

**PETERSBURG BOROUGH
ORDINANCE #2018-09**

**AN ORDINANCE AMENDING CHAPTER 3.38 OF THE MUNICIPAL CODE, ENTITLED
“PUBLIC WORKS DEPARTMENT”, TO REMOVE OPERATION RESPONSIBILITIES FOR
THE WATER UTILITY AND SEWER UTILITY FROM THE PUBLIC WORKS DIRECTOR
DUTIES**

Whereas, the borough assembly has directed the borough manager to reduce the number of borough employees through attrition, when possible, to reduce payroll expenses in these lean financial times; and

Whereas, current municipal code provides for the public works director to be the head of the water utility; and

Whereas, with the retirement of the borough’s electric superintendent in 2017, the borough manager has proposed a restructuring plan in which a utility director would be the head of the electric, water and sewer utilities; the public works director would be the head of the public works streets and roads division, motor pool, and the sanitation utility, and the assistant public works director position would be eliminated to reduce payroll expenses; and

Whereas, to effectuate the restructuring plan, amendments to a number of Borough Code ordinances will be required, including this Chapter 3.38.

Therefore, the Petersburg Borough Ordains, Chapter 3.38, Public Works Department, is hereby amended to remove operation responsibilities for the water utility and sewer utility from the public works director’s duties.

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 remove operation responsibilities for the water utility and sewer utility from the public works director’s duties.

Section 3. Substantive Provisions: Chapter 3.38 of the Petersburg Borough Municipal Code is adopted as amended (ordinance language proposed for deletion is struck through, and ordinance language proposed for addition is in colored text) and shall read as follows:

Chapter 3.38 - PUBLIC WORKS DEPARTMENT

Sections:

- 3.38.010** **Department established.**
- 3.38.020** **Public works director.**
- 3.38.030** **Duties and responsibilities.**
- 3.38.040** ~~**Motor pool fund advisory committee.**~~

3.38.010 - Department established.

There is established a public works department which shall be responsible for the operation of the streets and roads division, ~~the water/wastewater division~~, the sanitation division and the motor pool division. The public works department shall provide assistance to other departments and organizational units of the

~~cityBorough~~ so that the most effective degree of unified action may be attained in the achievement of ~~cityBorough~~ government objectives.

3.38.020 - Public works director.

- A. The public works director shall be the head of the public works department. The public works director is an administrative officer of the ~~cityBorough~~ appointed by the ~~cityBorough~~ manager, with the approval of the ~~city Assemblycouncil, to serve a term not to exceed five years with compensation to be from time to time determined by the city council.~~ An employment contract with an administrative officer may be terminated only for just cause.
- B. The public works director shall carry out the duties and responsibilities of the public works department under the supervision and control of the ~~cityBorough~~ manager.
- C. The public works director may select personnel to serve as employees of the department but all such appointments and the number thereof shall require prior approval of the ~~cityBorough~~ manager.
- D. The public works director may approve departmental expenditures in accordance with section 4.04.020A of the Borough Code, up to five thousand dollars. Expenditures exceeding that amount~~five thousand dollars~~ shall require prior approval of the ~~cityBorough~~ manager.

3.38.030 - Duties and responsibilities.

The public works department, through the public works director, shall be responsible for the operation of the streets and road division, ~~the water/wastewater division~~, the sanitation division and the motor pool division.

- A. The operation of the streets and roads division includes, but is not limited to:
 - ~~1. Operation and maintenance of the cemetery;~~
 - ~~2.1.~~ Street maintenance;
 - ~~3.2.~~ Sewer and water line maintenance, working in conjunction with the utility director;
 - ~~4.3.~~ Fire hydrant maintenance;
 - ~~5.4.~~ Development and maintenance of division safety programs and procedures; and
 - ~~6.5.~~ Preparation and administration of the annual budget for the division and preparation of recommendations for capital improvements.
- ~~B. The operation of the water/wastewater utility division includes:~~
 - ~~1. Operation of the water and wastewater treatment plants as provided by federal, state and local laws;~~
 - ~~2. Scheduling and performing maintenance as required for proper operation;~~
 - ~~3. Development and maintenance of safety programs and procedures; and~~
 - ~~4. Preparation and administration of the annual budget for the division and preparation of recommendations for capital improvements.~~
- ~~C. B.~~ The operation of the sanitation utility division includes:
 - 1. Operation of the solid waste collection and disposal system as provided by federal, state and local laws;
 - 2. Scheduling and performing maintenance as required for proper operation;
 - 3. Development and maintenance of division safety programs and procedures; and
 - 4. Preparation and administration of the annual budget for the division and preparation of recommendations for capital improvements.

~~D.C.~~ The operation of the motor pool division includes:

1. Operation of the motor pool division as provided by local policies and generally accepted principles of an internal service fund operation;
2. Scheduling and performing maintenance as required for proper operation;
3. Development and maintenance of division safety programs and procedures; and
4. Preparation and administration of the annual budget for the division and preparation of recommendations for operation of the motor pool and capital improvements.

~~3.38.040 – Motor pool fund advisory committee.~~

- ~~A. There is established a motor pool fund advisory committee which shall be advisory to the city council on policy matters relating to the operations of the motor pool fund of the municipality. The city council has not delegated directive or final approval authority to the committee. Committee actions are recommendations to the full city council, not final decisions on an issue. The committee shall not deal with matters that are administrative in character that have been delegated by the City Charter to the city manager, finance director or public works director.~~
- ~~B. The motor pool fund advisory committee shall consist of five members. The public works director and the power and light superintendent are ex-officio voting members. The other three members shall be appointed to staggered three-year terms by the mayor with the approval of the city council. One appointment shall be a member of the city council. Two appointments shall be persons who have experience in the acquisition, operation and maintenance of heavy equipment, in fleet management services or in the ownership/operation of a vehicle or equipment maintenance business. The committee shall elect a chair and a vice chair from among its members.~~
- ~~C. The public works director, his or her designee shall provide staffing for the motor pool fund advisory committee, provide public notice of committee meetings, prepare the meeting agenda and minutes of committee discussion and recommendations.~~
- ~~D. "Robert's Rules of Order", current edition, shall govern the parliamentary proceedings of the board to the extent not in conflict with City 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.~~
- ~~E. Three members shall constitute a quorum. A majority vote of the committee shall be necessary to carry any question.~~
- ~~F. 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.~~
- ~~G. 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.~~
- ~~H. The motor pool fund advisory committee shall not convene in regularly scheduled sessions, but will meet on a periodic basis upon request of the public works director or the chair of the committee. Notice~~

~~of meetings shall be given as required in subsection 3.10.020(B) of this Code. The committee may discuss topics not identified on the agenda presented by members of the committee or the public works director upon determination by a majority vote that an emergency exists, as defined by state law, or by a two-thirds vote that; (1) there is a need to take immediate action; and (2) that the need for action came to the committee's attention after the agenda was posted.~~

- ~~1. The motor pool fund advisory committee may review and make recommendations to the city council on policy matters relating to the operations of the motor pool fund, including, but not limited to:~~
- ~~1. The recommended annual budget for operations, maintenance and replacement of equipment valued over thirty thousand dollars;~~
- ~~2. Charges to be levied against other funds and third parties for operation and maintenance of equipment owned by the municipality;~~
- ~~3. Equipment replacement schedules and charges;~~
- ~~4. Proposed debt to be incurred by the motor pool fund; and~~
- ~~5. Other policy topics that may be referred to the committee by a motion approved by majority of the city council.~~

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: