

**PETERSBURG BOROUGH
ORDINANCE #2018-08**

**AN ORDINANCE PROVIDING FOR CHAPTER 3.76 OF THE MUNICIPAL CODE, ENTITLED
“ADMINISTRATIVE OFFICERS AND APPEALS PROCESS”, 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continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly.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 3.76, 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 3.76 of the former Petersburg City Code with amendments as noted herein, is hereby adopted as a Borough ordinance and shall read as follows:

Chapter 3.76 - ADMINISTRATIVE OFFICERS AND APPEALS PROCESS

Sections:

3.76.010	Purpose.
3.76.020	Applicability.
3.76.030	Administrative appointments.
3.76.040	Inability to perform.
3.76.050	Compensation.
3.76.060	Retirement benefits.
3.76.070	Employment contracts.
3.76.080	Administrative employee relations board established.
3.76.090	Appointment of members to the employee relations board.
3.76.100	Officers of the employee relations board.
3.76.110	Terms of members.
3.76.120	Removal of members.
3.76.130	Compensation for members of employee relations board.
3.76.140	Meetings.
3.76.150	Powers and duties of the employee relations board.

3.76.010 - Purpose.

The purpose of this chapter is to identify administrative officers of the ~~city~~Borough and provide an appeals process.

3.76.020 - Applicability.

A. These provisions shall apply to administrative officers of the ~~city~~Borough.

- B. The following positions are administrative officers for the [cityBorough](#): chief of police, [cityBorough](#) clerk, ~~human resources director~~/deputy [cityBorough](#) clerk, finance director, fire/EMS director, ~~city~~ [library director](#), parks and recreation director, ~~electric utility superintendent~~[utility director](#), harbormaster, public works director, ~~deputy public works director~~, elderly housing director, ~~information technology director~~ and community & economic development director/~~building official~~. The [cityBorough councilAssembly](#), by ordinance, may change, add or delete administrative positions.

3.76.030 - Administrative appointments.

The [cityBorough](#) manager shall make administrative appointments as needed to attain the most effective degree of unified action to achieve the objectives of [cityBorough](#) government.

3.76.040 - Inability to perform.

If, for any reason, an administrative officer becomes unable to perform or shall be prevented from performing the duties assigned to the position, the [cityBorough](#) shall have no obligation to continue payment of the employee's salary or compensation or any part thereof upon the expiration of all accrued leave.

3.76.050 - Compensation.

Compensation for administrative officers shall be determined by the [cityBorough councilManager](#) and approved by the [Assembly](#).

3.76.060 - Retirement benefits.

Administrative officers shall be eligible to participate in the Alaska public employees retirement system (PERS) as provided by the state of Alaska.

3.76.070 - Employment contracts.

The [cityBorough](#) manager may enter into written employment contracts with administrative officers that augment or add to [cityBorough](#) policies subject to the approval of the [cityBorough councilAssembly](#). No oral agreement or understanding shall be binding on the [cityBorough](#) unless reduced to writing, signed by the [cityBorough](#) manager and approved by the [cityBorough councilAssembly](#) and the administrative officer.

3.76.080 - Administrative employee relations board established.

There is established an advisory board to be known as the employee relations board, which is authorized to operate a grievance and appeals system and issue advisory reports to the [cityBorough councilAssembly](#), but it shall not have executive or judicial authority. It shall consist of three members.

3.76.090 - Appointment of members to the employee relations board.

One of the members of the employee relations board shall be appointed by election by a majority vote of the administrative officers of the [cityBorough](#). The second member of the board shall be appointed by the [cityBorough](#) manager. The third member of the board shall be appointed by the two other members heretofore designated.

3.76.100 - Officers of the employee relations board.

A chairperson, vice-chairperson and secretary of the board shall be selected from and by the members.

3.76.110 - Terms of members.

The term of a member of the employee relations board shall convene upon the filing of a grievance with the board and such term shall expire upon the issuance of an advisory report to the [cityBorough councilAssembly](#) outlining findings and recommendations with respect to the grievance.

3.76.120 - Removal of members.

A member of the employee relations board may be removed upon a vote of the other two members at a public meeting with reasonable notice to the [cityBorough councilAssembly](#) and the news media. The resulting vacancy shall be filled in the same manner in which the member was appointed.

3.76.130 - Compensation for members of employee relations board.

Members of the employee relations board shall serve without compensation, except that a member's expenses for travel, training and other miscellaneous out-of-pocket verified expenses shall be reimbursed subject to a budgetary appropriation by the [cityBorough councilAssembly](#).

3.76.140 - Meetings.

- A. The employee relations board shall establish rules of procedure and in the absence of any such rules, meetings shall be conducted pursuant to the current edition of Robert's Rules of Order.
- B. Two members shall constitute a quorum.

3.76.150 - Powers and duties of the employee relations board.

- A. The board shall have the responsibility to hear grievances filed by administrative officers by operating an employee relations grievance procedure, making investigations, conducting hearings with witnesses and issuing advisory reports to the [cityBorough councilAssembly](#).
- B. A majority vote by two members of the employee relations board constitutes a decision of the board.
- C. The employee relations board shall submit their findings to the [cityBorough councilAssembly](#) within sixty days of the presentation of the grievance. **The Assembly may establish procedures to address the board's findings, and may take further action at its discretion. An Assembly action, or the Assembly's failure to take action, under this Chapter shall not be considered an administrative decision, and is not subject to review by a court under Alaska Rule of Appellate Procedure 602(a)(2).**

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 _____ day of _____, 2018.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective: