

**PETERSBURG BOROUGH
ORDINANCE #2014-18**

**AN ORDINANCE PROVIDING FOR CHAPTER 3.85 (HISTORIC PRESERVATION) OF THE
MUNICIPAL CODE**

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, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly, and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, the Historic Preservation Commission, established under Ordinance No. 827 of the former City of Petersburg, was not specifically continued by ordinance, and thus dissolved as of January 3, 2014; and

Whereas, at the June 2, 2014 Assembly meeting, a petition signed by 50 borough residents was presented to the Borough Assembly requesting that the Borough readopt the provisions of City Ordinance #827 so as to establish a Borough Historic Preservation Commission, set out its duties and responsibilities, and provide for the appointment of members.

Therefore the Petersburg Borough ordains, the previous provisions for providing for a historic preservation commission 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 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 readopt provisions of the prior City of Petersburg code, to establish a Borough Historic Preservation Commission, that will help promote and enhance the knowledge of the history of Petersburg.

Section 3. Substantive Provisions: The provisions of the former City of Petersburg (Service Area 1) Municipal Code, Chapter 3.85 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.

Chapter 3.85 (Historic Preservation) of Title 3 (Administration and Personnel) of the Petersburg Borough Code shall read:

Chapter 3.85 - HISTORIC PRESERVATION

Sections:

3.85.010 - Purpose.

3.85.020 - Commission established.

3.85.030 - Responsibilities, duties and powers.

3.85.010 - Purpose.

The purpose of this chapter is to establish a historic preservation commission that can help promote and enhance the knowledge of the history of Petersburg.

3.85.020 - Commission established.

- A. There is established the Petersburg historic preservation commission which shall be advisory to the ~~city council~~ borough assembly. The commission shall be composed of seven members appointed by the mayor with the approval of the ~~city council~~ assembly and shall serve without compensation. Members of the commission shall, to the extent feasible, include an architect or a historical architect, an archaeologist, and a historian. One member of the commission shall be a member of the ~~city council~~ borough assembly or an appointee of the ~~council~~ assembly, one member shall be a member of the planning commission or an appointee of the commission, and one member shall be a member of the Clausen Museum board or an appointee of the board. ~~B. Vacancies on the board shall be filled pursuant to Section 3.04.060(A) of this code.~~ Initial appointments to the commission shall be as follows: two members for one year terms, two members for two-year terms, and three members for three-year terms. Thereafter, the term of each member shall be three years.
- B. In the event a vacancy should occur on the commission, the clerk shall advertise the vacancy and solicit letters of interest to fill the vacancy for the balance of the appointment term by publishing notice once in a local newspaper of general circulation. The clerk shall also notify the chairman of the commission of the vacancy and ask for any recommendations the commission may have on the appointment. After allowing a reasonable time for interested persons to submit letters of interest, the mayor, with the confirmation of the assembly, shall fill the vacancy. Each appointee's term of office shall begin immediately upon confirmation and after taking the oath of office, and shall continue until a successor is appointed and has taken an oath of office, unless the appointee is sooner removed from office. A vacancy is created on the commission 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.
- C. Four members shall constitute a quorum. At least four affirmative votes shall be necessary to carry any question. Each action of the commission shall require a majority of four affirmative votes.
- D. Annually in the month of October, the commission, by majority vote, shall elect a chairperson and a vice-chairperson and a secretary who shall be responsible for ensuring that an accurate record of the proceedings of the commission is kept. The chairperson shall preside at commission meetings, set meeting agendas and attest to approved minutes. The chairperson shall vote in the same manner and with the same restrictions as other commission members and shall be counted for quorum purposes. In the absence of the chairperson, the vice-chairperson shall assume the chairperson's duties. The borough economic and community development department shall provide staff support and assistance as the commission may require.

- E. The commission shall meet at the call of the chairperson, or any four commission members, on an as needed basis and meetings shall be given public notice as required in subsection 3.10.020(B). The commission 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. ~~The commission may will be dissolved by assembly resolution if there are no meetings of the commission within any two year period. At least twice each year and shall make an annual report to the city council in the month of October of each year. The commission shall give reasonable public notice of its meetings as required in Section 3.10.020(B) of this code. All meetings shall be held in accordance with Alaska's Open Meetings Law and in a facility that is accessible to persons with disabilities.~~
- F. ~~In the event a member misses two or more consecutive meetings of the commission, without being excused by the commission, the member shall automatically forfeit membership on the commission.~~
- G. ~~The community development department shall provide staff support and assistance as the commission may require.~~

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3.85.030 - Responsibilities, duties and powers.

The commission shall:

- A. Develop a local historic preservation plan for the consideration and approval of the ~~city council;~~ borough assembly;
- B. Develop a local historic resources inventory;
- C. Submit recommendations to the ~~city council~~ assembly of properties within the ~~city~~ borough which may be considered for the National Register of Historic Places;
- D. Work towards the continuing education of citizens regarding historic preservation and the history of Petersburg and Alaska;
- E. Support the Alaska Historic Preservation Act;
- F. Cooperate and consult with the borough planning commission, the Clausen Museum and such other boards, commissions and individuals on all matters concerning historical districts and historic, prehistoric and archaeological preservation in the ~~city~~ borough; and
- G. As may be determined by the ~~city council~~ borough assembly, perform such actions and activities which may be beneficial for the historic, prehistoric and archaeological preservation of the ~~city~~ borough.

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 the application to other persons or circumstances shall not be affected.

Section 5. 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 _____, 2014.

Mark Jensen, Mayor

ATTEST:

Kathy O'Rear, Clerk

Adopted:
Published:
Effective: