

**PETERSBURG BOROUGH  
ORDINANCE #2017-XX**

**A ORDINANCE PROPOSING AN AMENDMENT TO THE HOME RULE CHARTER OF THE PETERSBURG BOROUGH TO ALLOW THE ASSEMBLY, BY ORDINANCE, TO PERMIT THE EXERCISE OF CERTAIN POWERS ON A NON-AREAWIDE OR OTHER BASIS, AND DIRECTING THAT THE PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE QUALIFIED VOTERS OF THE BOROUGH.**

**Whereas,** Petersburg Borough Charter Section 1.04, entitled Powers, states, "The borough may exercise all powers of a home rule borough not prohibited by law or this Charter. All powers of the borough shall be exercised in the manner prescribed by this Charter or applicable laws or, if the manner is not thus prescribed, then in such a manner as the assembly or other authority may prescribe. This Charter is not intended to be exclusive or limiting. It shall be liberally construed to afford the borough all powers necessary to the conduct of its affairs."; and

**Whereas,** Section 14.06 of the Borough Charter sets forth a number of powers possessed by the Borough, including operation of port and harbor facilities and services, however currently mandates that these powers be exercised on an areawide basis only, and not on a non-areawide or service area basis; and

**Whereas,** this restriction unnecessarily limits the Borough's ability to flexibly address borough affairs, especially in these times of fiscal uncertainty, and the Borough Assembly believes that flexibility of the exercise of such powers is in the best interests of the Borough and Borough residents; and

**Whereas,** the Borough Assembly is herein proposing an amendment to the Charter to allow for exercise of such powers on other than an areawide basis, provided that the Assembly determines, by ordinance, that such exercise is in the best interests of the Borough; and

**Whereas,** nothing in this amendment would change the substantive provisions of Section 14.02, regarding the powers which must be exercised on a service-area basis; and

**Whereas,** Petersburg Borough Charter Section 18.02, entitled Election, specifies that any such proposed amendment shall be submitted to the qualified voters of the Borough.

**Therefore, the Petersburg Borough ordains,** that the following proposed amendment to the Home Rule Charter of the Petersburg Borough be submitted to the qualified voters of the Borough at the next regular or special election occurring more than 90 days after adoption of this ordinance.

**Section 1. Classification:** This is a non-code ordinance, however the proposed borough charter amendment set out below is of a permanent nature and, if approved by the voters, shall be reflected in the Petersburg Borough Charter.

**Section 2. Purpose:** The purpose of this ordinance is to propose a charter amendment to the Borough voters which would permit the Borough to exercise the powers set out in Section 14.06 of the Borough Charter on either an areawide, non-areawide, service or other basis if it is determined to be in the best interests of the Borough to do so.

### **Section 3. Substantive Provisions:**

A) Proposed Charter Amendment -- Sections 14.06 and 14.02 of the Charter: The language proposed for deletion is struck through and the language proposed for addition is in bold and underlined:

#### Section 14.06 Areawide Powers

The Borough may exercise all powers of home rule not prohibited by law or this Charter. In addition to all other powers which the borough may exercise on a service area basis, or on an areawide basis listed in other chapters of the Charter, the following powers shall be exercised on an areawide basis **unless the Borough Assembly, by ordinance, determines that exercise of power on a non-areawide, service or other basis is in the best interest of the Borough:**

- A. The power to dispose of solid waste whether through recycling, landfilling or any other means and the power to operate, maintain, monitor, repair or remove landfills including those previously owned or operated by the City of Petersburg whether or not such landfills were in operation or were closed on the effective date of this Charter;
- B. The power to provide public libraries, civic centers, museums and associated services;
- C. The power to provide for hospital and public health services including, but not limited to, those services formerly provided by the City of Petersburg's medical center. The power to provide pre-hospital emergency medical services must be exercised as provided in Section 14.02.
- D. The power to provide port and harbor facilities and services;
- E. The power to provide cemetery and mausoleum services.
- F. The power to provide 911 emergency dispatch services;
- G. The power to provide economic development; and
- H. The power to provide disaster planning, emergency communications and emergency response.

#### Section 14.02 Services to be Provided Only by Service Area

*Paragraphs A through C and E of this Section are unchanged.*

- D. Nothing in this Charter except section 14.06 ~~prohibits~~ **limits** the borough from exercising any other power on a non-areawide basis or through service areas.

B) Submittal to Voters: The question to be submitted to the voters shall read substantially as follows:

Shall the Petersburg Borough Charter be amended as set out below to permit the Borough to exercise the powers set out in Section 14.06 of the Borough Charter on an areawide, non-areawide, service or other basis if it is determined by Assembly ordinance to be in the best interests of the Borough to do so.

- ☐ YES
- ☐ NO

**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 be effective upon adoption. The proposed borough charter amendment set forth herein, if approved by the voters, shall become effective immediately upon certification of the election results.

**Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Cindi Lagoudakis, Vice Mayor

ATTEST:

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

Adopted:  
Published:  
Effective: Ordinance effective  
upon adoption. Charter  
Amendment effective upon  
Voter Approval and  
Certification of Election  
Results