

## **Title 2 Administration and Personnel**

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### Chapter 2.04 City Council\*

#### Sections:

- 2.04.010 City Council.
- 2.04.020 City Council--Vacancy.
- 2.04.030 Meetings--Public.
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- 2.04.070 Meetings--Order of business.
- 2.04.080 Meetings--Rules of order.
- 2.04.090 City Council--Conflict of Interest.

**2.04.010 City Council.** A. The Seldovia City Council consists of six members, two of whom are elected each year at the election held annually on the first Tuesday of October. Each Council member shall serve a term of three years, and until his or her successor is elected and qualified.

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\* For statutory provisions regarding the City Council, see AS Sec. 29.20.050 - 29.20.180.

B. A city voter who has resided within the city limits for a period of six months is eligible to be a member of the City Council. (Ord. 87-4 Sec. 1, 1987)

C. The order of council member's names appearing on the council agenda shall be rotated for each meeting. The order in which the names appear will be the order in which roll call votes are taken and shall establish the order in which council member comments are given in item P of the agenda.

**2.04.020 City Council -- Vacancy.** A vacancy on the City Council shall be declared and filled in accordance with AS 29.20.170 and 29.20.180. (Ord. 87-4 Sec. 1, 1987)

**2.04.030 Meetings -- Public.** All meetings of the Council and of committees, commissions, boards or agencies created or authorized by the Council or by this code, supported in whole or in part by public funds, or entrusted with expending public funds, shall be open to the public except as otherwise provided in Alaska Statutes 44.62.310. (Ord. 87-4 Sec. 1, 1987)

**2.04.040 Meetings -- Procedures.** The regular meetings of the City Council will be held in the Seldovia City Library Building on the second and fourth Wednesday of each month, at the hours of seven-thirty p.m. If a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members, a special meeting of the City Council may be held at the call of the Mayor or at least one-third of the members. A special meeting may be conducted with less than 24 hours notice if all members are present, or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal of the meeting. (Ord. 87-4 Sec. 1, 1987)

**2.04.50 Meetings -- Quorum.** A. At all meetings of the Council, four members shall constitute a quorum for the transaction of business.  
B. Four affirmative votes are required for the passage of an ordinance, resolution or motion. (Ord. 74-4 Sec. 1, 1974)

**2.04.060 Meetings -- Voting.** A. The vote on all questions except upon an ordinance, resolution or substantive motions shall be by viva voce unless two members of the Council call for ayes and nays, in which event the roll call shall be called and the vote of each member recorded by the clerk. All votes on ordinances, resolutions or substantive motions shall be permanently recorded "yes" or "no" by the clerk in the proceedings of the Council, except that if the vote is unanimous it may be recorded "unanimous".

B. Each member of the governing body present shall vote on each question unless permitted to abstain in accordance with AS 29.20.010. (Ord. 87-4 Sec. 1, 1987)

**2.04.70 Meetings – Order of business.** The following shall be the order of business at all meetings of the Council:

- A. Call to Order & Roll Call;
- B. Pledge of Allegiance;
- C. Excused Absences;
- D. Agenda Approval;
- E. Approval of Minutes;
- F. Ordinance Introduction;
- G. Treasurer’s Report (second meeting of the month)
- H. Proclamations;
- I. Public Presentation Prior Notice;
- J. Public Presentation for Items not on Agenda;
- K. Committee and Advisory Board Reports;
- L. Old Business;
  - 1. Presentation by Staff or Council
  - 2. Public Presentation or Hearing
  - 3. Council Discussion (Subject to Mayor or Chairperson recognition/ No need for suspension of rules)
  - 4. Action/Disposition
- M. New Business;
  - 1. new business
    - a. Presentation by Staff or Council
    - b. Public Presentation or Hearing
    - c. Council Discussion
    - d. Action/Disposition
- N. Informational Items Not Requiring Actions;
- O. City Manager’s Report;
- P. Manager, Council and Mayor Comments Concerning Items Not on the Agenda;
- Q. Next Meeting;
- R. Adjournment; (Ord. 76-5 Sec. 2, 1976; Ord. 03-02)

**2.04.080 Meetings -- Rules of order.** Roberts' Rules of Order shall be the authority on parliamentary rules and procedure of the Council unless otherwise provided by rule, regulation or a provision of this code. (Prior code Sec. 2.060)

**2.04.090 City Council -- Conflict of interest.** A. Any member of the City Council having a substantial financial interest in an official action shall declare such substantial financial interest and ask to be excused from a vote on the matter;

B. The presiding officer of the City Council shall rule on a request by a member of City Council to be excused from a vote on the basis of substantial financial interest.

C. The decision of the presiding officer of the City Council on a request by a member of the Council to be excused from a vote may be overridden by the majority vote of the City Council; and

D. A municipal employee or official, other than a member of the City Council, may not participate in an official action in which the employee or official has a substantial financial interest. (Ord 89-8)

E. All elected or appointed officials of The City of Seldovia shall complete The Seldovia Financial Disclosure Statement for Public Officials (res 10-05)

## Chapter 2.08 Mayor\*

### Sections:

- 2.08.010 Election--Term.
- 2.03.020 Oath of office.
- 2.08.030 Vacancy--Mayor.
- 2.08.040 Council meeting duties.
- 2.08.050 Duties--Powers.
- 2.08.060 Administrative duties to Manager.

**2.08.010 Election--Term.** A. The Mayor is elected at large for a term of three years and until a successor is elected and has qualified.

1. The Mayor's regular term begins on the first Monday following his election, which is held on the first Tuesday of October.

2. A city voter who has resided within the city limits for a period of six months is eligible to be Mayor. (Ord. 74-5 Sec. 1(part), 1974; prior code Sec. 2.040(a); Ord. 87-1 Sec. 2, 1987)

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\* For statutory provisions pertaining to mayors, see AS Secs. 29.20.160(A), and 29.20.220-280.

**2.08.020 Oath of office.** Upon his election, the Mayor shall before entering upon the duties of his office, take an oath in writing to honestly, faithfully and impartially perform the duties of his office, which oath shall be filed with the City Clerk. (Ord. 74-5 Sec. 1(part), 1974: prior code Sec 2.040(b) (part))

**2.08.030 Vacancy--Mayor.** A vacancy in the office of Mayor shall be declared and filled in accordance with AS 29.20.280. (Ord. 87-1 Sec. 1, 1987)

**2.08.040 Council meeting duties.** If the Mayor is unable to attend a Council meeting and if five members are present, the Council shall appoint one of its members to preside and to perform the duties of Mayor for the meeting in question or the temporary period involved. A person appointed shall be known as "Acting Mayor," but will continue their duties as Council member and take part in all voting. (Ord. 74-5 Sec. 1(part), 1974: prior code Sec. 2.040 (C); Ord. 00-05)

**2.08.050 Duties -- Powers.** It shall be the duty of the Mayor to preside at meetings of the Council and to participate in discussion of matters before the Council. The Mayor may vote only in the case of a tie. The Mayor may veto any ordinance, resolution, motion or other action of the Council and may, by veto, strike or reduce items in appropriations, except when prohibited by law. He shall submit to the Council at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of two-thirds of the authorized membership of the Council within 21 days following the veto, or at the next regular meeting whichever is later. (Ord. 87-1 Sec. 1, 1987)

**2.08.060 Administrative duties to Manager.** The administrative duties of the Mayor of executing deeds and other documents on behalf of the City when authorized by the Council and the signing of warrants drawn on the city treasury and the direction and supervision of the business of the City, and seeing that all ordinances and resolutions are executed, will be assigned to the City Manager. (Ord. 74-6 Sec. 1, 1974: prior code Sec 2.040(E))

## Chapter 2.12 City Officers\*

### Sections:

- 2.12.010 Designated.
- 2.12.020 Appointments.
- 2.12.030 Qualifications.
- 2.12.040 Combining offices.
- 2.12.050 Elective offices declared vacant--Conditions.

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\* For statutory provisions regarding general city powers with regard to municipal offices and officers, see AS Sec. 29.20.050 and 29.20.360-640.

**2.12.010 Designated.** The officers of the City shall be the *ex officio* Mayor, the City Treasurer and the City Councilmembers. The City Manager may hire the Chief of Police, the City Engineer, the City Clerk, the Harbormaster and any other employees at such salaries and wages as may be required within the budget items authorized by the City Council. (Sec. 1 of Ord. dated 12/30/70: prior code Sec. 2.005)

**2.12.020 Appointments.** All appointments made by the Mayor or City Manager shall be subject to confirmation of the Council. All officers appointed by the Mayor and confirmed by the Council shall hold office at the pleasure of the Council, but not beyond the term of the Mayor by whom they are appointed. (Ord. 75-1 Sec 2., 1975)

**2.12.030 Qualifications.** All officers of the City shall be qualified electors of the City. All officers of the City shall, before entering upon the duties of their office, take an oath in writing to honestly, faithfully and impartially perform the duties of their office, which oath shall be filed with the City Clerk. (Prior code Sec. 2.020)

**2.12.040 Combining offices.** Two or more of the city offices provided for herein may be combined by the Council. (Prior code Sec. 2.030)

**2.12.050 Elective offices declared vacant--Conditions.** An elective municipal office is vacated under the following conditions and upon the declaration of vacancy by the Council. The Council shall declare an elective office vacant when the person elected:

A. Fails to qualify or take office within thirty days after election or appointment;

B. Is physically absent from the municipality for a ninety-day period, unless excused by the Council;

C. Resigns, and his resignation is accepted;

G. Is physically or mentally unable to perform the duties of office, as determined by two-thirds vote of the City Council.

D. Is removed from office;

E. Misses three consecutive regular meetings, unless excused;

F. Is convicted of a felony or of an offense involving a violation of oath of office. (Ord. 79-9 Sec. 2, 1980)

G. 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;

H. Is convicted of a violation of AS 15.13; or

I. No longer physically resides in the municipality and the City Council by two-thirds vote declares the seat vacant. (Ord. 79-9 Sec. 2, 1980; Ord. 89-9 Secs. 1-5, 1989)

## Chapter 2.14 City Manager

### Sections:

- 2.14.010 City Manager
- 2.14.020 City Manager—Duties and Responsibilities

**2.14.010 City Manager.** The City Manager shall be the chief executive officer and administrator of the City.

**2.14.020 City Manager—Duties and Responsibilities.** A. Appoint, suspend or remove municipal employees and administrative officers, except as provided in 2.12.020 Appointments. The City Manager shall serve as the personnel officer.

B. Supervise the enforcement of the City Code and carry out the directives of the City Council.

C. Prepare and submit an annual budget and capital improvement program for consideration by the City Council, and execute the budget and capital improvement program adopted.

D. Report monthly to the Council on the finances and other operations of the City.

E. Exercise custody over all real and personal property of the City.

F. Perform other duties as directed by the Council. (Ord. 92-06)

## Chapter 2.18 City Clerk and Treasurer

### Sections:

- 2.18.010 Creation
- 2.18.020 Duties
- 2.18.030 Appointment

**2.18.010 Creation.** As per AS Sec.29.20.380, the offices of Clerk-Treasurer are hereby separated into the office of Clerk and Treasurer (Ord. 08-04)

**2.18.020 Duties.** Duties shall be as set forth in AS 29.20.380 and 29.20.390 and current job descriptions as established by the City Manager.

**2.18.030 Appointment.** Appointment shall be by the City Manager and confirmed by the Council. (Ord. 04-01)

## Chapter 2.20 Police Department\*

### Sections:

2.20.010 Chief of Police.

**2.20.010 Chief of Police.** Qualifications for the position of Police Chief shall be those set for the State of Alaska (i.e. nineteen years of age, U.S. citizen and no conviction in the last ten years of crimes of moral turpitude). The Chief of Police shall be head of the police department of the City, and the patrolmen and watchmen employed by the City shall be subject to his orders. He shall take his instructions from the City Manager, and shall obey and enforce all lawful orders and instructions given him by the City Manager that are not in conflict with this code or other enactments or orders of the Council. (Sec. 5 of Ord. dated 12/30/70: prior code Sec. 2.110)

## Chapter 2.22 Fire Department

### Sections:

2.22.010 Fire department

2.22.020 Fire Chief

**Section 2.22.010 Fire Department.** The Fire Department shall be called the "Seldovia Volunteer Fire and EMS Department". (ord 09-07)

**Section 2.22.020 Fire chief.** The Fire Chief shall be the head of the fire department. He shall take his instructions from the City Manager and shall follow through with all orders and instructions not in conflict with the state code, this code or other enactments or orders of Council. (Ord. 84-6 Sec. 1)

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\* For statutory provisions regarding the appointment of a Chief of Police, see AS Sec. 29.20.360.



## Chapter 2.24 Civil Defense and Disaster Control\*

### Sections:

- 2.24.010 Organization--Created--Staff.
- 2.24.020 Organization--Composition.

**2.24.010 Organization--Created--Staff.** There is created the civil defense organization for the City of Seldovia, Alaska, as an agency of said government to be composed of the Mayor and such other persons that he may appoint from time to time. The Mayor shall appoint a civil defense director and a staff to serve at the pleasure of the Mayor of the City. (Ord. 69-5 Sec. 2, 1969)

**2.24.020 Organization--Composition.** All city officers and employees of this city, together with those volunteer forces enrolled to aid them prior to or during a disaster shall constitute the civil defense organization, as provided by law. (Ord. 69-5 Sec. 2, 1969)

## Chapter 2.28 Ordinance Passage and Enforcement\*\*

### Sections:

- 2.28.010 Ordinance Procedures.
- 2.28.020 Publication.
- 2.28.030 Emergency ordinances.
- 2.28.040 Rules governing cases of violation.
- 2.28.050 Court sessions.

**2.28.010 Ordinance Procedures.** Ordinances are introduced in writing in the form required by the Council. An ordinance may be introduced by member or committee of the Council, the Mayor or the City Manager. An ordinance shall be set for hearing by the affirmative vote of a majority of the votes authorized on the question. A summary of the ordinance and its amendments is published together with a time and place for public hearing. The hearing follows publication by at least five days. Copies of the ordinance must be available to all persons present or the ordinance must be read in full. The Council shall hear all interested persons wishing to be heard. After the hearing, the Council shall consider the ordinance and may adopt it with or without amendment. The Council shall print and make available copies of adopted ordinances. An ordinance takes effect upon adoption or on a late date specified in the ordinance. (Ord. 87-7 Sec. 1, 1987)

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\* For statutory provisions regarding local civil defense organizations, see AS Sec. 26.20.060 *et seq.*

\*\* For statutory provisions regarding municipal enactments, see AS Secs. 29.25.010-070.

**2.28.020 Publication.** All ordinances shall be published, either by posting a copy thereof in three public places, within the City, or by publication in one issue of a newspaper of general circulation in the City. (Prior code Sec. 2.075)

**2.28.030 Emergency ordinances.** A. To meet a public emergency the Council may adopt ordinances effective on adoption. Every emergency ordinance must contain a finding by the Council that an emergency exists and a statement of the fact upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The Council must print and make available copies of adopted emergency ordinances.

B. An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise or to regulate the rate charged by a public utility for its services.

C. Emergency ordinances are effective for sixty days. (Ord. 74-20 Sec. 1, 1974)

**2.28.040 Rules governing cases of violation.** All cases arising under the ordinances, rules and regulations of the City shall be heard, tried and determined in the magistrate's court for the City of Seldovia in accordance with the provisions of Rule 41 of the "Rules Governing the Administration of all Courts" adopted by the Supreme Court of the State of Alaska on October 9, 1959, or as the same may be hereafter amended. (Prior code Sec. 2.120)

**2.28.050 Court sessions.** The city magistrate shall convene the court at such times and places as he may designate; provided, however, that the magistrate must in all cases provide the defendant with a fair and speedy trial without undue delay and must be available for issuance of process and arraignment at all reasonable times. (Ord. 81-5 Sec. 2, 1981: prior code Sec. 2.140)

## Chapter 2.32 Elections\*

### Sections:

- 2.32.010 Incorporation of state and federal law.
- 2.32.020 Date of election.
- 2.32.030 Notice of election--Adoption, certification and posting.
- 2.32.040 Notice of election--Contents.
- 2.32.050 Notice of election--Form.
- 2.32.060 Candidacy eligibility and declaration.
- 2.32.065 Ballots--Forms
- 2.32.066 Ballots--Distribution
- 2.32.070 Voter qualifications.
- 2.32.080 Election judges selected.
- 2.32.090 Election judges and clerks--Oath.
- 2.32.100 Election board--Organization and duties.
- 2.32.110 Conduct of election and polls.
- 2.32.120 Balloting.
- 2.32.130 Counting and disposition of ballots.
- 2.32.140 Disposition of challenged ballots.
- 2.32.150 Absentee voting.
- 2.32.160 Announcement of election results.
- 2.32.170 City officer's oaths.
- 2.32.180 Voting by Mail.

**2.32.010 Incorporation of state and federal law.** No person shall violate any provisions of the Constitution of the State of Alaska or the Constitution of the United States of America or of any law duly enacted pursuant to either of such Constitutions and laws. Such Constitutions and laws are hereby incorporated in this chapter as if fully set forth herein. (Ord. 72-2 Sec. 2, 1972)

**2.32.020 Date of election.** There shall be a regular city election held on the first Tuesday of October of each year for the purpose of electing city officers. Special elections may be held during the year as may become necessary and specified by resolution passed by the City Council. (Ord. 72-2 Sec. 2, 1972)

**2.32.030 Notice of election--Adoption, certification and posting.** A. The City Council shall adopt a resolution containing a notice of election for each city election; such resolution and notice shall be in the standard form provided below and need not be changed substantially from year to year except as election codes or other state laws require.

B. The notice of election resolution shall be adopted by the Council not less than thirty days before the date of election.

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\* For statutory provision regarding regular and special elections see AS Sec. 29.26.010 *et seq.*

C. The notice of election shall be signed by the Mayor and the City Clerk, and posted in three conspicuous places about the City for a period of thirty days before the election. The City Clerk, or other person so designated by the Council, shall post the notice and execute a certificate stating that the posting has been made, giving the date and specific locations where posted. (Ord. 72-2 Sec. 3, 1972)

**2.32.040 Notice of election--Contents.** The notice of election shall contain the following:

- A. The date of election;
- B. The number, terms and positions to be filled, propositions or question;
- C. The boundaries of the precinct or precincts, and the polling place or places;
- D. The hours during which the polls shall be open;
- E. The method of nomination, filing or declaration of candidacy;
- F. Qualifications to vote, to be nominated as a candidate;
- G. Statement as to eligibility and method of absentee voting. (Ord. 72-2 Sec. 4, 1972)

**2.32.050 Notice of election--Form.** The notice of election adopted by resolution by the City Council shall be substantially in the following form:

**"Notice of Election of \_\_\_\_\_, City of Seldovia"**

- A. By resolution adopted by the City Council \_\_\_\_\_, 20\_\_\_\_, and pursuant to procedures established by Seldovia City Code Sec. 2.32.030 and Sec. 2.32.040, and in accordance with applicable state law, notice is hereby given concerning the election of \_\_\_\_\_, City of Seldovia, as follows;
- B. The regular annual election of Council members will be held on the First Tuesday of October, that is, October \_\_\_\_\_, 20\_\_\_\_, to elect \_\_\_\_\_ Mayor, Council members for specific terms, propositions, as appropriate.
- C. There will be one precinct, the boundaries of which are identical with the boundaries of the City of Seldovia.
- D. The polling place will be at on \_\_\_\_\_, Seldovia, Alaska.
- E. The polls will be open from eight o'clock in the morning or such times as concurrent state and borough elections commence until eight o'clock in the evening or such time as concurrent state or borough elections conclude, Alaska time. (Ord. 92-15)
- F. Persons desiring to file a Declaration of Candidacy shall do so as provided in the Seldovia City Code Sec. 2.32.060 which forms are available at the City Office. Such declaration shall be filed at the City Office not later than five o'clock in the afternoon of the 30th day preceding the election. The person so filing must sign a statement accepting the nomination and agreeing to serve if elected; such statement shall be part of the declaration.
- G. Any person is qualified to vote who:
  - i. is a United States citizen;
  - ii. is at least eighteen years of age;
  - iii. has resided within the municipality the thirty days prior to the election;

- iv. is a registered voter with the state of Alaska;
- v. if convicted of a felony, has had his/her civil rights restored.

H. Any person who believes that he will be unavoidably absent from the City on election day, or will be unable to come to the polls due to physical disability, or if he believes he will be unable to be present at the polls because of the physical inaccessibility of the polling place causing undue travel expense, hardship or hazard to the voter, may apply to the City Clerk in person until 5 o'clock in the afternoon on the day preceding the election, that is , 20\_\_\_\_ , or by letter or personal representative by 5 o'clock in the afternoon on the Friday immediately preceding the election that is,\_\_\_\_ , 20\_\_\_\_ . The letter of application must state that the applicant meets all the qualifications stated in paragraph six and must also give place of residence within the City of Seldovia and the mailing address. A personal representative must present this information also in order to obtain a ballot for a voter. (Ord. 76-3 Sec. 1, 2, 1976; Ord. 72-2 Sec. 5, 1972; Ord. 10-02 Sec 2, 2009)

**2.32.060 Candidacy eligibility and declaration.** A. A person is eligible to hold office who has met the requirements of 2.04.010(b) or 2.08.010(c)

B. A candidate for election to the office of City Council member or the office of Mayor must file a Declaration of Candidacy in the office of City Clerk no sooner than fifty days preceding the date of election, and no later than thirty days immediately preceding the election. Notice shall be published by the City Clerk.

C. Form of the Declaration of Candidacy shall be as follows:

"I,\_\_\_\_ , declare that I reside at , in the City of Seldovia, Alaska; that I am a resident of the State of Alaska; that I am a citizen of the United States of America; and that I am a qualified voter of the City of Seldovia, Alaska. I declare myself a candidate for the office of for a term of years, commencing\_\_\_\_,20 , and ending , 20 ; that I accept the nomination and will serve if elected; and request that my name be printed upon the official ballot for the city election to be held in the City of Seldovia, Alaska, on the \_\_\_\_ , 20\_\_\_\_.

Signature of Candidate"  
Notary Signature and Seal

D. There is nothing in this provision to indicate that write-in candidates will not be accepted on the ballot. (Ord.87-5 Sec. 3, 1987)

**2.32.065 Ballots—Forms.** A. Ballots shall be prepared in the manner prescribed for State elections, insofar as such requirements are applicable to nonpartisan elections.

B. City of Seldovia ballots shall be numbered in series. At the top of the ballot shall be printed the words: "Official Ballot of the City of Seldovia, Alaska," the date of the election, and whether it is a regular or special election.

C. All candidates for the same office shall be shown on one ballot. The title of each office to be filled shall be followed by the printed names of all candidates for that office and the provision shall be made for write-ins equal in number to the positions to be filled, except there shall be no provision made for write-ins on a runoff election ballot. The names of candidates shall be printed as they appear upon the candidacy declaration forms except that any honorary or assumed title or prefix shall be omitted, but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. The words "Vote for not more than ", with the appropriate number replacing the blank, shall be placed before the lists of candidates for each office. Ballots shall be numbered consecutively and candidate names shall be listed in the order that candidacy declarations are filed.

D. Following the offices and candidates, there shall be placed on the ballot or on separate ballots as the Clerk may determine, all propositions or questions to be voted on. The words "YES" and "NO" shall be placed below the statement of each proposition or question. The Clerk shall determine the number of ballots to be used to present all offices, propositions and questions to the qualified voter.

E. The Clerk shall have printed and available at each polling place on election day and in the Clerk's office preceding the election, the sample ballots on tinted paper for each election. Instructions to voters may be printed on the back of the sample ballot.

F. If the Election Board receives an insufficient number of official ballots, it shall provide and the voters may use a substitute ballot. The Election Board shall certify the facts that prevented the use of the official ballots and materials and shall include the certificate in the election returns. (Ord. 05-01)

**2.32.066 Ballots—Distribution.** A. The Clerk shall have the official ballots in his possession at least fifteen days (minimum requirement) before each regular election or seven days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or his authorized agent, and any mistake discovered shall be corrected immediately.

B. The ballots shall be delivered in a separate sealed package, with the number of ballots enclosed clearly marked on the outside of the package. A receipt shall be signed by the Election Chair; the receipt to be preserved with other records of election. (Ord. 05-01; Ord. 10-02 Sec 2, 2009)

**2.32.070 Voter qualifications.** A person may vote in an election who:

1. Is a citizen of the United States;
2. Is at least eighteen years of age;
3. Has resided within the municipality the thirty days prior to the election;
4. Is a registered voter with the State of Alaska;
5. If convicted of a felony, has had his/her civil rights restored;
6. Has completed a voter registration card with the State of Alaska thirty days prior to an election. (Ord. 72-2 Sec. 7, 1972)

**2.32.080 Election judges selected.** A. Three election judges shall comprise the election board. Election judges shall be appointed by the City Council by resolution at least thirty days before the election for which they are to serve. The City Clerk or such other person as the Council may designate shall notify each judge of his appointment by forthwith transmitting to him a copy of the resolution of appointment.

B. A clerk or clerks or judge/alternate(s) of election may be appointed in a similar manner by the Council to assist the election judges with the election. Clerks are not members of the election board. Judge/alternate(s) may be called upon to be a member of the election board in the event that a judge does not appear or become incapacitated during the election day. Judge/alternate(s) become a board member upon taking the oath required of a judge. This oath may be issued by an election judge or City Clerk.

C. Appointees shall accept their appointments in writing at least ten days before the election for which they are to serve. This acceptance shall be substantially in the following form:

"I hereby certify that I am a qualified voter of the City of Seldovia and do hereby accept appointment as election judge (or clerk, or judge/alternate) as set forth in Resolution adopted by the City Council on\_\_\_\_ , 20\_\_\_\_ ." (Ord. 72-2 Sec. 8, 1972)

**2.32.090 Election judges and clerks--Oath.** On election day, or earlier, and before entering on their duties, the election judges and clerks, if any, shall execute an oath of office in the following form:

"I,\_\_\_\_ , being duly sworn on oath, do solemnly swear, THAT I am qualified voter residing in the City of Seldovia, THAT I will support and defend the Constitution and laws of the United States of America and the laws of the State of Alaska, and that I honestly, faithfully, promptly and impartially perform the duties of judge (or clerk), as may be required for the election,\_\_\_\_,20\_\_\_\_, in and for the said City of Seldovia, Alaska, so help me God.

Signature of Judge

Attest:

"Witness and Date"

**2.32.100 Election board--Organization and duties.** A. If any appointed judge or clerk fails to appear or becomes incapacitated during the time of the election or canvass, a judge/alternate shall be selected by the remaining board members or City Clerk to fill the vacancy. The newly selected judge will take the oath of judge before taking office.

B. On the day of election before eight in the morning, or earlier, the City Clerk shall supply to the election board the following:

1. One ballot box with lock and key;
2. One register;

3.The official ballots, numbered serially from one, in an amount to meet the needs of the election;

4. Any administrative supplies necessary for efficient conduct of the election.

C. The decision of the majority of judges shall determine the action that the election board shall take regarding any questions that arise during the course of the election.

D. The two judges other than the chairman of the election board are authorized to perform the duties of election clerks wherever required. (Ord. 72-2 Sec. 10, 1972; Ord. 10-02 Sec 2, 2009)

**2.32.110 Conduct of election and polls.** A. During the hours that the polls are open the election judges shall insure that:

1. No person who is in the polling place or within two hundred feet of any entrance thereto attempt to persuade any person to vote for or against any candidate, proposition or question;

2. No person solicits any person in the polling place or in the line waiting to vote for any purpose whatsoever;

3. No sign or other advertising device for or against any candidate, proposition or question is within two hundred feet of any entrance to the polling place.

B. On the day and hour of election, the election board shall announce that the polls are open and receive voters;

C. The members of the election board shall keep an original register in which each voter, before receiving his ballot, shall sign his name and give both his residence and mailing address. The signing of the register constitutes a declaration by the voter that he is qualified to vote;

D. Each member of the election board shall challenge, and any watcher or other person qualified to vote in the City, may challenge any person attempting to vote if the challenger has good reason to suspect that the challenged person is not qualified to vote. A challenge shall be based upon a discrepancy as to those qualifications listed in Section 2.32.070. Any challenged person, before voting, shall subscribe to an oath and affidavit in the following form:

"I, the undersigned, do solemnly affirm that I am at least eighteen years old, a United States citizen, an actual bona fide resident of Alaska, and have been such resident for seventy-five days immediately preceding this election, have been a resident of the City of Seldovia for thirty days immediately preceding this election, am now a resident of the City of Seldovia at this election, have not previously voted in this election, and that I am fully qualified in accordance with qualifications set forth in the Notice of Election to vote at this election within the City of Seldovia held this day of\_\_\_\_, 20\_\_\_\_ .

Signature of Affiant  
Election Judge  
Election Judge



E. After the challenged person has taken the oath and signed the affidavit the person may vote. If the challenged person refuses to take the oath and sign the affidavit, the person may not vote.

F. Any judge may administer to a voter any oath necessary in the administration of the election. (Ord. 72-2 Sec. 11, 1972; Ord 10-02 Sec 2, 2009)

**2.32.120 Balloting.** A. When the voter has qualified to vote, the election judge shall give him an official ballot. The voter shall retire to a booth or screen to mark the ballot.

B. If any voter improperly marks or damages a ballot, the voter may request and the election board shall provide him with another ballot, with a maximum of three, and the board shall retain the improperly marked ballot.

C. The voter shall mark the ballot only by placing an "X" in the square opposite his/her choice; cross marks, checks or plus signs are to be considered the same as an "X" and are valid; a mark that is substantially in the square or touching it and no other is valid. A write-in choice is valid only if the name of the person chosen is written in and the opposite square is marked. If more choices are marked than are persons or questions to be elected, that race or proposition is invalid.

D. No ballot may be exhibited by any voter to anyone in the polling place, discussed with anyone, taken from the polling place, or marked or folded in any way which would identify it, and no judge shall in any way handle a ballot in such manner as would permit its identification. However, a qualified voter, who is incapable of marking his ballot, may be assisted by an election judge, or other person of his choice, provided such other person shall first take an oath not to attempt to influence the voter assisted or to divulge the vote cast.

E. Fifteen minutes before and at the time of closing the polls, the Election Board shall announce the present time and the time of closing the polls, every qualified voter present and in line at the time of closing the polls may vote. (Ord. 72-2 Sec. 12, 1972; Ord 10-02 Sec 2, 2009)

**2.32.130 Counting and disposition of ballots.** A. When the polls are closed and the last vote has been cast, the Election Board shall immediately proceed to open the ballot boxes and to count and canvass the vote.

B. The Election Board shall first reconcile the ballots and voters as in the following example:

Ballots received: No. \_\_\_ to No. \_\_\_ inclusive 500  
Ballots remaining: No. \_\_\_ to No. \_\_\_ inclusive 100  
Ballots to account for: 400\*

\*These totals should agree  
Such reconciliation shall be on the ballot reconciliation form.

- C. The election board shall then open the ballot box and first proceed as follows:
1. Count the ballots.
  2. If the numbers agree with number of "Persons voted (from count of register of persons checked off as actually voting)," the board proceeds as set forth in the following instructions; if there is a discrepancy, the board re-checks the reconciliation to cure the discrepancy.

- D. The count of votes on the ballots shall be made as follows:
1. The names of the candidates shall be written on a blank page.
  2. The judges shall designate one of the election judges to read aloud slowly the votes shown on each ballot. Before reading the votes, if there appears to be reasonable cause to question the validity of a ballot, race or proposition the reading judge shall check the ballot and if the election board finds the ballot, race or proposition to be invalid, it shall be set aside and not be counted. Write in votes will be counted.
  3. As each vote is read out, the tallying judges, shall tally the votes on their tally sheets.
  4. The tallies shall be totaled. If there is a discrepancy between the two tallies, a recount will be made, with the other judge reading out the votes in order to cure the discrepancy.

E. When the vote count and tally of votes has been completed, the Election Board shall make a certificate of results in duplicate; such certificate shall be substantially in the following form and shall be signed by all judged.

"We, the undersigned, judges of election of the City of Seldovia in the election of held \_\_\_\_\_, 20\_\_ do solemnly affirm that the results of the said election are as follows:  
Name Number of Votes  
IN WITNESS WHEREOF, we affix our names hereunder in each other's presence this day of , 20."

F. The same general procedures as outlined above for recording and counting ballots for candidates shall apply for votes on propositions or questions voted on at the election.

- G. On completion of the above certificate, the judges shall then assemble the following material, with each item clearly identified:
1. The oaths of the judges;
  2. The certification of election results;
  3. All valid voted ballots;
  4. All tabs from voted ballots;
  5. The stubs of all used ballot packets plus the last partially-used ballot packet with the unused ballots attached be defaced by tearing;
  6. Affirmation by challenged voters;
  7. The registration book;
  8. Signed statements by the judges concerning challenged persons which did not result in affirmation by the challenged persons and concerning incidents occurring during the voting.

H. The City Clerk shall be present when the election material specified in the foregoing item of subsection G above has been assembled and shall take note of the placing of the material in a large envelope or in a package, by the election judges. The judges shall then sign their names on the envelope or package, seal it, and deliver it into the hands of the City Clerk who shall forthwith insure that it is placed in the City Hall safe. (Ord. 72-2 Sec. 13, 1972; Ord. 10-02 Sec 2, 2009)

**2.32.140 Disposition of challenged ballots.** A. A challenged voter shall vote his ballot in the same manner as prescribed for other voters. After voting, the challenged voter shall insert the ballot into a small blank envelope, seal it and put the envelope into a larger envelope in which the oath and affidavit, previously signed are contained. This envelope shall be sealed and deposited in the ballot box along with the attached statement of asserted invalidity.

B. These challenged ballots will be examined by the City Clerk prior to the time of counting the absentee ballots, to determine the validity of the ballots. Those ballots found to be valid will be tallied with the absentee ballots in accordance with Seldovia City Code sections 2.32.130 and 2.32.150.

C. A person who frivolously, maliciously or in bad faith challenges a voter is guilty of a misdemeanor and upon conviction shall be imprisoned for not more than thirty days or fined not more than one hundred dollars or both. (Ord. 72-2 Sec. 14, 1972; Ord 10-02 Sec 2, 2009)

**2.32.150 Absentee voting.** A. A qualified voter may vote absentee:

1. If he believes he will be unavoidable absent from the City on election day, whether inside or outside the state; or
  2. If he will be unable to be present at the polls because of physical disability;
- or
3. If he believes he will be unable to be present at the polls because of the physical inaccessibility of the polling place causing undue travel expense, hardship or hazard to the voter.

B. Any qualified voter wishing to apply for an absentee ballot in person may do so no sooner than twenty days prior to the election day but not on election day.

C. Anyone wishing to apply for an absentee ballot by letter may do so no sooner than twenty days prior to the election and not later than five in the afternoon on the Friday preceding the election. The application by letter must contain the voter's name, a statement that he is a qualified voter of the City of Seldovia, his address where the absentee ballot is to be sent and his local residence address.

D. A person may apply for an absentee ballot through a personal representative who must supply an application in the voter's behalf containing the same information as if the application had been made through a letter.

E. The City Clerk shall be responsible for:

1. Issuing ballots and envelopes for absentee voting and for keeping a complete record of ballots issued;
2. For receiving and safeguarding absentee ballot envelopes received from absentee voters and for keeping a complete record of these;
3. Providing absentee voters with double envelopes and with necessary information concerning voting.

F. The absentee voter shall seal his voted ballot in an unmarked envelope and fasten the numbered tab to the outside of the envelope. This envelope shall then be sealed in an envelope containing a certification on the back in substantially the form used for the State of Alaska general elections, except that the requirement of thirty-day residence shall be included.

G. All absentee ballots must be postmarked no later than five in the afternoon of the day of the election and received no later than five in the afternoon of the Monday immediately following the election.

H. Disposition of absentee ballots will be in accordance with Seldovia City Code Section 2.32.160.

I. The City Clerk may challenge an absentee voter if he has good reason to suspect that the person attempting to vote is not a qualified voter. Challenged and the disposition of challenged absentee ballots shall be handled in the same manner as a challenged ballot as prescribed in Seldovia City Code Section 2.32.110. (Ord. 72-2 Sec. 15, 1972)

**2.32.160 Announcement of election results.** A. At the meeting of the City Council the first Monday following the election the City Clerk shall report to the City Council that he/she has:

1. Opened the envelope or package from the election board, inspected the contents and the certificate of election;
2. Determined the validity of all challenged and absentee ballots, counted those determined to be valid and has the sealed privacy envelopes containing the ballots on hand for tally;

B. A canvassing board, selected and sworn in by the City Clerk shall open the challenged and absentee ballots provided by the Clerk and tally them under the observation of the City Council as provided in Seldovia Code Section 2.32.130 D. They shall then add this tally to the election day tallies and report the final result to the City Council.

C. The City Council will adopt a resolution:

1. Making a finding as to the sufficiency and accuracy of the voting material submitted,
2. Declaring the candidates receiving the highest number of votes (or proposition or questions receiving the highest number of votes) for the offices to be elected (or for the propositions or question in the election). (Ord. 72-2 Sec. 16, 1972)
3. In the case of a tie in any race or question, the City Council will adopt a resolution authorizing a special election as prescribed in Seldovia City Code Section

2.32.180 to be held following the meeting, with the ballot to contain only the tied candidates or questions and not permitting write in votes. (Ord 10-02 Sec 2, 2009)

**2.32.170 City officers' oaths.** A. Written oaths of office shall be administered to city officers including Council members and Mayor, which shall affirm in writing that they will honestly, faithfully and impartially perform their duties. These oaths will be kept on file at city hall by the City Clerk. (Ord. 72-2 Sec. 17, 1972)

B. Newly-elected Council members and Mayor will be sworn in and begin their term immediately following the adjournment of the election certification meeting of the City Council on the Monday following the election. (Ord 10-02 Sec 2, 2009)

**2.32.180 Voting by Mail.** A. The clerk may conduct a special election by mail at the direction of the City Council. When the clerk conducts a special election by mail, the clerk shall send a ballot to each person whose name appears on the official voter registration list prepared under AS § 15.07.125 for that election. The ballot shall be sent to the address stated on the official registration list unless the voter has notified the clerk in writing of a different address to which the ballot should be sent. The clerk shall send ballots by first class, non-forwardable mail on or before the 22nd day before the election.

B. The clerk shall review ballots voted under this section under procedures established for the review of absentee ballots.

C. There shall be a small blank envelope and a return envelope supplied to each by-mail voter. The return envelope shall have printed upon it an affidavit by which the voter shall declare his qualifications to vote, followed by provision for attestation by a person qualified to administer oaths or two attesting witness who are at least 18 years of age. Specific instructions for voting a by-mail ballot will be mailed to each voter with the ballot.

D. Upon receipt of a mail-in ballot, the voter shall cast his ballot in the manner specified in the instruction. If the ballot is cast in the Clerk's Office, the clerk shall retain it for counting. If the ballot is cast in another location, the voter shall return it by mail to the clerk.

E. A voter who does not receive a mail-in ballot may cast his ballot in person at the city office no later than five in the afternoon of the day of the election.

F. For each election conducted by mail, the public notice posted and the notice published in newspapers of general circulation in the City will include the following:

1. The date of election;
2. That the election will be by mail-in ballot, and that qualified voters will be receiving their ballots by first class mail;
3. That there will be no polling place open for regular in-person voting on election day. In a by-mail election, election day is the deadline by which a voter's ballot must be received by the City Clerk.
4. The number, terms and positions to be filled, propositions or questions;

G. The City Clerk shall:

1. Date-stamp all ballots received;
2. Provide for the security and safekeeping of all ballots;
3. Sign a voter's by-mail oath and affidavit envelope as an authorized attesting official;
4. Accept receipt of a by-mail voter's hand-delivered ballot, which has been sworn to, attested and sealed in the by-mail return envelope;

H. Counting of mail-in ballots shall be conducted by election officials according to 2.32.130, except that tallying of ballots shall take place in the City Office instead of at a polling place. (Ord. 05-02)

## Chapter 2.36 Claims Against City

### Sections:

2.36.010 Presentation to clerk.

**2.36.010 Presentation to clerk.** All claims against the City shall, as a condition precedent to bringing suit, be itemized and properly verified and presented to the City Clerk, within three months of the completion of the transaction or occurrence upon which they are based. (Prior code Sec. 2.085)

## Chapter 2.40 Disposal of Records

### Sections:

2.40.010 Compliance with statute.

**2.40.010 Compliance with Statute.** No officer of the City having custody of public records of the City shall destroy or dispose of such records except in compliance with AS 40.21.070 *et. seq.* or such other law as may supplement or supersede that section. (Ord. 87-12 Sec. 1, 1987)

## Chapter 2.48 Equal Rights Commission

### Sections:

- 2.48.010 Declaration of public policy.
- 2.48.020 Definitions.
- 2.48.030 Established--Number of members.
- 2.48.050 Powers and duties designated.
- 2.48.060 Unlawful practices in the sale or rental of real property.
- 2.48.070 Unlawful financing practices designated.
- 2.48.080 Unlawful employment practices designated.

- 2.48.090 Unlawful practices in places of public accommodation.
- 2.48.100 Unlawful practices in educational institutions.
- 2.48.110 Unlawful practices by the municipality of Seldovia.
- 2.48.120 Lawful practices.
- 2.48.130 Complaints--Filing.
- 2.48.140 Complaints--Investigation and conciliation.
- 2.48.150 Complaints--Public hearing authorized when-- Procedures.
- 2.48.160 Injunctive relief, temporary restraining order.
- 2.48.170 Orders authorized when--Commission powers.
- 2.48.180 Effect of compliance with order.
- 2.48.190 Judicial review and enforcement.
- 2.48.200 Legal assistance.
- 2.48.210 Retaliation, coercion, aiding, abetting and inciting prohibited.
- 2.48.220 Violation--Penalty.

**2.48.010 Declaration of public policy.** The public policy of Seldovia is declared to be equal opportunity for all persons. The Seldovia City Council finds that invidious discrimination in employment, housing, public accommodations, education and financing practices based upon race, color, sex, religion, national origin, marital status, age or physical handicap adversely affects the welfare of the community. Accordingly such discrimination is prohibited.  
(Ord. 77-4 Sec. 1, 1977)

**2.48.020 Definitions.** A. As used in this chapter:

B. "Age," is not intended to conflict with the two sections cited or other laws relating to the rights and activities of minors. (AS 23.10.325 through 23.10.370)

C. "Blockbusting" means any discriminatory practice by real estate brokers, real estate salesmen, or employees or agents of a broker or another individual, corporation, partnership or organization, for the purpose of inducing a real estate transaction from which any such person or its stockholders or members may benefit financially, to represent directly or indirectly that a change has occurred or will or may occur from a composition with respect to race, religion, color or national origin of the owners or occupants of the block, neighborhood or area in which the real property is located, and to represent directly or indirectly that this change may or will result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or decline in the quality of the schools or other facilities.

D. "Commission" means the Seldovia Equal Rights Commission.

E. "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restrictions, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, age, sex, marital status or physical handicap, or the aiding, abetting, inciting, coercing or compelling thereof.

F. "Educational institutions" means any nursery, kindergarten, elementary or secondary school, academy, college, university or extension course, or nursing, secretarial business, vocational, technical, trade or professional school, or day-care centers.

G. "Employee" means an individual employed by an employer, but does not include an individual employed in the domestic service of any person.

H. "Employer" means an employer, public or private, of one or more persons.

I. "Employment agency" means any person undertaking to procure employees, or to procure for employees opportunities to work.

J. "Financial institutions" means commercial banks, trust companies, mutual savings banks, cooperative banks, homestead associations, credit unions, bonding companies, surety companies, or other commercial institutions which extend secured or unsecured credit or offer insurance.

K. "Labor organization" includes any organization that is constituted for the purpose, in whole or in part, of grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employees.

L. "Marital status" means any differential treatment because of a person's marital status or change in marital status. This includes differential treatment shown towards a person because he/she is not married, a person because he/she is married, a person because he/she is widowed or divorced, a person because he/she is a parent and unmarried, or a person because she is pregnant and unmarried.

M. "National origin" includes ancestry, persons not citizens, their descendants, and persons naturalized and their descendants.

N. "Person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies, labor organizations, joint apprenticeship committees or other legal or commercial entities.

O. "Physical handicap" means any physical disability, infirmity, malformations, or disfigurement that is caused by bodily injury, birth defect or illness, including diabetes or epilepsy, and includes any degree of paralysis, amputation, lack or physical coordination, blindness or visual impediment, deafness or hearing impediment, or other remedial appliance or device.

P. "Public accommodation" means any place in or through which any business or professional activity is conducted that is open to, accepts or solicits the patronage of or caters or offers goods or services to the general public. This includes but is not limited to a public inn, restaurant, eating house, day-care center, hotel, motel, soda fountain, soft-drink parlor, tavern, nightclub, liquor establishment, roadhouse, place where food or spirituous or malt liquors are sold for consumption, trailer park, resort, campground, mobile home,



barbershop, beauty parlor, bathroom, rest house, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons.

Q. "Real property" means a housing accommodation, unimproved property, a building or portion of a building whether constructed or to be constructed, structures, real estate, lands, tenements, leaseholds, interest in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein, a mobile home which is or will be used as sleeping quarters of its occupants, or a trailer park.

R. "Sex discrimination" means differential or preferential treatment shown towards a person because of such person's sex, pregnancy or parenthood. (Ord. 77-4 Sec. 17, 1977)

**2.48.030 Established--Number of members.** Pursuant to the provisions of the Seldovia Municipal Code, there is established an equal rights Commission of the Mayor and Council, which shall be known as the "Seldovia Equal Rights Commission." (Ord. 84-18, 1984; Ord. 77-4 Sec. 2, 1977)

**2.48.040 Powers and duties designated.** A. The Equal Rights Commission may: Hold public hearings and issue orders under Section 2.48.150 and issue orders under Section 2.48.170 of this chapter;

B. Administer oaths and affirmations, certify its official acts, issue subpoenas, subpoenas *duces tecum*, and other legal process to compel the attendance of witnesses and the production of testimony, books, records, papers, accounts, documents or things in any inquiry, investigation, hearings or proceeding before the Commission; the Commission may petition, to enforce its subpoenas, subpoenas *duces tecum* and other legal process;

C. Intervene in any court proceeding brought under this chapter;

D. Enter into agreement with counterpart agencies at all governmental levels to promote effective and efficient enforcement of the law;

E. Grant relief described in Section 2.48.170 of this chapter;

F. Develop programs designed to bring about the prevention and elimination of discrimination;

G. Appoint the City Manager as Executive Director who shall serve at the pleasure of the Council. (Ord. 84-18, 1984)

H. Delegate to the Executive Director all powers and duties given it by this chapter, except the power to hold hearings, issue orders and appoint the Executive Director;

I. Adopt procedural and evidentiary rules necessary to fulfill the intent of this chapter. (Ord. 84-18 Sec. 4, 1984; Ord. 77-4 Sec. 4, 1977)

**2.48.060 Unlawful practices in the sale or rental of real property.** A. Except in the individual home wherein the rentor or lessee would share common living areas with the owner, lessor, manager, agent or other person, it is unlawful for the owner, lessor, manager, agent or other person having the right to sell, lease, rent or advertise real property:

B. To refuse to sell, lease or rent the real property to a person because of race, religion, age, sex, color, national origin, marital status or physical handicap;

C. To discriminate against a person because of race, religion, age, sex, color, national origin, marital status or physical handicap in a term, condition or privilege relating to the use, sale, lease or rental of real property;

D. To make a written or oral inquiry or record of the race, religion, age, sex, color, national origin, marital status or physical handicap of a person seeking to buy, lease or rent real property;

E. To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's race, religion, age, sex, color, national origin, marital status or physical handicap;

F. To represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is available, or to refuse a person the right to inspect real property because of the race, religion, age, sex, color, national origin, marital status or physical handicap of that person, or because of any person associated with that person;

G. To engage in blockbusting;

H. To circulate, issue or display, make, print or publish, or cause to be made or displayed, printed or published any communication, sign, notice, statement or advertisement with respect to the use, sale, lease or rental of real property that indicates any preference, limitation, specification or discrimination based on race, religion, age, sex, color, national origin, marital status or physical handicap. This shall not be construed to apply to publishing companies who accept advertising in the ordinary course of business. (Ord. 77-4 Sec. 5(A), 1977)

**2.48.070 Unlawful financing practices designated.** A. It is unlawful for an insurance company, a financial institution or other commercial institution extending secured or unsecured credit, upon receiving an application for financial assistance or credit for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or other property or services, or the acquisition or improvement of unimproved property, or upon receiving an application for insurance to permit one of its officials or employees during the execution of his/her duties:

1. To discriminate against the applicant because of race, religion, age, sex, color, national origin, marital status or physical handicap in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance,

insurance or credit, except to the extent of a federal statute or regulation applicable to a transaction of the same character;

2. To make or cause to be made a written or oral inquiry or record of the race, religion, age, sex, color, national origin, marital status or physical handicap of a person seeking the institution's financial assistance, insurance or credit unless the inquiry is for the purpose of ascertaining the applicant's creditworthiness or insurability;

3. To refuse to extend credit, issue a credit card, insure or make a loan to a single, divorced, pregnant or married person, who is otherwise creditworthy if so requested by the person;

4. To refuse to insure or to issue a credit card to a married person in that person's name, if so requested by the person; provided, however, that the person so requesting a card may be required to open an account in that name, if so requested by that person. (Ord. 77-4 Sec. 5(B), 1977)

**2.48.080 Unlawful employment practices designated.** A. It is unlawful for:

1. An employer to refuse employment to a person, or to bar him/her from employment, or to discriminate against him/her in compensation or in a term, condition or privilege of employment, or to discharge, expel, reduce, suspend or demote him/her because of his/her race, religion, age, sex, color, national origin, marital status or physical handicap unless the reason for the discrimination is a bona fide occupational qualification;

2. A labor organization, because of a person's race, religion, age, sex, color, national origin, marital status or physical handicap, to exclude or to expel him/her from its membership or to discriminate against one of its members or employer or employee;

3. A person, employer or employment agency to broadcast, publish, print, circulate or cause to be broadcasted, published, printed or circulated a statement or advertisement in connection with prospective employment, or to use a form of application for employment, which expresses, directly or indirectly, a limitation, specification, preference or discrimination as to race, religion, age, sex, color, national origin, marital status or physical handicap;

4. A person to discriminate in the payment of wages as between sexes, or to employ a person of one sex in an occupation at a salary or wage rate less than that paid to a person of another sex for work of comparable character or work in the same operation, business or type of work in the same locality. (Ord. 77-4 Sec. 5(C), 1977)

**2.48.090 Unlawful practices in places of public accommodation.** A. It is unlawful for a person, whether the owner, operator or agent or employee of an owner or operator of a public accommodation:

1. To refuse, withhold from or deny to a person any of its accommodations, advantages, facilities, benefits, privileges, services or goods of that place on account of race, religion, age, sex, color, national origin, marital status or physical handicap;

2. To publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies:

a. That any of the services, goods, facilities, benefits, accommodations, advantages or privileges, of the public accommodation will be refused, withheld from or denied to a person of a certain race, religion, age, sex, color, national origin, marital status or physical handicap, or

b. That the patronage or presence of a person belonging to a particular race, religion, age, sex, color, national origin, marital status or physical handicap, is unwelcome, not desired, not solicited, objectionable or unacceptable;

3. To make a written or oral inquiry concerning the race, religion, age, sex, color, national origin, marital status or physical handicap of an individual in connection with the solicitation, reservation, booking, sale or dispensing of accommodation, advantage, facility, benefit, privilege, service or good. (Ord. 77-4 Sec. 5(D), 1977)

**2.48.100 Unlawful practices in educational institutions.** A. It is unlawful for a person operating or assisting in the operation of an educational institution:

1. To refuse to admit or otherwise to discriminate against an individual with respect to the terms, conditions or services of that institution on account of race, religion, age, sex, color, national origin, marital status or physical handicap;

2. To make or use a written or oral inquiry or form of application for admission that elicits information concerning the race, religion, age, sex, color, national origin, marital status or physical handicap of an applicant for admission;

3. To require or cause to be required that a photograph of an application for admission be submitted with an application for admission;

4. To publish, circulate or display, or cause to be published, circulated or displayed, a written, printed, oral or visual communication, advertisement, catalog, or any other form of publicity relating to admission that expresses or indicates a preference, limitation, specification or discriminatory origin, marital status or physical handicap of an applicant for admission;

5. To establish, announce or follow a policy of denial or limitation of education opportunities for members of a group on account of race religion, age, sex, color, national origin, marital status or physical handicap;

6. To use, in the recruitment of potential applicants for admission, a service or agency that discriminates against individuals on account of race religion, age, sex, color, national origin, marital status or physical handicap.

B. Discrimination is lawful for a religious or denominational institution or organization, or an organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious or denominational institution or organization limiting admission to, or giving preference in, its accommodations, advantages, facilities, benefits or services to persons of the same religion or denomination, or for making a selection of applicants or individuals that is reasonable calculated to promote the religious principles for which it is established or maintained. Such organizations otherwise remain subject to the provisions in this chapter with regard to race, color, age, national origin, sex, physical handicap or marital status. (Ord. 77-4 Sec. 5(E), 1977)

**2.48.110 Unlawful practices by the Municipality of Seldovia.** A. It is unlawful for the Municipality of Seldovia or any public agency thereof:

1. To refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, religion, age, sex, color, national origin, marital status or physical handicap.

2. To publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any local, state or federal funds, services, goods, facilities, advantages or privileges of the office or agency will be refused, withheld from or denied to a person of a certain race, religion, age, sex, color, national origin, marital status or physical handicap or that the patronage of a person belonging to a particular race, religion, age, sex, color, national origin, marital status or physical handicap is unwelcome, not desired or not solicited. (Ord. 77-4 Sec. 5(F), 1977)

**2.48.120 Lawful practices.** Notwithstanding any provision of Sections 2.48.060 through 2.48.110, it shall not be unlawful for a person in connection with employment, housing, financing or insurance, public accommodation, education or governmental service to make or keep records, identifying the race, religion, age, sex, color, national origin, marital status or physical handicap if the purpose of the record is to comply with federal or state equal opportunity laws or regulations, or in furtherance of a program designed to ensure compliance with this chapter. (Ord. 77-4 Sec. 6, 1977)

**2.48.140 Complaints--Investigation and conciliation.** The Commission shall investigate promptly and impartially the matters set out in the filed complaint. If it determines that the allegations are supported by substantial evidence, it shall immediately attempt to eliminate the discriminatory act or practice by conference, persuasion and conciliation. The Commission shall, in any event, make findings of fact within one hundred eighty days after the filing of the complaint. (Ord. 77-4 Sec. 7, 1977)

**2.48.150 Complaints--Public hearing authorized when--Procedures.** A. If the Commission determines that the efforts to eliminate the alleged discrimination are unsuccessful, the Commission shall serve written notice, together with a copy of the complaint as it may be amended, requiring the person, employer, labor organization or employment agency charged in the complaint to answer to allegations of the complaint at a public hearing before the Commission. The time and place of the public hearing will be specified in the notice. The case in support of the complainant shall be presented before the

Commission by the Executive Director or his/her designee, provided that such designee does not concurrently represent the complainant. The complainant may be represented by counsel.

1. The person charged in the complaint may file a written answer to the complaint and may appear at the hearing in person or by counsel and submit testimony. The complainant has the power reasonable and fairly to amend the complaint and the respondent has the power reasonable and fairly to a hearing. Any person may obtain a transcript upon payment of reasonable costs thereof. (Ord. 77-4 Sec. 8, 1977)

**2.48.160 Injunctive relief, temporary restraining order.** At any time after a complaint is filed under this chapter, or in cases of noncompliance with a lawful Commission order, the Commission may file a petition in any Superior Court of the state having jurisdiction seeking temporary or permanent injunctive relief. This includes the granting of a temporary restraining order not to exceed ten days in duration, unless a longer period is agreed to by the parties, and the granting of preliminary and/or permanent injunction following a court hearing. (Ord. 77-4 Sec. 9, 1977)

**2.48.170 Orders authorized when--Commission powers.** A. At the completion of the hearing, if the Commission finds that a person against whom a complaint was filed has engaged in discriminatory conduct it shall order him to refrain from engaging in discriminatory conduct. The order shall include findings of fact, and may prescribe conditions on the respondent's future conduct relevant to the type of discrimination. In a case involving discrimination in:

1. Employment, the Commission may order any equitable relief, including but not limited to the hiring, reinstatement or upgrading of an employee or group of employees with or without back pay, restoration to membership in a labor organization, or his/her admission to or participation in an apprenticeship training program, on-the-job training program, or other retraining program;

2. Housing, the Commission may order any equitable relief, including but not limited to the sale, lease or rental of the next vacancy in a like accommodation owned by the person against whom the complaint was filed;

3. Public accommodations, the Commission may order any equitable relief, including but not limited to restoration to membership in a place of public accommodation, or admission to or service in a place of public accommodation;

4. Financial institutions, the Commission may order any equitable relief, including but not limited to the issuance of a credit card to a person, the approval of a loan to a person, or the issuance of insurance to a person;

5. Educational institutions, the Commission may order any equitable relief, including but not limited to admission to the institution or admission to the program or programs of the institutions.

6. The Commission may order payment of reasonable expenses to the complainant or to the respondent when the Commission determines the allowance appropriate.

7. The Commission may monitor compliance with orders. The order may require a report or reports to be made to the Commission on the manner of compliance.

8. If the Commission finds that a person against whom a complaint was filed has not engaged in the discriminatory conduct alleged in the complaint, it shall issue and cause to be served on the complainant an order dismissing the complaint.

9. A copy of all orders issued following public hearing shall be filed with the municipal attorney. (Ord. 77-4 Sec. 10, 1977)

**2.48.180 Effect of compliance with order.** Immediate and continuing compliance with all the terms of a Commission order is a bar to prosecution for the particular instances of discriminatory conduct described in the accusation filed before the Commission. (Ord. 77-4 Sec. 14, 1977)

**2.32.170 Judicial review and enforcement.** A. A complainant, or person against whom a complaint is filed or other person aggrieved by an order of the Commission, may obtain judicial review of the order in accordance with AS 44.62.560 through 44.62.570.

B. The Commission may obtain a court order for the enforcement of any of its orders by filing a complaint with the Superior Court in the Third Judicial District. (Ord. 77-4 Sec. 13, 1977)

**2.48.200 Legal assistance.** Legal assistance to the Commission shall be provided by the municipal attorney. The municipal attorney may authorize the Commission to obtain temporary legal assistance. In any proceeding wherein the municipality is the respondent, the Commission shall employ temporary legal counsel. (Ord. 77-4 Sec. 15, 1977)

**2.48.210 Retaliation, coercion, aiding, abetting and inciting prohibited.** It is unlawful for a person to discharge, expel, evict, retaliate or to otherwise discriminate against a person because he/she has filed a complaint, testified or assisted in a proceeding under this chapter. It is unlawful for a person to aid, abet, incite, compel or coerce the doing of an act for bidden under this chapter, or to attempt to do so. (Ord. 77-4 Sec. 11, 1977)

**2.48.220 Violation--Penalty.** A person who willfully resists, prevents, impedes or interferes with the Commission or any of its authorized representatives because of or in the performance of duty under this chapter and is convicted by a court of a competent jurisdiction and found guilty of an infraction and are subject to the General Penalty provisions codified at Chapter 1.08. (Ord. 81-5 Sec. 3, 1981)

## Chapter 2.49 City of Seldovia ADA Policy Statement

### Sections:

- 2.49.005 ADA Policy Statement
- 2.49.010 Program Structure
- 2.49.015 Reasonable Accommodation
- 2.49.020 ADA Complaint
- 2.49.025 Regulating Authorities

**2.49.005 ADA Policy Statement.** It is the policy of the City of Seldovia that no qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The City of Seldovia further assures that every effort will be made to provide nondiscrimination in all of its programs and activities regardless of the funding source.

**2.49.010 Program Structure.** A. The City Manager is responsible for oversight and assurances of the City of Seldovia ADA program. Many of the day-to-day activities regarding ADA compliance are handled individually by each area. The primary areas of responsibility actively handled by the City Manager include:

- A. Reasonable accommodations
- B. ADA Complaint
- C. Regulating Authorities

**2.49.015 Reasonable Accommodation.** A. It is the policy of the City of Seldovia to provide reasonable accommodation to any employee who qualifies as an individual with a disability under the Americans With Disabilities Act of 1990 (ADA).

B. Reasonable accommodation allows for equality of opportunity and full participation by persons with disabilities in City of Seldovia employment. They are made on a case-by-case basis for qualified persons covered by the Section 504/ADA at the request of the individual with a disability.

C. Reasonable accommodations may include but are not limited to: providing sign language interpreters; making materials available in large print or on audio tape or closed caption video tape; providing listening devices; adjusting examination procedures, training materials, and/or policies; modifying work schedules; acquiring and/or modifying equipment; and making facilities and offices accessible.

D. A person wishing to request a reasonable accommodation should contact the City Manager.

**2.49.020 ADA Complaint.** A. The State of Alaska has an ADA Complaint Procedure that was developed to meet the requirements of State Administrative Order 129. The



complaint procedure is found in Title 02 of Seldovia Municipality, (2.48.090). This Complaint Procedure has been modified by the City of Seldovia to incorporate Section 504 with the Civil Rights Restoration Act of 1987.

B. An ADA Complaint is a formal process that occurs when an individual or a class of individuals believes that they have been subjected to discrimination by the City of Seldovia on the basis of disability.

C. When filing a complaint against the City of Seldovia, the individual must meet the following requirements:

1. The complaint must be filed with the City Manager or the Department ADA Coordinator within 180 days of the date of the alleged discrimination.
2. The complaint must be in writing. It is strongly suggested that the complainant use the ADA complaint form to ensure that necessary information for an investigation is provided.
3. Submit the written complain to the City Manager.

**2.49.025 Regulating Authority.** A. Section 504 of the Rehabilitation Act of 1973, as amended. This law states that, "No otherwise qualified individual with a disability in the United States, as defined in Section 706(8), shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

B. 49 CFR Sec 27 (Non discrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.) This regulation states that "The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disable individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

C. The Civil Rights Restoration Act of 1987. This act defines "program or activity" to mean "all of the operations" of an agency or department of State government receiving Federal financial assistance.

D. 42 USC Sec 12101/12213 (The Americans with Disabilities Act (ADA) of 1990). This law expands the scope of Section 504 to include all public and private entities, not just those receiving federal assistance. The ADA states that: "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment."

E. 29 CFR Sec 16.30 (Employment) Implements Title I of the Americans With Disabilities Act of 1990 (ADA), requiring equal employment opportunities for qualified

individuals with disabilities and is enforced by the federal Equal Employment Opportunity Commission (EEOC).

F. 28 CFR Sec 35 Implements Title II of the ADA, prohibiting discrimination on the basis of disability by Public Services (state and local governments), and covers employment, services, programs, and activities of state and local governments, regardless of funding source. (Ord 11-04 Sec 2, 2010)

## Chapter 2.52 City Personnel System

### **Sections:**

- 2.52.005 Purpose.
- 2.52.010 Employee responsibility.
- 2.52.015 Appointment suspension and discharge of city employees.
- 2.52.020 Types of employment.
- 2.52.025 Hours of work.
- 2.52.030 Holidays.
- 2.52.035 Annual leave.
- 2.52.040 Sick leave.
- 2.52.045 Military leave.
- 2.52.050 Court leave.
- 2.52.055 Maternity leave.
- 2.52.060 Other leaves of absence.
- 2.52.065 Cancellation of leaves of absence.
- 2.52.070 Pay days.
- 2.52.075 Compensation.
- 2.52.080 Payroll deductions.
- 2.52.085 Overtime compensation.
- 2.52.090 Salary increase.
- 2.52.095 Official travel.
- 2.52.100 Other employment.
- 2.52.110 Resignations.
- 2.52.115 Dismissal and appeal.
- 2.52.120 Judicial review.
- 2.52.125 Regulations.
- 2.52.130 No loss of benefits for employees hired prior to adoption of ordinance.
- 2.52.140 No credit for accumulated leave.

**2.52.005 Purpose.** The ordinance codified in this chapter has been adopted in order to provide a fair and equitable basic personnel system in keeping with the current practices of governments within the State of Alaska. (Ord. 80-30 Sec. 1 (part), 1980)

**2.52.010 Employee responsibility.** City employees are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.012 IBEW Union Employees.** Employees in the IBEW bargaining unit as named in Appendix A of the Collective Bargaining Agreement, shall be subject to all sections of the Seldovia Municipal Codes that are not in conflict with the Bargaining Agreement. (Ord. 07-04)

**2.52.015 Appointment suspension and discharge of City employees. A.** Classified Service. The City Manager or any administrative officer designated by him shall make all appointments and promotions in the classified service on the basis of merit and may suspend or discharge such employees subject to review under Section 2.52.115.

1. Partially Exempt Service. The partially exempt service shall consist of the heads of departments and any administrative assistant to the Manager and the principal secretary to the Manager and any other administrative officers of the City so classified. The Manager may suspend or discharge employees in the partially exempt service in his sole discretion when he deems it necessary for the good of the service. Employees in the partially exempt service are otherwise subject to provisions of this chapter in all respects unless the context clearly indicates otherwise.

2. Totally Exempt Service. The totally exempt service shall consist of employees of the Council performing staff functions of a legislative nature and judicial officers of the City. If any, members of the totally exempt service shall be subject to the provisions of this title only as specifically indicated. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.020 Types of employment. A. Probationary.** All employees appointed to a permanent position of the City will be considered on probation for a period of ninety days. Within this period, the City Manager, or the city officer to whom this responsibility has been delegated, may terminate any employee whose performance he believes to be unsatisfactory, without hearing or appeal to the Council.

1. Permanent. A permanent employee is any employee, not temporary, who has completed the probationary period.

2. Temporary. A temporary employee is any employee appointed to a position which is shorter than six months in duration or less than thirty hours per week. Temporary employees will not be eligible for group insurance, paid annual leave, paid sick leave, or pay increases. If a temporary employee becomes a permanent employee, time served as a temporary employee will be considered towards satisfying the probationary requirements and seniority. (Ord. 80-30 Sec. 1(part), 1980; Ord. 07-04)(Ord 08-05)

**2.52.025 Hours of work.** The normal workweek shall be forty hours, Monday through Friday, eight a.m. to five p.m. with a one-hour lunch period. Other hours may be designated by the Manager or a department head for a particular position or to meet particular circumstances. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.030 Holidays\*.** The following days shall be recognized as paid holidays. The Seward’s Day holiday will be celebrated on the day celebrated as such by the State of Alaska. (ord. 07-04)

\* See personnel regulations following city code.

- a) New Years Day
- b) Martin Luther King, Jr. Day
- c) Presidents’ Day
- d) Seward’s Day
- e) Memorial Day
- f) Independence Day
- g) Labor Day
- h) Veterans’ Day
- i) Thanksgiving Day
- j) Day after Thanksgiving
- k) Christmas Eve (One half day)
- l) Christmas Day
- m) One day to be used as a floating holiday to be determined between the City and the Employee. An Employee gains eligibility for the floating holiday by being on the payroll on October 18 of each year. The floating holiday must be used between October 18 and the following October 17.

**2.52.032** When a holiday falls on a regular work day during an Employee’s vacation or while on sick leave or PTO, that holiday shall not be counted against accrued PTO time. (Ord. 07-04)

**2.52.035 Paid Time Off Accrual.** A. Permanent employees shall accrue (PTO) leave at the following rates:

<b>Length of Service</b>	<b>Earned Per pay period</b>	<b>Annual Total</b>
First day through the end of the fifth year	6.66	160 hours
Over 5 years but less than 10	8.33	200 hours
10 years or over	10	240 hours

B. PTO leave will not begin to accrue until an employee has completed his probationary period. Thereafter, he will accrue leave retroactive to a day of employment. Leave will accrue on a proportional basis for a fraction of a month. Leave will not accrue while an employee is on leave without pay. (Ord. 07-04)

C. PTO leave may be taken only on the permission of the supervisor of the employee. PTO leave may be accrued to a total of thirty working days. When the Employee’s PTO accrual reaches two hundred and forty (240) hours, accruals shall cease until such time as the accrued PTO hours drop below two hundred and forty (240) hours. Upon termination accrued PTO leave will be paid in full. (Ord. 80-30 Sec. 1(part), 1980) (Ord. 07-04)

**2.52.040 Sick leave.** For employees with accrued sick leave as of adoption of Ordinance 07-04 shall be utilized in accordance with the rules pertaining to sick leave on June 1, 2007. (Ord. 07-04)

**2.52.045 Military leave.** A. Permanent or probationary employees shall be entitled to a military leave of absence without pay to serve in the Armed Forces of the United States and shall be entitled to re-employment benefits granted under section 9 of the Universal Military Training and Service Act, as amended, 50 USC section 459.

B. An officer or employee of the City who is a member of a reserve component of the United States Armed Forces is entitled to a leave of absence without loss of pay or time on all days during which he is ordered to training duty, as distinguished from active duty, with troops or at field exercises or for instruction. The leave of absence may not exceed sixteen and one-half working days in any one calendar year.

C. The filling of a position made vacant by the granting of military leave of absence of less than five months shall be by temporary appointment. If such authorized leave is for a period of five months or more it may be filled by a substitute appointment. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.050 Court leave.** A. An officer or employee appointed to a full-time position who is called to serve as a juror or subpoenaed as a witness, shall be entitled to court leave.

B. Court leave shall be supported by written documents such as a subpoena, marshalls's statement of attendance and compensation for services, per diem and travel.

C. The officer or employee shall turn over to his department head, or the Manager, for deposit to city funds all moneys received from the court as compensation for service and in turn shall be paid his current salary while on court leave. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.055 Maternity leave.** A female employee who has been employed for not less than ten consecutive months is entitled to take a total of nine weeks leave of absence immediately preceding and following childbirth. This leave shall be charged first to sick leave, and if that is not sufficient then to annual leave, then to leave without pay. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.060 Other leaves of absence.** A. Employees may be granted leave without pay, not to exceed a total of ten working days in any anniversary year, for any compelling reason at the discretion of the Manager. PTO will not accrue while an Employee is on leave without pay. (Ord. 07-04)

B. Permanent employees may be allowed to be absent from duty without pay, in excess of two weeks, on the basis of application for leave without pay approved by their respective supervisor under the following conditions: Such leave shall be granted only when it will not result in undue prejudice to the interest of the City beyond any benefit realized. An application for a leave of absence for travel or study calculated to equip the employee to render more effective service to the City may be deemed to involve such compensating

benefits to be measured against the loss of prejudice to the interest of the City involved in keeping open the position or filling it temporarily until the return of the employee. (Ord. 07-04)

C. PTO leave will not accrue during the term of any leave without pay. (Ord. 80-30 Sec. 1(part), 1980) (Ord. 07-04)

**2.52.065 Cancellation of leaves of absence.** All leaves of absence shall be subject to the condition that the City Manager may cancel the leave at any time upon prior written notice to the employee and the Manager specifying a reasonable date of termination of leave. The Manager, upon prior notice to the employee and the department head may cancel an approved leave of absence at any time he finds the employee is using the leave for purposes other than those specified at the time of approval. (Ord. 80-30 Sec. 1(part), 1980; Ord 07-04)

**2.52.070 Pay days.** A. All employees will be paid semi monthly. Pay periods will end on the 15<sup>th</sup> (fifteenth) and the last day of the month. (Ord. 92-16; Ord. 07-04)

**2.52.075 Compensation.** A. Job Classification. Each existing position will be defined in writing and a pay rate, which shall not exceed Council's budgeted authorization, will be assigned to each employee. Job description may be reviewed and revised by the Manager as necessary. As new positions are created, the functions and responsibilities of the position will be defined and a pay rate shall be assigned to it. The pay rate for each position shall be selected considering the availability of funds, the minimum qualifications in experience or education, the responsibility of the position, and the equivalent pay in the same or similar position in other government employment and industry. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.080 Payroll deductions.** The following deductions, as required by law, will be withheld from each employee's pay check: Federal income tax, Social Security, and any other taxes provided for by state or federal law to be deducted from an employee's pay check. Other deductions may be provided for on a voluntary basis by regulation. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.085 Overtime compensation.** A. As a general rule, the necessity for frequent and considerable overtime service in a department shall be considered evidence of understaffing or improper organization and shall be subject to investigation by the Manager. Where an employee is required to work in excess of eight hours per day or in excess of forty hours a week, at the discretion of the City Manager, compensating time off at the discretion of the City Manager shall be granted partially exempt employees at the earliest possible time, classified employees shall be given compensating time at the rate of time and one-half. At his/her sole discretion, the City manager may elect to pay an Employee overtime pay in wages rather than comp-time. Only designated supervising officers may authorize overtime. (Ord. 80-30 Sec. 1(part), 1980; Ord. 93-3; Ord. 07-04)

**2.52.090 Salary increase.** Step increases are not automatic and are given only upon funding by Council and the recommendation of the employee's supervisor. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.095 Official travel.** A. All travel must be for official city business and be pre-approved by the City Manager. Employees and other officers of the City, while traveling on official business and away from their homes or designated posts of duty requiring an overnight stay will be reimbursed for food and lodging expenses as follows:

1. A per diem allowance not to exceed eighty dollars for meals and incidentals, or

2. Actual expenses plus meal allowances as set out in section 2.

a) Employees required to rent or lease vehicles or travel by taxi at their point of destination will be reimbursed for actual expenses.

b) Employees who use their personal vehicles shall be reimbursed at the approved IRS rate per mile (Currently reads 30 cents per mile). (Ord 09-06 Sec 1, 2008)

B. A meal allowance will be allowed an Employee or other officers of the City who are on travel status outside a radius of 30 miles from the regular place of work for at least five hours:

Breakfast \$10.00

Lunch \$10.00

Dinner \$20.00

1. These are maximum allowable rates and are intended to include tips.

2. Reimbursement for the actual cost of ferry fare, bridge, road and tunnel tolls shall be granted. Where two or more employees or other city officials are traveling in the same direction, and it is possible to share a privately owned automobile or airplane, the mileage permitted shall be allowed only once. No reimbursement shall be allowed for more than the lowest tourist class fare for the most direct route.

3. When a meal is provided as part of a conference or seminar, or as part of a lodging package, the traveler is not eligible for a meal reimbursement.

C. Lodging and other travel reservations shall be made in advance by the City office. If emergency conditions exist, lodging obtained directly by the employee must be made at the lowest cost available for reasonable accommodations. Reimbursement will be made upon approval by the Manager of vouchers submitted on the form specified by him or her. (Ord. 80-30 Sec. 1(part), 1980; Ord 07-04)

**2.52.100 Other employment.** Full time employees shall not engage in occupations or outside activity that are incompatible with their employment by the City or adversely affect the performance of municipal duties. Each officer or employee undertaking any employment for compensation outside his employment for the City shall report the same to the Manager in writing and obtain his approval. Normally, officers and employees of the City shall not be permitted substantial outside employment. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.105 Gifts and gratuities.** A. An employee shall not accept a gift, gratuity, considerations or extraordinary favor from any person doing business or likely to do business with the City and shall immediately report to the Manager any offer, promise or suggestion that such a gift be made. Any person either offering or receiving such a gift, gratuity, consideration or extraordinary favor is subject to criminal penalties prescribed in AS 11.56.100 and AS 11.56.120. This section does not apply to the giving of ceremonial gifts of nominal value or gifts received from an employee's family or ordinary circle of friends when not offered or accepted for a corrupt purpose. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.110 Resignation.** Employees are requested to give at least two weeks' notice of anticipated resignation. The supervisor will note on any reference requested, any shorter term of notice. Thirty days' notice is expected of administrative officers. Where a resignation is requested for other than extreme cause, the requirement of notice may be waived and severance pay in lieu of notice will be granted. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.115 Dismissal and appeal.** Any employee in the classified service may be dismissed by a department head or other authorized officer of the City for cause. The discharged employee may appeal his dismissal to the City Manager or a hearing officer appointed by the Manager. If so requested, the Manager shall hold a hearing within fifteen working days at which the charge against the employee shall be inquired into. The employee will be permitted to present witnesses on his own behalf in answer to such charges. Any employee in the classified service may appeal an adverse decision of the Manager or hearing officer designated by the manger to the Council. The Council may order the reinstatement of the employee upon a finding that the evidence presented to the manger or hearing officer designated by the Manager did not support his action in affirming the dismissal of the employee. No appeal may be taken to the Council without the Manager first having the opportunity to review the action taken. This procedure applies to suspensions, pay reductions or other disciplinary action taken by the City. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.120 Judicial review.** In adjudicating disciplinary cases, the decision of the Council, or the hearing officer if no appeal is taken, are final. This act does not confer upon any officer or employee of the City any judicial remedy to which he would not be entitled in the absence of a personnel system. This chapter and the regulations promulgated hereunder are not a part of any employment agreement between the City and the employee and may be amended by the Council or, in the case of regulations, by the Manager, as each sees fit. (Ord. 80-30 Sec. 1(part), 1980)

**2.52.125 Regulations.** The Manager may adopt published regulations in furtherance of these provisions and may make additions to them by regulation so long as they do not conflict with this chapter. Such additional regulations may include, but are not limited to: position classifications, a rate of pay based upon the classifications, procedures for employee selection including examinations, etc., promotion procedures, emergency, temporary, and provisional appointments, transfers, transportation costs, reinstatement, layoffs, overtime procedures, delegation questions and similar matters; except however that nothing in this section shall authorize the Manager to amend the general rules, policy or classifications. (Ord. 80-30 Sec. 1(part), 1980)



**2.52.130 No loss of benefits for employees hired prior to adoption of ordinance.** Employees hired prior to adoption of the ordinance codified in this chapter shall not suffer a loss of benefits by virtue of the enactment of this chapter. (Ord. 80-30 Sec. 2, 1980)

**2.52.140 No credit for accumulated leave.** Officers and employees of the City at the time this system goes into effect shall benefit from the seniority and sick leave provisions hereof, but shall not be entitled to credit for accumulated annual or sick leave except as may previously have been recognized administratively. (Ord. 80-30 Sec. 3, 1980)

## Chapter 2.53 Drug and Alcohol Abuse Policy

### Sections:

- 2.53.20 Prohibitions and Disciplinary Actions
- 2.53.30 Drug and Alcohol Abuse Awareness Program

**2.53.10 Drug and Alcohol Abuse Policy.** It is the policy of the City of Seldovia to maintain a workplace that is free from the effects of drug and alcohol abuse.

**2.53.20 Prohibitions and Disciplinary Actions.** A. All city employees are prohibited from using, selling, dispensing, distributing, possessing, manufacturing, or being under the influence of illegal drugs, narcotics, or alcoholic beverages on city premises or worksites.

B. For violating any of the prohibitions contained in subsection A, all employees will be subject to disciplinary action, up to and including dismissal from city employment. Such violations include, but are not limited to, possessing illegal or non-prescribed drugs, narcotics, or alcoholic beverages at work; being under the influence of such substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on city premises and worksites.

C. Every city employee who is convicted of any criminal drug violation based on conduct occurring in the workplace must report such conviction in writing to the City Manager within 5 (five) calendar days of the conviction. The City Manager must, within thirty days, take appropriate disciplinary action against the employee, up to and including termination of city employment. The City Manager must also notify federal agencies which provide funds to the City of the conviction within ten days after receiving notice thereof. If the City Manager has a reasonable belief that an employee is violating one of the prohibitions contained in subsection A, he shall require the employee immediately to leave city premises and worksites. The City Manager shall make reasonable efforts to arrange safe transit for the employee from city premises or worksites.

**2.53.30 Drug and Alcohol Abuse Awareness Program.** A. The City Manager shall establish a drug and alcohol abuse awareness program. This program must provide information concerning the following to city employees:

1. The dangers of drug and alcohol abuse;
2. The City's policy of maintaining a drug free workplace;
3. The availability of counseling and rehabilitation programs;
4. The penalties that may be imposed for violations of this drug free workplace policy.

B. The City Manager shall notify all employees that they must abide by this drug free workplace policy and that they must notify the City if they are convicted of any criminal drug violation based on conduct occurring in the workplace. (Ord. 92-05)

## Chapter 2.56 Public Information

### **Sections:**

- 2.56.010 Intent.
- 2.56.020 Definitions.
- 2.56.030 Information available to public.
- 2.56.040 Records exempted.
- 2.56.050 Regulation of time, place and manner of inspection of public records.
- 2.56.060 Response to request for public records.

**2.56.010 Intent.** It is the intention of the City to provide full and free access of the public to municipal records and information so that the people of the City may be well informed at all times as to municipal business. With the exception of the specific exemptions set forth under Section 2.56.040, all information and records in the control of the municipality shall be made available to the public upon request. (Ord. 80-5 Sec. 1, 1980)

**2.56.020 Definitions.** For the purposes of this chapter:

1. "Document" means any method of storing information, including but not limited to spoken words, handwriting, typewriting, printing, photostating, photographing and any other form of communication or reproduction, upon any medium, including but not limited to paper, magnetic or paper type, photographic film or prints, magnetic or punched cards, discs, drums and phonograph records.

2. "Municipal agency" means any department, division, board, commission or private contractor that has custody of public records as defined in this chapter.

3. "Records" means any document containing information relating to the conduct of the people's business which is prepared, owned, used or retained by a municipal agency, regardless of the physical form or characteristic of the document. (Ord. 80-5 Sec. 2, 1980)

**2.56.030 Information available to public.** A. Except as provided by Section 2.56.040, or by other provisions of municipal, state or federal law, all public records shall be open to inspection by any person subject to guidelines regulating the time, place and manner pursuant to Section 2.56.050. The types of records and information open to the public inspection pursuant to this chapter shall include, but shall not be limited to, the following:

1. Financial and operational cost information, including information as to revenues, expenditures, indebtedness, department budget requests and formal departmental recommendations in regard to project priority;

2. Information relating to contracts to which the municipality is a party, including payment provisions, information relating to bids and requests for proposals received or solicited by the municipality, and information relating to the status of goods or services furnished pursuant to contract;

3. Regulatory, financial, assessment and tax information concerning real property located within the municipality;

4. Salary levels and fringe benefits accorded municipal officers and employees by law, including information in regard to the pay range and step grade of any employee or officer, and statistical analyses or compilations relating to municipal practices and policies concerning compensation for various occupational groups, departments or divisions;

5. Statistical information and analyses concerning case loads, numbers and categories of persons for which services performed or treatment provided, results achieved and per patient and per unit costs;

6. Feasibility, management, cost effectiveness and similar reports prepared by the municipality with municipal moneys.

B. The foregoing enumeration of information available for public inspection is not designed to limit the categories of records and information that shall be made available to the public pursuant to this chapter. The policy of providing public access to public information shall be broadly and liberally construed. (Ord. 80-5 Sec. 3, 1980)

**2.56.040 Records exempted.** A. The City shall not be required to release or disclose the following documents or records:

1. Communications of any kind between the municipal attorney and officers or employees of the City, or any other individual, firm or corporation containing a legal opinion, memorandum or other disclosure of information pertaining to any matter then in litigation or where litigation may be pending. This exemption does not extend, however, to any documents, records or other written communication that may have been made public prior to the commencement of litigation and public records that must otherwise be disclosed cannot be withheld on the grounds that they have been submitted to the municipal attorney;

2. Personnel, payroll and medical files that would reveal the financial or medical status of any specific individual, thereby creating an unreasonable invasion of that individual's privacy. Salary levels and fringe benefits accorded all municipal officers and employees by law shall be considered public information, pursuant to Section 2.56.030(A);

3. Files pertaining to the investigation of criminal activity with the exception of records that may be required by other governmental agencies or entities for the proper governmental agencies or entities for the proper administration of justice. In this regard the provisions of Alaska Statute Chapter 62, and Privacy shall apply;

4. Information such as name, address, etc., that would identify complainants in actions to enforce any city regulation or ordinance, except as such disclosure may become necessary to a fair and just disposition of the enforcement proceeding;

5. Records held by the City concerning any customer using municipal services, release of which would be an unwarranted invasion of privacy;

6. Engineering or other technical specifications or data which might provide a competitive advantage to any person, firm or corporation engaged or potentially to be engaged in municipal business;

7. Information obtained by and in the custody of insurance carriers insuring the municipality and their attorneys and agents regarding possible and pending claims against the municipality;

8. Health, mental health, medical, juvenile and personality problem information obtained or prepared by the municipality with respect to any person for whom treatment or services were provided. (Ord. 80-5 Sec. 4, 1980).

**2.56.050 Regulation of time, place and manner of inspection of public records.** A. The City Manager shall adopt regulations as to the time, place and manner of inspection of public records held by the municipality. Such regulations may also provide:

1. That a fee may be required. The fee shall not exceed the actual cost to the agency. No fee shall be charged when a person simply request access to the information. In the event the person is unable to pay any request fee, and signs an affidavit to the effect he or she is indigent, there will be no cost to the above described person;

2. The form in which the specified documents shall be made available. Documents need not be reproduced in the exact form or medium in which they are stored. However, any alteration of the form or medium of public records shall not change the information contained in the public record. When the actual content is changed, the nature of the change and why it was necessary shall be communicated to the requestor.

3. Regulations adopted pursuant to this section shall be posted in a conspicuous manner at City Hall. (Ord. 80-5 Sec. 5, 1980)

**2.56.060 Response to requests for public records.** A. All requests for public information or records shall be approved by the City Manager. The Manager or his designee shall, consistent with the orderly conduct of municipal business, make a good faith and diligent effort to provide a rapid and intelligible response to requests for inspection of records made pursuant to this ordinance. To effect this policy, the following guidelines are adopted:

1. Information pursuant to this chapter shall be furnished promptly to the requesting party unless the information requested is declared privileged or confidential pursuant to applicable federal, state or municipal law. If the Manager or his designee considers the information to be privileged, he shall prepare a slip setting forth the date, the item of information requested, the specific provision of applicable state, federal or municipal law exempting the requested information from disclosure. A copy of this slip shall be provided to the party requesting said information.

2. Any denial of a request for information or inspection of public records may be appealed to the City Council and a written reply will be given within seven working days from the Council's consideration thereof either granting or denying the appeal. An appeal from the decision of the Council shall be to the superior court.

3. All requests for records and information made pursuant to this chapter shall be responded to within a reasonable time period. If the records and information cannot be located in time to make a response within two working days of the request, the requesting party shall be promptly advised, and, if the requesting party still desires the information or records, a reasonable and diligent search shall be made for it. (Ord. 80-6 Sec. 6, 1980)