

1541
Introduced by: Davis
Date: July 16, 1974
Hearing: August 20, 1974
Action: Defeated, August 20, 1974
Vote: 16.5 FOR, 112.83 AGAINST

KENAI PENINSULA BOROUGH

ORDINANCE 74-34

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

WHEREAS, the assembly finds that road construction and maintenance, parks and playgrounds, water and sewer services, and police protection 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, consistent with the purposes of Article X of the State Constitution, be provided by an existing service area, by annexation to a city, or by incorporation as a city

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 $\frac{1}{2}$ Section 1, Township 7 North,
Range 12 West, Seward Meridian, Alaska"

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 candidates in the Kenai Peninsula Borough Code of Ordinances, Title 11, Elections.

(b) The board shall meet periodically 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 published in a newspaper having general distribution within the service area. The notice shall set forth the time and place of the meeting and shall be mailed or telephoned to each board member. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting. All meetings are open to the public as provided in the policies set forth in AS 29.33.580 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312. Three (3) board members shall constitute a quorum; however, any action shall required the affirmative vote of three (3) board members.

(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 board members and from the board members a chairman and such other officers as the board shall determine to be desirable who shall hold office until successors are 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. Candidates shall file for election to Seats A through E for a term of three years, except that the first board shall contain members elected to Seat E for an initial term of one year and to Seats C and D for initial terms of two years in order 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) If no candidate files for election to a seat which is to be filled at said election or if a successful candidate fails to qualify or take office within thirty (30) days after his election or appointment;

1560

- (2) is physically absent from the service area for a ninety (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.

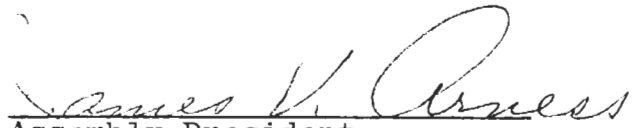
(c) Vacancies on the board shall be filled by majority vote of the remaining board until the next general election of the borough at which a new member shall be elected to fill the unexpired term or for a three (3) year term if no unexpired term remains.

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

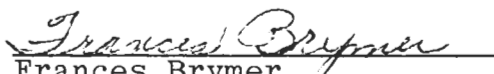
Section 2. This ordinance becomes effective after enactment and upon approval by the voters of the service area.

DEFEATED

~~ADOPTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
20 DAY OF August, 1974.


 Assembly President

ATTEST:


 Frances Brymer
 Borough Clerk

