

CITY OF DILLINGHAM, ALASKA

RESOLUTION 2012-63

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL WAIVING SECTION 3.95 OF THE CITY'S PERSONNEL REGULATIONS IN ORDER TO ALLOW CRAIG MAINES TO CONTINUE HIS EMPLOYMENT AS A CORRECTIONS OFFICER WITH THE CITY OF DILLINGHAM DEPARTMENT OF PUBLIC SAFETY WHILE HIS BROTHER, CHRISTOPHER MAINES, SERVES ON THE CITY COUNCIL

WHEREAS, at the October 2, 2012 Regular City Election, Christopher Maines ran on Council Seat B, a one-year term ending October 2013, and received the greatest number of votes cast for this seat; and

WHEREAS, the Dillingham City Council certified the October 2, 2012 Regular City Election with the passage of Resolution No. 2012-59, adopted October 11, 2012; and

WHEREAS, Section 3.95 of the City's Personnel Regulations prohibits some family members from working for the City government simultaneously when one family member would exercise direct supervisory control over another; and

WHEREAS, Section 3.95 also allows the City Manager to recommend a waiver of the nepotism restriction when a City Council member is elected while a family member is a current City employee, as long as the employee is not directly supervised by the Council or Mayor; and

WHEREAS, Christopher Maines's brother, Craig Maines, works as a Corrections Officer for the City of Dillingham; and

WHEREAS, City Manager Rose Loera recommends the Council approve a waiver of the nepotism restriction since Craig Maines will not be directly supervised by the Council or Mayor;

NOW THEREFORE BE IT RESOLVED BY THE DILLINGHAM CITY COUNCIL:

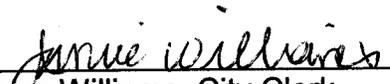
1. The City Council finds that it is in the best interest of the City for Craig Maines to remain employed as a Corrections Officer for the City of Dillingham.
2. Section 3.95, Nepotism, of the Personnel Regulations, is waived in this instance to allow Craig Maines to remain employed while Christopher Maines serves on the City Council.

PASSED AND ADOPTED by a duly constituted quorum of the Dillingham City Council on Nov. 1, 2012.

SEAL:


Alice Ruby, Mayor

ATTEST:



Janice Williams, City Clerk



City of Dillingham Information Memorandum R2012-63

Subject: A Resolution of the Dillingham City Council waiving Section 3.95 of the City's Personnel Regulations in order to allow Craig Maines to continue his employment as a corrections officer with the City of Dillingham Dept. of Public Safety while his brother, Christopher Maines, serves on the City Council

Agenda of: November 1, 2012

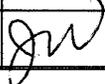
City Council Action:

Manager: Recommend approval.

City Manager:



Rose Loera

Route To:	Department / Individual	Initials	Remarks
	Finance Director / Carol Shade		
X	City Clerk / Janice Williams		

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s): None

Summary Statement.

Christopher Maines was elected to Council Seat B. His brother, Craig Maines, is employed by the City of Dillingham as a Corrections Officer. According to the City's Personnel Regulations Section 3.95 the City Manager may recommend a waiver to the Council as long as the employee is not directly supervised by the Council or Mayor. In this case, Craig would not be directly supervised by the Council or Mayor.

According to the City's Attorney whoever gets the most votes wins the election regardless of whether they have a relative employed by the City. They don't get to run for office and then decide later if they will take the oath depending on how the council votes on a nepotism waiver. That is why it is not necessary to decide the waiver issue in advance of administering the oath of office.

If the person that won the election refuses to take the oath the person who currently holds the council seat remains in office. (Clerk Note: Chris Maines took the oath of office on October 11, 2012 following the Certification of the Election.)

If the nepotism waiver is not granted then either the relative leaves city employment or the newly elected council member resigns. Attorney suggested this be taken care of by the November meeting. If the council member does not resign at that meeting or in advance of that meeting their relative is terminated from city employment. If the council member resigns, the seat is filled using the vacancy procedure it does not automatically go to whoever finished second in the election.