

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE CHAPTER 2.40 AND SECTION 2.50.040 TO AUTHORIZE THE MANAGER TO APPOINT THE POLICE CHIEF, TO MODIFY THE DUTIES OF THE POLICE CHIEF, AND TO MAKE THE HIRING OF POLICE AND CORRECTIONAL OFFICERS SUBJECT TO STATE LAW.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 2.40.010. Haines Borough Code 2.40.010 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

**2.40.010 Police department organization – Appointment of chief.**

~~There shall be a police department, the head of which shall be the police chief who shall be appointed by the **manager subject to confirmation by the Assembly and who shall hold office at the discretion of the manager** assembly. The number of regular policemen shall be determined by the assembly, but hired by the manager or as authorized in writing to be delegated to the police chief. There shall also be a force of reserve policemen not to exceed eight in number appointed by the chief, subject to approval by the manager, who shall have all powers vested in the regular policemen and shall assist the chief. The reserve force shall adopt bylaws to govern its internal management, membership and organization; but bylaws shall not limit the powers of the police chief who is accountable to the borough assembly.~~

Section 5. Amendment of Section 2.40.030. Haines Borough Code 2.40.010 is amended, as follows:

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**2.40.030 Chief of police.**

The police chief shall be the commanding officer of the police force. The chief shall:

A. Be responsible for the enforcement of law and order **Attempt to apprehend, arrest, and bring to justice all violators of federal, state, or borough law;**

B. **Establish a set of rules and regulations governing the discipline, training, and operation of the department** Direct the police training and police work of the department;

C. **Provide a community contract jail** Arrange for the attendance of one or more police officers at every fire within the townsite service area, to preserve order and to prevent theft and destruction;

D. **Provide or oversee animal control services** Cause the streets and alleys of the townsite service area to be inspected regularly, and cause all nuisances, obstructions or

impediments therein to be removed, and cause offenders to be prosecuted when necessary to abate such nuisances;

~~E. **Attempt to generally keep the peace** Observe and report immediately to the public works department all defects and want of repair in streets, sidewalks, signs and all defective street lights;~~

~~F. **Serve warrants, writs, executions, and other processes properly directed and delivered to it** Receive and deliver all notices and papers to members of the borough assembly, manager and officers appointed by either, when requested by the borough clerk, and make due return thereof;~~

~~G. **Supervise all activities of the department** Be responsible for the maintenance and care of all property used by the police department;~~

~~H. M. Perform such other duties as shall be required of the chief **as may be specified in this Code or** by the manager;~~

~~Investigate, or cause to be investigated, the cause and circumstances of any accident occurring for which the borough may be liable; instruct all police officers to report to the chief such accidents; and notify the chief fiscal officer promptly of all such accidents. Whenever the attention of any police officer shall in any manner have been called to any accident for which the borough may be liable, it shall be the duty of such police officer to communicate such facts and information as the officer may have to the police chief;~~

~~I. **Investigate all applicants for any license or permit when such application requires certification by the Police Department.** Investigate promptly all applicants for any license or permit when such application requires certification by the police chief, and either deliver promptly to the borough clerk a certificate approving such license or permit, or promptly advise the borough clerk of the chief's refusal to so certify;~~

~~J. Maintain and staff the borough jail and be responsible for the prisoners;;~~

~~K. At least monthly, turn over to the chief fiscal officer all bail deposits, fines, impounding and towage and storage fees, other fees and all moneys received by the department, subject to such rules as may be prescribed by the manager or chief fiscal officer;~~

~~L. Develop operating and procedures manuals for use by the various job classifications and duties within the department;~~

~~N. Be responsible for the direction and organization of the dispatch center as well as its command and control.~~

Section 6. Amendment of Chapter 2.40. Haines Borough Code Chapter 2.40 is amended by repealing Section 2.40.040 in its entirety.

Section 7. Amendment of Chapter 2.40. Haines Borough Code 2.40 is amended by adding a new section 2.40.035 to read as follows:

**2.40.035 Application of state law to police and correctional officers.**

**The hiring, employment, certification and dismissal of police and corrections employees shall be consistent with state law and regulations as defined in AS 18.65.130 - 18.65.290, and 13 AAC Chapter 85.**

Section 8. Amendment of Section 2.04.020. Haines Borough Code 2.40.020 is amended, as follows:

NOTE: **STRIKETHROUGH ITEMS ARE DELETED**

**2.04.020 Officers.**

The officers of the borough shall consist of:

A. Elected Officers. A mayor and six assembly members, who shall be elected by direct vote of the electors of the borough, and who are designated "elected officials";

B. Appointed Officers. A manager, clerk, attorney, ~~chief of police~~, and chief fiscal officer, who shall be appointed by and serve at the pleasure of the assembly. Said officers are designated as "borough officers," shall be appointed by the assembly, and shall be removed only by the assembly. Each borough officer shall hold office until terminated by the assembly or until the officer's successor is appointed, whichever shall first occur.

Section 9. Amendment of Section 2.50.040. Haines Borough Code 2.40.020 is amended, as follows:

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**2.50.040 Duties and responsibilities.**

The public safety commission shall:

A. Promote positive public relations with police, fire and emergency medical departments.

B. Review police reports to detect trends evident in Haines as portrayed through police statistics and advise the borough assembly on programs addressing these data-based needs.

C. Conduct public hearings, surveys, or ceremonies as requested.

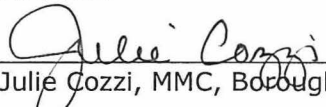
D. Advise the borough assembly with respect to the organizational structure and policies of the police, fire and emergency medical departments.

E. When the position of chief of police is or is about to become vacant and has been properly advertised, review all applications received. The public safety commission shall make a recommendation for hire to the manager. The manager shall, after reviewing all applications, and considering the commission's recommendation, make his or her ~~recommendation to the borough assembly~~. ~~The police chief is an officer of the borough and serves at the pleasure of the assembly~~ **hiring decision subject to confirmation by the borough assembly.**

Section 10. Effective Date. This ordinance shall be effective upon adoption.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 11 DAY OF JUNE, 2013.

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk

  
Hon. Stephanie Scott, Mayor

Date Introduced: 05/14/13  
Date of First Public Hearing: 05/28/13  
Date of Second Public Hearing: 06/11/13

