

Introduced Brown
Date: 07/15/97
Action: Failed on Introduction
Vote: 5 Yes, 1 No, 3 Absent

Note: Motion for shortened hearing required 6 Yes votes.

**KENAI PENINSULA BOROUGH
ORDINANCE 97-49**

**AN ORDINANCE AUTHORIZING PROVISION OF LAW ENFORCEMENT
SERVICES IN THAT GEOGRAPHIC AREA DESCRIBED AS THE
NIKISKI SHERIFF SERVICE AREA AND PLACING ON THE BALLOT FOR
FORMATION OF THE SERVICE AREA**

- WHEREAS,** the assembly adopted Resolution No. 93-136 supporting the Parent-Teacher-Student Associations of Nikiski Schools' request for increased trooper support in the Nikiski area; and
- WHEREAS,** trooper response may take one and one-half to two hours in the Nikiski area; and
- WHEREAS,** business leaders in Nikiski have requested increased protection of private property and public facilities; and
- WHEREAS,** acts of vandalism have been on the rise in the Nikiski area; and
- WHEREAS,** there has been an increase in transient crime in the area making it difficult to catch the perpetrator; and
- WHEREAS,** the formation of a service area encompassing the Nikiski community is a method provided by statutes for organizing and funding the desired services; and
- WHEREAS,** the best interests of the Nikiski community requires maintaining and increasing the level of law enforcement services available; and
- WHEREAS,** law enforcement services cannot be provided by an existing service area, or by annexation, or incorporation as a city; and
- WHEREAS,** a hearing on shortened time is necessary in order to place formation of the service area on the ballot in the October election;

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

SECTION 1. That a new Chapter 16.80 is hereby enacted to read as follows:

CHAPTER 16.80 NIKISKI SHERIFF SERVICE AREA

- 16.80.010 Established Boundaries
- 16.80.020 Mill levy
- 16.80.030 Board - Established - Nomination and election of members
- 16.80.040 Board - Meetings - Quorum
- 16.80.050 Board - Election of officers
- 16.80.060 Board - Term of office
- 16.80.070 Board - Vacancies - Created when
- 16.80.080 Board - Vacancies - Filling
- 16.80.090 Board - Powers and duties
- 16.80.100 Service Area regulations-Formulation and authority-Approval required.
- 16.80.110 Procedure-Conduct of affairs-Meetings.
- 16.80.120 Service area board-Reports required-Annual.
- 16.80.130 Budget and fiscal control.
- 16.80.140 Purchasing-Agent.
- 16.80.150 Accounts-Vouchers-Accounting.
- 16.80.160 Fiscal procedures.
- 16.80.170 Enforcement of Title 11 of the Alaska Statutes.
- 16.80.180 Sheriff-Election.
- 16.80.190 Sheriff-Authority.
- 16.80.200 Employees.

16.80.010 Established - Boundaries.

There is hereby established a Nikiski Sheriff Service Area within that portion of the borough described as follows:

Beginning in Turnagain Arm at the N.E. corner of T11N, R5W, (projected) Seward Meridian, state of Alaska,

Thence south to the N.E. corner of T9N, R5W;

Thence southwest to the N.E. corner of T6N, R10W;

Thence south to the S.E. corner of T6N, R10W;

Thence west to the S.E. corner of Section 32, T6N, R10W;

Thence north to the N.E. corner of Section 32, T6N, R10W;

Thence west to the boundary of the corporate limits of the city of Kenai, the S.E. corner of Section 25, T6N, R11W;

Thence northerly and westerly following the boundary of the corporate limits of the city of Kenai, as follows: "thence north to the N.E. corner of the SE 1/4 of Section 24, T6N, R11W, thence west to the S.E. corner of the NW 1/4 of Section 24, T6N, R11W, thence north to the N.E. corner of the NW 1/4 of Section 24, T6N, R11W, thence west to the N.E. corner of the NW 1/4 of Section 20, T6N, R11W, thence south to the S.E. corner of the NW 1/4 of Section 29, T6N, R11W, thence west to the S.E. corner of the W 1/2 E 1/2 E 1/2 NW 1/4 Section 25, T6N, R12W, thence north to the N.E. corner of the W 1/2 E 1/2 E 1/2 NW 1/4, Section 25, T6N, R12W, thence west to a point on the shore of Cook Inlet that is common to Section 23 and Section 26, T.6N., R.12W.," thence leaving the corporate limits of the city of Kenai southwesterly to the S.E. corner of T6N, R14W, (projected) said corner being in Cook Inlet;

Thence west to the Kenai Peninsula Borough boundary, the S.W. corner of T6N, R23W, (projected);

Thence following the boundary of the Kenai Peninsula Borough north to the N.W. corner of T8N, R23W, (projected);

Thence west to the S.E. corner of T9N, R24W, (projected);

Thence north to the N.E. corner of T12N, R24W, (projected);

Thence west to the S.E. corner of T13N, R24W, (projected);

Thence north to the N.E. corner of T15N, R24W, (projected);

Thence east to the N.E. corner of T15N, R12W, (projected);

Thence south to the N.W. corner of T13N, R11W, (projected);

Thence east to the N.E. corner of T13N, R10W, (projected);

Thence south to the S.E. corner of T13N, R10W, (projected) said corner being in Cook Inlet;

Thence southeasterly to the S.E. corner of T12N, R9W, (projected), said corner being in Cook Inlet;

Thence northeasterly to the N.E. corner of T12N, R7W, (projected), said corner being in Cook Inlet;

Thence southeasterly to the N.E. corner of T11N, R6W, (projected) said corner being in Turnagain Arm;

Thence east to the N.E. corner of T11N, R5W, (projected), the point of beginning.

16.80.020 Mill Levy.

No mill levy in excess of 1 mill shall be levied on behalf of the service area.

16.80.030 Service area board.

There is established a service area board of directors for oversight of the Nikiski Sheriff Service Area to be composed of five (5) members who shall be elected by the qualified voters residing within the proposed service area as provided in Secs. 4.30.010(D), 4.30.020; and 16.04.065 of this Code.

16.80.040 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 chairperson 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, facsimiled, or telephoned to each board member. All meetings are open to the public as provided 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.

16.80.050 Board-Election of officers.

At the first regular meeting following certification of the election by the assembly, and annually thereafter, the board shall elect a board member by majority vote to serve as chairperson. Other officers as the board determines desirable shall also be elected annually by majority vote.

16.80.060 Board-Term of office.

A member of the board of directors shall be elected for a term of three years and shall serve thereafter until a successor has been elected, qualified and sworn to assume the duties of the office.

16.80.070 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 or her election or appointment;
- B. Is physically absent from the service area for a 90-day period, unless excused by the board;
- C. Changes his or her residency for a period longer than 60 days to a location outside of the service area;
- D. Resigns and his or her resignation is accepted;
- E. Is physically or mentally unable to perform the duties of his or her office;
- F. Misses three consecutive regular meetings unless excused; or
- G. Is convicted of a felony or of an offense involving a violation of his or her oath of office.

16.80.080 Board-Vacancies-Filling.

Vacancies on the board shall be filled by mayoral appointment and assembly confirmation until the next regular election of the borough at which a new member shall be elected to fill the unexpired term or for a three-year term if no unexpired term remains.

16.80.090 Board-Powers and duties.

Pursuant to the provisions of AS 29.35.460 and KPB 16.04.001, the board of directors of the service area, subject to assembly approval and appropriation of funds, shall have the power to establish the scope and level of services to be provided within the Nikiski Sheriff Service Area and provide for funding, contract for services, and provide facilities. The service area board shall promptly furnish accurate and complete copies of minutes of all board meetings to the mayor and assembly.

16.80.100 Service Area regulations-Formulation and authority-Approval required.

Any regulations governing administration of the service area shall be adopted by the assembly by ordinance. The service area board may formulate written policies consistent with ordinances and regulations governing the service area. Written policies shall be approved by the service area board and the mayor.

16.80.110 Procedure-Conduct of affairs-Meetings.

The service area board shall adopt bylaws governing the conduct of its affairs so long as such bylaws are procedural in nature and do not conflict with the substantive ordinances and regulations governing the service area board. The service area board shall use Roberts Rules of Order to the extent other rules of procedure are not adopted by the board. Any rules of procedure adopted by the board shall not conflict with the ordinances and regulations governing the operations of the service area board.

16.80.120 Service area 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 a summary of activities during the fiscal year, the information specified by the regulations adopted by the borough assembly, if any, together with comparative data for previous years and recommendations for improving the service to the service area.

16.80.130 Budget and fiscal control.

The formulation of a budget and fiscal control of expenditures of public monies of the Nikiski Sheriff Service Area are under the supervision and direction of the mayor and assembly. The borough finance director shall provide the service area board with the rules governing the appropriation of funds, the budgeting of funds, the authorization of expenditures, and any and all rules of the borough fiscal policy to which the service area is subject. The service area board shall arrange for the preparation of a budget which shall be submitted to the mayor for approval. The budget shall be subject to the procedures for adopting the borough budget and capital expenditures program and its consideration by the borough assembly.

16.80.140 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 borough purchasing manual, and ordinances and regulations adopted by the borough assembly.

16.80.150 Accounts-Vouchers-Accounting.

All accounting functions for the service area shall be under the supervision of the borough finance director who shall provide rules, regulations, and procedures governing the issuance and payment of vouchers, the issuance and 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.

16.80.160 Fiscal procedures.

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

16.80.170 Enforcement of Title 11 of the Alaska Statutes.

The Nikiski Sheriff Service Area is charged with the duty of enforcing infractions and criminal provisions of the Alaska Statutes consistent with the parameters of Title 29 of the Alaska Statutes.

16.80.180 Sheriff-Election.

Only registered voters residing in the service area may run for the office of service area sheriff. The sheriff will be elected at the regular election in October every three years.

16.80.190 Sheriff-Authority .

The sheriff or other officers of the Nikiski Sheriff Service Area shall have the authority to administer the operations of the department and the delivery of law enforcement services, and shall have the authority to execute all laws, regulations, ordinances and rules pertaining to law enforcement and related services within the Nikiski Sheriff Service Area.

16.80.200 Employees.

Deputies and other employees of the service area shall be appointed by the sheriff subject to service area board confirmation. Unless specifically provided otherwise, Title 3 of the Kenai Peninsula Borough Code of Ordinances and the borough personnel system and ordinances apply to personnel employed by the service area.

SECTION 2. That the service area board shall be elected at the election establishing the service area. Notwithstanding the provisions of KPB 16.80.060, board seats to be elected at the October 1997 regular election shall be staggered as follows: Seat A for one year; seats B and C for two years; and seats D and E for three years. The sheriff will be elected within one year of establishment of the service area by vote of the people.

SECTION 3. That the following proposition shall be placed before the voters of the Nikiski Sheriff Service Area at an election to be held October 7, 1997.

PROPOSITION

SHALL THE NIKISKI SHERIFF SERVICE AREA BE ESTABLISHED FOR THE PURPOSE OF PROVIDING LAW ENFORCEMENT SERVICES WITHIN ITS BOUNDARIES?

SECTION 4. That this ordinance shall take effect upon approval by a majority of the qualified voters voting on the issue when either, the borough receives Department of Justice preclearance under the Voting Rights Act of 1965, or 60 days after the Department of Justice has received the borough's request for preclearance, whichever is earlier. If the borough's request for Department of Justice preclearance has been resolved prior to the certification of the election results, the date of certification shall be the effective date of the ordinance.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 1997.

Jack Brown, Assembly President

ATTEST:

Linda Murphy, Borough Clerk