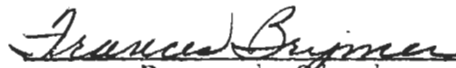


ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 81-26 of the Kenai Peninsula borough, this certification of the actions taken by me conforms with the rules and regulations governing ordinances.

1. Publication: Publication has been made by causing a summary of this ordinance to be inserted one time in a newspaper of general circulation in the borough. One copy of this ordinance as set for hearing, together with Notice of Hearing has been mailed to the city clerks of each first class city in the borough and to each postoffice in the borough with a request for posting on the City Hall and Post Office bulletin boards for 10 days immediately following receipt.
2. After adoption of this ordinance, one copy will be mailed to the city clerk of each first class city in the borough.

This ordinance was ENACTED by the assembly of the Kenai Peninsula Borough on the 21 day of APRIL 1981 and will become effective immediately.


Borough Clerk

Date:

Introduced by: Sikorski for
Local Affairs
Committee
Date: March 17, 1981
Hearing: April 21, 1981
Vote: 15 Yes, 1 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 81-26

AMENDING CHAPTER 16.04 OF THE BOROUGH CODE OF ORDINANCES TO ESTABLISH THE REQUIREMENT THAT ROAD SERVICE AREAS FOLLOW ELECTION PRECINCT BOUNDARIES.

WHEREAS, the Local Affairs Committee of the Assembly is presently considering the establishment of service area guidelines to clarify and improve the procedures and methodology of creating service areas; and

WHEREAS, Article X, Section 5 and complimentary state statutes contain strict requirements to qualify for the establishment of new service areas; and

WHEREAS, the approval of voters residing in a proposed service area is necessary as one of the conditions precedent to the establishment of a service area; and

WHEREAS, all elections within the Borough are governed by the established election precincts set forth by the Lieutenant Governor of the State of Alaska; and

WHEREAS, a proposed service area which fragments any election precinct makes it most difficult to conduct an orderly election because of the necessity to identify and exclude voters who are not in the proposed service area; and

WHEREAS, a service area which fragments precinct boundaries is susceptible to legal challenge based on the split vote and proof of propriety of the election; and

WHEREAS, the Assembly finds it is prudent and necessary to enunciate guidelines for the establishment of service areas;

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

Kenai Peninsula Borough
Ordinance 81-26
Page 1 of 3 Pages

Section 1. That Section 16.04.010 of the Borough Code of ordinances is amended to read:

16.04.010 Initiation--Petition required. The citizens of any given area may petition the borough assembly for establishment of a service area to perform 1 or more governmental services authorized by law(.); provided however, that a proposed road service area must follow election precinct boundaries established by the Lieutenant Governor of the State of Alaska, and must include one or more election precincts as the proposed road service area.

Section 2. That Section 16.04.020 of the Borough Code of ordinances, subparagraph "B", is amended to read:

B. A map which includes a legal description of the area to be encompassed by the proposed service area which shall consist of one or more election precincts if it is a road service area; and

Section 3. That Section 16.04.040 of the Borough Code of ordinances is amended to read:

16.04.040 Public hearing--Required where--
Notice--Assembly authority. The assembly or mayor shall fix the time and place of a public hearing to consider the necessity for the proposed service area. The place of the public hearing shall be within the boundaries of the area proposed to be established as a service area, or in a publicly owned building in closest proximity to any of the boundaries of the proposed service area, in the event that facilities within the boundaries are not adequate to hold the public meeting. Notice of the hearing shall be published in a newspaper of general circulation in the proposed service area not less than 1 week prior to the hearing, the notice of the hearing to be posted in each post office which is utilized by the residents of the proposed service area. After hearing the interested persons favoring or opposing the proposed service area, the assembly may extend or shorten the boundaries of the proposed service area and may introduce an ordinance at the next regular meeting of the borough assembly to establish the proposed service area with whatever boundary changes are made by the assembly as a result of the information received

on the petition and at the public hearing(.);
except that the boundaries of a road service area
must consist of one or more election precincts
as provided in this chapter. The public hearing
provided for in this section may be held by a
special committee of less than the whole assembly;
provided, that the special committee shall make
a report of its findings and recommendations to
the whole assembly at a regular meeting prior to
the assembly's action on the proposed service
area. The president of the assembly shall appoint
the members of the special committee to hold the
public hearing at a time and place fixed by the
assembly.

Section 4. That this ordinance takes effect immediately
upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 21st DAY OF April, 1981.

Paul A. Fischer
Paul Fischer, Assembly President

ATTEST:

Frances Brymer
Borough Clerk