

**PETERSBURG BOROUGH
ORDINANCE #2022-14**

**AN ORDINANCE UPDATING THE BOROUGH CODE TO PROVIDE
FOR ELDERLY HOUSING AND ASSISTED LIVING DIRECTORS AT
MOUNTAIN VIEW MANOR**

WHEREAS, the Borough operates the Mountain View Manor complex, which has separate elderly housing and assisted living facilities; and

WHEREAS, the Manor currently has one administrative officer who is tasked with overseeing both the elderly housing facility and the assisted living facility; and

WHEREAS, while both facilities have older residents, they serve different purposes and operate under substantially different regulatory rules and guidelines; and

WHEREAS, the Assembly considers it in the best interests of the Borough to now separate out the administrative duties and responsibilities at Mountain View Manor, so that the elderly housing facility and the assisted living facility have separate directors; and

WHEREAS, Chapter 3.58 additionally requires updating to account for borough formation.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Chapter 3.58, Section 3.76.020 and Chapter 14.30 of the Petersburg Municipal Code (PMC) are hereby amended, and a new PMC Chapter 3.60 is hereby adopted, 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 municipal code to separate out the administrative duties and responsibilities of the Mountain View Manor elderly housing and assisted living facilities, and to update the language of Chapter 3.58 to account for borough formation.

Section 3. Substantive Provisions: Chapter 3.58 (*Elderly Housing Department*), Section 3.76.020 (*Administrative Officers and Appeals Process - Applicability*), and Chapter 14.30 (*Mountain View Manor Elderly Housing and Assisted Living Facility*) of the Petersburg Borough Municipal Code (PMC) are hereby amended, and a new PMC Chapter 3.60 (*Assisted Living Department*) is hereby adopted, as follows. The language proposed for addition is in red and underlined, and the language proposed for deletion is in blue and struck through.

A. Amendment.

Section 3.76.020 (*Administrative Officers and Appeals Process - Applicability*)

3.76.020 - Applicability.

A. [There are no amendments to paragraph A]

B. The following positions are administrative officers for the borough: chief of police, borough clerk, deputy borough clerk, finance director, fire/EMS director, library director, parks and recreation director, utility director, harbor master, public works director, Mountain View Manor elderly housing director, Mountain View Manor assisted living facility (~~elderly housing/assisted living facility~~) director, assisted living registered nurse, and community and economic development director. The borough assembly, by ordinance, may change, add or delete administrative positions.

B. Amendment.

Chapter 3.58 (*Elderly Housing Department*)

3.58.010 - Department established.

There is established an elderly housing department which shall be responsible for the proper operation of the borough city's elderly housing facilities. The scope of the department activities may include but is not limited to: the management and maintenance of ~~an~~ elderly housing facilities ~~iesy complex and an assisted living and retirement community complex~~; management and control of the operation and maintenance expenditures of the elderly housing ~~and assisted living~~ funds; and the management responsibility for state and federal requirements for tenant occupancy.

3.58.020 - Elderly housing director.

A. The elderly housing director is an administrative officer of the borough city appointed by the borough city manager, with the approval of the borough assembly city council, ~~to serve a term not to exceed five years~~ with compensation to be determined from time to time by the borough assembly city council. An employment contract with an administrative officer may be terminated only for just cause.

B. The elderly housing director shall carry out the duties and responsibilities of the elderly housing department under the supervision and control of the borough city manager.

C. The elderly housing 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 borough city manager.

D. The elderly housing director may approve departmental expenditures in accordance with subsection 4.04.020 A of this Code. ~~up to five thousand dollars. Expenditures exceeding five thousand dollars shall require prior approval of the city manager.~~

3.58.030 - Duties and responsibilities.

It shall be the duty of the elderly housing department, through the elderly housing director to:

A. Be responsible for the proper operation and maintenance of the elderly housing ~~and assisted living~~ facilities as outlined by local, state and federal regulations;

[There are no amendments to paragraph B]

C. Schedule and perform maintenance of the ~~facilities~~ complexes as required for optimal operation;

[There are no amendments to paragraphs D and E]

F. Perform other duties related to the operation and maintenance of the housing facilities as may be assigned by the ~~borough~~ city manager.

C. New Chapter.

Chapter 3.60 (*Assisted Living Department*)

Chapter 3.60 - ASSISTED LIVING DEPARTMENT

Sections:

3.60.010 - Department established

3.60.020 - Assisted Living director

3.60.030 - Duties and responsibilities

3.60.010 - Department established.

There is established an assisted living department which shall be responsible for the proper operation of the borough's assisted living facilities. The scope of the department activities may include but is not limited to: the management and maintenance of assisted living facilities; management and control of the operation and maintenance expenditures of the assisted living funds; and the management responsibility for state and federal requirements for occupancy.

3.60.020 - Assisted Living director.

A. The assisted living director is an administrative officer of the borough appointed by the borough manager, with the approval of the borough assembly, with compensation to be determined from time to time by the borough assembly. An employment contract with an administrative officer may be terminated only for just cause.

B. The assisted living director shall carry out the duties and responsibilities of the assisted living department under the supervision and control of the borough manager.

C. The assisted living 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 borough manager.

D. The assisted living director may approve departmental expenditures in accordance with subsection 4.04.020 A of this Code.

3.60.030 - Duties and responsibilities.

It shall be the duty of the assisted living department, through the assisted living director to:

A. Be responsible for the proper operation and maintenance of the assisted living facilities as outlined by local, state and federal regulations;

B. Budget and control the expenditures in the assisted living funds and make recommendations regarding rental rate adjustments and potential revenue sources;

C. Schedule and perform maintenance of the facilities as required for optimal operation;

D. Develop and maintain safety programs and procedures for the residents, employees and physical plants and facilities;

E. Plan for future improvements and equipment replacement necessary for the optimal operation and maintenance of the assisted living facilities; and

F. Perform other duties related to the operation and maintenance of the assisted living facilities as may be assigned by the borough manager.

D. Amendment.

Chapter 14.30 (*Mountain View Manor Elderly Housing and Assisted Living Facility*)

Chapter 14.30 - Mountain View Manor Elderly Housing And Assisted Living Facilities

14.30.010 - Background information, purpose and intent of this chapter.

A. Mountain View Manor (~~hereinafter, the "facility"~~) consists of~~is an~~ elderly housing and assisted living facilities owned and operated by the Petersburg Borough. The older portion of the complex facility, constructed in 1982, consists of low and moderate income elderly housing units, where the rent is subsidized by the U.S. Department of Housing and Urban Development (HUD). The newer portion of the complex facility, constructed in 2004, consists of assisted living housing units. Federal or state subsidized eligible residents pay monthly rent based on their individual income qualification determinations.

[*There are no amendments to paragraph B*]

C. This chapter is intended to establish rents and service charges for the facilities that will provide revenues to sustain operation and maintenance expenses ~~of the facility~~. This

chapter is also intended to provide regulations for the operation of the facilities for circumstances where the authority to prescribe regulations is not pre-empted by law or regulation of the state or federal governments.

14.30.020 - Elderly housing rental rates.

[There are no amendments to section 14.30.020]

14.30.030 - Assisted living rental rates, food and service charges.

A. Residents of the assisted living units with independent care plans shall pay monthly rent at a rate set by the joint discretion of the finance director and ~~facility elderly housing/assisted living~~ director.

[There are no amendments to paragraphs B and C]

D. The ~~elderly housing/~~assisted living director may increase the number of Medicaid assisted living units when there are no potential self-pay tenants on the waiting list.

14.30.040 - Additional services.

[There are no amendments to section 14.30.040]

14.30.050 - Billing or payment errors—Refunds and rebates.

A. The finance director and ~~facility elderly housing/assisted living~~ director may, by joint action, issue a refund to a resident in the event of an error in billing or payment of rental rates or service charges. Any such claim of error shall be promptly submitted in writing to the director or the director's designee.

[There are no amendments to paragraphs B and C]

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 _____, 2022.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective: