

Introduced by: Mayor  
Date: Apr. 20, 1982  
Hearing: May 18, 1982  
Vote: 12 Yes, 2 No  
Action: Enacted as Amended

KENAI PENINSULA BOROUGH

ORDINANCE 82-29

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF THE NORTH KENAI PENINSULA ROAD MAINTENANCE SERVICE AREA, THE ORGANIZATION OF ITS BOARD OF DIRECTORS AND SETTING FORTH BOUNDARIES, ORGANIZATION, AND RULES AND REGULATIONS.

WHEREAS, the Assembly adopted Ordinance 81-63 which called a special election to establish the North Kenai Peninsula Road Maintenance Service Area; and

WHEREAS, the voters within the area approved the establishment of the North Kenai Peninsula Road Service Area at an election held on October 6, 1981; and

WHEREAS, the election calls for an ordinance pertaining to the organization, administration, and regulations of the service area;

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

Section 1. That a new Chapter 16.56, of the Borough Code of ordinances is enacted to read:

16.56.010 Established--Boundaries. There is established pursuant to AS 29.63.090 a service area within the Borough designated the "North Kenai Peninsula Road Maintenance Service Area" including that portion of the Borough described as follows:

Being all lands within the Nikiski 1, Nikiski 2 and Tyonek Election Precincts on July 1, 1981 and more particularly described as follows:

Beginning at the southeast corner of T6N R10W, S.M.; thence northerly along the rangeline between R9W and R10W to the northwest corner of T8N R9W, S.M.; thence easterly along the township line between T8N and T9N to a line drawn between USGS Triangulation Station Gull Rock on Turnagain Arm to USGS Triangulation Station Gore Point on the Gulf of Alaska; thence

northeasterly along the aforementioned line to USGS Triangulation Station Gull Rock; thence westerly along the mean high waterline of Turnagain Arm around Point Possession along the mean high waterline of Cook Inlet around East Foreland to the section line between Sections 23 and 26, T6N R12W, S.M., also being the corporate boundary of the City of Kenai; thence easterly along the corporate boundary of the City of Kenai to the section corner common to Sections 25 and 36, T6N R11W and Sections 30 and 31, T6N R10W, S.M.; thence easterly leaving the corporate boundary of the City of Kenai along the section line to the section corner common to Sections 28, 29, 32 and 33, T6N R10W, S.M.; thence southerly along the section line between Sections 32 and 33 to the southeast corner of Section 32; thence easterly along the township line between T5N and T6N to the southeast corner of T6N R10W, the true point of beginning; and all land on the west side of Cook Inlet bounded by the Kenai Peninsula Borough boundary and the mean high waterline of Cook Inlet.

16.56.020 Board--Established--Nomination and election of members. There is established a board of directors for the North Kenai Peninsula Road Maintenance Service Area composed of five members who shall be nominated and elected by the qualified voters of the service area in the same manner as provided for candidates in the Kenai Peninsula Borough Code of ordinances, Title 4, Elections.

16.56.030 Board--Meetings--Quorum. The board shall meet periodically at a regularly scheduled time and place designated by the board. Special meetings of the board may be called by the chairman of the board or by any two members upon one day's notice thereof published in a newspaper or via radio having general distribution within the service area. The notice shall set forth the time and place of the meeting and shall be mailed or telephoned to each board member. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting. All meetings are open to the public as provided in AS 29.23.580 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312. Three board members shall constitute a quorum; however, any action shall require the affirmative vote of three board members.

16.56.040 Board--Election of Officers. At the first 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 shall determine to be desirable who shall hold office until successors are elected.

16.56.050 Board--Terms of office. A member of the board of directors shall be elected for a term of three years and shall serve thereafter until his successor has been elected, qualified, and sworn to assume the duties of the office, except that the first board shall contain members elected for lesser periods as designated in the documents setting up the election to provide for staggered terms.

16.56.060 Board--Vacancies--Created when. Vacancies on the board are created upon declaration of vacancy by the board if a member:

- A. Fails to qualify or take office within 30 days after his election or appointment.
- B. Is physically absent from the service area for a 90-day period, unless excused by the board.
- C. Resigns and his resignation is accepted.
- D. Is physically or mentally unable to perform the duties of his office.
- E. Is removed from office.
- F. Misses three consecutive regular meetings unless excused.
- G. Is convicted of a felony or of an offense involving a violation of his oath of office.

16.56.070 Board--Vacancies--Filling. Vacancies on the board shall be filled by majority vote of the remaining board 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-year term if no unexpired term remains.

16.56.080 Board-Powers and duties. Pursuant to the provisions of AS 29.63.090 the board of directors of the service area, subject to Assembly approval and appropriation of funds, shall have the power to provide for maintenance of roads within the service area and shall promptly furnish accurate and complete copies of minutes of all board meetings to the Mayor and the Assembly.

16.56.090 Employee Conduct Requirements. Employees of the road maintenance service area are employees of the Borough, and as such employees are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed.

16.56.100 Budget and Fiscal Control. The formulation of a budget and fiscal control of expenditures of public monies of the road maintenance service area are under the supervision and direction of the Mayor and the Assembly. The Borough Finance Director shall provide the service area board with the rules and regulations governing the appropriation of funds, the budgeting of funds, the authorization of expenditures, and any and all rules and regulations of the Borough fiscal policy to which the service area is subject.

16.56.110 Officers--Designation. The road maintenance service area board, with the concurrence of the Mayor, may appoint or elect such officers as the board and the Mayor may deem necessary.

16.56.120 Director--Appointment, Qualifications and Removal. The director and such other administrative officers as may be provided for shall be appointed by the Mayor after recommendation from the service area board. The tenure of these offices shall be based upon good and faithful performance of the required duties assigned to these positions, subject to removal by the Mayor on or upon the recommendation of the service area board as provided for partially exempt personnel in Title 3 of the Kenai Peninsula Borough Code of ordinances.

16.56.130 Director--Accountability. The director and other administrative officers shall be held accountable to the Mayor and the service area board only, and they shall make written and verbal reports to the Mayor and the service area board as required by the Mayor and the service area board. All other service area employees below the staff level shall be accountable to the director only or to such administrative officers as are designated by the Mayor and the service area board.

16.56.140 Rules and regulations--Formulation and Authority--Approval Required. The service area board, or its designee, shall formulate a set of rules and regulations to govern the operation of the service area departments, and shall be responsible to the Mayor for the personnel, morale, and general efficiency of the department. Such rules and regulations shall be approved by the Borough Assembly by resolution.

16.56.150 Director--Reports Required--Monthly. The director shall report monthly to the service area board indicating the condition of the road maintenance service area equipment, service, usage, and other matters as required by the service area board.

16.56.160 Service Board--Reports Required--Annual. The service area board shall make a complete annual report to the Mayor within one month after the close of the fiscal year, such report to include the information specified by the rules and regulations of the Borough, together with comparative data for previous years and recommendations for improving the services to the service area.

16.56.170 Procedure--Conduct of Affairs--Meetings. The service area board shall adopt by-laws or regulations governing the conduct of its affairs so long as such by-laws are procedural in nature and do not conflict with the substantive rules and regulations governing the service area board in its delegated powers. The service area board shall adopt rules of procedure for the conduct of its meetings so long as such rules of procedure are not in conflict with rules and regulations governing the operations of the service area board. The service area board shall not attempt to enlarge upon its powers by the device of adopting by-laws or rules of procedure to govern its meetings, or the composition of the board or the assignment of committees.

16.56.180 Purchasing--Agent. The purchasing agent for the service area is the Borough Finance Director. All purchases of supplies, materials, equipment, and contractual services shall be made in accordance with the rules and regulations adopted by the Borough Assembly.

16.56.190 Budget and Capital Program. The service area board shall arrange for the preparation of a budget and capital program which shall be submitted to the Mayor for approval. The budget and capital expenditure proposals shall be subject to the procedures for adopting the Borough budget and capital expenditures program and its consideration by the Borough Assembly. Public hearings are necessary and shall be a part of the budgetary procedures before submitting the budget to the Borough Assembly.

16.56.200 Accounts--Vouchers--Accounting. All accounting functions of the service area shall be under the supervision of the Borough Finance Director who shall provide rules and regulations and procedures governing the issuance of vouchers, the payment of vouchers, the issuance of checks, and 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 the payment of funds from the appropriations in the service area budget are to be processed and administered.

Section 2. That this ordinance takes effect on the day after its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
THIS 18th DAY OF May, 1982.

  
John S. Davis, Assembly President

ATTEST:

  
Borough Clerk