

Members of the Assembly – In regard to Ordinance #2020-19: An Ordinance Amending Borough Code Chapter 3.72 to Provide for Civil Emergency Provisions

Many in this community have issues:

Jeigh Stanton Gregor, in a post on social media, said quote “a largely similar version of this (ordinance) has LONG existed as a city ordinance to deal with various potential emergencies. “We find they are not even close in similarities, except the title. The new Ordinance adds about 2 ½ pages of new to a 1 ¼ page old, hardly similar. These are our issues:

3.72.020 Civil Emergency preparedness and emergency services office established.

The Borough manager's office is the civil emergency preparedness and emergency services office and thereby the coordinating agency for all activity in connection with the emergency services and other operations. **The Borough manager OR THE MANAGERS DESIGNEE**, as incident commander, shall exercise the authority and discharge the responsibilities vested in him/her by applicable local, state and federal law.

We believe this new Ordinance gives the Borough manager or Incident commander /designee, way too much authority over the community of Petersburg. Having a group of non-elected people for the Borough manager to consult with in tragic times makes more sense than ONE MAN having so much power over us, and YES, we understand the assembly can override an overreaching borough manager or incident commander but there needs to be more checks and balances. We have seen how one Political faction rules the roost and that is not always good for our community.

The designee part is very vague. So, the City Manager can just pick ANYONE HE CHOOSES to fill that spot, his sister, his wife or maybe his dog? It doesn't even need to be someone from here? Again, a group of community volunteers could be established or some such thing.

3.72.040 Authority to issue emergency proclamation

Pursuant to the authority granted hereunder and in Alaska Statute 26.23.140, whenever the Borough Manager determines that a civil emergency exists, he or she may declare by proclamation the existence of the emergency. **Any proclamation issued pursuant to this Chapter SHALL HAVE THE FORCE OF LAW AND SHALL SUPERSEDE ANY CONFLICTING PROVISION OF LAW DURING AN EMERGENCY DECLARED PURSUANT TO THIS CHAPTER.**

The State Statute AS 26.23.140. Local Disaster Emergencies. ... An order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the

Alaska division of homeland security and emergency management and the appropriate municipal clerk - **Nowhere in this State Statute AS 26.23.140 does it give anyone the authority to make any law that shall supersede OUR RIGHTS AS A US CITIZENS.**

3.72.050 Dissemination and posting of emergency proclamation

The proclamation of an emergency declaration, or any emergency order issued pursuant thereto, shall be posted on the borough website and at such other places in the Borough as may be directed in the proclamation. It shall also be provided to any newspapers of general circulation published in the Borough and any radio stations which broadcast within the densely populated areas of the Borough. **The posting of emergency proclamations SHOULD be set forth now, well in advance of any disaster. Example – earthquake – people are panicked and they know not where to go to find out what to do – Designated spots can be remembered – POST OFFICE-GROCERY STORE DOORS, COURT HOUSE, etc.**

3.72.060 Imposition of orders during period of emergency

Section A. subsection (2) Order the following to close and remain closed until further order for the period of the emergency:

Under a, b, and c, lists all different kinds/types of establishments when it should just read Any and all business establishments.

Under the same Statute, Section, subsection

Borough's procedures

6. Suspend purchasing and contracting procedures for the procurement of supplies and services deemed necessary and in the public interest to address the civil emergency, in accordance with PMC 4.04.020 and 4.04.040B.

We are finding it hard to understand how interfering with a person or businesses' purchasing and contracts are more important to the Borough than it would be to the person purchasing: We personally don't like the thought of not being able to buy food if we need it.

Same Statute Section B. An Order issued pursuant to this section shall contain the following:

1. A statement of the facts upon which the order is based:
2. When committed intentionally, knowingly or recklessly, a Class B misdemeanor, punishable by a fine not to exceed the sum of two thousand (\$2000) or imprisonment for a term not to exceed ninety (90) days, or both:
or
3. When committed without any culpable mental state, a strict liability violation

subject to a fine as provided in the fine schedule set forth in Section 1.16.030 of the Borough Code; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with Section 1.16.010,

4. Fine Amounts: The following fine amounts are adopted for violations under section 3.72.070(d)(2) **and shall be administratively incorporated into Section 1.16.030 of the Borough Code.???? THIS NEEDS CLARIFICATION-Do we understand correctly that Assembly are putting these fine amounts into the everyday Borough fines and amounts?**

We cannot imagine being cited by a deputized USFS ((cop)) for pulling a crab-trap after curfew while not wearing a Covid19 mask? That is not acceptable.

Signed

Respectful Community Members against this Ordinance

Susan Burrell
Melinda Olsen
Frances Kelley
Ken Walters Olsen
Richard Cheney
Laurie Hofstad
Kelly Berkley
Lawrence Hofstad
Ken Thynes
Rae Schmoll Wilkenson
Jason Miller
Tim Wilkenson
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