

Introduced by: Dinnick
Date: Oct. 12, 1981 DEFEATED
Hearing:
Vote:
Action:

KENAI PENINSULA BOROUGH

ORDINANCE 82-83

AMENDING SECTION 16.04.040 OF THE BOROUGH CODE OF ORDINANCES TO PROVIDE THAT AT PUBLIC HEARINGS UPON THE FORMATION OF A SERVICE AREA SHALL BE HEARD BY THE ASSEMBLY AS A WHOLE RATHER THAN BY A COMMITTEE OF THE ASSEMBLY.

WHEREAS, Section 16.04.040 of the Borough Code of ordinances currently provides that public hearings shall be held within the boundaries of an area proposed to be established as a service area, or in a publicly-owned building closest proximity to any of the boundaries of the proposed service area; and

WHEREAS Section 16.04.040 of the Borough Code of ordinances presently provides that such hearing may be heard by a special committee of the Assembly composed of less than the Assembly as a whole; and

WHEREAS, it is desirable that such hearings be heard by the Assembly as a whole in order that the Assembly might get the full benefit of public testimony at those hearings and to put to members to the public such questions as the Assembly members might have; and

WHEREAS, holding public hearings by the Assembly as a whole will provide for maximum public participation and will minimize potential confusion or advise which might arise as a result of hearings by a committee composed of less than the full Assembly; and

WHEREAS, the scheduling of public hearings by the Assembly as a whole will expedite the determination as to whether or not a service area should be formed as proposed;

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

Section 1. 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.] The public hearing shall be heard by the Assembly as a whole at a time deemed to the assembly.

Section 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1982.

John C. Davis, Assembly President

ATTEST:

Borough Clerk