

**PETERSBURG BOROUGH  
ORDINANCE #2015-10**

**AN ORDINANCE AMENDING CITY OF PETERSBURG ORDINANCE #940 RELATING TO  
THE BOARD OF DIRECTORS OF THE SOUTHEAST ALASKA SOLID WASTE AUTHORITY  
TO ADD PROVISIONS FOR AN ALTERNATE DIRECTOR**

**Whereas**, Ordinance #940 was adopted by the Petersburg City Council on August 3, 2009 and ratified by the voters on October 6, 2009 creating a Southeast Alaska Solid Waste Authority (SEASWA) with one appointed Director from Petersburg to serve on the SEASWA Board.

**Whereas**, Ordinance #940 remains in effect in Service Area No. 1 pursuant to Section 19.06 of the Petersburg Borough Charter, and

**Whereas**, the SEASWA Board of Directors has requested each member community appoint an Alternate Board Director to serve in the primary Director's absence to increase the ability of each community to provide an approved, voting participant at every monthly teleconference meeting.

**Therefore the Petersburg Borough Ordains**, Section 9. Board of Directors of City of Petersburg Ordinance #940, is amended as follows:

**Section 1. Classification:** This ordinance is not of a permanent nature and shall not be codified in the Petersburg Borough Code.

**Section 2. Purpose:** The purpose of this ordinance is to update language to provide for the addition of an alternate director from the Petersburg Borough.

**Section 3. Substantive Provisions:** The provisions of the former City of Petersburg Ordinance #940 are hereby transferred and incorporated into this borough ordinance, and Section 9 of Ordinance #940 shall be amended to read as follows (the new language is in bold and underlined).

**Section 9. Board of Directors:** (a) Number and apportionment. The Board shall be comprised of members designated as Participating Municipality Directors and At-Large Directors whose number and apportionment shall be as follows:

(1) In the event that the Authority is comprised of a single Participating Municipality, the Board shall be comprised of three Directors as follows: one Participating Municipality Director who shall be appointed to represent the appointing Participating Municipality, and two At-large Directors.

(2) In the event that the Authority is comprised of two Participating Municipalities, the Board shall be comprised of three Directors as follows: two Participating Municipality Directors with each Participating Municipality Director appointed to represent the appointing Participating Municipality, and one At-large Director.

(3) In the event that the Authority is comprised of three or more Participating Municipalities, the Board shall be comprised entirely of Participating Municipality Directors whose total number shall equal the number of the Authority's Participating Municipalities, with each Participating Municipality Director appointed to represent the appointing Participating Municipality.

**(4) Each participating municipality shall also appoint one alternate director to attend and participate in meetings of the board of directors as provided in subsection C of this section.**

(b) Qualifications.

(1) Participating Municipality Directors shall be a resident of and shall meet the minimum qualifications for election to the governing body of the Participating Municipality they are appointed to represent.

(2) At-large Directors may reside in any community within the boundaries of the Authority and shall meet the minimum qualifications for election to the governing body of the community within which they reside.

(c) Appointment; Filling Vacancies.

(1) Participating Municipality Directors. To first appoint Participating Municipality Directors to the Board upon creation of the Authority or upon receipt of Board notification of its determination and declaration of vacancy, the governing body of the Participating Municipality shall, not later than sixty calendar days following the date of the notice of vacancy appoint Participating Municipality Directors of the Authority by an affirmative vote of its members at a regular or special meeting.

(2) At-large Directors. To first appoint At-large Directors, if any, to the Board upon creation of the Authority or upon receipt of Board notification of its determination and declaration of an At-large Director vacancy, the governing bodies of the Participating Municipalities shall appoint individuals to fill At-large Director vacancies as provided in this section.

(a) In the event that the Authority is comprised of a single Participating Municipality, the governing body of the Participating Municipality shall, not later than sixty calendar days following the date of the notice of vacancy, appoint At-large Directors by an affirmative vote of its members at a regular or special meeting.

(b) In the event that the Authority is comprised of two Participating Municipalities, each Participating Municipality shall nominate at least one qualified individual to fill the At-large Director position. The Board shall appoint the At-large Director from nominations submitted by the Participating Municipalities. In the event that the Board cannot reach a decision with regard to the appointment of an At-large Director, the

Board shall select the individual for appointment to the At-large Director position by coin toss.

**(3) Alternate Directors. Each municipality shall appoint one alternate director to attend and participate in the board of director's meetings in the event a participating municipality director appointed by that municipality is or will be absent from the meeting. The alternate director, if called to service, shall have the same powers, authority, and duties as the other directors.**

(d) Terms.

(1) Participating Municipality Directors shall serve three-year terms; provided, however, that Participating Municipality Directors first appointed after the creation of the Authority shall be randomly assigned to one of three groups, each group to be as nearly equal in number as possible. The Directors assigned to one such group shall serve one-year terms; the Directors assigned to the second such group shall serve two-year terms; and the Directors assigned to the third such group shall serve three-year terms.

(2) At-large Directors shall serve three-year terms; provided, however, that In the event that the Authority is comprised of a single Participating Municipality, one At-large Director shall be randomly designated as the At-large Director to serve a full Director term or until the second Participating Municipality, if any, appoints its Participating Municipality Director, and the other At-large Director shall be randomly designated to serve a full Director term or until the third Participating Municipality, if any, appoints its Participating Municipality Director; and provided further that In the event that the Authority is comprised of two Participating Municipalities, the At-large Director shall serve a full Director term or until the third Participating Municipality, if any, appoints its Participating Municipality Director.

**(3) The alternate director shall serve a three-year term and until a successor has been qualified and appointed. If otherwise qualified, an alternate director is eligible to be appointed for more than one term.**

(e) Each Director shall hold office for the term of appointment and until a successor has been qualified and appointed.

(f) If otherwise qualified, a Director is eligible to be appointed to the Board for more than one term.

(g) Determination and Declaration of Vacancy. The Board shall declare a Director position vacant when the Director in question

(1) Fails to qualify or take office within thirty days after appointment;

(2) Is physically absent from the Participating Municipality for one hundred eighty consecutive days unless excused by the Board of Directors;

(3) Resigns and the resignation is accepted

(4) Is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the Board of Directors;

(5) Is convicted of a felony or of an offense involving a violation of the oath of office;

(6) No longer physically resides in the Participating Municipality; or

(7) Misses three consecutive regular meetings and is not excused.

(h) Notice of Vacancy. Upon determination that a Board position is vacant, the Board shall promptly furnish written notice of its determination and declaration of vacancy in the Board to the governing body of the Participating Municipality in the event of a Participating Municipality Director vacancy, or to the governing bodies of all Participating Municipalities in the event of an At-large Director vacancy.

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

**Section 5. Effective Date:** This ordinance shall become immediately upon adoption.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
Mark Jensen, Borough Mayor

\_\_\_\_\_  
Debra K. Thompson, Borough Clerk

Adopted:  
Published:  
Effective: