

## CITY AND BOROUGH OF SITKA

### ORDINANCE NO. 2021-31

#### AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 2 "ADMINISTRATION" OF THE SITKA GENERAL CODE BY DELETING CHAPTER 2.12 "CITY AND BOROUGH OF SITKA HOSPITAL BOARD", CHAPTER 2.14 "HISTORIC TRUST BOARD" AND CHAPTER 2.64 "SEAFOOD PROCESSING ECONOMIC DEVELOPMENT COMMITTEE" AND UPDATING CHAPTER 2.16 "LIBRARY COMMISSION"

**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 circumstance shall not be affected.

**3. PURPOSE.** The purpose of this ordinance is to clean up Sitka General Code (SGC) Title 2, Administration, by removing two Boards and one Committee, which have been identified as no longer active or required for the City and Borough of Sitka, and to update one Commission to correctly identify the members needed for a quorum.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 2, entitled "Administration", be amended by deleting Chapter 2.12, entitled "City and Borough of Sitka Hospital Board", Chapter 2.14, entitled "Historic Trust Board" and Chapter 2.64, entitled "Seafood Processing Economic Development Committee", and updating Chapter 2.16, entitled "Library Commission", to read as follows (deleted language stricken, new language underlined):

#### Title 2 ADMINISTRATION

##### Chapters:

- 2.04 City and Borough Assembly
- 2.08 City and Borough Departments
- 2.10 Defense and Indemnification of Officers and Employees
- ~~2.12 City and Borough of Sitka Hospital Board~~
- 2.13 Health Needs and Human Services Commission
- ~~2.14 Historic Trust Board~~
- 2.16 Library Commission

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- ~~2.64 Seafood Processing Economic Development Committee~~

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#### ~~Chapter 2.12~~

## **CITY AND BOROUGH OF SITKA HOSPITAL BOARD**

### Sections:

- ~~2.12.010 City and borough of Sitka hospital board.~~
- ~~2.12.020 Oath.~~
- ~~2.12.030 Compensation.~~
- ~~2.12.040 Filling vacancies.~~
- ~~2.12.060 Removal—Definition.~~
- ~~2.12.070 Organization.~~
- ~~2.12.080 Duties and powers.~~
- ~~2.12.090 Receipts and disbursements.~~
- ~~2.12.100 Reports.~~

### **2.12.010 City and borough of Sitka hospital board.**

~~There shall be a board known as the city and borough of Sitka hospital board which shall consist of five voting members none of whom will be employees of Sitka Community Hospital:~~

~~A. The city and borough of Sitka municipal administrator will appoint a nonvoting, ex-officio member of the CBS senior staff as well as an alternate. This position will be approved by the assembly. This person will not hold any board office, such as chair or secretary. This term will not expire.~~

~~B. A person having professional financial experience such as a certified public accountant, auditor, or financial analyst. This is a three-year term.~~

~~C. A person having professional healthcare experience, such as a physician, nurse, physical therapist or close equivalent. This is a three-year term.~~

~~D. Three people from the community at large. These are two-year terms.~~

~~There shall also be two additional nonvoting, ex-officio members:~~

~~A. A member of the Sitka Community Hospital chief medical staff will be elected each December by SCH medical staff.~~

~~B. An assembly member who will serve as liaison. Appointed each October.~~

### **2.12.020 Oath.**

~~Before entering upon the performance of their duties, each member of the board shall take and subscribe to an oath to support the Constitutions 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.~~

### **2.12.030 Compensation.**

~~Members of the board shall not receive compensation for services performed as board members, and shall not be considered officers of the municipality.~~

### **2.12.040 Filling vacancies.**

~~In the event of a vacancy on the board caused by death, resignation, inability to serve, or any other reason, before the expiration of the term of any member the assembly shall appoint some person to fill such vacancy for the unexpired term. At the time of a vacancy, the assembly shall give fifteen days' public notice that there is a vacancy on the city and borough of Sitka hospital board and that interested persons may inform the assembly that they are willing to serve. The assembly is not limited, however, to those applying when appointing members.~~

**2.12.060 Removal- Definition:**

~~The assembly may remove a member of the board as follows:~~

~~A. For good cause shown, the assembly may remove a member of the board upon fifteen days' written notice of removal to the board member. The notice shall set forth in detail what the alleged grounds for the removal are;~~

~~B. The board member may appeal the proposed removal. Appeal shall be to the assembly. Hearing on the appeal shall be public unless the board member requests otherwise and the assembly concurs. Notice of appeal must be given to the assembly no later than ten 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.~~

**2.12.070 Organization:**

~~The board shall organize itself by electing a president, vice president and secretary who shall hold their offices as provided by hospital board by laws.~~

~~A. The board shall adopt by laws for the conduct of its business; provided, that three voting members of the board shall constitute a quorum for the transaction of business, and three affirmative votes shall be necessary to carry any questions;~~

~~B. Board meetings shall be held in the city and borough at least once each month;~~

~~C. The board shall cause a record of proceedings to be kept. A copy of that record shall be delivered to the assembly in a timely manner;~~

~~D. All meetings are subject to the Alaska Open Meetings Act. All meetings shall be open to the public. No member of the assembly wishing to attend shall be excluded from an executive session.~~

**2.12.080 Duties and powers:**

~~The city and borough of Sitka hospital board shall:~~

~~A. Review and make recommendations to the assembly for proper maintenance of the Sitka Community Hospital building(s) and grounds thereof for all projects in excess of twenty-five thousand dollars;~~

~~B.—Review and make recommendations through the municipal administrator to the assembly of all hospital construction and architectural contracts prior to assembly approval. All such contracts will be executed in the name of the city and borough;~~

~~C.—Review and make recommendations through the municipal administrator to the assembly for development and approval of any new hospital construction and improvements;~~

~~D.—Have the authority to solicit grants and funds from any sources for the furtherance of the main purposes. Any solicitations from federal or state agencies shall, however, have prior approval of the municipal administrator. The board shall keep the municipal administrator advised of grants and funds being sought;~~

~~E.—Subject to approval of the assembly, make rules and regulations for the administration of the hospital;~~

~~F.—Have the power to adopt personnel policies for hospital employees subject to annual review by the assembly during May of each year;~~

~~G.—Appoint or remove the hospital administrator subject to the personnel regulations of the Sitka Community Hospital as the assembly from time to time may approve;~~

~~H.—At its discretion, organize and seek volunteers to operate and staff a community fund drive for hospital purposes.~~

**2.12.090 Receipts and disbursements.**

~~A.—The hospital accounts receivable shall be the property of the municipality and shall be deposited in a local bank. Such account shall be known as the Sitka Community Hospital general fund account. Such fund shall be used for no purpose other than in connection with hospital operations.~~

~~B.—The hospital administrator and the mayor shall sign general fund checks. In the absence of the administrator of the hospital, or the mayor, checks shall be signed in accordance with Section 11.13(b) of the municipal Charter.~~

~~C.—The hospital may open a patient refund account. This account shall contain moneys belonging to patients to whom refunds of money are due after payment in full of their account. Overpayments of third party payors shall be deposited directly to this account. The hospital administrator and the mayor shall sign checks on this account. In the absence of either the administrator of the hospital or the mayor, or both, checks shall be signed in accordance with Section 11.13(b) of the municipal Charter. Appropriate bonding will be determined by the hospital board.~~

~~D.—The full amount budgeted for hospital purposes shall be made available to the hospital on a schedule determined by the hospital administrator subject to approval of the schedule by the municipal administrator.~~

~~E.—The hospital board may make acquisitions or contracts that the city and borough administrator or his or her designee would be authorized to make pursuant to Chapter 3.16.~~

**2.12.100 Reports.**

The city and borough of Sitka hospital board shall:

A.—On or before April 1st of each year, submit to the municipal administrator a detailed and itemized budget for the next fiscal year;

B.—Provide the assembly with quarterly operations reports, which shall be sent to the assembly through the municipal administrator and/or municipal finance director;

C.—Submit to the assembly, through the municipal administrator, such periodic or special reports as requested by the assembly.

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**Chapter 2.14**  
**HISTORIC TRUST BOARD**

Sections:

2.14.010—Historic trust board established—Membership.

2.14.020—Organization and operation.

2.14.030—Duties and powers.

2.14.040—Receipts and disbursements.

2.14.050—Reports.

**2.14.010 Historic trust board established Membership.**

There shall be a board known as the historic trust board which shall consist of five members all of whom shall serve terms of three years. The present members shall continue their terms and expiration of terms shall be staggered based upon termination or resignation of members. No person may serve on the board for more than two consecutive terms.

**2.14.020 Organization and operation.**

The organization and operation of the board shall be determined by its members. Its operation shall be governed by the provisions in Chapter 2.60 of this code.

**2.14.030 Duties and powers.**

The historic trust board shall:

A.—Have general supervision and care of buildings and grounds assigned to it and the power to do everything necessary for proper maintenance and operation thereof within the limits and appropriations authorized by the assembly;

B.—Review and make recommendations through the municipal administrator to the assembly for reconstruction and repair of all properties given to the board for supervision. All contracts will be executed in the name of the city and borough of Sitka;

C.—Review and make recommendations through the municipal administrator to the assembly for development and approval of any new improvements or construction to those properties given to their supervision;

~~D.—Have the authority to solicit grants and funds from any source for the furtherance of the main purposes. Any solicitations shall have the prior approval of the municipal administrator;~~

~~E.—Subject to approval of the assembly make rules and regulations for the administration and control of those properties entrusted to their care;~~

~~F.—Other properties may be added to the control and supervision of the board as the assembly shall direct;~~

~~G.—All tenants and rental agreements shall receive the prior approval of the assembly. It is not the assembly's intent to compete with the private rental market and nonprofit or public tenants will be favored.~~

**2.14.040 Receipts and disbursements.**

~~A.—The trust receipts shall be the property of the municipality. A fund shall be known as the Sitka historic trust account and shall be used for no purpose other than and in connection with trust operations.~~

~~B.—The municipal administrator and mayor shall sign general trust checks. In the absence of the administrator or the mayor the checks shall be signed in accordance with Section 11.13 (B) of the municipal charter.~~

~~C.—Disbursements from trust accounts shall be by check only but shall not be made unless approved by the trust board and by the assembly.~~

~~D.—The full amount budgeted for the historic trust purposes shall be made available to the trust on a schedule determined by the administrator.~~

~~E.—Within the limits of budgeted amounts the board may incur expenses. Bills shall not be paid, however, unless they have been approved by the assembly under the same procedures as ordinary bills.~~

~~F.—Nonoperational items with a unit cost in excess of two thousand dollars shall be approved by the assembly prior to any liability being incurred.~~

**2.14.050 Reports.**

~~The historic trust board shall:~~

~~A.—On or before March 1st each year submit to the municipal administrator a detailed and itemized estimate of the probable revenues and a detailed and itemized budget for the next fiscal year;~~

~~B.—Provide the assembly with quarterly operations reports which shall be sent to the assembly through the municipal administrator;~~

~~C.—Submit to the assembly through the municipal administrator such periodic and special reports as requested by the assembly.~~

**Chapter 2.16**  
**LIBRARY COMMISSION**

Sections:

- 2.16.010 Board of library commissioners.
- 2.16.020 Oath.
- 2.16.030 Compensation.
- 2.16.040 Filling vacancies.
- 2.16.060 Removal.
- 2.16.070 Organization.
- 2.16.080 Duties.
- 2.16.090 Library property.

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**2.16.070 Organization.**

The board shall organize by electing a chairman and secretary who shall hold their offices for such time as the board by resolution may prescribe.

- A. The board shall adopt by-laws for the conduct of its business; provided that ~~three~~four members of the board shall constitute a quorum for the transaction of business, and ~~three~~ four affirmative votes shall be necessary to carry any questions;
- B. Board meetings shall be held in the city and borough at least once each month;
- C. Permanent records or minutes shall record the votes of every member on each question and copies of the minutes shall be delivered to all members of the assembly and to the municipal administrator;
- D. 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.

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**Chapter ~~2.64~~**  
**~~SEAFOOD PROCESSING ECONOMIC DEVELOPMENT COMMITTEE~~**

Sections:

- ~~2.64.010 Established Membership Terms.~~
- ~~2.64.020 Compensation.~~
- ~~2.64.030 Filling vacancies.~~
- ~~2.64.040 Organization.~~

~~2.64.050—Duties.~~

**2.64.010 Established-Membership-Terms.**

~~There shall be established a committee to be known as the seafood processing economic development committee which shall consist of five members, with three of the members being the members of the Sitka investment committee. The other two members shall be appointed by the assembly for terms of three years, with one member who is a current or former professional of a financial institution, and the other member who is a current or former worker or manager involved in the seafood industry. The city and borough finance director shall be an ex-officio member of this committee.~~

**2.64.020 Compensation.**

~~Members of the seafood processing economic development committee shall not receive compensation for services performed as committee members.~~

**2.64.030 Filing vacancies.**

~~In the event of a vacancy on the committee 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 vacancy the assembly shall give public notice of no less than three days that there is a vacancy on the committee and that interested persons may inform the assembly of their willingness to serve. The assembly is not, however, limited to those applying when appointing members. The seafood processing economic development committee shall have the power to suggest people to fill the vacancy and shall have the right to make recommendations for and against a person nominated to the position.~~

**2.64.040 Organization.**

~~The committee shall organize itself by electing a chair and secretary and shall schedule meetings as required, but in no event shall meetings be held less than every six months. Minutes of all meetings shall be furnished to the office of the clerk.~~

**2.64.050 Duties.**

~~The seafood processing economic development committee shall:~~

~~A.—Recommend appropriate criteria for awarding funds to seafood processing operations that shall be subject to assembly approval, in addition to the following requirements:~~

- ~~1.—Seafood processors and directly related industries are eligible to apply for grants, including operations that process seafood, seafood by-products and seafood waste;~~
- ~~2.—Grants up to three hundred fifty thousand dollars may be available to seafood processors and directly related industries;~~
- ~~3.—All grantees shall be required to demonstrate that the funds should result in either of the following in order to be eligible for grant funds:
  - ~~a.—Increase in raw fish taxes paid to the city and borough of Sitka based on the funding of the grant application; or~~~~



~~b. Increase in seafood processing production within the city and borough of Sitka;  
and~~

~~4. Grant funds can only be used as a fifty-fifty match for the grantee's proposal, allowing  
use of federal and state funds for the match;~~

~~B. Make recommendations to update the criteria for awarding and monitoring funds;~~

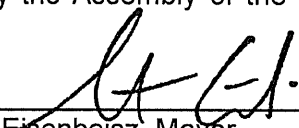
~~C. Monitor current economic development fund awards to determine if they meet the criteria  
set out in this section and any criteria proposed by the committee and approved by the  
assembly; and~~

~~D. Review and recommend actions to be taken on grant applications.~~


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

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of  
Sitka, Alaska, this 28<sup>th</sup> day of September, 2021.

  
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Steven Eisenbeisz, Mayor

ATTEST:

  
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Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading 9/14/2021

2<sup>nd</sup> and final reading 9/28/2021

Sponsor: Administrator