

Introduced by: Scalzi, Drathman
Date: June 16, 1998
Hearing: July 14, 1998
Action: Enacted as Amended
Vote: 7 Yes, 2 No

**KENAI PENINSULA BOROUGH
ORDINANCE 98-23**

**AN ORDINANCE PLACING ON THE BALLOT THE QUESTION OF BOROUGH
NONAREAWIDE TRAIL POWERS, ADOPTING AN ORDINANCE EFFECTING
THOSE POWERS, AND ESTABLISHING A TRAILS COMMISSION**

WHEREAS, a trails commission was formed in 1997 in order to study and make recommendations for the assembly regarding trails issues; and

WHEREAS, the borough's comprehensive plan at chapter 4 notes the considerable public support for expanding and improving the condition of local trails for the safety and convenience of borough residents and visitors, as well as expanding and improving the network of recreational trails; and

WHEREAS, in 1992 the borough prepared phase I of a comprehensive trails plan; and

WHEREAS, the trails commission delivered a report to the assembly on June 16, 1998, recommending adoption of borough trail powers as set forth in Goal 1 of the trails commission report.

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

SECTION 1. KPB 2.75, "Trails Commission," is repealed in its entirety.

SECTION 2. A new chapter of the borough code, KPB 2.80, "Trails Commission," is enacted as follows:

2.80.010. Trails commission established — purpose clause.

Consistent with the goals of the comprehensive plan, the Kenai Peninsula Borough Trails Commission (trails commission) is established for the purpose of planning and developing expanded trail access throughout the borough for transportation and recreational purposes. The trails commission shall plan location and acceptance of trail easements from borough, state, federal, and private property owners based on community need and desire. The trails commission shall maintain records regarding the status and condition of trails. The trails commission shall help resolve conflicts that arise as a result of the peninsula's growing population and the need for access in populated urban areas and less populated rural areas. The trails commission shall assist in the resolution of trail use conflicts. The trails commission shall work in conjunction with federal, state,

and local agencies, and local trails committees in the municipalities within the borough to avoid duplication of efforts in trail planning and development. The trails commission shall assist the administration in the coordination of volunteer efforts. It is the intent of the assembly in enacting this chapter that the dedication of trails on private property not be mandated.

2.80.020. Membership.

The trails commission shall be composed of nine residents of the Kenai Peninsula Borough, including two from each of the zones described in KPB 2.45.020(B), and one member of the KPB planning commission whose name shall be submitted to the mayor by the planning commission chairperson. The mayor shall appoint all members of the trails commission, subject to assembly confirmation. If the planning commission term expires prior to the trails commission term for the planning commission representative on the trails commission, the member may continue to serve on the trails commission until the end of the trails commission term for which he was appointed.

2.80.030. Terms.

All terms shall be for three years and shall be staggered with four positions appointed one year, four positions appointed the following year, and one position appointed the next year. Terms shall end on September 30.

2.80.040. Staff assistance.

The Kenai Peninsula Borough planning department shall provide staff assistance to the trails commission.

2.80.050. Meeting procedures.

A. Five members constitute a quorum of the trails commission, and votes must pass by a majority vote of those members present and qualified to vote on an issue.

B. The trails commission shall operate in accordance with Robert's Rules of Order unless by resolution the commission establishes procedures for the conduct of its meetings and guidelines for implementing the purpose clause set forth in KPB 2.80.010.

C. Trails commissions shall comply with all provisions of the Alaska Open Meetings Act established pursuant to AS 44.62.310 through AS 44.62.312.

D. Members shall comply with the requirements of KPB 2.58.

E. The individual Trails commissions shall set a regular meeting schedule to include at least one meeting per quarter and develop agendas to meet the needs of the community. A Trails commission may set additional meetings as may be necessary to fulfill the requirements of this chapter.

F. Proposed agendas and meeting minutes shall regularly be sent to the planning director in a timely manner.

G. Notice of any meeting of the Trails commission will be posted one week prior to the scheduled date of the meeting in a prominent place within the community.

H. Notices shall state the date, time, place, and purpose of the meeting.

I. Notices shall include a phone number to contact for further information and an address to send written comments.

2.80.060. Vacancies.

A. Vacancies on the commission are created upon declaration of vacancy by the commission if a member:

1. fails to qualify or has an unexcused absence for the first meeting after the borough assembly has confirmed the appointment;
2. is physically absent from the borough for a 90-day period, unless excused by the commission;
3. resigns and his/her resignation is accepted;
4. is physically or mentally unable to perform the duties of his/her office;
5. misses three consecutive regular meetings unless excused;
6. is convicted of a felony; or
7. changes residency to a location outside of the trails commission district for a period longer than 60 days.

B. The commission shall post notice of a commission vacancy in a prominent place within the community, such as the post office or a community bulletin board, for a 30-day period after the commission declares a vacancy or 30 days before the term expires.

C. Vacancies on the commission shall be filled by appointment in the same manner as prescribed above. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains.

2.80.070. Powers and duties.

The trails commission shall make recommendations and monitor the acceptance, improvement, management, and maintenance of trails within the borough. The trails commission shall annually provide a list of priorities and goals regarding trail acceptance, improvement, management, and maintenance to the administration and planning commission. The trails commission shall make recommendations to the planning commission and assembly regarding the location and acceptance of easements for trails within the Kenai Peninsula Borough, catalog existing and future trails, and make recommendations regarding multi-use trail needs and trail use conflicts. The trails commission shall, when appropriate, coordinate with other local trail associations, commissions, and local, federal, and state governments in trail planning and development for the Kenai Peninsula Borough.

2.80.0890. Travel expenses.

Trails commission members shall receive reimbursement for travel expenses on the same basis as borough employees for attendance at trails commission meetings, scheduled workshops and other trips as authorized by the planning director. The necessary travel expenses of the trails commission shall be paid out of the borough treasury in the same manner as other expenses of the borough government, within the limits of appropriations by the assembly for that purpose. In no event may the trails commission be authorized to create a deficiency.

SECTION 3. A new chapter of the borough code, 14.45, "Trails," is enacted as follows:

14.45.010. Scope.

The borough shall exercise the power to accept, improve, manage, and maintain trails on a nonareawide basis.

14.45.020. Trails commission.

The trails commission established by KPB 2.80 shall be advisory to the mayor, planning commission, and assembly regarding acceptance, improvement, management, and maintenance of trails. The trails commission shall make recommendations regarding priorities for acceptance, improvement, management, and maintenance of trails pursuant to KPB 2.80.

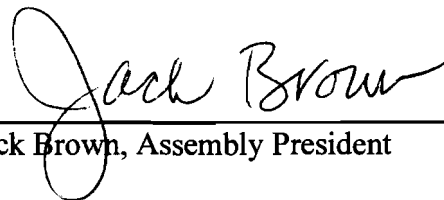
SECTION 4. All members of the trails commission appointed pursuant to KPB 2.75 shall retain their memberships on the trails commission under KPB 2.80 until the expiration of their terms.

SECTION 5. The following question shall be placed on the ballot at the October 6, 1998, election:

Shall the borough adopt the power on a nonareawide basis to accept, improve, manage, and maintain trails?

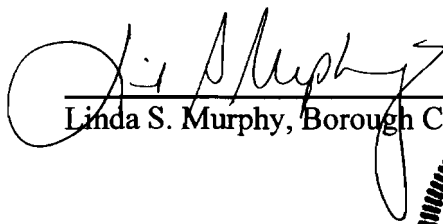
SECTION 6. Section 5 of this ordinance is effective immediately upon enactment. If the proposition in Section 5 is approved by a majority of the qualified voters voting on the proposition at the October 6, 1998 election, then sections 1, 2, 3, and 4 of this ordinance are effective upon the certification of the election.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 14TH DAY OF JULY, 1998.



Jack Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

