

**PETERSBURG BOROUGH  
ORDINANCE #2017-14**

**AN ORDINANCE PROVIDING FOR CHAPTER 3.08 OF THE MUNICIPAL CODE, ENTITLED  
“ASSEMBLY AND MAYOR”, UPDATING CURRENT LANGUAGE TO REFLECT BOROUGH  
INCORPORATION**

**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 to continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly.

**Therefore, the Petersburg Borough Ordains**, Chapter 3.08, as set out below, is hereby adopted as a borough ordinance.

**Section 1. Classification:** This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

**Section 2. Purpose:** The purpose of this ordinance is to update the language of the chapter to reflect borough incorporation.

**Section 3. Substantive Provisions:** Chapter 3.08 of the former Petersburg City Code with amendments as noted herein, is hereby adopted as a Borough ordinance and shall read as follows:

**Chapter 3.08 – ASSEMBLY AND MAYOR**

**Chapter 3.08 COUNCIL ASSEMBLY AND MAYOR**

**Sections:**

- 3.08.010 Composition of ~~council~~ assembly.
- 3.08.020 Duties of mayor.
- 3.08.030 Compensation.
- 3.08.040 Powers of ~~council~~ assembly.
- 3.08.045 Additional functions of the ~~city-council~~ borough assembly.
- 3.08.050 ~~Council~~ Assembly relationship with ~~city~~ borough personnel.
- 3.08.060 Committees.
- 3.08.070 ~~Reserved.~~ Teleconference procedures and limitations.
- 3.08.080 Quorum and voting requirements.
- 3.08.090 Personal financial interest.
- 3.08.~~090~~100 ~~Council~~ Assembly meetings—When and where.
- 3.08.~~100~~110 ~~Council~~ Assembly meetings—Special.

3.08.~~110~~120 ~~Council Assembly~~ meetings—Agenda.

3.08.~~120~~130 Parliamentary practice.

3.08.~~130~~140 ~~Council Assembly~~ meetings—Roll call.

3.08.~~140~~150 ~~Council Assembly~~ meetings—Addressing the ~~council assembly~~.

3.08.~~150~~160 ~~Council Assembly~~ meetings—Decorum.

### 3.08.010 Composition of ~~council assembly~~.

There shall be a ~~city-council borough assembly~~ composed of six ~~council assembly~~ members and a mayor elected from the ~~city borough~~ at large. ~~If a councilmember ceases to be a resident of the city, the council member shall cease to hold office.~~

(Ord. 899 § 3 (part), 2006)

### 3.08.020 Duties of mayor.

The mayor shall preside at all meetings of the ~~city-council borough assembly~~ and shall certify the passage of all ordinances and resolutions. The mayor shall have all the powers, rights, privileges, duties and responsibilities of other ~~council assembly~~ members but may not initiate a motion. ~~The mayor shall vote on all matters put before the council and shall be considered a council member for quorum purposes. The mayor shall not initiate a motion.~~ The mayor has no veto power.

(Ord. 899 § 3 (part), 2006)

### 3.08.030 Compensation.

The compensation of the mayor shall be two hundred twenty-five dollars for each regular meeting attended and the compensation of the ~~city-council borough assembly~~ members shall be one hundred fifty dollars for each regular meeting attended. Compensation shall be received only for attendance at regular meetings. No increase in the compensation of the mayor and ~~council assembly~~ members shall take effect until the ~~council assembly~~ meeting following the regular ~~city borough~~ election ~~where the increase is ordered after the ordinance has been adopted.~~

(Ord. 899 § 3 (part), 2006)

### 3.08.040 Powers of ~~council assembly~~.

All ~~legislative power matters~~ of the ~~city borough~~, including the determination of all matters of policy, shall be vested in the ~~city-council borough assembly~~. The ~~council assembly~~ shall have the power:

- A. By ordinance to enact legislation relating to any or all subjects and matters not prohibited by law;
- B. To adopt the budget, raise revenue and make appropriations, and regulate salaries and wages, and all other fiscal affairs of the ~~city borough~~;
- C. To inquire into the conduct of any office, department or agency of the ~~city borough~~, and investigate municipal affairs;
- D. To appoint, elect or remove appointive officers, election personnel, and other quasi-legislative, or quasi-judicial officers; or prescribe the method of appointing, electing or removing them;



E. Insofar as is consistent with the ~~city council~~ **city borough** Charter, to create, change and abolish all offices, departments and agencies of the ~~city council~~ **city borough** government and to assign additional powers, duties, and functions to offices, departments, and agencies created or modified.

(Ord. 899 § 3 (part), 2006)

### **3.08.045 Additional functions of the ~~city council~~ borough assembly.**

#### **A. Board of Adjustment.**

1. The ~~city council~~ **borough assembly** is the board of adjustment for the ~~city~~ **borough**. Meetings of the board are held at the call of the mayor, and are conducted under provisions specified by applicable law. The presiding officer or mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public and the board shall keep minutes of its proceedings as a public record.

2. The board of adjustment shall hear and decide appeals regarding alleged errors in enforcement of zoning and subdivision ordinances and building codes made by the planning commission.

#### **B. Board of Equalization.**

1. The ~~city council~~ **borough assembly** is the board of equalization for the ~~city~~ **borough**. Duties and meetings of the board shall be performed and held as provided in the property tax code of the ~~city~~ **borough**. Meetings of the board shall be open to the public and the board shall keep minutes of its proceedings as a public record.

(Ord. 899 § 3 (part), 2006)

### **3.08.050 Council Assembly relationship with ~~city council~~ borough personnel.**

Neither the ~~city council~~ **borough assembly** nor any of its members may **recommend**, direct or request the appointment or removal of any person to or from **borough** office or employment except as may be otherwise provided in **the borough charter or this code**. The ~~council~~ **assembly** and its individual members shall deal with the administrative service of the municipality solely through the ~~city~~ **borough** manager. Neither the ~~council~~ **assembly** nor its individual members may give orders on administrative matters to any subordinate of the ~~city~~ **borough** manager, either publicly or privately.

(Ord. 899 § 3 (part), 2006)

### **3.08.060 Committees.**

Subject to the approval of a majority of the ~~council~~ **assembly**, the mayor may appoint standing and/or special committees to investigate, report and recommend on any matters coming before the ~~council~~ **assembly**. Committees may be appointed for a specific period of time in which to complete their assignments.

(Ord. 899 § 3 (part), 2006)

### **3.08.070 Reserved. Teleconference procedures and limitations.**

A. It is preferable to have assembly members physically present for assembly meetings, and assembly members should make all reasonable effort to physically attend every meeting. Teleconference procedures may not be used as a regular means of attendance at meetings.

B. An assembly member who cannot be physically present for a regularly scheduled assembly meeting shall, if possible, notify the borough clerk at least five days prior to the

scheduled time for the meeting of his or her participation in the meeting by telephonic means of communication.

C. Attendance and participation by an ~~council~~ assembly member or members at special meetings may be by teleconference.

D. A member participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes. Documents that are to be considered at the meeting shall be made available to the ~~council~~-assembly member or members participating by teleconference, if practicable.

~~GE.~~ If the mayor participates telephonically, the vice-mayor, or the senior assembly member in the vice-mayor's absence, shall preside over and perform all other functions of the mayor at the meeting.

F. Any vote at a meeting where one or more ~~council~~ assembly members ~~is~~ are participating by teleconference shall be taken by roll call.

G. The means used for a teleconference meeting of the assembly must enable each member appearing telephonically to clearly hear the mayor, all other assembly members, and public testimony at the meeting, as well as be clearly heard by all in attendance.

H. Participation by teleconference may be denied, by vote of the assembly, whenever the physical presence of the individual is considered essential to effective participation in the meeting or to the proper conduct of the business to be addressed at the meeting.

I. The borough clerk shall note all members appearing telephonically in the minutes of the meeting.

### 3.08.080 Quorum and voting requirements.

A. Four ~~council~~ assembly members shall constitute a quorum for the transaction of business. The mayor shall be counted as an ~~council~~ assembly member for quorum purposes.

B. An ~~council~~ assembly member or members participating by teleconference shall ~~not~~ be counted for purposes of determining a quorum. ~~except as otherwise provided in paragraph C below.~~

C. All assembly members and the mayor should make reasonable effort to be physically present for every meeting. Any assembly member or the mayor who fails to attend three regular meetings of the assembly per calendar year without being excused by the assembly shall forfeit office. A minimum of ~~two~~ four assembly members must be physically present at the meeting for purposes of determining a quorum.

D. No assembly action is valid or binding unless adopted by the affirmative vote of four or more assembly members. All assembly members present at a meeting are required to vote on matters before the assembly, subject to Section 19.03(A) of the borough charter, and except as otherwise provided in this code.

(Ord. 899 § 3 (part), 2006)



### 3.08.090 Personal financial interest.

Assembly members shall publicly disclose their substantial financial interests. No member of the Assembly may participate in any official action in which the assembly member or any member of the assembly member's household has a substantial financial interest unless after disclosure of the interest the member's participation is approved in a public meeting by the majority of the assembly.

### 3.08.090100 Council Assembly meetings—When and where.

Regular meetings of the ~~city council~~ borough assembly shall be held in the assembly chambers of the municipal building in Petersburg on the first and third Monday of each calendar month at such hour as shall be established, from time to time, by resolution and publicly noticed accordingly ~~seven p.m. in the city council chambers, municipal building, Petersburg.~~ If the Monday falls on a holiday observed by the city borough, the meeting shall be held at the same hour on the next succeeding day which is not a holiday.

(Ord. 899 § 3 (part), 2006)

### 3.08.100110 Council Assembly meetings—Special.

A. Special meetings may be called by the mayor or ~~three~~ four or more members of the ~~city council borough assembly~~ by giving at least twenty-four hours, but not more than ten days', notice to all members of the ~~council assembly then in the city. Special meetings of the council may also be scheduled by the common consent of a majority of the members of the council in attendance at a regular council meeting.~~

B. Notice of a special meeting may be given to the ~~city council~~ borough assembly members by call given at a regular or special meeting or by service, either orally or in writing by electronic means, from the ~~city borough~~ clerk, or the ~~city~~ clerk's representative. If oral or written notice cannot be given directly to an ~~council assembly~~ member, the notice may be left with any person the clerk deems competent to relay the notice to the ~~council assembly~~ member.

C. The purpose for which the special meeting is called shall be stated in the notice. Only business as is specified in the notice may be transacted at the special meeting.

D. Attendance and participation by a council member or members at special meetings may be by teleconference. Documents that are to be considered at the meeting shall be made available to the council member or members participating by teleconference if possible. A vote at a meeting where one or more council members is participating by teleconference shall be taken by roll call. **(MOVED TO 3.08.070)**

**ED.** Notwithstanding defects in the execution of the procedures and time for notice of special meetings described in subsections A through C of this section, a special meeting shall be a legal meeting in an emergency, if there is a quorum present. **An emergency is defined as circumstances where actions are necessary for the immediate preservation of the public peace, health or safety.**

**FE.** Notice of special meetings shall be given to the public in accordance with Chapter 3.10 of this code.

(Ord. 899 § 3 (part), 2006)

**3.08.110120 Council Assembly meetings—Agenda.**

A. All reports, ordinances, resolutions, contracts, documents or other matters to be submitted to the ~~council assembly~~ at a regular meeting shall be delivered to the ~~city borough~~ clerk no later than twelve noon on the preceding Wednesday. The ~~city borough~~ clerk shall prepare the agenda according to the order of business, numbering each item consecutively. A complete copy of the agenda shall be available to each ~~council assembly~~ member by noon on the Thursday ~~Friday~~ preceding each ~~council assembly~~ meeting. The agenda shall be available to the public in the office of the ~~city borough~~ clerk by noon on the Thursday preceding each ~~council assembly~~ meeting and shall be available in the ~~council assembly~~ chambers during each meeting. The agenda may be amended by the ~~council assembly~~ at the beginning of each meeting.

B. At the established hour on the day of each regular meeting, the ~~council assembly~~ members, ~~city borough~~ manager and department heads that have been requested to be present shall take their regular station in the ~~council assembly~~ chambers. The business of the ~~council assembly~~ shall be taken up for consideration and disposition in substantially the following order:

1. Call to order and roll call;
2. Approval of minutes;
3. Amendment and approval of agenda;
4. Public hearings ~~and bid openings~~;
5. ~~Bid awards~~;
- ~~56.~~ Visitors' views related to agenda items;
- ~~67.~~ Visitors' views unrelated to agenda items;
- ~~78.~~ Board, commission and committee reports;
- ~~89.~~ Consent agenda;
- ~~910.~~ Report of other officers;
- ~~1011.~~ Mayor's report;
- ~~1112.~~ ~~City m~~Manager's report;
- ~~1213.~~ Unfinished business;
- ~~1314.~~ New business;
- ~~1415.~~ Communications;
- ~~1516.~~ ~~Council Assembly~~ discussion items; and
- ~~1617.~~ Adjournment.

except that, with a majority of the members present, matters may be taken up out of order.



### 3.08.120~~130~~ Parliamentary practice.

The ~~city council~~ borough assembly ~~may~~ shall appoint one of its members as a parliamentarian to rule on issues of parliamentary practice. "Robert's Rules of Order," the most current edition, shall govern the parliamentary proceedings of the ~~council assembly~~ to the extent not in conflict with ~~city~~ borough Charter and code provisions.

(Ord. 899 § 3 (part), 2006)

### 3.08.130~~140~~ Council Assembly meetings—Roll call.

- A. At the appointed time on the agenda the ~~city council~~ borough clerk shall call the roll of the ~~council assembly~~ members and the names of those present and absent shall be entered in the minutes.
- B. A roll call vote must be taken on passage of ordinances and expenditures when required by law, when requested by any assembly member, or when one or more members are participating telephonically.

(Ord. 899 § 3 (part), 2006)

### 3.08.140~~150~~ Council Assembly meetings—Addressing the ~~council assembly~~.

- A. Any person desiring to address the ~~city council~~ borough assembly shall have the right to address the ~~council assembly~~ upon first being recognized by the presiding officer.
- B. Each person addressing the ~~council assembly~~ shall give their name and ~~address who they represent~~ in an audible tone of voice and unless further time is granted by the ~~council assembly~~ presiding officer or the ~~council assembly~~, shall limit the address to five minutes. All remarks shall be addressed to the ~~council assembly~~ as a body and not to any individual ~~council assembly~~ member. No one shall be permitted to enter into any discussion without the permission of the presiding officer.
- C. When any group wishes to address the ~~council assembly~~ on the same subject matter, the presiding officer may request a spokesman be chosen by the group to address the ~~council assembly~~.
- D. After a public hearing has been closed and after a motion is made by the ~~council assembly~~, no one shall address the ~~council assembly on the topic of the hearing~~ without first securing the permission of the presiding officer to do so.
- E. Anyone making personal, impertinent or slanderous remarks, or who becomes boisterous or profane while addressing the ~~council assembly~~, shall be barred from further attendance at the meeting unless permission to continue is granted by a majority vote of the ~~council assembly~~.

(Ord. 899 § 3 (part), 2006)

### 3.08.150~~160~~ Council Assembly meetings—Decorum.

- A. While the ~~city council~~ borough assembly is in session, ~~council assembly~~ members must preserve order and decorum and no ~~council assembly~~ member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the ~~council assembly~~ or disturb any other ~~council assembly~~ member while speaking.

B. The chief of police or the chief's designee shall be ex officio sergeant-at-arms of the ~~council assembly~~ and shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the ~~council assembly~~ chambers.

C. Any person who uses boisterous or profane language at an ~~council assembly~~ meeting ~~or language tending to bring the council or any council member into contempt,~~ or any person who persistently interrupts the proceedings of the ~~council assembly~~, or refuses to keep quiet or take a seat when ordered to do so by the presiding officer, shall be barred from further attendance at the meeting for breach of decorum. To preserve decorum, the sergeant-at-arms shall eject any person from the ~~council assembly~~ chambers upon instruction of the presiding officer.

(Ord. 899 § 3 (part), 2006)

**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 immediately upon final passage.

**Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this 6<sup>th</sup> day of November, 2017.**

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**Mark Jensen, Mayor**

**ATTEST:**

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**Debra K. Thompson, Borough Clerk**

Adopted:  
Noticed:  
Effective: