

**PETERSBURG BOROUGH
ORDINANCE #2023-12**

**AN ORDINANCE AMENDING CHAPTER 4.08 OF THE FORMER CITY
OF PETERSBURG CODE TO ACCOUNT FOR BOROUGH FORMATION**

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continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the Assembly; and

WHEREAS, Chapter 4.08 of the former City of Petersburg Code, addressing the sale of Borough owned personal property and equipment, has not been updated in a number of years and requires changes in order to move it into the current municipal code, raise amounts to account for the increased value of goods since the last amendment, and update the means of allowable disposals to provide for online auctions.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Chapter 4.08 (*Selling*) of the Petersburg Municipal Code, is hereby amended as follows:

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 municipal code, account for the increased value of goods, and include provisions for online marketplaces.

Section 3. Substantive Provisions: Chapter 4.08, *Selling*, of the Petersburg Municipal Code is hereby amended as follows. The language proposed for addition is **underlined and bold**, and the language proposed for deletion is in [brackets] and struck through.

Chapter 4.08 - SELLING

4.08.010 - Competitive bidding required when.

The sale or other disposal of **borough** [city] owned personal property and equipment with an estimated value of **fifteen** [five] thousand dollars or more shall be through public competitive bidding. At least ten days' advance notice of the proposed sale shall be posted in three public places, **one of which may be the borough website**. The bidding shall be by public outcry auction, [or] sealed bid **or online government surplus marketplace, including govdeals.com**. In the event property or equipment is not sold **after public notice and competitive**

bidding [at auction], the borough [city] manager may dispose of the property or equipment in a manner which the manager determines is in the best interest of the borough [city].

4.08.020 - Council to prescribe conditions.

The borough assembly [city council] may prescribe the bidders' qualifications, terms of payment, terms of delivery and such other general, special or technical provisions as may be deemed appropriate.

4.08.030 - No Warranty [limited].

All borough-owned personal property and equipment are sold without warranty or guarantee [presentation] of any type or kind as to title, condition or fitness for a particular or specific purpose.

4.08.040 - Exceptions to competitive bidding.

A. The borough [city] manager is authorized to sell or dispose of personal property and equipment with an estimated value of less than fifteen [five] thousand dollars. Sale or disposal shall be in a manner which the manager determines is in the best interest of the borough [city].

B. Personal property and equipment that may be used by the borough as trade-in for similar new or used properties are exempt from the provisions of this chapter [public auction].

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 _____, 2023.

ATTEST:

Mark Jensen, Mayor

Debra K. Thompson, Borough Clerk

Adopted:

Noticed:

Effective: