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| Introduced by: | Navarre |
| Date: | 08/07/01 |
| Hearings: | 09/04/01, 10/23/01, 11/06/01, 11/20/01 |
| Action: | Postponed until 11/06/01 |
| Action: | Amended & Postponed until 11/20/01 |
| Action: | Amended & Postponed until 12/11/01 |
| Action: | Amended & Postponed until 01/08/02 |
| Action: | Enacted as Amended |
| Vote: | 8 Yes, 0 No, 1 Absent |
| Date: | 01/08/02 |

**KENAI PENINSULA BOROUGH
ORDINANCE 2001-29**

**AN ORDINANCE AMENDING KPB CHAPTER 2.40 REGARDING PLANNING
COMMISSION MEMBERSHIP AND APPORTIONMENT**

WHEREAS, Alaska Statutes require that planning commission membership be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough; and

WHEREAS, all members are subject to appointment by the mayor and confirmation by the assembly, provided that members from home rule or first class cities must be selected by the mayor from a list of recommendations submitted by the city council; and

WHEREAS, KPB 2.40.010 provides that the planning commission shall include one member from each first class or home rule city of the borough, which is not required by statute, and that the number of remaining members from areas in the borough outside such cities must comply with the statutorily required apportionment; and

WHEREAS, if the planning commission must include one member from each of the first class or home rule cities in the borough, then five members must come from the cities and, based upon the recent federal decennial census figures, the commission would have to be increased by either two or three members to satisfy the statutorily required apportionment figures;

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

SECTION 1. That KPB 2.40.010 is hereby amended as follows:

2.40.010. Membership–Apportionment.

In accordance with AS [§] 29.40.020(A):

A. The planning commission shall consist of [1] a maximum of thirteen members including one member from each first class or home rule city of the borough [AND THE NUMBER OF MEMBERS FROM AREAS IN THE BOROUGH OUTSIDE FIRST CLASS CITIES TO COMPLY WITH THE REQUIRED APPORTIONMENT] and the remainder apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. The first class or home rule cities of the borough are:

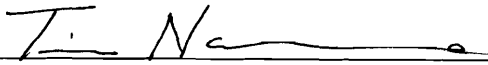
1. Kenai
2. Soldotna
3. Seward
4. Homer
5. Seldovia

B. [THE PLANNING COMMISSION MAY ESTABLISH, ALTER, OR ABOLISH, SUBJECT TO APPROVAL OF THE ASSEMBLY, SECTIONS FOR THE APPOINTMENT OF COMMISSIONERS FROM AREAS OUTSIDE FIRST CLASS CITIES, EXCEPT THAT ANY SUCH ESTABLISHED SECTIONS SHALL NOT BE ABOLISHED WITHOUT APPROVAL OF A MAJORITY OF THE ASSEMBLYMEN FROM AREAS OUTSIDE FIRST CLASS CITIES. IF SECTIONS ARE ESTABLISHED, THE NUMBER OF MEMBERS TO BE APPOINTED FROM EACH SECTION WILL BE SET SO AS TO MAINTAIN THE REQUIRED APPORTIONMENT.] One planning commissioner from outside of first class and home rule cities shall be appointed by the mayor and confirmed by the assembly from each of the following areas as generally described below and depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance 2001-29. The sections described in the map and below provide guidelines from which deviations are permitted consistent with the intent that commissioners reside in areas throughout the borough:

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|-----------------------------------|-------------------------------|
| <u>6. East Peninsula;</u> | <u>10. Kalifornsky Beach</u> |
| <u>7. Southwest Borough;</u> | <u>11. Ridgeway;</u> |
| <u>8. Anchor Point/Ninilchik;</u> | <u>12. Sterling;</u> |
| <u>9. Kasilof/Clam Gulch;</u> | <u>13. Northwest Borough.</u> |

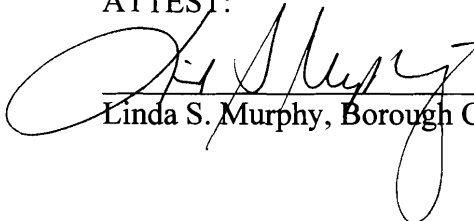
SECTION 2. That this ordinance shall take effect July 31, 2002.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH
DAY OF JANUARY, 2002.**



Timothy Navarre, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

