

ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 81-63 Sub. 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 18 day of August, 1981 and will become effective following certification of the October 6 election.

Borough Clerk

Date: 8-18-81

Introduced by: Mayor
Date: July 21, 1981
Hearing: August 18, 1981
Vote: 14 Yes, 1 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 81-63
(SUBSTITUTE)

ESTABLISHING THE NORTH KENAI PENINSULA ROAD MAINTENANCE SERVICE AREA AND PROVIDING FOR AN ELECTION.

WHEREAS, the Assembly finds that road maintenance services are needed within the Nikiski 1, Nikiski 2, and Tyonek Election Precincts and that such services can best be provided by the establishment of a service area of the Borough, because such services cannot be provided by an existing service area, by annexation to a city, or by incorporation; and

WHEREAS, funds are available from the State of Alaska for the maintenance of service area roads not now part of the state highway system or whose construction is not contemplated by the state; and

WHEREAS, the Assembly finds that an acceptable level of service area road maintenance can be achieved solely through the use of moneys provided by the State of Alaska without the levy of any service area mill levy; and

WHEREAS, the establishment of any service area must be approved by a majority of those persons voting within the proposed service area;

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

Section 1. There is hereby established, subject to approval by a vote of the people, a road maintenance service area within that portion of the Borough designated as the North Kenai Peninsula Road Maintenance Service Area and described as all lands within the boundaries of the Nikiski 1, Nikiski 2, and Tyonek Election Precincts as established by the Lieutenant Governor of the State of Alaska as of July 1, 1981. No mill levy shall be levied on behalf of the service area unless the initial establishment of the mill levy is approved by a majority vote of the people at an election within the service area.

Section 2. The Clerk shall place a proposition upon the ballot within the Nikiski 1, Nikiski 2, and Tyonek Election Precincts at the next regular Borough election of October 6,

Kenai Peninsula Borough
Ordinance 81-63 Substitute
Page 1 of 3 Pages

1981, for the purpose of approving or disapproving the establishment of the North Kenai Peninsula Road Maintenance Service Area and for the election from the qualified voters of the North Kenai Peninsula Road Maintenance Service Area a five member board. The proposition to be placed on the ballot shall read

PROPOSITION

"Shall the North Kenai Peninsula Road Maintenance Service Area be established in the Nikiski 1, Nikiski 2, and Tyonek Election Precincts for the purpose of providing road maintenance services to the residents of the service area?"

_____ Yes

_____ No

Section 3. At the same election, there will be elected a five member board of directors to serve in the event that the service area is approved and for the purpose of such election, candidates shall file for specific seats designated A, B, C, D, and E, to be elected at large. The terms of office for each such seat shall be as follows:

- A. Three years.
- B. Three years.
- C. Two years for the initial term and three years for each subsequent term.
- D. Two years for the initial term and three years for each subsequent term.
- E. One year for the initial term and three years for each subsequent term.

A candidate for any office specified in this ordinance must be a qualified voter of the proposed service area and must be nominated by a petition signed by ten qualified voters of the proposed service area. Nomination petitions must be filed with the Borough Clerk prior to 4:30 p.m., September 4, 1981, at the Borough Office, Soldotna, Alaska. A person named in the nomination petition must sign on the petition the following statement:

"I hereby accept the above nomination and agree to serve if elected."

Any person who has been a resident of the proposed North Kenai Peninsula Road Maintenance Service Area for 30 days immediately preceding the election and who is a registered voter in that precinct may vote upon the question.

Section 4. In the event that the establishment of the North Kenai Peninsula Road Maintenance Service Area is approved by a vote of the people, then the Assembly shall by ordinance provide for the organization and operation of the service area and shall establish the powers and duties of the directors.

Section 5. In the event that the State of Alaska fails to appropriate and furnish funds for the maintenance of roads within the service area, then the Assembly shall provide for an election within the service area on the establishment of a mill levy sufficient to provide for the functioning of the service area. Should the imposition of a mill levy be defeated by a vote of the people, then the Assembly shall by ordinance provide for the prompt dissolution of the service area and the winding up of its affairs.

Section 6. That if the ballot proposition establishing the service area is approved by a majority of those persons voting within the proposed road service area, then this ordinance shall take effect at 12:01 a.m., on the date following certification of the election by the Borough Assembly.

DATED this 18th day of August, 1981.

Paul A. Fischer
Paul Fischer, Assembly President

ATTEST:

Frances Bryner
Borough Clerk