-45

**A RESOLUTION OF THE UNALASKA CITY COUNCIL REQUESTING STATE FY18
PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF
COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.**

WHEREAS, 19 AAC 152.100 requires the governing body of a city to adopt a resolution requesting funding from the Payment in Lieu of Taxes Program for cities in the unorganized borough and to submit the resolution to the Department of Commerce, Community and Economic Development; and

WHEREAS, the city shall use the funds for any governmental purpose and establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles; and

WHEREAS, the city recognizes that the State of Alaska may, at any time, request a report on how the funds were expended;

NOW THEREFORE BE IT RESOLVED BY THE UNALASKA CITY COUNCIL THAT the Unalaska City Council, by this resolution, hereby requests distribution from the FY18 Payment in Lieu of Taxes Program by the Department of Commerce, Community, & Economic Development on the date required by law.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS 13TH DAY OF JUNE, 2017.

MAYOR

ATTEST:

CITY CLERK

MEMORANDUM TO COUNCIL

TO: MAYOR AND CITY COUNCIL MEMBERS
THRU: DAVID MARTINSON, CITY MANAGER
FROM: CAT HAZEN, CITY CLERK
DATE: JUNE 13, 2017
RE: RESOLUTION 2017-45 REQUESTING FY18 PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT

SUMMARY: Each year, the State of Alaska requires that municipalities adopt a resolution requesting Payment in Lieu of Taxes (PILT) funding from the State of Alaska and certifying that certain standards have been met. Through Resolution 2017-45, the City will officially request PILT funding and certify that we have met the requirements of the program.

PREVIOUS COUNCIL ACTION: In May of 2016, Council approved Resolution 2016-29 requesting PILT from the Department of Commerce, Community and Economic Development (DCCED).

BACKGROUND: Funding for this program originates from the US Department of the Interior. Program regulations require that to receive a PILT payment, a municipality must submit to the department a resolution that requests payment and that certifies that Unalaska has met the following requirements:

- We have held a regular election during the preceding year;
- We have reported the results of the election to the Commissioner;
- Our governing body holds regular elections;
- We keep a record of the proceedings of our Council meetings; and
- Our ordinances have been adopted by the Council and codified in accordance with state statute.

Program regulations also require that we submit a copy of our FY18 approved budget and a copy of our most recently completed and approved audit.

Because DCCED is in the process of revising the Payment in Lieu of Taxes program regulations, they have waived the requirement for this year that our resolution certifies the bullet points above, so Resolution 2017-45 does not follow the same format as PILT resolutions from prior years.

DISCUSSION: On May 5, 2017 the President signed the Consolidated Appropriations Act, 2017 (H.R. 244) which appropriated \$465 million in discretionary funding for Payment in Lieu of Taxes. The State of Alaska expects to receive the PILT funds in June, 2017 for distribution in July, 2017. At this time it is unknown how much the State of Alaska will receive for the cities in the unorganized borough.

In FY17, the City of Unalaska received PILT of \$829,334 from this program.

ALTERNATIVES: Adopt Resolution 2017-45 to request funding as required by the State, or fail to adopt the resolution and forego PILT funding.

FINANCIAL IMPLICATIONS: The State has not provided us with an amount for FY18 PILT, but suggests a conservative estimate of 25% less than last year, which would be \$622,000.

LEGAL: None

STAFF RECOMMENDATION: Staff recommends adoption of Resolution 2017-45.

PROPOSED MOTION: This resolution is on the consent agenda.

CITY MANAGER'S COMMENTS:



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

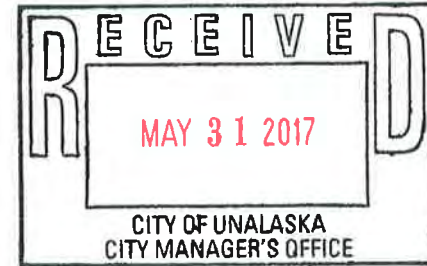
Department of Commerce, Community, and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809
Juneau, Alaska 99811-0809
Main: 907.465.4731
Programs fax: 907.465.4761

May 24, 2017

David Martinson, City Manager
City of Unalaska
PO Box 610
Unalaska, AK 99685



RE: FY 18 PAYMENT IN LIEU OF TAXES PROGRAM FOR CITIES IN THE UNORGANIZED BOROUGH

Dear Municipal Official:

On May 5, 2017, the President signed the Consolidated Appropriations Act, 2017 (H.R. 244) which appropriated \$465 million in discretionary funding for Payment in Lieu of Taxes (PILT). The U.S. Department of Interior is currently preparing the necessary calculations to issue payments for the FY 2017 PILT program.

The State of Alaska expects to receive the funds for the PILT program in June 2017. This will allow the Department of Commerce, Community, and Economic Development to disburse payments to PILT recipients in July 2017. At this time, it is unknown how much the State of Alaska will receive for the cities in the unorganized borough.

If your city is waiting for an estimated payment in order to prepare an annual budget, please know that DCRA has not received any payment information from the US Department of the Interior yet. As in prior years, DCRA suggests that the city budget \$0 if possible under this program. If a balanced budget is unattainable with a \$0 line item for PILT, then it is suggested that the city estimate a minimum of a 25% reduction of the FY17 actual PILT payment received.

In order to receive payment under the PILT program, a city must submit to the Department the attached application, which includes a cover page and resolution requesting payment. A number of requirements have been waived for the State Fiscal Year 2018, so please read the application and resolution thoroughly to understand what is required to receive a payment.

The completed application must be received by **June 30, 2017**. Enclosed is a sample resolution for the FY 18 Payment in Lieu of Taxes (PILT) Program for cities in the unorganized borough. The cover page and adopted resolution should be submitted to:

Division of Community and Regional Affairs
Attention: Robin Park
Payment in Lieu of Taxes Program
P.O. Box 110809
Juneau, AK 99811

Or submitted via email to robin.park@alaska.gov

Should you have any questions regarding the FY 17 PILT program, please feel free to contact me. I can be reached via email at robin.park@alaska.gov, or you may call me at 907-465-4731. You may also contact Debi Kruse at debi.kruse@alaska.gov or call her at 907-465-4451.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robin Park", with a stylized flourish at the end.

Robin Park
Grants Administrator II

Enclosures: FY 18 PILT Cover Page
Sample FY 18 PILT Resolution

MEMORANDUM TO COUNCIL

TO: Mayor Kelty and City Council Members
THROUGH: David Martinson, City Manager
FROM: Marjie Veeder, Administrative Coordinator
DATE: June 13, 2017
RE: Resolution 2017-40, authorizing the City Manager to extend the Professional Services Agreement with Brad Gilman of Robertson, Monagle & Eastaugh for Lobbying Services for an additional term.

SUMMARY: The City Council's agreement with Brad Gilman of Robertson, Monagle & Eastaugh for federal lobbying services expires on June 30, 2017. Mr. Gilman submitted a letter of interest to renew his contract (copy attached). Also attached is proposed Resolution 2017-40, authorizing the City Manager to extend the Professional Services Agreement with Brad Gilman of Robertson, Monagle & Eastaugh for an additional term, along with the proposed contract extension.

PREVIOUS COUNCIL ACTION: Council adopted Resolution 2016-38 on May 24, 2016, authorizing the renewal of Brad Gilman's contract for FY17 in the amount of \$76,000 plus reasonable expenses. Council budgeted \$76,000 for federal lobbyist fees for FY18 (account 0102-0152-53300).

DISCUSSION: Brad Gilman has been the City Council's Washington, D.C. lobbyist since FY96, and his contract has been renewed annually through the current fiscal year. The attached memo provides a history of compensation rates from FY96 through FY17. Mr. Gilman's letter states that he is interested in continuing his services for the next fiscal year. He has not requested an increase in his retainer. His contract was last increased in FY05 from \$74,000 to \$76,000 based on the CPI-Anchorage, plus reasonable expenses.

ALTERNATIVES: Council could renew the lobbying contract at the current level, recommend an increase to the base compensation rate or a cost of living increase, or not enter into a lobbying agreement.

FINANCIAL IMPLICATIONS: This expense is included in the FY18 budget for \$76,000, plus reimbursement for reasonable expenses.

CITY MANAGER COMMENT: I recommend Council approve this resolution.

STAFF RECOMMENDATION: If Council agrees to authorize the City Manager to sign a renewal contract with Brad Gilman of Robertson, Monagle & Eastaugh, Council should approve and adopt Resolution 2017-40.

PROPOSED MOTION: Move to adopt Resolution 2017-40.

Attachments:

- Letter of interest from Brad Gilman dated May 4, 2017
- Memo to Mayor and Council regarding Brad Gilman's compensation history
- Resolution 2017-40
- Proposed Modification of Professional Services Agreement

Robertson, Monagle, & Eastaugh P.C.
1810 Samuel Morse Drive, Suite 202
Reston, VA 20190
Phone: (571) 313 1792
Fax: (571) 313 1973

May 4, 2017

Dave Martinson, City Manager
City of Unalaska
Box 610
Unalaska, AK 99685

Dear Dave:

By this letter, I would like to offer my services to the City of Unalaska for the coming fiscal year to continue to represent the City in Washington, D.C. on federal issues. Please feel free to contact me with any questions or comments.

Sincerely,



Brad Gilman
Vice President
Robertson, Monagle, & Eastaugh PC

MEMORANDUM

To: Mayor Kelty and City Council Members
Through: David Martinson, City Manager
From: Marjie Veeder, Administrative Coordinator
Date: June 13, 2017
Re: Brad Gilman compensation history

Below is a summary of Mr. Gilman's compensation history from the City of Unalaska since FY96:

YEAR	FEES	EXPENSES	TOTAL
FY96	\$ 40,500.00	\$ 556.00	\$ 41,056.00
FY97	\$ 54,000.00	\$ 521.61	\$ 54,521.61
FY98	\$ 54,000.00	\$ 769.77	\$ 54,769.77
FY99	\$ 54,000.00	\$ 2,479.75	\$ 56,479.75
FY00	\$ 60,000.00	\$ 190.77	\$ 60,190.77
FY01	\$ 60,000.00	\$ -	\$ 60,000.00
FY02	\$ 72,000.00	\$ -	\$ 72,000.00
FY03	\$ 72,000.00	\$ -	\$ 72,000.00
FY04	\$ 74,000.00	\$ -	\$ 74,000.00
FY05	\$ 76,000.00	\$ -	\$ 76,000.00
FY06	\$ 76,000.00	\$ -	\$ 76,000.00
FY07	\$ 76,000.00	\$ -	\$ 76,000.00
FY08	\$ 76,000.00	\$ -	\$ 76,000.00
FY09	\$ 76,000.00	\$ -	\$ 76,000.00
FY10	\$ 76,000.00	\$ -	\$ 76,000.00
FY11	\$ 76,000.00	\$ -	\$ 76,000.00
FY12	\$ 76,000.00	\$ -	\$ 76,000.00
FY13	\$ 76,000.00	\$ -	\$ 76,000.00
FY14	\$ 76,000.00	\$ -	\$ 76,000.00
FY15	\$ 76,000.00	\$ -	\$ 76,000.00
FY16	\$ 76,000.00	\$ -	\$ 76,000.00
FY17	\$ 76,000.00	\$ 2,112.90	\$ 78,112.90
TOTAL	\$ 1,528,500.00	\$ 6,630.80	\$ 1,535,130.80

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION NO. 2017-40

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXTEND THE TERM OF THE PROFESSIONAL SERVICES AGREEMENT WITH BRAD GILMAN OF ROBERTSON, MONAGLE & EASTAUGH FOR AN ADDITIONAL TERM.

WHEREAS, the Unalaska City Council has determined it is beneficial to the City of Unalaska to retain a lobbyist in Washington, D.C.; and

WHEREAS, the existing Professional Services Agreement with Brad Gilman of Robertson, Monagle & Eastaugh, will expire on June 30, 2017; and

WHEREAS, the City of Unalaska wishes to retain Brad Gilman to perform the duties of lobbyist as directed by the City of Unalaska;

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council authorizes the City Manager to extend the Professional Services Agreement with Brad Gilman of Robertson, Monagle & Eastaugh for an additional term, effective July 1, 2017, through June 30, 2018, for a fee of \$76,000 plus reasonable expenses.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF UNALASKA THIS 13TH DAY OF JUNE 2017.

MAYOR

ATTEST:

CITY CLERK

**MODIFICATION OF
PROFESSIONAL SERVICES AGREEMENT**

This modification is made to that certain agreement dated October 1, 1995, between the City of Unalaska (hereinafter designated as "City") and Robertson, Monagle & Eastaugh, formerly known as Hoffman, Silver, Gilman & Blasco, hereinafter designated as "Consultant". The Professional Services Agreement is modified as follows:

1. The Agreement is extended for an additional term effective July 1, 2017 through June 30, 2018.
2. The total payment under this Agreement shall not exceed \$76,000, plus reasonable expenses.
3. Payment for services to Consultant shall be as follows: \$6,333.33 per month for 11 months, with a final payment of \$6,333.37 on June 1, 2018.

CITY OF UNALASKA

ROBERTSON, MONAGLE & EASTAUGH

David A. Martinson, City Manager

Brad Gilman

STATE OF ALASKA)
) ss.
Third Judicial District)

The foregoing instrument was acknowledged before me this _____ day of June 2017, by DAVID A. MARTINSON, City Manager for the City of Unalaska, a First Class Alaska Municipal Corporation, on behalf of the City of Unalaska.

Notary Public, State of Alaska
My Commission expires: _____

Commonwealth of Virginia)
) ss.
City / County of _____)

The foregoing instrument was acknowledged before me this _____ day of June 2017, by BRAD GILMAN on behalf of ROBERTSON, MONAGLE & EASTAUGH.

Notary Public, Commonwealth of Virginia
Registration number: _____
My commission expires: _____

MEMORANDUM TO COUNCIL

TO: Mayor Kelty and City Council Members
THROUGH: David A. Martinson, City Manager
FROM: Marjie Veeder, Administrative Coordinator
DATE: June 13, 2017
RE: Resolution 2017-41, authorizing the City Manager to extend the Professional Services Agreement with Ray Gillespie of Gillespie and Associates for an additional term

SUMMARY: State lobbyist Ray Gillespie's contract with the City expires on June 30, 2017. Mr. Gillespie submitted a letter of interest to the City Manager, expressing his interest to renew his contract (copy attached). Also attached is proposed Resolution 2017-41 authorizing the City Manager to extend the term of the Professional Services Agreement with Ray Gillespie of Gillespie & Associates, along with the proposed contract extension.

PREVIOUS COUNCIL ACTION: Council adopted Resolution 2016-39 on May 24, 2016, authorizing the renewal of Ray Gillespie's contract for FY17 in the amount of \$79,000 plus reasonable expenses. Council budgeted \$79,000 for state lobbyist fees for FY18 (account #0102-0152-53300).

DISCUSSION: Ray Gillespie has been the City Council's lobbyist for state affairs since FY91, and his contract has been renewed annually. The attached memo provides a history of compensation rates from FY91 through FY17. Mr. Gillespie's letter states that he is interested in continuing his services for the next fiscal year. He has not requested an increase in his retainer. His retainer was last increased in FY05 from \$77,000 to \$79,000 based on the CPI-Anchorage, plus reasonable expenses.

ALTERNATIVES: Council could renew the lobbying contract at the current level, recommend an increase to the base compensation rate or a cost of living increase, or not enter into a lobbying agreement.

FINANCIAL IMPLICATIONS: This expense is included in the FY18 budget for \$79,000, plus reimbursement for reasonable expenses.

LEGAL: N/A

CITY MANAGER COMMENT: I recommend Council approve this resolution. Mr. Gillespie has indicated he is planning to retire and this will be his last year providing this service. Next year we will go out with an RFP for the State Lobbying service.

STAFF RECOMMENDATION: If Council agrees to authorize the City Manager to extend the term of the contract with Ray Gillespie, Council should approve and adopt Resolution 2017-41.

PROPOSED MOTION: Move to adopt Resolution 2017-41.

Attachments:

- Letter of interest from Ray Gillespie dated May 4, 2017
- Memo to Mayor and Council regarding Ray Gillespie's compensation history
- Resolution 2017-41
- Proposed Modification of Professional Services Agreement

Ray Gillespie
Gillespie & Associates
Lobbying and Governmental Affairs

SESSION (January-May)
217 Second Street #201
Juneau, Alaska 99801
Telephone: 907.463.3375
Fax: 907.463.5522
Cell: 907.230.8843

INTERIM (June-December)
1231 W. Northern Lights Blvd. Ave. #819
Anchorage, Alaska 99503

David Martinsen, City Manager
City of Unalaska
Box 610
Unalaska, Alaska 99685

May 4, 2017

Re: Contract Renewal

Dear David;

This is a formal letter of interest in renewal of my contract for the 2018 fiscal year.

It is a privilege and honor to work with and for the City of Unalaska and its Mayor, council and administration.

I look forward to a new and challenging year as your legislative consultant and lobbyist.

Sincerely,



Ray Gillespie

MEMORANDUM

To: Mayor Kelty and City Council Members
Through: David A. Martinson, City Manager
From: Marjie Veeder, Administrative Coordinator
Date: June 13, 2017
Re: Ray Gillespie Compensation History

Below is a summary of Mr. Gillespie's compensation history from the City of Unalaska since FY91:

YEAR	FEE	EXPENSES	TOTAL
FY91	\$ 35,277.77	\$ -	\$ 35,277.77
FY92	\$ 50,574.33	\$ -	\$ 50,574.33
FY93	\$ 57,501.00	\$ 1,539.12	\$ 59,040.12
FY94	\$ 60,000.00	\$ 11,785.42	\$ 71,785.42
FY95	\$ 65,000.00	\$ 1,984.27	\$ 66,984.27
FY96	\$ 67,500.00	\$ 1,639.16	\$ 69,139.16
FY97	\$ 67,500.00	\$ 671.91	\$ 68,171.91
FY98	\$ 72,500.00	\$ 805.27	\$ 73,305.27
FY99	\$ 72,500.00	\$ 645.69	\$ 73,145.69
FY00	\$ 72,500.00	\$ 1,901.40	\$ 74,401.40
FY01	\$ 72,500.00	\$ 1,896.27	\$ 74,396.27
FY02	\$ 77,000.00	\$ 385.05	\$ 77,385.05
FY03	\$ 77,000.00	\$ 919.78	\$ 77,919.78
FY04	\$ 77,000.00	\$ 796.14	\$ 77,796.14
FY05	\$ 79,000.00	\$ 903.88	\$ 79,903.88
FY06	\$ 79,000.00	\$ 1,699.97	\$ 80,699.97
FY07	\$ 79,000.00	\$ 1,424.90	\$ 80,424.90
FY08	\$ 79,000.00	\$ 582.42	\$ 79,582.42
FY09	\$ 79,000.00	\$ 357.39	\$ 79,357.39
FY10	\$ 79,000.00	\$ 250.00	\$ 79,250.00
FY11	\$ 79,000.00	\$ -	\$ 79,000.00
FY12	\$ 79,000.00	\$ 315.01	\$ 79,315.01
FY13	\$ 79,000.00	\$ 250.00	\$ 79,250.00
FY14	\$ 79,000.00	\$ 45.00	\$ 79,045.00
FY15	\$ 79,000.00	\$ -	\$ 79,000.00
FY16	\$ 79,000.00	\$ 250.00	\$ 79,250.00
FY17	\$ 79,000.00	\$ 324.84	\$ 79,324.84
TOTAL	\$ 1,951,353.10	\$ 31,372.89	\$ 1,982,725.99

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION NO. 2017-41

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXTEND THE TERM OF THE PROFESSIONAL SERVICES AGREEMENT WITH RAY GILLESPIE OF GILLESPIE & ASSOCIATES FOR AN ADDITIONAL TERM.

WHEREAS, the Unalaska City Council has determined it is beneficial to the City of Unalaska to retain a lobbyist; and

WHEREAS, the existing Professional Services Agreement with Ray Gillespie of Gillespie & Associates will expire on June 30, 2017; and

WHEREAS, the City of Unalaska wishes to retain Ray Gillespie to perform the duties of lobbyist as directed by the City of Unalaska;

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council authorizes the City Manager to enter into a Professional Services Agreement with Ray Gillespie of Gillespie & Associates for an additional term, effective July 1, 2017, through June 30, 2018, for a fee of \$79,000 plus reasonable expenses.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF UNALASKA THIS 13th DAY OF JUNE 2017.

MAYOR

ATTEST:

CITY CLERK

**MODIFICATION OF
PROFESSIONAL SERVICES AGREEMENT**

This modification is made to that certain agreement dated January 28, 1991, between the City of Unalaska ("City") and Ray Gillespie ("Consultant"). The Professional Services Agreement is modified as follows:

1. The Agreement is extended for an additional term, effective July 1, 2017 through June 30, 2018;
2. The total payment under this Agreement shall not exceed \$79,000, plus reasonable expenses; and
3. Payment for services to Consultant shall be as follows: 80% during the four months of the legislative session (\$15,800 per month), and 20% for each of the remaining months (\$1,975 per month).

CITY OF UNALASKA

DAVID A. MARTINSON

RAY GILLESPIE

STATE OF ALASKA)
) ss.
Municipality of Unalaska)

The foregoing instrument was acknowledged before me this _____ day of June 2017, by DAVID A. MARTINSON, City Manager for the City of Unalaska, a First Class Alaska Municipal Corporation, on behalf of the City of Unalaska.

Notary Public, State of Alaska
My Commission expires _____

STATE OF ALASKA)
) ss.
Third Judicial District)

The foregoing instrument was acknowledged before me this _____ day of June 2017, by RAY GILLESPIE.

Notary Public, State of Alaska
My Commission expires _____

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2017-43

A RESOLUTION OF THE UNALASKA CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTHERN ALASKA CONTRACTORS, LLC TO CONSTRUCT THE WESTWARD CAPTAIN'S BAY 35 KV LINE EXTENSION PROJECT IN THE AMOUNT OF \$1,399,060.52.

WHEREAS, the City of Unalaska has determined that it is in the best interests of the residents of the City of Unalaska to extend electrical service to Westward Seafoods; and

WHEREAS, the Westward Captain's Bay 35 KV Line Extension Project is a part of the Fiscal Year 2017 CMMP; and

WHEREAS, the City of Unalaska has provided funding for such project; and

WHEREAS, the City solicited bids for thirty days, received two bids, and Northern Alaska Contractors LLC was found to be the lowest responsive bidder

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council authorizes the City Manager to enter into an agreement with Northern Alaska Contractors, LLC to construct the Westward Captain's Bay 35 KV Line Extension Project in the amount of \$1,399,060.52.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS 13TH DAY OF JUNE, 2017.

MAYOR

ATTEST:

CITY CLERK

MEMORANDUM TO COUNCIL

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: DAN WINTERS, DPU DIRECTOR
THRU: DAVE MARTINSON, CITY MANAGER
DATE: JUNE 13, 2017
RE: RESOLUTION 2017-43: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTHERN ALASKA CONTRACTORS, LLC TO CONSTRUCT THE WESTWARD CAPTAIN'S BAY 35 KV LINE EXTENSION PROJECT

SUMMARY: Through Resolution 2017-43, Staff is requests approval for the City Manager to enter into an agreement with Northern Alaska Contractors, LLC ("NAC") to construct the Westward Captain's Bay 35 KV Line Extension Project in the amount of \$1,399,060.52. Staff received two bids in response to our Invitation to Bid and NAC provided the lowest bid. A copy of the Bid Tabulation is attached.

PREVIOUS COUNCIL ACTION: Council approved Ordinance 2016-12 on May 24, 2016, the FY17 Capital and Operating Budget Ordinance, allocating \$2,650,836 for this project from the General Fund.

BACKGROUND: The Captain's Bay 35 KV line extension will provide full electric service to Westward Seafoods. Since the City's Electric Utility can provide more efficient power at an overall lower cost since the New Powerhouse was brought online, both Alyeska Seafoods and Westward Seafoods have requested full electric service.

In July 2015, the City installed partial electric service to Alyeska Seafoods through Ordinance 2014-17, a budget amendment that created the "Alyeska Electrical Tie-in" project. Realizing an immediate benefit, Alyeska Seafoods requested that the City Electric Utility provide full electric service, which was installed in July of 2016. The resulting electric usage by Alyeska Seafoods substantially increased and the Powerhouse generator operating efficiencies increased as well, which provided a positive benefit to the community. Because the Alyeska project was a success, Westward requested that it, too, be brought online so the City can provide all of the electricity needs.

On July 7, 2016, the City of Unalaska entered in an agreement with Electric Power Systems, Inc. to design the Captain's Bay 35 KV Intertie Upgrade to Westward Seafoods.

DISCUSSION: Approval of Resolution 201743 will give the City Manager authorization to enter into an agreement with Northern Alaska Contractors, LLC to perform the construction for Westward Captain's Bay 35 KV Line Extension Project. This project will begin approximately ten days after approval of this Resolution.

ALTERNATIVES: Staff does not believe there are other alternatives to provide full electric service to Westward Seafoods. However, Staff is always receptive to Council’s direction.

FINANCIAL IMPLICATIONS: This project will was funded by a loan from the General Fund. The total cost for this contract will be \$1,399,060.52.

Table 1 shows the projected revenue and payback time after completion of this project and any other related work to provide Westward full electric utility service. A projected annual usage of 10 Million kWh will have a payback of 1.8 years. In comparison, Alyeska Seafoods, after being provided full electric utility service less than a year ago, has already added more than \$1.5 Million in revenue to the City’s Electric Utility.

Table 1

35kV Electrical Upgrade to Westward - Projected Annual Revenue and Payback					
	Annual kWh Usage	Cost per kWh	Total Annual Revenue	Project Cost	Payback Years
Minimum Usage	3,000,000	\$ 0.14385	\$ 431,550	\$ 2,650,836	6.1
Projected Usage	10,000,000	\$ 0.14385	\$ 1,438,500	\$ 2,650,836	1.8
Maximum Usage	20,000,000	\$ 0.14385	\$ 2,877,000	\$ 2,650,836	0.9

Table 2 provides both the design and construction contract costs to show the remaining balance in the Capital Budget for this project.

Table 2: Costs and Remaining Budget

Task	Task Description	Cost
1	Design Contract (Awarded to EPS on July 7, 2016)	\$ 196,270
2	Construction Services	\$ 1,399,061
Total		\$ 1,595,331
Capital Budget		\$ 2,650,836
Remaining Budget		\$ 1,055,505

LEGAL: The City Manager will determine whether a legal opinion is required.

STAFF RECOMMENDATION: Staff recommends approval of Resolution 2017-43.

PROPOSED MOTION: “I move to approve Resolution 2017-43”

CITY MANAGER’S COMMENTS: I recommend Council approve this resolution.

City of Unalaska

BID TAB

May 16, 2017

[illegible]

**CITY OF UNALASKA
UNALASKA, ALASKA**

RESOLUTION NO. 2017-44

RESOLUTION 2017-44: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DEFORGE MARITIME TOWING TO SHIP SCRAP METAL AND JUNK VEHICLES FROM THE CITY OF UNALASKA'S LANDFILL TO SEATTLE IN THE AMOUNT OF \$275,000.

WHEREAS, in order to promote the health, welfare, and safety of the public, it has been determined that there is a need for the removal of scrap metal and junk vehicles from the Unalaska Landfill; and

WHEREAS, the City of Unalaska solicited for bids on April 26, 2017 for the shipment of 900 tons of scrap metal and 200 junk vehicles from Unalaska to the Port of Seattle; and

WHEREAS, the City of Unalaska received three bids for the shipment of 900 tons of scrap metal and 200 junk vehicles from Unalaska to the Port of Seattle; and

WHEREAS, the monetary amount of all three bids exceeded the budgeted amount; and

WHEREAS, staff inquired through the marine industry for empty barges that were returning to Seattle from Unalaska that had deck space for all the scrap metal and junk vehicles; and

WHEREAS, it has been determined that Deforge Marine Towing submitted the lowest price for the shipment of 900 tons of scrap metal and 200 junk vehicles from Unalaska to the Port of Seattle.

NOW, THEREFORE, BE IT RESOLVED that the Unalaska City Council authorizes the City Manager to enter into an agreement with DeForge Maritime Towing to ship approximately 900 tons of scrap metal and 200 junk vehicles from the City Landfill to Seattle in the amount of \$275,000.

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

MAYOR

ATTEST:

CITY CLERK

MEMORANDUM TO COUNCIL

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: DAN WINTERS, DPU DIRECTOR

THRU: DAVE MARTINSON, CITY MANAGER

DATE: JUNE 13, 2017

RE: RESOLUTION 2017-44: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DEFORGE MARITIME TOWING TO SHIP SCRAP METAL AND JUNK VEHICLES FROM THE CITY OF UNALASKA'S LANDFILL TO SEATTLE IN THE AMOUNT OF \$275,000.

SUMMARY: Through Resolution 2017-44, Staff is requesting approval for the City Manager to enter into an agreement with DeForge Maritime Towing to ship approximately 900 tons of scrap metal and 200 junk vehicles from the City Landfill to Seattle in the amount of \$275,000.

PREVIOUS COUNCIL ACTION: At the December 9, 2014, meeting, Council approved Resolution 2014-89, which authorized the City Manager to enter into agreement with Samson Tug and Barge to ship 4,000 tons of scrap metal and junk vehicles to Seattle for \$344,575.

BACKGROUND: The City Landfill accepts both scrap metal and junk cars. These items accumulate to the extent that approximately 150 junk vehicles and 800 tons of scrap metal are received per year. The City has paid as much as \$500 per vehicle and \$250 per ton for scrap metal to remove these items from the Landfill.

On April 26, 2017, three contractors provided quotes for gathering and shipping out scrap metals and junk vehicles. These bids ranged in price from \$500,000 to \$1,100,000. Unfortunately, these bids were much higher than anticipated and budgeted for, so other options must be considered. Staff began inquiring through the marine industry for empty barges that were returning to Seattle from Unalaska that had deck space for all the scrap metal and junk vehicles. Staff found two available barges which meet these criteria. The first barge company contacted could not take all our scrap metal and junk vehicles, and wanted \$350,000 for what they could take. The second barge owned and operated by DeForge Marine Towing, can take all our scrap metal and junk vehicles at a price of \$275,000.

DISCUSSION: Approval of Resolution 2017-44 will give the City Manager authorization to enter into an agreement with DeForge Maritime Towing to ship approximately 900 tons of scrap metal and 200 junk vehicles stored and ready for shipment from the City Landfill to Seattle. Staff has learned from past experience that the only viable way to ship these materials off island is by barge. Loading container vans with the material is an expensive, messy and time consuming process.

Staff recommends Council's adoption of Resolution 2017-44, which will allow the shipping of junk vehicles and scrap metal from the Unalaska Landfill.

ALTERNATIVES: Staff does not believe there are other cost effective alternatives, but are always open to the Council's recommendations.

FINANCIAL IMPLICATIONS: This project will be paid by the Solid Waste Proprietary Fund. The total cost for this contract will be \$275,000.

The cost to ship scrap metal and junk vehicles to Seattle is directly tied to the price the vendor will receive for the metal. As Table 1 below depicts, prices have fluctuated in past years. In 2014, prices plummeted and have not recovered.

TABLE 1

Scrap Metal and Junk Vehicle Disposal Cost History					
Date	Vehicle Quantity	Price Per Vehicle	Scrap Metal Tons	Price Per Ton	Total Contract Price
2003	450	\$ 1,500			\$ 650,000
2005	500	\$ 390	5,000	\$ 390	\$ 2,145,000
2006	100	\$ 450	300	\$ 500	\$ 150,000
2007	300	\$ 150			\$ 45,000
2010			310	\$ 180	\$ 63,000
2012	50		500		\$ 60,000
2014	200	\$ 50	1,000	\$ 20	\$ 30,000
2014			4,000	\$ 86	\$ 344,575
2017	200		1,100	\$ 250	\$ 275,000

LEGAL: The City Manager will determine whether a legal opinion is required.

STAFF RECOMMENDATION: Staff recommends approval of Resolution 2017-44.

PROPOSED MOTION: "I move to approve Resolution 2017-44"

CITY MANAGER'S COMMENTS: Previous RFP resulted in bids that were excessive in cost. I recommend Council Approve this resolution.

STANDARD FORM OF AGREEMENT
BETWEEN THE CITY AND CONTRACTOR

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2017, by and between the City of Unalaska (the “CITY”) and DeForge Maritime Towing (the “CONTRACTOR”).

The City of Unalaska and the Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. THE WORK

CONTRACTOR shall complete all work as specified or indicated in this agreement. The work is generally described as follows:

The work will include furnishing all equipment and manpower to secure and transport approximately 900 tons of scrap metals and 200 junk vehicles in Unalaska, Alaska, to Seattle, Washington.

1. Project Location: City of Unalaska Solid Waste Landfill, Unalaska, AK 99685
2. Owner: City of Unalaska, Department of Public Utilities

The Contract Documents which comprise the entire agreement between The City and CONTRACTOR concerning the WORK consists of the following:

- Agreement
- DeForge Maritime Towing Quote dated May, 2017.
- Change Orders which may be delivered or issued after Effective Date of the Agreement and not attached hereto.

Article 2. GENERAL PROVISIONS

- A. All work shall be subject to review and acceptance by the City, who shall evaluate the Contractor's work for compliance with the Agreement. The City has no duty to supervise or direct the performance of the work, nor any responsibility or liability for the acts or omissions of the Contractor or any subcontractors or suppliers.
- B. The Contractor is solely responsible for each piece of scrap metal and each junk car as soon as they are loaded onto the barge. Unloading the barge at the Seattle Port is the sole responsibility of the Contractor.

Article 3. SAFETY

- A. The Contractor shall do whatever work is necessary for overall project safety and be solely and completely responsible for conditions of the job site, including safety of all persons (including employees) and property during the Agreement period. This requirement shall apply continuously and is not limited to normal working hours.

- B. Safety provisions shall conform to Federal and State Departments of Labor Occupational Safety and Health Act (OSHA), and other applicable federal, state, county, and local laws, ordinances, codes, requirements set forth herein, and regulations. Where these are in conflict, the more stringent requirements shall apply. Contractor shall become thoroughly familiar with governing safety provisions and shall comply with the obligations set forth therein.
- C. The Contractor shall develop and maintain for the duration of the Agreement, a safety program that will effectively incorporate and implement required safety provisions. Contractor shall appoint a qualified employee who is authorized to supervise and enforce compliance with the safety program.
- D. The City's duty to conduct a review of the Contractor's performance does not include a review or approval of the adequacy of Contractor's safety supervisor, safety program, or safety measures taken in, on, or near the construction site.
- E. As part of safety program, Contractor shall maintain at its office or other well-known location at the job site, safety equipment applicable to the Work as prescribed by governing safety authorities, and articles necessary for giving first aid to the injured. Establish procedures for the immediate removal to a hospital or a doctor's care of persons who may be injured on the job site.
- F. Contractor shall do all work necessary to protect the general public from hazards, including but not limited to equipment and operations.

Article 4. LICENSE REQUIREMENTS

The Contractor shall obtain a City of Unalaska Business License prior to commencement of the Work to the extent required by the City of Unalaska Code of Ordinances §9.04.020. Contractors and subcontractors in order to perform public work in the State of Alaska are required to hold State of Alaska Contractor's licenses of the class required to perform the specified work. Contractors and subcontractors are also required to hold current Alaska Business Licenses and City of Unalaska Business Licenses in order to perform public work in the State of Alaska.

Article 5. INSURANCE

- A. Contractor agrees to furnish the City, before commencing any Physical Work related to this Agreement and as required elsewhere, the certificates of insurance as specified in these Documents. Contractor further agrees that the amount stated herein includes specific consideration for the insurance coverage's, including contractual liability, specified.
- B. The Contractor shall carry and maintain throughout the life of this Agreement, at its own expense, insurance not less than the amounts and coverage herein specified, and the City of Unalaska, its employees and agents shall be named as additional insured under the insurance coverage so specified and where allowed, with respect to the performance of the work. There shall be no right of subrogation against the City or its agents performing work in connection with the work, and this waiver of subrogation shall be endorsed upon the policies. Insurance shall be placed with companies acceptable to the City of Unalaska, and these policies providing coverage thereunder shall contain provisions that no cancellation or material changes in the policy

relative to this project shall become effective except upon 30 days prior written notice thereof to the City of Unalaska.

- C. Prior to commencement of the work, the Contractor shall furnish certificates to the City of Unalaska, in duplicate, evidencing that the Insurance policy provisions required hereunder are in force. Acceptance by the City of Unalaska of deficient evidence does not constitute a waiver of Agreement requirements.
- D. The Contractor shall furnish the City of Unalaska with certified copies of policies upon request. The minimum coverages and limits required are as follows:
 - 1. Workers' Compensation insurance in accordance with the statutory coverages required by the State of Alaska and Employers Liability insurance with limits not less than \$1,000,000 and, where applicable, insurance in compliance with any other statutory obligations, whether State or Federal, pertaining to the compensation of injured employees assigned to the work, including but not limited to Voluntary Compensation, Federal Longshoremen and Harbor Workers Act, Maritime and the Outer Continental Shelf's Land Act.
 - 2. Commercial General Liability with limits not less than \$1,000,000 per Occurrence and \$2,000,000 Aggregate for Bodily Injury and Property Damage, including coverage for Premises and Operations Liability, Products and Completed Operations Liability, Contractual Liability, Broad Form Property Damage Liability and Personal Injury Liability. Coverage shall not contain any exclusion of Explosion, Collapse, or Underground. Coverage is to be endorsed to include a per project aggregate. Additionally, such insurance shall be considered primary to any other insurance carried by the City of Unalaska and the insurer will endorse the policy accordingly.
 - 4. If applicable, Contractor's Equipment insurance covering all of the Contractor's equipment and machinery to be used in connection with the performance of the work specified in this Agreement. This coverage requirement may be waived at the discretion of the City of Unalaska if the Contractor self-insures the equipment and will waive all right of recovery against the City of Unalaska in writing.
 - 5. Umbrella/Excess Liability insurance coverage of not less than \$1,000,000 per occurrence and annual aggregate providing coverage in excess of General Liability, Auto Liability, and Employers Liability.
 - 6. If work involves use of aircraft, Aircraft Liability insurance covering all owned and non-owned aircraft with a per occurrence limit of not less than \$1,000,000.
 - 7. If work involves use of watercraft, Protection and Indemnity insurance with limits not less than \$1,000,000 per occurrence. Hull and Machinery coverage is to be carried on the vessel for the full current market value. This coverage requirement may be waived at the discretion of the City of Unalaska if the Contractor self-insures the equipment and will waive all rights of recovery against the City of Unalaska in writing.

8. Where applicable, Professional Liability insurance with limits of not less than \$1,000,000 per claim and \$1,000,000 aggregate, subject to a maximum deductible of \$10,000 per claim. The City of Unalaska has the right to negotiate increase of deductibles subject to acceptable financial information of the policyholder.
9. Where applicable, Pollution Liability insurance with a project limit of not less than \$1,000,000 subject to a maximum deductible of \$10,000 to include coverage for Asbestos, Hazardous Materials, Lead or other related environmental hazards. The City of Unalaska has the right to negotiate increase of deductibles subject to acceptable financial information of the policyholder.

In the event Asbestos, Hazardous Materials, Lead or other related environmental hazards are transported by vehicle and/or marine vessel, the operator of such vehicles and vessels shall provide a Certificate of Insurance for the transportation of such materials (including loading and unloading) with limits of not less than \$1,000,000.

10. Builder's Risk Insurance: Coverage shall be provided on an "All Risk" completed value basis and protect the interests of the City, the Contractor and its subcontractors. Coverage shall include all materials, equipment and supplies that are intended for specific installation in the project while such materials, supplies and equipment are located at the project site and in transit from port of arrival to job site and while temporarily located away from the project site.
- E. Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expense.
 - F. All insurance policies as described above except Professional Liability and Worker's Compensation, are required to be written on an "occurrence" basis. In the event occurrence coverage is not available, the Contractor agrees to maintain "claims made" coverage for a minimum of two years after project completion.
 - G. If the Contractor employs subcontractors to perform any work hereunder, the Contractor agrees to require such subcontractors to obtain, carry, maintain, and keep in force during the time in which they are engaged in performing any work hereunder, policies of insurance which comply with the requirements as set forth in this section. This requirement is applicable to subcontractors of any tier.
 - H. The Contractor is required to maintain all certificates of insurance during the course of the project. It is further agreed, that upon request by the City of Unalaska, the Contractor will provide copies of any and all subcontractor certificates of insurance for review of compliance.
 - I. Failure by the Contractor to maintain the required insurance coverage or to comply with the above, may, at the option of the City of Unalaska, be deemed Defective Work and remedied in accordance with the Agreement.

Article 6. INDEMNIFICATION

- A. The Contractor will name the City as "Additional Insured" and will provide a "Waiver of Subrogation".
- B. The Contractor shall indemnify, save harmless, and defend the City and its agents and its employees from any and all claims or actions for injuries or damages sustained by any person or property arising directly or indirectly from the Contractor's performance of this Agreement; however, this provision has no effect if, but only if, the sole proximate cause of the injury or damage is the negligence of the City or its agents.

Article 7. TIME OF COMPLETION

The Contractor shall complete all work associated with this Agreement no later than August 1, 2017.

Article 8. STATUS OF WORK

The Contractor shall keep the City advised as to the status of work being done by the Contractor and the details thereof. The Contractor shall maintain coordination with representatives of the City. The City or Contractor may request and be granted a conference with the other party.

Article 9. MEASUREMENT AND PAYMENT

Application for Payment or Invoice shall be sent to the City of Unalaska, Accounts Payable, P.O. Box 610, Unalaska, Alaska 99685, for payment. This agreement is a Lump Sum agreement for Two Hundred Seventy Five Thousand Dollars (\$275,000).

Article 10. CONTRACTOR'S REPRESENTATIONS

In order to induce the City to enter into this agreement, the Contractor makes the following representations:

- A. Contractor has familiarized itself with the nature and extent of the Contract Documents, work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance, or furnishing of the work.
- B. Contractor has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports, and studies which pertain to the subsurface or physical conditions at or contiguous to the site or which otherwise may affect the cost, progress, performance, or furnishing of the work as Contractor considers necessary for the performance or furnishing of the work at the Contract Price, within the Contract Time, and in accordance with the other terms and conditions of the Contract Documents, and no additional examinations, investigations, explorations, tests, reports, studies, or similar information or data are or will be required by Contractor for such purposes.
- C. Contractor has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No

additional examinations, investigations, explorations, tests, reports, studies, or similar information or data in respect of said Underground Facilities are or will be required by Contractor in order to perform and furnish the work at the Contract Price, within the Contract Time, and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.4 of the General Conditions.

- D. Contractor has correlated the results of all such observations, examinations, investigations, explorations, tests, reports, and studies with the terms and conditions of the Contract Documents.
- E. Contractor has given the City written notice of all conflicts, errors, or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by the City is acceptable to the Contractor.

Article 11. MISCELLANEOUS

- A. The Contractor shall submit the Performance Bond, Certification of Insurance, and State of Alaska and City of Unalaska business licenses prior to commencement of the Work. The Performance Bond shall be in the amount of 100% of the contract bid price.
- B. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
- C. The City and the Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect of all covenants, agreements, and obligations contained in the Contract Documents.

IN WITNESS WHEREOF, The City and the Contractor have signed all counterparts of this Agreement. All portions of the Contract Documents have been signed or identified by the City of Unalaska and the Contractor.

DeFORGE MARITIME TOWING

CITY OF UNALASKA, ALASKA

By: _____
_____, Its _____

State of _____
_____) ss.
_____ Judicial District)

The foregoing instrument was acknowledged
before me on the ____ day of _____,
2017, by _____, the
_____ of
_____, an _____
Corporation, on behalf of the corporation.

Notary Public, State of _____
My Commission Expires _____

By: _____
David A. Martinson, City Manager

State of Alaska)
_____) ss.
Third Judicial District)

The foregoing instrument was acknowledged
before me on the ____ day of _____,
2017, by David A. Martinson, City Manager for
the City of Unalaska, a First Class Alaska
Municipal Corporation, on behalf of the City of
Unalaska.

Notary Public, State of Alaska
My Commission Expires _____