

Introduced by: McGahan,  
Skogstad and Brown  
Date: October 11, 1988  
Hearing: Nov. 15, 1988  
Vote: 12 Yes, 2 No  
Action: TABLED\*  
To be referred to committee

KENAI PENINSULA BOROUGH

ORDINANCE 88-42 (SUBSTITUTE)

ENACTING CODE PROVISIONS TO ALLOW THE ESTABLISHMENT OF COMMUNITY COUNCILS.

WHEREAS, the assembly encourages community participation in local government; and

WHEREAS, community councils would provide an excellent method for informing the assembly of the needs of and recommendations from the unincorporated areas of the borough; and

WHEREAS, A.S. 29.20.320 provides that a municipal governing body may by ordinance establish advisory boards and commissions, with board of commission members appointed by the mayor and confirmed by the assembly;

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

Section 1. That the KPB Code of Ordinances is amended by adding a new chapter, entitled "Community Councils", which shall read as follows:

2.62.010 Purpose. The purpose of this chapter is to permit the establishment of community councils in the unincorporated areas of the borough. Community councils are intended to:

A. Provide the people with a method by which they can work together for expression and discussion of their opinions, needs and desires in a manner that will have an impact on their community's development and services;

B. Provide governmental agencies with a method for receiving opinions, needs, desires and recommendations of residents and groups, and a method for sending notice of proposed governmental actions to affected communities;

C. Provide local governing bodies with an improved basis for decision-making and assignment of priorities for capital improvement and governmental programs affecting community development and individual well-being.

2.62.020 Definition. "Community councils" are advisory commissions of the borough composed of residents located within geographical areas designated as districts by the assembly. "Resident", for the purpose of this chapter, is defined as a person who is qualified to vote or to register to vote under the laws of the State of Alaska and the ordinances of the Kenai Peninsula Borough within the geographical area designated as a community council district by the assembly.

2.62.030 Establishment of Community Councils.

A. Upon application by residents of a community in the unincorporated areas of the borough, and after public notice and hearing, the assembly may establish by resolution a community council for a given district.

B. The establishing resolution shall also provide for the approval of council member appointments, and the establishment of council district boundaries.

2.62.040 Community Council Districts.

A. Standards. Community council district boundaries shall be established by the assembly so as to group residents within natural communities, for the purpose of establishing community councils. "Natural communities" are defined as areas of the borough within the borough that have or are achieving a distinct identity by reason of geography, history, population, transportation, fire protection or other factors. The assembly may consider other factors in establishing district boundaries, such as service area boundaries, or boundaries proposed by the applicants.

B. Establishment of district boundaries. Upon application for the establishment of a community council, the planning department shall submit to the planning commission and assembly a report and recommendation on the council boundaries.

C. District boundary review. A review of district boundaries and the number of districts, with recommendations for changes, if any, may be performed periodically. At the request of the assembly or the planning commission, the planning department shall submit to the commission or assembly a report on and recommendations for changes to council boundaries.

2.62.050 Council Membership. Community councils shall consist of not more than seven members, who reside within the respective community, and who shall be appointed by the mayor and confirmed by the assembly, and who shall serve for a three-year term. Nominations for council members may be submitted to the mayor by nonprofit community organizations within the individual communities, and by any other resident who may wish to place a name in nomination.

2.62.060 Council Functions. Community council functions shall include the following:

A. Advise the borough administration and borough assembly on matters affecting the community.

B. Review and disseminate in the community public notices for governmental agencies.

C. Perform such other functions as the borough assembly may delegate.

2.62.070 Council Procedures. The council may adopt administrative procedures governing its conduct, subject to the approval of the mayor and the assembly.

2.62.080 Borough Notices to Community Councils -- Participation of Community Councils.

A. The borough mayor shall notify community councils of, and provide community councils with an opportunity to participate in, all borough proposals which, in the opinion of the mayor, will affect community residents.

B. The borough clerk shall send a copy of the assembly agenda to the chair of each community council at the same time it is sent to assembly members.

C. The planning director shall send a copy of the planning commission agenda to the chair of each community council at the time such agenda is sent to planning commission members.

D. Such notices shall constitute notice to the community council of all items on those agendas.

2.62.090 Borough Response to Community Council Communications. Borough officials shall respond to requests, comments or actions submitted to the borough by community councils within a reasonable time.

2.62.100 Additional Citizen Participation. Nothing contained in this chapter is intended to deny or limit in any manner the right of persons individually or in groups to petition the assembly or otherwise participate in borough government under existing procedures and practices.

Section 2. That the communities of Cooper Landing, Hope and Moose Pass may petition the assembly to dissolve their advisory planning commissions, which were established by KPB Ordinance 79-10, upon the establishment of a community council for those communities.

Section 3. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1988.

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Jonathan W. Sewall, Assembly President

ATTEST:

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Borough Clerk