

Introduced by: Mayor
Date: February 20, 1973
Revised: February 13, 1973
Second Revision: February 20, 1973
Hearing: March 20, 1973

Adopted: March 20, 1973
Final Ratification June 26, 1973

KENAI PENINSULA BOROUGH

ORDINANCE 73-10

AN ORDINANCE ENTITLED: AN ORDINANCE ESTABLISHING THE NIKISHKA SERVICE AREA FOR ROAD CONSTRUCTION AND MAINTENANCE, PARKS AND PLAYGROUNDS, WATER, AND SEWER SERVICES AND PROVIDING FOR AN ELECTED BOARD

WHEREAS, the assembly finds that road construction and maintenance, parks and playgrounds, water and sewer services are needed within the Nikishka area and that such services can best be provided by the establishment of a service area of the borough and cannot be provided by annexation to another service area or city or by the incorporation of a city consistent with the purposes of Article X of the state constitution,

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. Title 27 of the Kenai Peninsula Borough Code of Ordinances is amended to add a new chapter to read:

CHAPTER 30. NIKISHKA SERVICE AREA

Section 27.30.010. Boundaries. There is hereby established pursuant to AS 29.63.090 a service area within the borough designated the "Nikishka Service Area", including that portion of the borough described as follows:

"The N 1/2 Section 1, T7N, R12W, S.M. and Nikishka Subdivision No. 5 except U.S. Government Lot 4 and the N 1/2, and the SW 1/4 of U.S. Government Lot 3.

Section 27.30.020. Board of Directors. (a) There is hereby established a board of directors for the Nikishka Service Area composed of five (5) members who shall be nominated and elected by the qualified voters of the service area in the same manner as provided for area-wide assemblymen in the Kenai Peninsula Borough Code of Ordinances Title 11, Elections.

(b) The board shall meet once a month at a regularly scheduled time and place designated by the board. Special meetings of the board may be called by the chairman of the board or by any two (2) members upon one (1) day's notice thereof. The notice shall set forth the time and place of the meeting and shall be mailed or telephoned to each member. The attendance of a member at a meeting constitutes a waiver of notice of the meeting. All meetings are open to the public as provided in AS 29.23.580 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312.

(c) At the first regular meeting following certification of the election by the assembly, and annually thereafter, the board shall elect by majority vote of the members and from the members a chairman who shall hold office until a successor is elected.

Section 27.30.030. Terms and qualifications. (a) Members of the board of directors shall be qualified voters of the borough who are residents of the service area. Members shall be elected for a term of three (3) years, except that the first board shall contain members elected for lesser periods to provide for staggered terms. (b) Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board:


- (1) Fails to qualify or take office within thirty days after his election or appointment;
- (2) is physically absent from the service area for a 90 day period, unless excused by the board;
- (3) resigns and his resignation is accepted;
- (4) is physically or mentally unable to perform the duties of his office;
- (5) is removed from office;
- (6) misses three (3) consecutive regular meetings unless excused; or
- (7) is convicted of a felony or of an offense involving a violation of his oath of office.

(c) Vacancies on the board shall be filled by majority vote of the remaining board until the next general election of the borough at which a new member shall be elected to fill the unexpired term or for a three (3) year term if no unexpired term remains.

Section 27.30.040. Powers and duties. Pursuant to the provisions of AS 29.63.090 the board of directors of the service area shall have the power to provide for road construction and maintenance, parks and playgrounds, water, and sewer services within the service area and shall promptly furnish accurate and complete copies of the minutes of all board meetings to the mayor and the assembly.

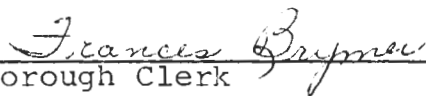
Section 2. This ordinance becomes effective after enactment and approval by the voters of the service area.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 20 DAY OF March, 1973.



Assembly President

ATTEST:



Borough Clerk

Total "yes"	18
Total "no"	18
Rejected	<u>3</u>
Total vote	39

*Ordinance failed
election 6-26-73*

