

**PETERSBURG BOROUGH
ORDINANCE #2013-20**

AN ORDINANCE PROVIDING FOR CHAPTERS: 3.20 (HEALTH OFFICER); 3.32 (FIRE DEPARTMENT); 3.34 (POLICE DEPARTMENT); AND 3.36 (PUBLIC SAFETY ADVISORY BOARD), OF THE MUNICIPAL CODE, UPDATING CURRENT LANGUAGE TO REFLECT BOROUGH INCORPORATION; AND PROVIDING PROVISIONS FOR THE RETENTION OF A PUBLIC SAFETY ADVISORY BOARD

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continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly, and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, at a regular assembly meeting held on October 21, 2013 the Borough Assembly determined that an elected Public Safety Advisory Board should be retained for Borough government purposes.

Therefore the Petersburg Borough ordains, the existing provisions for providing for a health officer, a fire/EMS department, a police department and a public safety 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 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 borough public safety departments and to provide for the retention of an elected Public Safety Advisory Board.

Section 3. Substantive Provisions: The provisions of the former City of Petersburg (Service Area 1) Municipal Code, Chapters 3.20, 3.32, 3.34 and 3.36 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 3.20, 3.32, 3.34, and 3.36 (Health Officer, Fire Department, Police Department and Public Safety Advisory Board) of Title 3 (Administration and Personnel) of the Petersburg Borough Code shall read:

Chapter 3.20 – HEALTH OFFICER

Sections:

3.20.010 - Position of health officer established.

3.20.010 - Position of health officer established.

There shall be a health officer for the borough, to be appointed by the manager, on an as needed basis. The powers and duties of the health officer shall be as set forth in the municipal code, and as otherwise designated by the manager.

Chapter 3.32 - FIRE DEPARTMENT

Sections:

3.32.010 - Authority and purpose.

3.32.020 - City to own fire department property.

3.32.030 - Fire department composition.

3.32.040 - Selection of department director.

3.32.050 - Appointment and tenure of the fire chief, officers and members.

3.32.060 - Duties and responsibilities.

3.32.070 - Remuneration.

3.32.080 - Fees for emergency medical services.

3.32.090 - Members permitted to organize.

3.32.100 – Service Areas

3.32.010 - Authority and purpose.

The borough shall organize and maintain a fire department. The purpose of the department is to protect lives and property from destructive losses due to fire and other catastrophic events. The fire department shall provide emergency medical services and search and rescue services. For the purpose of this chapter, the term "fire department" will generally refer to the functions of fire fighting, emergency medical services and search and rescue services unless otherwise noted.

3.32.020 - Borough to own fire department property.

All property of any type owned by the fire department is property of the borough.

3.32.030 - Fire department composition.

The fire department personnel shall consist of those employees, volunteers and volunteer leadership as deemed necessary by the borough manager and the borough assembly.

A. Department director. The department director shall be selected as set forth in section 3.32.040.

- B. Fire chief. The fire chief shall be elected by the active volunteer members and approved by the department director and manager.
- C. Officers. Assistant chiefs, captains and lieutenants shall be appointed by the fire chief following current fire department membership policies.
- D. Members. Members shall be appointed by the fire chief following the current fire department membership policies.
- E. Emergency medical services coordinator. The coordinator shall be selected by the department director with approval of the manager.
- F. Medical director. The medical director shall be selected by the department director, with approval from the manager.
- G. Fire marshal. The fire marshal shall be selected by the department director with approval of the manager

3.32.040 - Selection of department director.

The department director shall be head of the fire department. The director is an administrative officer of the borough appointed by the borough manager, with the approval of the borough assembly. The director may be terminated by the manager only for just cause.

3.32.050 - Appointment and tenure of the fire chief, officers and members.

- A. The fire chief shall be appointed by the manager after election by active members of the fire department and approval of the department director following the prescribed election process of the department. The fire chief shall hold office at the pleasure of the borough manager.
- B. Any appointed or elected volunteer officer or volunteer member may resign at any time or be dismissed for just cause.

3.32.060 - Duties and responsibilities.

- A. The department director shall:
 1. Select department employees, with the approval of the manager, and supervise the department's personnel;
 2. Be responsible for the proper operation and maintenance of the fire stations and equipment;
 3. In coordination with the fire chief, prepare and administer the annual departmental budget including approval of departmental expenditures in accordance with the borough's purchasing policy; and
 4. Serve as staff to the public safety advisory board.
- B. The fire chief shall:
 1. Cause lives and property to be protected from destructive losses due to fire and/or other catastrophic events;
 2. Be the commanding officer of the department in all tactical aspects of responding to emergency incidents;
 3. Assure that sufficient equipment and personnel remain within a designated service area when department personnel or apparatus leave to render assistance or mutual aid at emergencies occurring outside the service area;
 4. Prepare a prioritized list of items for inclusion into the annual budget; and

5. Identify department training priorities.
- C. Joint responsibilities of the department director and the fire chief:
1. Supervise and approve the overall training, preparedness and safety of the department's personnel and assure the availability and readiness of the department's apparatus and equipment;
 2. Supervise the department's volunteer members; and
 3. Prepare, review, implement and enforce policies and procedures necessary for the safe and efficient operation of the fire department. This includes, but is not limited to, selection criteria for membership, conduct standards and rules and regulations regarding the removal of members for just cause.
- D. The emergency medical services coordinator shall:
1. Supervise the provisions of emergency medical services in liaison with the fire department's medical director;
 2. Perform other duties related to the operation and maintenance of the fire stations as may be assigned by the department director; and
 3. Perform the duties outlined in the official job description for the position, as amended from time to time.
- E. The fire marshal shall:
1. Conduct all fire and life safety inspections;
 2. Supervise a fire prevention program;
 3. Investigate the origin and causes of fires as necessary. Conduct investigations to determine cause and origin of fires resulting in property damage, injury or death;
 4. Inspect or cause to be inspected, at reasonable hours and upon reasonable notice to the owners and occupants, all buildings, structures, and premises which are, or are suspected of being in an unsafe or dangerous fire prevention or control condition;
 5. Perform other duties related to the operation and maintenance of the fire stations as may be assigned by the department director; and
 6. Perform the duties outlined in the official job description for the position, as amended from time to time.
- F. The assistant chief shall:
1. Rank next in authority to the fire chief;
 2. In the presence of the chief, the assistant chief will have the powers and duties as assigned by the chief; and
 3. In the absence of the chief, the assistant chief is vested with the powers and duties of the chief.
- G. The medical director: The medical director shall approve and supervise all medical procedures and practices performed by the department's emergency medical personnel.
- H. Duties of appointed officers and volunteers: Appointed officers, volunteers and other staff will have duties assigned by the department director and fire chief and will be responsible for carrying out the instructions as they relate to the efficient and safe practices of the department.

3.32.070 - Remuneration.

The fire chief, EMS coordinator, medical director, appointed officers and volunteer members of the fire department may receive pay for their services in such manner and amount as the assembly may set from time to time.

3.32.080 - Fees for emergency medical services.

The assembly may, by resolution or ordinance, set and amend fees charged for fire and emergency medical services provided by the fire department.

3.32.090 - Members permitted to organize.

The volunteer members of the fire department may organize into a non-profit association, elect their own officers and adopt a constitution and bylaws as long as the provisions of those documents do not conflict with borough, state or federal laws.

3.32.100 – Service areas.

Pursuant to Section 14.02A(2) of the borough charter, fire and emergency medical services are powers to be exercised by the borough through service areas.

Chapter 3.34 - POLICE DEPARTMENT

Sections:

3.34.010 - Department established.

3.34.020 - Police chief.

3.34.030 - Duties and responsibilities.

3.34.040 – Service areas.

3.34.010 - Department established.

There is established a police department which shall be responsible for the preservation of public peace and order, the prevention and detection of crime and apprehension of offenders of the law, the protection of persons and property, the enforcement of the law, and other duties for the general public welfare as may from time to time be assigned.

3.34.020 - Police chief.

- A. The police chief shall be the head of the police department. The police chief is an administrative officer of the borough appointed by the borough manager, with the approval of the borough assembly. The police chief may be terminated by the manager only for just cause.
- B. The police chief shall carry out the duties and responsibilities of the police department under the supervision and control of the manager.
- C. The police chief may select personnel to serve as employees of the department but all such appointments and the number thereof shall require prior approval of the manager.

- D. The police chief may approve departmental expenditures in accordance with subsection 4.04.020A of this code.

3.34.030 - Duties and responsibilities.

It shall be the duty of the police department, through the police chief:

- A. To issue citations, apprehend and/or arrest and bring to justice violators of the ordinances of the municipality;
- B. To suppress all riots, affrays, and unlawful assemblies and generally to keep the peace;
- C. To serve all warrants, writs, executions, and other processes properly directed and delivered to them;
- D. To apprehend and arrest persons violating federal or state laws as provided by law, and turn them over to proper authorities;
- E. In all respects to perform all duties pertaining to the offices of police officers; and
- F. To have charge of and operate the borough jail.

3.34.040 – Service areas.

Pursuant to Section 14.02A(1) of the borough charter, certain powers relating to police departments and officers are to be exercised by the borough through service areas.

Chapter 3.36 - PUBLIC SAFETY ADVISORY BOARD

Sections:

3.36.010 - Established.

3.36.020 - Board composition and terms.

3.36.030 - Board member qualifications.

3.36.040 - Board structure.

3.36.050 - Meetings.

3.36.010 - Established.

There is created a public safety advisory board which shall review, investigate and make recommendations on any matter referred by the borough assembly or the city manager. The board may also, at the request and discretion of the fire department director or chief of police, be advisory to the director or the police chief in the duties and responsibilities listed in Sections 3.32.060, Duties and Responsibilities, and 3.34.030, Duties and Responsibilities.

3.36.020 - Board composition, and terms.

The public safety advisory board shall consist of five members elected at large at a regular municipal 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 Section 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.

3.36.030 - Board member qualifications.

A member of the public safety 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.

3.36.0450 - 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 fire department director or police chief, or their respective designees, shall give notice of board meetings to each board member and to the general public; attend board meetings relative to their department's operations; assure minutes of the meetings are taken and serve as staff resources to the board. The fire department director and police chief shall not vote on any matter before the board.

3.36.0560 - Meetings.

- A. The board shall meet at the call of the chairperson, or any three 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. Three members shall constitute a quorum. At least three 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 Transition Terms. Members of the public safety 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, two board members will be elected for a term of three years; two elected for a term of two years and one 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: