

Introduced by: Hille
Date: July 3, 1979
Hearing: August 7, 1979
Vote: 97.33 "Yes"
37.67 "No"
Action: Enacted as Am.

KENAI PENINSULA BOROUGH

ORDINANCE 79-37

DECLARING THE ASSEMBLY'S LEGISLATIVE POLICY WITH RESPECT TO THE PROVISION OF SPECIAL SERVICES IN SERVICE AREAS AND DEFINING THE STATUS AND RESPONSIBILITY OF THE BOARDS OF DIRECTORS OF THE SERVICE AREAS WITHIN THE BOROUGH, AND ENACTING SECTION 16.04.001 OF THE BOROUGH CODE OF ORDINANCES.

WHEREAS, the Constitutional Convention of 1955-1956 envisioned service areas to be creatures of boroughs and to function under borough fiscal control; and

WHEREAS, Article 10, Section 2 of the Constitution of the State of Alaska sets out that all local government powers shall be vested in boroughs and cities; and

WHEREAS, Article 10, Section 5 of the Constitution of the State of Alaska provides that service areas may be established, altered, or abolished by the assembly in an organized borough; and

WHEREAS, establishment of advisory or administrative boards for service areas is the prerogative of the assembly; and

WHEREAS, it has become necessary for the assembly to declare its legislative policy with respect to the provision of special services in service areas within the borough;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

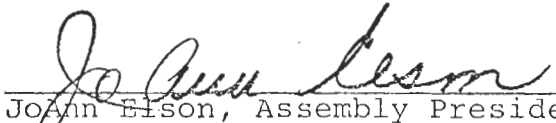
Kenai Peninsula Borough
Ordinance 79-37
Page 1 of 2 Pages

Section 1. That Chapter 16.04 of the Borough Code of ordinances is amended by enacting Section 16.04.001 to read:

16.04.001. Service Areas--Borough Policy--Status of Boards of Directors. The boards of directors of the service areas in the borough are advisory to the Mayor and the assembly, and they may not contravene the authority of the Mayor and the assembly with respect to any of the statutory or ordinance powers and duties prescribed by law to the Mayor and to the assembly. The boards of directors are subject to the sphere of authority of the Mayor and the assembly as established in the statutes of Alaska or the ordinances of the borough, except that the Mayor with prior approval of the assembly by resolution may delegate authority to a service area board of directors, if not prohibited by law or ordinance, by certified letter addressed to the presiding officer of the board of directors of the service area. A duplicate original of the letter shall be filed with the Borough Clerk. The authority so delegated may be rescinded by the Mayor upon 90 days' notice with prior approval of the assembly by resolution made in the same manner as the delegation. The assembly may delegate its authority, except as prohibited by law or ordinance, to the boards of directors of the service areas by resolution duly adopted by the assembly. The assembly may rescind upon 90 days' notice by resolution delegating authority to the boards of directors of the service areas.

Section 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 7th DAY OF August, 1979.


JoAnn Eison, Assembly President

ATTEST:


Borough Clerk

Kenai Peninsula Borough
Ordinance 79-37
Page 2 of 2 Pages