

Mayor

James Kacsh

Council Members

Kristin Carpenter

Tim Joyce

David Allison

Bret Bradford

EJ Cheshier

David Reggiani

James Burton

City Manager

Randy Robertson

City Clerk

Susan Bourgeois

Deputy Clerk

Tina Hammer

Student Council

**CITY COUNCIL PUBLIC HEARING
AUGUST 21, 2013 @ 7:15 PM
LIBRARY MEETING ROOM**

AGENDA

A. CALL TO ORDER

B. ROLL CALL

Mayor James Kacsh, Council members Kristin Carpenter, Tim Joyce, David Allison, Bret Bradford, EJ Cheshier, David Reggiani and Robert Beedle

C. PUBLIC HEARING

1. Ordinance 1111..... (page 1)

An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code 4.56.070 in re annual leave carry over

D. ADJOURNMENT

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A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

DATE: July 31, 2013

TO: Mayor and City Council

SUBJECT: Ordinance 1111

The attached ordinance makes an amendment to Cordova Municipal Code 4.56.070. Council had a work session on July 10 with City Attorney Amy Limeres who had drafted the personnel policies and procedures handbook which Council and staff are still working through (i.e. in the future it will replace Title 4 entirely). While that process is ongoing, Council gave clear and concise direction to bring forward an ordinance to amend this piece of Code (4.56.070) so that it was clear and compatible with the way the City has been practicing 4.56.110 (separation leave). By changing “*accumulated*” to “*carried over*” the interpretation becomes much more clear; more than 240 hours can be accumulated between January 1 and December 31 and therefore, cashed out at separation during a year, but leave will be “*reset*” to 240 hours at December 31 of each year. Therefore, with adoption of this ordinance, a maximum “*carry over*” will exist, but not a maximum “*accumulation*”.

Some of the exact language during the discussion at the work session is offered below:

Reggiani...rather than focusing on narrow or broad or whatever, I don’t want to get into that argument, I think what we need to decide is what do we want to do and then ask for assistance in writing it so that it is very, very clear. So, I guess I would kind of stop there and suggest that maybe we answer some specific questions so that the writers can kind of get to work and write it up and give us a draft so we can take a look at it. I think I know where everyone is kind of heading so I don’t know who wants to say it or I can say it, I think what I would be in favor of is that annual accrual can accrue but gets reset at the end of the calendar year on December 31 to 240 and then January 1 you just keep going with your accrual. That’s the first part of the puzzle so the cap question is a cap at the end of the year but it doesn’t stop the clock – the clock never stops it just gets reset, for instance if you had 300 hours on December 31, it gets reset to 240 but you keep accruing.

Joyce: that’s how I would interpret the rule that we are currently using and I think that’s kind of the current way, certainly the way that the system I am in is used. And I would agree with doing it that way.

Amy: I think if you fix the clarification that you all want to make in the 070 that then it helps with 110 because 110 just says accrued leave. So saying that 070 essentially says that there is a reset each December if we haven’t gotten to the reset point then accrued leave in 110 will mean, if I haven’t gotten to the reset point, then I have whatever I had last year plus whatever I’ve accrued this year and that is my accrued leave under 110. So, any ambiguity in 110 is removed if you fix 070.

Mayor Kacsh: seems to me we should probably do a code revision with what we have discussed today and then keep moving forward with working on the handbook and the code revision would fix some of these problems for the time being. Definitely 070.

Recommended Motion: Move to adopt Ordinance 1111.

Required Action: Majority voice vote.

**CITY OF CORDOVA, ALASKA
ORDINANCE 1111**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
AMENDING CORDOVA MUNICIPAL CODE 4.56.070 IN RE ANNUAL LEAVE CARRY
OVER**

WHEREAS, The City of Cordova, Alaska (“City”) uses Title 4 of the Cordova Municipal Code to administer it’s personnel policies; and

WHEREAS, Cordova Municipal Code 4.56.070 has been unclear to some as to its interpretation; and

WHEREAS, the City Council held a work session on July 10, 2013 and asked that Cordova Municipal Code section 4.56.070 be amended to read more precisely so that the interpretation coincides with the way the policy has been practiced.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cordova, that:

Section 1. Cordova Municipal Code Section 4.56.070 is amended to read as follows:

4.56.070 – Maximum of two hundred forty hours that can be ~~accumulated~~ **carried over**.

The maximum annual leave that may be ~~accumulated~~ **carried over to the next calendar year** is two hundred forty hours, and leave accumulated in excess of this amount at December 31st of each year will be written off unless an additional carry over is authorized by the city manager due to unusual circumstances as specified in Section 4.56.090 of this title.

Section 2. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published within ten (10) days after its passage.

1st reading: August 7, 2013

2nd reading and public hearing: August 21, 2013

PASSED AND APPROVED THIS 21st DAY OF AUGUST, 2013.

James Kacsh, Mayor

ATTEST:

Susan Bourgeois, City Clerk