

Introduced by: Mayor
Date: June 16, 1981
Hearing: July 21, 1981
Vote:
Action: **SUBSTITUTED ORD. 81-60 Sub.**

KENAI PENINSULA BOROUGH

ORDINANCE 81-69

ESTABLISHING THE TUSTUMENA ELECTION PRECINCT ROAD SERVICE AREA AND PROVIDING FOR AN ELECTION.

WHEREAS, the Assembly finds that road construction and maintenance services are needed within the Tustumena Election Precinct 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 and construction 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 construction and 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 service area within that portion of the Borough designated as the Tustumena Election Precinct and described as all lands within the boundaries of the Tustumena Election Precinct 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 Tustumena Election Precinct at the next regular Borough election of October 6, 1981, for the purpose of approving or disapproving the establishment of the Tustumena Election Precinct Road Service Area and for the election from the qualified voters of the Tustumena Road Service Area a five member board. The proposition to be placed on the ballot shall read:

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"Proposition: Shall the Tustumena Road Service Area be established in that portion of the Seldovia Election Precinct excluding all lands within the City of Seldovia for the purpose of providing road construction and 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, 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 Tustumena Election Precinct Road 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 Tustumena Election Precinct Road 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 Tustumena Election Precinct, 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 _____ day of _____, 1981.

Paul Fischer, Assembly President

ATTEST:

Borough Clerk