

Introduced by: McGahan
Date: Feb. 15, 1983
Hearing: Mar. 15, 1983
Vote: Unanimous
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 83-13

AMENDING SERVICE AREA AND ELECTION ORDINANCES TO PROVIDE FOR THE ELECTION OF SERVICE AREA BOARD MEMBERS WHO RECEIVE THE LARGEST NUMBER OF VOTES.

WHEREAS, AS 29.28.040 requires candidates in a municipal election to receive in excess of 40 percent of the votes cast for his respective office; and

WHEREAS, KPB 4.04.070 (B) requires service area board candidates to receive in excess of 40 percent of votes cast for election; and

WHEREAS, elected boards for service areas are the creation of the Assembly and not a constitutional or statutory requirement; and

WHEREAS, the definition of municipal election contained in AS 29.78.010 (7) does not include elected boards for service areas; and

WHEREAS, the application of the existing ordinance requires unnecessary expenditure for runoff elections;

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

Section 1. That Section 4.04.070 (B) is amended as follows:

B. If no candidate for the office of assembly member[,] or school board member [OR SERVICE AREA BOARD MEMBER] receives in excess of 40 percent of the votes cast for his respective office, then a runoff election shall be held on the third Tuesday following the regular election or within 2 weeks after certification of the results of the regular election. When more than 1 assembly or school board vacancy is to be filled and the seats are not designated, total votes cast for a respective office shall be determined by dividing the total number of votes cast for all candidates by the number of vacancies for the position.

Section 2. That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new Section 16.04.065 which shall read as follows:

16.04.065 Election of board members. Vacancies for service area boards requiring elected boards shall

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be filled by the candidate receiving the highest number of the votes cast for that seat.

Section 3. That Section 16.12.020 is amended as follows:

16.12.020 Board--Established--Nomination and election. There is established a board of directors for the Nikiski Fire Service Area composed of 7 members who shall be nominated and elected by the qualified voters of the service area [IN THE SAME MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR CANDIDATES IN THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES, TITLE 4, ELECTIONS].

Section 4. That Section 16.16.020 is amended as follows:

16.16.020 Board--Established--Nomination and election of members. There is established a board of directors for the North Peninsula Recreation Service Area composed of 5 members who shall be nominated and elected by the qualified voters of the service area [IN THE SAME MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR CANDIDATES IN THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES, TITLE 4, ELECTIONS].

Section 5. That Section 16.24.020 is amended as follows:

16.24.020 Board--Established--Nomination and election. There is established a board of directors for the South Kenai Peninsula Hospital Service Area composed of 9 members who shall be nominated and elected by the qualified voters of the service area [IN THE SAME MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR AREAWIDE ASSEMBLYMEN IN THE BOROUGH CODE OF ORDINANCES, TITLE 4, ELECTIONS].

Section 6. That Section 16.28.020 is amended as follows:

16.28.020 Board--Established--Nomination and election of members. There is established a board of directors for the Bear Creek Fire Service Area composed of 5 members who shall be nominated and elected by the qualified voters of the service area [IN THE SAME MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR CANDIDATES IN THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES, TITLE 4, ELECTIONS].

Section 7. That Section 16.36.020 A is amended as follows:

16.36.020 Board of directors. A. There is established a board of directors for the Ridgeway Fire Service Area composed of 5 members who shall be nominated and elected by the qualified voters of the

service area [IN THE MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR CANDIDATES FOR ASSEMBLYMEN IN THE BOROUGH CODE OF ORDINANCES, EXCEPT THAT MEMBERS OF THE BOARD SHALL BE RESIDENTS OF THE BOROUGH WITHIN THE SERVICE AREA].

Section 8. That Section 16.40.030 is amended as follows:

16.40.030 Board--Established--Nomination and election of members. There is established a board of directors for the Central Peninsula Emergency Medical Service and Ambulance Service Area composed of 5 members who shall be nominated and elected by the qualified voters of the service area [IN THE SAME MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR CANDIDATES IN THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES, TITLE 4, ELECTIONS].

Section 9. That Section 16.44.020 is amended as follows:

16.44.020 Board--Established--Nomination and election of members. There is established a board of directors for the South Kenai Peninsula Borough Road Maintenance Service Area composed of 5 members who shall be nominated and elected by the qualified voters of the service area [IN THE SAME MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR CANDIDATES IN TITLE 4, ELECTIONS, OF THIS CODE].

Section 10. That Section 16.48.020 is amended as follows:

16.48.020 Board--Established--Nomination and election of members. There is established a board of directors for the Central Kenai Peninsula Road Maintenance Service Area composed of 5 members who shall be nominated and elected by the qualified voters of the service area [IN THE SAME MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR CANDIDATES IN TITLE 4, ELECTIONS, OF THIS CODE].

Section 11. That Section 16.52.020 is amended as follows:

16.52.020 Board--Established--Nomination and election of members. There is established a board of directors for the East Kenai Peninsula Road Maintenance Service Area composed of 5 members who shall be nominated and elected by the qualified voters of the service area [IN THE SAME MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR CANDIDATES IN TITLE 4, ELECTIONS, OF THIS CODE].

Section 12. That Section 16.56.020 is amended as follows:

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 5 members who shall be nominated and elected by the qualified voters of the service area [IN THE SAME MANNER] as provided in KPB 4.08.020 D and KPB 16.04.065 [FOR CANDIDATES IN TITLE 4, ELECTIONS, OF THIS CODE].

Section 13. That this ordinance takes effect immediately on the date of its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 15 DAY OF March, 1983.

Donald L. McCloud
Donald L. McCloud, Assembly President

ATTEST:

Frances Bryner
Borough Clerk