

**PETERSBURG BOROUGH
ORDINANCE #2023-03**

**AN ORDINANCE PROPOSING AMENDMENTS TO THE HOME RULE CHARTER OF THE
PETERSBURG BOROUGH TO ALLOW BOROUGH EMPLOYEES, INCLUDING
EMPLOYEES WORKING AT PETERSBURG MEDICAL CENTER AND PETERSBURG
SCHOOL DISTRICT, TO SERVE ON CERTAIN BOROUGH BOARDS AND COMMISSIONS,
AND DIRECTING THAT THE PROPOSED CHARTER AMENDMENTS BE SUBMITTED TO
THE QUALIFIED VOTERS OF THE BOROUGH**

WHEREAS, Section 2.10A prohibits borough employees from serving on the borough assembly; and

WHEREAS, Sections 7.01D, 8.02C, and 9.02C apply the same prohibition to members of the Planning Commission, Petersburg School Board and PMC Hospital Board, respectively; and

WHEREAS, Petersburg is a small community, with a limited number of persons interested in sitting on a borough board or commission, which can be time-consuming with limited payment; and

WHEREAS, there is frequently an insufficient number of candidates on the annual borough ballot to fill all of the open seats on borough boards and commissions; and

WHEREAS, amending the charter to allow borough employees to serve on certain boards and commissions, but not including those which directly administer their employment, would expand the pool of available candidates without interfering with operations of these boards and commissions, and allow more borough residents to serve the community on elected boards and commissions; and

WHEREAS, Section 19.03 of the Borough Charter, which prohibits borough officials from participating in any official action in which the official, or official's household, has a substantial financial interest, already protects the Borough from potential conflicts of interest by officials; and

WHEREAS, Petersburg Borough Charter Section 18.02, entitled Election, specifies that any proposed charter amendment shall be submitted to the qualified voters of the Borough.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, that the following proposed amendments to the Home Rule Charter of the Petersburg Borough be submitted to the qualified voters of the Borough, as a single proposition, at the next regular or special election occurring more than 90 days after adoption of this ordinance.

Section 1. Classification: This is a non-code ordinance, however the proposed borough charter amendments set out below are of a permanent nature and, if approved by the voters, shall be reflected in the Petersburg Borough Charter.

Section 2. Purpose: The purpose of this ordinance is to propose charter amendments to the Borough voters which would allow borough employees to serve on certain borough boards and commissions.

Section 3. Substantive Provisions:

- a) Proposed Charter Amendment – Section 2.10A of the Charter: The language proposed for addition is in **bold and underlined**.

Article 2. The Assembly

Section 2.10 - Prohibitions.

A. *Other Public Offices, Employment or Contracts.* Except to the extent otherwise provided by state law **or this section**, no borough assembly member or the mayor shall hold any other elected borough office, any other compensated borough office or any borough employment during term of office, **except an assembly member or the mayor is permitted to work at the Petersburg School District or at the Petersburg Medical Center**. Other than membership on an appointed committee, board or commission, no borough assembly member or the mayor shall be hired or appointed to any compensated borough office or borough employment for a period of one year after vacating office, **except that an assembly member or the mayor is permitted to work at the Petersburg School District or at the Petersburg Medical Center**. The relationship of independent contractor for goods and services does not constitute employment for the purposes of this section.

- b) Proposed Charter Amendment – Section 8.02C of the Charter: The language proposed for addition is in **bold and underlined**.

Article 8. Education

Section 8.02 - Membership, Qualification and Term.

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C. The provisions of this Charter applicable to the assembly members and mayor apply to school board members to the extent permitted by state law, **except that a school board member may not work at the Petersburg School District, but is permitted to work at the Petersburg Medical Center or be employed in a position over which the borough manager has authority to hire under Section 4.02A of this Charter.**

- c) Proposed Charter Amendment – Section 9.02C of the Charter: The language proposed for addition is in **bold and underlined**.

Article 9. Medical Center

Section 9.02 - Membership, Qualification and Term.

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C. The provisions of this Charter applicable to the assembly members and mayor apply to hospital board members to the extent permitted by state law, **except that a hospital board member may not work at the Petersburg Medical Center, but is permitted to work at the Petersburg School District**

or be employed in a position over which the borough manager has authority to hire under Section 4.02A of this Charter.

d) Proposed Charter Amendment – Section 11.13 of the Charter: The language proposed for addition as new paragraph F is in **bold and underlined**.

Section 11.13 - Purchasing; Contracting.

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D. Business Dealings with the Borough. The assembly shall provide by ordinance the procedure whereby an officer or employee of the borough, who intends to have business dealings with the borough whereby he or she may derive income or benefits other than those provided as a remuneration for official duties or the duties of employment, shall file with the clerk a statement, under oath, setting forth the nature of such business dealings and his or her interest therein, not less than ten days before the date when action may be taken by the assembly or by any officer or agency of the borough upon the matter involved. Such statement shall be sufficient for continuing transactions of a similar or like nature for six months from the date of its filing.

E. Personal Interest. Borough officers, employees and elected officials shall not be eligible to sell, barter, or supply anything to the borough or purchase anything from the borough while holding office or employment or for a period of six months after leaving office or employment unless an invitation to submit sealed bids is published or an outcry auction is conducted, and the borough complies with all ordinance provisions regarding the acceptance or rejection of bids. This section shall not apply to things valued at less than \$5,000.00 or those things which the borough offers generally to the public (as for example, utility services) which shall be purchased or offered at prices or rates prevailing in the community and without discrimination.

F. Nothing in paragraphs D and E above is intended to prohibit an employee of the Borough from serving on a Borough board or commission, subject to the restrictions of sections 2.10A, 8.02C and 9.02C of this Charter.

e) Submittal to Voters: The proposition to be submitted to the voters shall read substantially as follows:

Proposition #___

Allowing borough employees to serve on certain borough boards and commissions

Shall Sections 2.10A, 8.02C, 9.02C, and 11.13 of the Petersburg Borough Charter be amended to allow borough employees to serve on the borough assembly, planning commission, hospital board and school board, except not on the board or commission which directly administers their employment?

- YES
- NO

If this proposition is approved, assembly members and members of the planning commission could work at the Petersburg Medical Center or School District; school board members could not work at the School District, but would be permitted to work at the Medical Center or in a borough position hired by the borough manager; and hospital board members could not work at the Medical Center, but would be permitted to work at the School District or in a borough position hired by the borough manager.

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 application to any person and circumstance shall not be affected.

Section 5. Effective Date: This ordinance shall be effective upon adoption. The proposed borough charter amendments set forth herein, if approved by the voters, shall become effective immediately upon certification of the election results.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of _____, 2023.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective: Ordinance effective upon adoption. Charter Amendment effective upon Voter Approval and Certification of Election Results.