

**PETERSBURG BOROUGH
ORDINANCE #2021-08**

**AN ORDINANCE TO REDUCE THE BOUNDARIES OF BOROUGH SERVICE
AREA NO. 1 BY REMOVING FREDERICK POINT EAST SUBDIVISION, AND
TO DIRECT THAT THE PROPOSED BOUNDARY AMENDMENT BE
SUBMITTED TO THE VOTERS RESIDING WITHIN THE SERVICE AREA AT
THE REGULAR ELECTION TO BE HELD ON OCTOBER 5, 2021, IN
ACCORDANCE WITH BOROUGH CHARTER SECTION 14.03B(1)-(2)**

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 election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg; and

WHEREAS, upon borough formation, Borough Service Area No. 1 was created, with boundaries coinciding with the boundaries of the prior City of Petersburg; and

WHEREAS, those prior City boundaries included Frederick Point East Subdivision (ASLS 83-32, Plat No. 84-5), which had been annexed to the City of Petersburg in 1978; and

WHEREAS, some property owners within Frederick Point East Subdivision have expressed a belief that Frederick Point East Subdivision has more in common with the portions of the Borough located outside of Service Area No. 1 than it does with the remainder of Service Area No. 1; and

WHEREAS, the Assembly has determined to put this matter before the Service Area voters in accordance with Borough Charter Sec. 14.03(B)(1)-(2), to have the voters consider whether to reduce the boundaries of Borough Service Area No. 1 to remove Frederick Point East Subdivision.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, as follow:

Section 1. Classification: This ordinance shall not be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to put before the voters residing within Service Area No. 1 a proposition as to whether to reduce the boundaries of the service area by removing Frederick Point East Subdivision.

Section 3. Substantive Provisions:

A) In accordance with Section 14.03B(1)-(2) of the Borough Charter, the Borough Clerk shall submit this ordinance, as a single proposition, to the qualified Borough voters residing within Borough Service Area No. 1 at the regular election to be held on October 5, 2021.

B) If approved by the voters in accordance with Borough Charter Sec. 14.03(B)(1)-(2), the boundaries of Borough Service Area No. 1 would be reduced by removing the area encompassed within Frederick Point East Subdivision, as demonstrated on Alaska State Land Survey (ASLS) 83-32 (recorded as Plat No. 84-5).

C) Borough Service Area No. 1 would, upon such amendment to its boundaries, continue to exercise the same powers that it exercised prior to the amendment.

D) A map demonstrating the existing boundaries of Service Area No. 1 and the boundaries of Frederick Point East Subdivision is attached hereto as Exhibit A. Upon approved boundary reduction, the boundaries of Borough Service Area No. 1 would be reduced by removing the area encompassed within Frederick Point East Subdivision.

E) In order to be considered approved by the voters, the boundary reduction must be approved by both:

1. A majority of the voters who will remain within the boundaries of Service Area No. 1 after the reduction; and

2. A majority of the voters residing in Frederick Point East Subdivision; if no voters reside within that area, the written consent of all owners of real property within the area shall be deemed sufficient in lieu of such voter approval. Such written consent must be received by the Borough Clerk on or before the date of the election.

The term "majority of the voters" shall mean a majority of the qualified voters casting a ballot on the proposition at the election.

F) The proposition to be submitted to the voters shall read substantially as follows, with the Borough Clerk to administratively insert the 2021 mill rate and tax information where indicated:

Proposition #1

Reduction in the Boundaries of Borough Service Area No. 1 to Remove Frederick Point East Subdivision

Shall the boundaries of Borough Service Area No. 1 be reduced by removing the area known as Frederick Point East Subdivision, as demonstrated by ASLS 83-32 (recorded as Plat No. 84-5)?

- Yes
 No

A "Yes" vote means that the area known as Frederick Point East Subdivision would be removed from Borough Service Area No. 1. If this proposition is approved, Frederick Point East Subdivision would become part of the area of the Borough located outside of any service area (unless subsequently included within a service area).

A "No" vote means that the area known as Frederick Point East Subdivision would remain within Borough Service Area No. 1.

For year 2021, the area wide mill rate in the Borough was [REDACTED], and the Service Area No. 1 mill rate was an additional [REDACTED] mills (including debt service). If this boundary amendment is enacted, Frederick Point East Subdivision would be taxed at the area wide mill rate only beginning with year 2022 (unless subsequently included within a service area).

The amount of real property taxes for year 2021 imposed upon all properties within Service Area No. 1 totaled \$ [REDACTED] (including both the area wide mill rate and the additional Service Area No. 1 mill rate). The real property taxes imposed on properties located within Frederick Point East Subdivision accounted for \$ [REDACTED] of those total taxes (\$ [REDACTED] for the area wide mill rate and \$ [REDACTED] for the additional Service Area No. 1 mill rate).

In order to be enacted, this boundary reduction must be approved separately by both:

1. A majority of the voters who will remain within the boundaries of Service Area No. 1 after the reduction; and
2. A majority of the voters residing in Frederick Point East Subdivision. [*or, if there are no such voters residing within that area, then:* The written consent, received by the Borough Clerk on or before the date of the election, of all owners of real property within Frederick Point East Subdivision.]

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 adoption. The proposed Borough Service Area No. 1 boundary reduction, if approved by the voters in accordance with Borough Charter Sec. 14.03(B)(1)-(2) and certified by the election judges, shall become effective at 12:01 am on January 1, 2022.

PASSED AND APPROVED by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of _____, 2021.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective: