

Introduced by: Dimmick,
Keene and Walli
Date: May 7, 1985
Hearing: June 4, 1985
Vote:
Action: DEFEATED 5/14/85

KENAI PENINSULA BOROUGH

ORDINANCE 85-36

ESTABLISHING ADVISORY PLANNING COMMISSIONS IN THE COMMUNITIES OF ANCHOR POINT, NINILCHIK, FRITZ CREEK AND DIAMOND RIDGE.

WHEREAS, the Borough through its exercise of planning powers has established Advisory Planning Commissions within communities of the Borough to advise the Planning Commission on matters of local concern; and

WHEREAS, the land within the Anchor Point, Ninilchik and Fritz Creek - Diamond Ridge areas is undergoing increasing activity by subdividers, recreationists; expansion of the resident population; and acquisition, disposal, development, regulation and management of lands by State and other governmental agencies; and

WHEREAS, such activities specifically affect private landholders and the future needs for delivery of services by local governments; and

WHEREAS, these areas have need for local advisory planning commissions to provide a local public forum on land use concerns as well as to provide for more participation by residents and other local landowners in land use decisions made by the State, federal and local governments; and

WHEREAS, the Assembly supports local participation in planning and land use decisions making;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THAT THE FOLLOWING CHANGES ARE HEREBY MADE TO CHAPTER 21.02 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES:

Section 1. That KPB 21.02.040, 21.02.050 and 21.02.060 are repealed and new sections 21.02.040 and 21.02.050 are enacted to read:

21.02.040 Anchor Point - Ninilichik Advisory Planning Commission. An advisory planning commission is established for the area encompassed by the Ninilchik and Anchor Point voting precincts.

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21.02.050 Fritz Creek - Diamond Ridge Advisory Planning Commission. An advisory planning commission is established for the area encompassed by the Fritz Creek and Diamond Ridge voting precincts.

Section 2. That a new section 21.02.060 is hereby enacted to read:

21.02.060 Membership Each advisory planning commission shall consist of not more than five (5) members who reside within the respective area, who shall have been determined to be registered voters of one of the precincts, and who shall be appointed by the mayor, upon the consent of the assembly, to serve for a 3-year term. Nominations may be submitted to the mayor by community organizations within the individual communities, and by any residents who may wish to place a name in nomination or to serve on the commission. (Ord. 79-10 §5, 1979).

Section 3. A new section 21.02.070 is enacted to read:

21.02.070 Administrative guidelines. The mayor, with the concurrence of the assembly, shall establish administrative guidelines and procedures for the conduct of the advisory planning commissions. (Ord. 79-10 §6, 1979).

Section 4. A new section 21.02.080 is enacted to read:

21.02.080 Meeting schedule. Meetings shall be held once a month at a regular time and place to be determined by the Commission. Minutes shall be kept and forwarded to the Kenai Peninsula Borough Planning Commission and forwarded to the Borough Clerk for distribution to the Kenai Peninsula Borough Assembly.

Section 5. This ordinance shall take effect immediately upon its adoption.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH ON THIS _____ DAY OF _____,
1985.

Marilyn Dimmick, Assembly President

ATTEST:

Borough Clerk

Introduced by: Mayor
Date: May 21, 1985
Hearing: July 16, 1985
Vote: Unanimous
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 85-37

ESTABLISHING THE RIDGEWAY-STERLING FIRE SERVICE AREA TO PROVIDE FIRE PROTECTION SERVICES, AND PROVIDING FOR AN ELECTED BOARD.

WHEREAS, a public hearing was held by the Local Affairs Committee on June 10, 1985, in the Borough Assembly Room to determine the necessity for this service area; and

WHEREAS, the assembly finds that fire protection services are needed within the proposed service area; and

WHEREAS, the assembly finds that the new service cannot be provided by incorporation as a city, because the residents of the proposed service area do not desire to incorporate and provide for other municipal services at this time; and

WHEREAS, the assembly finds that the new service cannot be provided by annexation to the City of Soldotna, because the residents of the service area do not desire full municipal services at this time and, in fact, live in the proposed service area to avoid municipal taxation and government; and

WHEREAS, the assembly finds that the new service area can best be provided by adding the proposed Sterling fire district to the already existing Ridgeway Fire Service Area to establish a new service area of the Borough;

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

Section 1. That Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new Chapter 16.68, which shall read as follows:

Chapter 16.68

RIDGEWAY-STERLING FIRE SERVICE AREA

Sections:

- 16.68.010 Established--Boundaries
- 16.68.020 Board of directors--Established--Meetings
- 16.68.030 Board--Terms and qualifications
- 16.68.040 Board--Powers and duties
- 16.68.050 Board--Election of officers and quorum
- 16.68.060 Board--Vacancies
- 16.68.070 Board--Bylaws
- 16.68.080 Fiscal procedures

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16.68.10 Established--Boundaries. There is established a service area within the borough designated the "Ridgeway-Sterling Fire Service Area" in that portion of the borough described as follows:

A. Ridgeway district:

All following referenced to Seward Meridian, Alaska:

Beginning at the southeast corner of T. 5 N., R. 10 W.;

Thence east along the line common to section 31, T. 5 N., R. 9 W. and section 1, T. 4 N., R. 10 W. to a point on the mean highwater mark on the right bank, being the northwesterly side, of the Kenai River;

Thence southwesterly, westerly and northwesterly along the said mean highwater mark of the right bank of the Kenai River to a point on the line common to sections 34 and 35, T. 5 N., R. 10 W., said point being a point on the corporate boundary line of the City of Soldotna;

Thence, following said corporate boundary line, north along the line common to sections 34 and 35, 26 and 27 to the corner common to sections 22, 23, 26 and 27;

Thence west along a line common to sections 22 and 27 to the corner common to sections 21, 22, 27 and 28;

Thence south along the line common to sections 27 and 28 to the N 1/16 corner on the said common line;

Thence west along the N 1/16 line of said section 28, continuing through sections 29 and 30 to the thread of the Kenai River;

Thence leaving the corporate boundary of the City of Soldotna, continue west on the said N 1/16 line, to the mean highwater line of the left bank, being the west-erly side of the Kenai River;

Thence northwesterly, easterly and northerly along said mean highwater line, left bank, Kenai River to a point on the line common to sections 7 and 18, being a point on the corporate boundary line of the City of Kenai;

Thence, following said corporate boundary line, east to the E 1/16 corner common to said sections 7 and 18;

Thence northerly the SE 1/16 corner of said section 7;

Thence east along the S 1/16 line through said section 7, continuing to the SW 1/16 corner of section 8;

Thence northerly to the C W 1/16 corner of said section 8;

Thence east to the center 1/4 corner of said section 8;

Thence northerly along the north-south centerline of said section 8 to the 1/4 corner common to sections 5 and 8;

Thence west along the line common to said sections 5 and 8 to the corner common to sections 5, 6, 7 and 8;

Thence northerly along a line common to sections 5 and 6 to the corner common to sections 5 and 6, T. 5 N., R. 10 W., and sections 31 and 32, T. 6 N., R. 10 W.;

Thence east along the line common to Tps. 5 and 6 N., R. 10 W. to the corner common to sections 2 and 3, T. 5 N., R. 10 W., and sections 34 and 35, T. 6 N., R. 10 W.;

Thence southerly along the line common to sections 2 and 3, T. 5 N., R. 10 W., to the corner common to sections 2, 3, 10 and 11;

Thence east along the line common to sections 2 and 11, 1 and 12 to the corner common to sections 12 and 13, T. 5 N., R. 10 W. and sections 6 and 7, T. 5 N., R. 9 W.;

Thence south along the line common to T. 5 N., Rgs. 9 and 10 W. to the southeast corner of T. 5 N., R. 10 W., being the point of beginning.

B. Sterling district:

All referenced to Seward Meridian, Alaska.

Beginning at the southwest corner of T. 5 N., R. 9 W.;

Thence north along the line common to T. 5 N., Rgs. 9 and 10 W. to the corner common to Tps. 5 and 6 N., Rgs. 9 and 10 W.;

Thence east along the line common to Tps. 5 and 6 N., through Rgs. 9 and 8 W. to the corner common to Tps. 5 and 6 N., Rgs. 7 and 8 W.;

Thence south along the line common to T. 5 N., Rgs. 7 and 8 W. to a point on the mean highwater line on the left bank, being the southerly side of the Kenai River;

Thence northwesterly, westerly and southwesterly along the said mean highwater line of the left bank of the Kenai River, through T. 5 N., R. 8 W. and continuing in T. 5 N., R. 9 W. to a point of intersection with the south line of section 31, T. 5 N., R. 9 W.;

Thence, leaving said left bank, west along the line common to section 31, T. 5 N., R. 9 W. and section 1, T. 4 N., R. 10 W. to the southwest corner of T. 5 N., R. 9 W., being the point of beginning.

16.68.020 Board of directors--Established--Meetings.

A. There is established a board of directors for the Ridgeway-Sterling Fire Service Area composed of five (5) members who shall be nominated and elected by the qualified voters of the service area as provided for candidates for the assembly in the Borough Code of Ordinances, except that members of the board shall be residents of the borough within the service area. The board shall consist of two (2) members from the Ridgeway District, two (2) members from the Sterling District, and one (1) member at large.

B. The board shall meet periodically at regular and special meetings called by the board. All meetings shall be open to the public as provided by law.

16.68.030 Board--Terms and qualifications. A member of the board of directors shall be elected for a term of three (3) years and shall serve until a successor has been elected and sworn to assume the duties of the office, except that the first board shall contain at least two (2) staggered terms as designated in the resolution providing for the election, as follows: one member from each district shall serve one (1) year terms, one member from each district shall serve two (2) year terms, and the one member at large shall serve a three (3) year term.

16.68.040 Board--Powers and duties. The board of directors of the service area, subject to assembly approval, and appropriation of funds, shall supervise the furnishing of fire services within the service area and shall advise the mayor and the assembly concerning the administration and operation of the service area.

16.68.050 Board--Election of officers and quorum.

A. Three (3) members of the board shall constitute a quorum; however, any action shall require the affirmative vote of three (3) board members.

B. At the first regular 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 chair and such other officers as the board deems to be desirable. These officers shall hold office until their successors are elected.

16.68.060 Board--Vacancies. A. Vacancies on the board are created upon a declaration of vacancy by the board if a member:

1. Fails to qualify or to take office within thirty (30) days after appointment;
2. Is physically absent from the service area for a 90-day period unless excused by the board;
3. Resigns;
4. Is physically or mentally unable to perform the duties of his office, as determined by a majority vote of the board;
5. Is removed from office;
6. Misses three (3) consecutive regular meetings unless excused by the board;
7. Is convicted of a felony or an offense involving a violation of his oath of office.

B. Vacancies on the board shall be filled by a majority vote of the remaining board members 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 (3) year term if no unexpired term remains.

16.68.070 Board--Bylaws. A. The service area board may adopt bylaws or regulations governing the conduct of its affairs so long as these bylaws are procedural in nature and do not conflict with the rules, ordinances, statutes and regulations governing the service area board.

B. The board may establish various committees and appoint members to them.

16.68.080 Fiscal procedures. A. All contracts for capital improvements and maintenance performed in connection with the service area shall be bid and administered by the Borough department of public works in accordance with the department's normal procedure for the letting of contracts.

B. The purchasing agent for the service area is the Borough director of finance. All purchases of supplies, materials and equipment shall be made in accordance with the rules and regulations adopted by the borough assembly.

C. The service area board shall arrange for the preparation of a budget and capital program which shall be submitted to the mayor and assembly for approval. The budget and capital expenditures proposal shall be subject to the procedures for adopting the borough budget and capital expenditures program and for consideration of such items by the borough assembly.

D. The service area shall abide by the fiscal policies and procedures applicable to the borough general government budget.

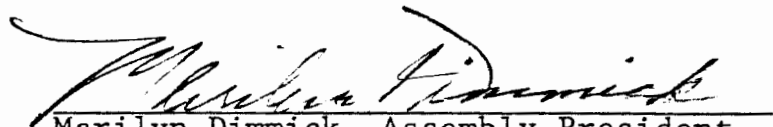
E. All accounting functions of the service area shall be performed under the supervision of the Borough director of finance, who shall provide rules and regulations and procedures governing the issuance of vouchers, the payment of vouchers, the issuance of checks, the payment of checks, the use of the central treasury of the borough, and the manner in which all bonds, contracts, leases or other obligations requiring payment of funds for the appropriations of the service area budget shall be processed and administered.

F. The service area shall not hire any personnel without the approval of the borough assembly. Unless otherwise provided, the borough personnel system and Title 3 of the Borough Code of Ordinances shall be applied to any person employed in connection with the service area, excluding independent contractors.

G. No tax levy for operation of the service area shall exceed 2 mills unless the question of abolishing this 2 mill limit is approved by a majority vote of the people residing within this service area at a regular or special election.

Section 2. That this ordinance takes effect on July 1, 1986, only after approval by the voters of the service area at the regular borough election to be held on October 1, 1985; except that KPB 16.64.080 (G) setting a 2 mill limit, takes effect on July 1, 1986 only after approval by the voters of the service area voting on the question of the mill limit at the regular borough election to be held on October 1, 1985.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 16th DAY OF July, 1985.


Marilyn Dimmick, Assembly President

ATTEST:


Borough Clerk