

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2011-18

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, AMENDING CHAPTER 2.19
POLICE AND FIRE COMMISSION AT SECTION 2.19.080 ORGANIZATION TO MAKE THIS
CODE SECTION CONSISTENT WITH THE POLICE AND FIRE COMMISSION BYLAWS.

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.
2. **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 or circumstances shall not be affected.
3. **PURPOSE.** To make SGC 2.19.080 consistent with the Police and Fire Commission bylaws and to make clerical edits.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 2.19.080 Organization is amended as follows (new language underlined; deleted language stricken):

2.19.080 Organization.

C. Permanent records or minutes shall record ~~the votes of every member of each question and copies of the minutes shall be delivered to all members of the assembly and the municipal administrator~~ whether the question passed or failed and the vote tally when applicable. Copies of the minutes shall be delivered to members of the commission and to the Clerk's Office for distribution to the Assembly and the public.

5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 24th day of May, 2011.

Cheryl Westover, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

SITKA POLICE AND FIRE COMMISSION

Memo

TO: Colleen Ingman, City Clerk
From: Gail J. Peterson, Contract Secretary
Date: 4-9-2011
RE: PFC Review of Ord 83-579

At the April 6, 2011 Regular Meeting of the Sitka Police and Fire Commission, Commissioners reviewed Ord 83-579.

One spelling error was noted: 4. Enactment (A) "Chpater" should read **Chapter**.

The only other revision, as previously noted, would be to make the ordinance consistent with the Bylaws under voting procedures. The recently updated Bylaws were revised to reflect the practice that not every vote is by roll call; the Chair has the discretion to call for a roll call vote.

No additional substantive revisions were recommended by Police & Fire Commissioners.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 83-579

AN ORDINANCE OF THE CITY AND BOROUGH
OF SITKA, ALASKA SETTING FORTH THE
FUNCTIONS OF THE POLICE & FIRE
COMMISSION, REPEALING CERTAIN
INCONSISTENT ORDINANCES AND AMENDING
THE PERSONNEL POLICY TO DELETE THE
POLICE & FIRE COMMISSION AS A
GRIEVANCE HEARING BOARD

1. CLASSIFICATION. This ordinance is of a general and permanent nature and shall become a part of the SITKA GENERAL CODE.

2. SEVERABILITY. If any provision of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

3. PURPOSE. The voters recently enacted a Charter amendment making the Police & Fire Commission an advisory board. This ordinance is intended to guide the Commission in its new role. Also several redundant, outmoded or inconsistent sections of Chapter 2, Administration, of the SITKA GENERAL CODE are deleted. The Police & Fire Commission is also dropped as a grievance hearing board in the personnel policy.

4. ENACTMENT.

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

[A] A new Chapter 2.19 is hereby enacted to the Sitka General Code to read as follows:

CHAPTER 2.19

POLICE AND FIRE COMMISSION

2.19.010 There shall be a municipal Police & Fire Commission as established by Section 7 of the municipal charter. The police and fire chiefs shall be ex-officio members without vote.

2.19.020 Oath. Before entering upon the performance of their duties, each member of the commission shall take and subscribe to an oath to support the Constitution of the United States and the State of Alaska and to faithfully strive to obey and carry into effect the duties imposed by law and ordinances of the City and Borough of Sitka.

2.19.030 Compensation. Members of the commission shall not receive compensation for services performed as commissioners.

2.19.040 Filling Vacancies. In the event of a vacancy on the commission caused by death, resignation, inability to serve, or any other reason, before the expiration of the term of any member, the assembly shall appoint a person to fill such vacancy for the unexpired term.

At the time of the vacancy, the assembly shall give

fifteen days public notice that there is a vacancy on the commission and that interested persons may inform the assembly that they are willing to serve. The assembly is not, however, limited to those applying when appointing members. All applicants may be subjected to a background check and must be prepared to answer any questions the assembly might ask.

2.19.050 Attendance. A member's position on the commission shall automatically be vacated if the member fails to attend three regular meetings within 12 months without being excused by the commission. If any member wishes an excused absence of longer than 90 days, they shall inform the commission and if the absence is excused by the commission, the position shall be temporarily filled during the absence. The temporary replacement shall be assigned by the assembly.

2.19.060 Removal. The assembly may remove a member of the commission for cause.

2.19.070 Removal - Definition. The assembly may remove a member of the commission as follows:

- A. For good cause shown, the assembly may remove a member upon 15 days notice of removal to the member. The notice shall set forth in detail when the alleged grounds for removal will become effective;
- B. The commission member may appeal the proposed removal. Appeal shall be public unless the commission member requests otherwise and the assembly concurs. Notice of appeal must be given to the assembly no later than 10 days prior to the date the removal is to be effective. The hearing shall be held prior to the effective date of removal if reasonably possible. If a proposed removal is appealed, the removal shall not become effective until after the assembly decision on the appeal. Following an appeal hearing, assembly action of removal shall not take place unless it is authorized by affirmative assembly vote;
- C. As used herein, "good cause" means a just, not arbitrary cause; one based on a showing of lack of competency or performance to the detriment of the public interest.

2.19.080 Organization.

- A. The commission shall organize by annually electing a chairman at the first regular meeting in the month of January. The commission shall adopt by-laws for the conduct of its business, provided that 3 members of the commission shall constitute a quorum for the transaction of business and 3 affirmative votes shall be necessary to carry any question.
- B. Commission meetings shall be held in the City and Borough of Sitka at least once each month.
- C. Permanent records or minutes shall record the votes of every member of each question and copies of the minutes shall be delivered to all members of the assembly and the municipal administrator.
- D. The commission shall act as a body and not through individual members.
- E. All meetings shall be open to the public except that the following may be discussed in executive session, (however, no member of the assembly or the municipal administrator wishing to attend shall be excluded

from an executive session).

1. Matters, the immediate knowledge of which would adversely affect the finances of the municipality.
2. Subjects that tend to prejudice the reputation and character of any person; provided the person may request a public discussion.
3. Matters which by law, municipal charter, or ordinance are required to be confidential.

2.19.090 Duties. The Police & Fire Commission shall:

- A. The Police & Fire Commission shall advise the assembly concerning police and fire department matters, make recommendations concerning public safety, and undertake such other duties as the assembly may assign.
- B. Aid in the public relations efforts of each department.
- C. Make, through the administrator, such periodic or special reports as requested by the assembly.
- D. Advise the administrator or assembly on such other matters as may be requested, such as hold hearings, or act as a screening committee for applicants for the position of chief of either department.

[B] BE IT FURTHER ENACTED that the following sections of the SITKA GENERAL CODE are hereby repealed:


1. Section 2.20.030 (A) Fire Chief Appointment.
2. Section 2.08.060 Police and Fire Department
3. Section 2.08.090 Hospital Board
4. Section 2.08.100 Library Board
5. Delete the final sentence of Section 2.20.020(D), which begins, "For this purpose...".

[C] BE IT FURTHER ENACTED that the following words are hereby deleted from Section 20.2 (C) of the City and Borough of Sitka Personnel Policy, 1983 Edition, "...the controlling board, or commission...".


[D] BE IT FURTHER ENACTED that the following words are hereby deleted from Section 20.2 (d) of the City and Borough of Sitka Personnel Policy, 1983 Edition, "...controlling board, or commission...",

5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 22nd day of NOVEMBER, 1983.


John E. Dapcevich, Mayor

A T T E S T:


Dolores Ingwersen, Clerk