

**PETERSBURG BOROUGH
ORDINANCE #2013-19**

**AN ORDINANCE PROVIDING FOR CHAPTERS 3.44 (HARBORS AND PORTS
DEPARTMENT) AND 3.46 (HARBORS AND PORTS ADVISORY BOARD) OF THE
MUNICIPAL CODE, UPDATING CURRENT LANGUAGE TO REFLECT BOROUGH
INCORPORATION; AND PROVIDING PROVISIONS FOR THE RETENTION OF A HARBOR
AND PORTS ADVISORY BOARD FOR THE BOROUGH**

Whereas, on January 3, 2013 the Election Division for the State of Alaska, certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough; and

Whereas, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg, and

Whereas, Borough Charter Section 19.08 subsection C reads "Except for those provided for by this Charter, all appointed and elected advisory boards, committees, and commissions in effect at the time of this Charter shall be dissolved one year after the effective date of this Charter unless specifically continued by ordinance", and

Whereas, at a regular assembly meeting held on October 7, 2013 the Borough Assembly determined that an elected Harbors and Ports Advisory Board should be retained for Borough government purposes.

Therefore the Petersburg Borough ordains, the existing provisions for providing for a harbor department and a harbors and port advisory board of the dissolved City of Petersburg, Alaska, as noted with amendments below, are hereby approved and adopted as a borough ordinance to be administered on an areawide (borough-wide) basis.

Section 1. Classification: This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to provide for the administration, operation and maintenance of a borough harbor department and to provide for the retention of an elected harbors and port advisory board.

Section 3. Substantive Provisions: The provisions of the former City of Petersburg (Service Area 1) Municipal Code, Chapters 3.44 and 3.46 are hereby transferred and incorporated into this borough ordinance. Chapter and section numbers from the prior city code are retained for future referencing and codification of the Borough Code.

Chapters 3.44 and 3.46, of Title 3 (Administration and Personnel) of the Petersburg Borough Code shall read:

Chapter 3.44 - HARBORS AND PORTS DEPARTMENT

Sections:

3.44.010 - Department established.

3.44.020 - Harbormaster.

3.44.030 - Duties and responsibilities.

3.44.010 - Department established.

There is established a department of harbors and ports which shall manage and operate the borough harbors and ports. The department shall have jurisdiction over all vessels, vehicles and persons within and using the borough's harbors and ports facilities.

3.44.020 - Harbormaster.

- A. The harbormaster shall be the head of the harbors and ports department. The harbormaster is an administrative officer of the borough appointed by the manager with the approval of the assembly. The harbormaster may be terminated by the manager only for just cause.
- B. The harbormaster shall carry out the duties and responsibilities of the harbors and ports department under the supervision and control of the manager.
- C. The harbormaster may select personnel to serve as employees in the department, but all such appointments and the number thereof, shall require prior approval by the manager.
- D. The harbormaster may approve departmental expenditures in accordance with subsection 4.04.020A of this code.

3.44.030 - Duties and responsibilities.

The harbors and ports department, through the harbormaster, shall have the duty and responsibility:

- A. To plan, manage, improve, operate and maintain all facilities relating to the borough's harbors and ports, subject to budgetary appropriations;
- B. To enforce rules and regulations relating to vessels, vehicles, and persons within the jurisdiction of the department including authority to issue citations for violations of harbor regulations and laws relative to harbor facilities and lands;
- C. To assign all vessels, as well as aircraft, if necessary, desirous of mooring to specific places within an area of the harbors and ports department's jurisdiction;
- D. To maintain a complete and current record of all vessels, including floating aircraft, using and/or mooring in the borough's harbor and port facilities;
- E. To recommend rules and regulations to facilitate the planning, management, operation and maintenance of the borough's harbor and port facilities;
- F. To make recommendations with regard to the annual budget and capital improvement plan of the harbors and ports department;
- G. To annually review the revenue of the harbor and port enterprise funds and make recommendations for revenue systems which will support the full (direct and indirect) cost of the harbors and ports department; and
- H. To perform related duties as assigned.

Nothing contained in this chapter shall be construed to limit the powers, duties and responsibilities other borough, state or federal officials may legally have on or over the coastal zone, tideland or submerged land areas of the Petersburg Borough.

Chapter 3.46 - HARBORS AND PORTS ADVISORY BOARD

Sections:

3.46.010 - Established.

3.46.020 - Board composition and terms.

3.46.030 - Board member qualifications.

3.46.040 - Board structure.

3.46.050 - Meetings.

3.46.010 - Established.

There is created a harbors and ports advisory board which shall review, investigate and make recommendations on any matter referred by the borough assembly or manager. The board may also, at the request and discretion of the harbormaster, be advisory to the harbormaster in the duties and responsibilities listed in Section 3.44.030, Duties and Responsibilities.

3.46.020 - Board composition and terms

The harbors and ports advisory board shall consist of seven members elected at large at a regular election to staggered three-year terms and shall serve until their successors have taken an oath of office. Vacancies on the board shall be filled in the same manner as vacancies on other elected borough boards, as set out in subsection 3.04.060(A) of this Code. A vacancy is created on the board in the same manner as vacancies on the assembly, as set out in paragraphs A and B of section 2.04 of the borough charter.

3.46.030 - Board member qualifications.

A member of the harbors and ports advisory board must be a qualified voter of the borough and have resided within the borough for a period of one year immediately preceding election or appointment to office.

3.46.040 - Board structure.

- A. At the first meeting held after the annual municipal election of each year, the board shall, by majority vote, elect from its members a chairperson and a vice-chairperson.
 - 1. The chairperson shall preside at board meetings, set meeting agendas, and attest to approved minutes. The chairperson shall vote in the same manner and with the same restrictions as other board members and shall be counted for quorum purposes.
 - 2. In the absence of the chairperson, the vice-chairperson shall assume the chairperson's duties.
- B. The harbormaster, or the harbormaster's designee, shall give notice of board meetings to each board member and to the general public; attend board meetings; assure minutes of the meetings are taken and serve as staff resource to the board. The harbormaster shall not vote on any matter before the board.

3.46.050 - Meetings.

- A. The harbors and ports advisory board shall meet at the call of the chairperson, or any four board members, on an as needed basis and meetings shall be given public notice as required in subsection 3.10.020(B) of this Code.

- B. "Robert's Rules of Order", current edition, shall govern the parliamentary proceedings of the board to the extent not in conflict with borough charter and code provisions. The board may adopt written procedural rules it finds necessary and appropriate to conduct business. The rules shall be reviewed and revised as necessary.
- C. Four members shall constitute a quorum. At least four affirmative votes shall be necessary to carry any question.
- D. The board shall designate a public meeting area where meetings will be held. All meetings shall be held in accordance with Alaska's Open Meetings Law and in a facility that is accessible to persons with disabilities.
- E. Meetings shall be open to the public and the meeting agenda shall afford an opportunity for the public to address the board.
 - 1. Each person addressing the board shall give their name and address. All remarks shall be addressed to the board as a body and not to any individual board member. No person shall be permitted to enter into any discussion without the permission of the chairperson.
 - 2. When a group of people wish to address the board on the same subject, the chairperson may request a spokesperson be chosen by the group to address the board.
 - 3. Any person making personal, impertinent or slanderous remarks, or who becomes boisterous while addressing the board, may be barred from further attendance at the meeting by the chairperson unless permission to continue is granted by a majority vote of the board.
 - 4. Unless further time is granted by the board, a person's or group's comments shall be limited to five minutes.

Section 4. Initial Transitions Terms. Members of the harbors and ports advisory board in office on the effective date of this ordinance shall continue to serve until the first regular borough election to be held in October, 2014. At that election, three board members will be elected for a term of three years, two elected for a term of two years, and two elected for a term of one year. The initial terms will be assigned to the members by lot.

Section 5. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 6. Effective Date: This Ordinance shall become effective areawide immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____day of _____, 2013.

Mark Jensen, Mayor

ATTEST:

Kathy O'Rear, Clerk

Adopted:
Published:
Effective:

