

Introduced by: Mayor
Date: July 1, 1980
Hearing: Aug. 5, 1980
Vote: 51 Yes, 15 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 80-47

PROVIDING FOR THE ORGANIZATION AND OPERATION OF THE KENAI RIVER BRIDGE SUBDIVISION SERVICE AREA AND ESTABLISHING THE POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

WHEREAS, the Assembly by Resolution 80-24 established the Kenai River Bridge Subdivision Service Area and this ordinance was ratified by a majority of the voters residing within the proposed area at a special election held on June 10, 1980; and

WHEREAS, it is desirable to provide for the organization and operation of the service area and to establish the powers and duties of the Board of Directors of the newly-established service area;

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

Section 1. That Chapter 16.32 of the Borough Code is amended by adding a new section to be numbered 16.32.050, which shall read as follows:

16.32.050 Board of Directors-Election of Officers and Quorum. A. Three members of the Board shall constitute a quorum; however, any action shall require the affirmative vote of three Board members.

B. 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 deems to be desirable. These officers shall hold office until their successors are elected.

Section 2. That Chapter 16.32 of the Borough Code is amended by adding a new section to be numbered 16.32.060, which shall read as follows:

16.32.060 Board of Directors-Vacancies. A. Vacancies on the Board are created upon a declaration of vacancy by the Board if a member:

a. Fails to qualify or to take office within thirty (30) days after appointment;

b. Is physically absent from the Service Area for a ninety (90) day period unless excused by the Board;

c. Resigns;

d. Is physically or mentally unable to perform the duties of his office, as determined by a majority vote of the Board;

e. Is removed from office;

f. Misses three (3) consecutive regular meetings unless excused by the Board;

g. Is convicted of a felony or an offense involving a violation of his oath of office.

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

Section 3. That Chapter 16.32 of the Borough Code is amended by adding a new section to be numbered 16.32.070, which shall read as follows:

16.32.070 Board of Directors-Bylaws. A. The Service Area Board may adopt bylaws or regulations governing the conduct of its affairs so long as these bylaws are procedural in nature and do not conflict with the rules, ordinances, statutes and regulations governing the Service Area Board in its delegated powers. The Service Area Board shall not attempt to enlarge upon its substantive delegated powers by the device of adopting bylaws or rules of procedure.

B. The Board may establish various committees and appoint members to them.

Section 4. That Chapter 16.32 of the Borough Code is amended by adding a new section to be numbered 16.32.080, which shall read as follows:

16.32.080 Fiscal Procedures. A. All contracts for capital improvements and maintenance performed in connection with the Service Area shall be bid and administered by the Borough Department of Public Works in accordance with the Department's normal procedure for the letting of contracts.

B. The purchasing agent for the Service Area is the Borough Director of Finance. All purchases of supplies, materials and equipment shall be made in accordance with the rules and regulations adopted by the Borough Assembly.

C. The Service Area Board shall arrange for the preparation of a budget and capital program which shall be submitted to the Mayor and Assembly for approval. The budget and capital expenditures proposal shall be subject to the procedures for adopting the Borough budget and capital expenditures program and for consideration of such items by the Borough Assembly.


D. The Service Area shall abide by the fiscal policies and procedures applicable to the Borough general government budget.

E. All accounting functions of the Service Area shall be performed under the supervision of the Borough Director of Finance, who shall provide rules and regulations and procedures governing the issuance of vouchers, the payment of vouchers, the issuance of checks, the payment of checks, the use of the central treasury of the Borough, and the manner in which all bonds, contracts, leases or other obligations requiring payment of funds for the appropriations of the Service Area budget shall be processed and administered.


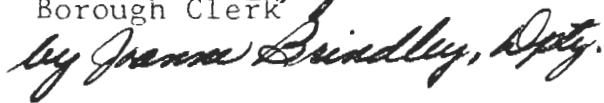
F. The Service Area shall not hire any personnel without the approval of the Borough Assembly. Unless otherwise provided, the Borough personnel system and Title 3 of the Borough Code of ordinances shall be applied to any person employed in connection with the Service Area, excluding independent contractors.

Section 5. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 5th DAY OF August, 1980.


JoAnn Eison, Assembly President

ATTEST:


Borough Clerk

by JoAnn Brindley, Deputy