

Introduced by: Martin  
Date: 05/21/02  
Hearings: 06/04/02, 06/18/02  
Action: Enacted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2002-21**

**AN ORDINANCE ESTABLISHING THE ANCHOR POINT PORT AND HARBOR  
SERVICE AREA FOR A FEASIBILITY STUDY FOR A PORT AND HARBOR AND  
PROVIDING FOR AN ELECTED BOARD**

**WHEREAS**, on March 11, 2002, the borough clerk certified a petition to establish a service area in the Anchor Point area to provide port and harbor services; and

**WHEREAS**, pursuant to the requirements of KPB 16.04.030, the mayor submitted a survey and report to the assembly concerning the need for and estimated cost of the service area on April 4, 2002; and

**WHEREAS**, a committee of the assembly held a hearing within the proposed service area boundaries at the Anchor Point Senior Citizen Center on May 8, 2002; and

**WHEREAS**, the assembly finds it is desirable to form a service area to facilitate a feasibility study regarding construction, maintenance, and operation of a harbor or other boat launch facility in Anchor Point; and

**WHEREAS**, the assembly finds that such services can best be provided by the establishment of a service area of the borough and cannot, consistent with the purposes of Article X of the Constitution of the State of Alaska, be provided by an existing service area, by annexation to a city, or by incorporation as a city; and

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

**SECTION 1.** That KPB Chapter 16.65 is hereby enacted to read as follows:

**16.65.010. Established—Boundaries.**

There is hereby established pursuant to AS 29.63.090 a service area within the borough designated the “Anchor Point Port and Harbor Service Area” including that portion of the borough described as follows:

All of the following referenced to the Seward Meridian, Alaska:

All uplands of T3S, R14W, excepting therefrom those portions of Section 4, 5, 6, and 7 lying northwesterly of the thread of Happy Creek;

All uplands of T3S, R15W;

All of T4S, R14W;

All uplands of T4S, R15W;

All of T5S, R14W, excepting therefrom all sections and portions of sections lying southerly and southeasterly of the following described line: beginning at the point of intersection of the range line common to T5S, R13W and R14W and the thread of Anchor River;

Thence southwesterly along the thread of Anchor River to the point of intersection with the line common to Sections 28 and 29;

Thence south along said common line and continuing along the line common to Sections 32 and 33 to the north 1/16th corner common to said Sections 32 and 33;

Thence west along the north 1/16th line through Section 32 and continuing through Section 31 to the north 1/16th corner of Section 31 on the range line common to T5S, R15W, excepting therefrom those portions of Sections 35 and 36 lying southerly of the north 1/16 line of said Sections 35 and 36; all being within the Anchor Point voting precinct.

**16.65.020. Mill levy.**

A mill rate may be levied on taxable property in the service area to fund the services provided by the service area. No mill levy in excess of 0.1 mills shall be levied on behalf of the service area unless an increase is approved by a majority of the voters at an election within the service area.

**16.65.030. Board of directors.**

There is established a board of directors for the Anchor Point Port and Harbor Service Area composed of five members who shall be nominated and elected by the qualified voters of the service area as provided in Sections 4.08.020(D) and 16.04.065 of this code.

**16.65.040. 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 chairman of the board or by any two members upon one day's notice thereof published in a newspaper having general distribution within the service area. The notice shall set forth the time and place of the meeting and shall be mailed or telephoned to each board member. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting. All meetings are open to the public as provided in AS 29.20.020 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312. Three board members shall constitute a

quorum; however, any action shall require the affirmative vote of three board members.

**16.65.050. Board—Election of officers.**

At the first regular meeting following certification of the election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members and from the board members a chairman and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

**16.65.060. 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, except that the first board shall contain members elected for lesser periods as designated in the documents setting up the election to provide for staggered terms.

**16.65.070. 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 election or appointment;
- B. Is physically absent from or does not reside in the service area for a 90-day period, unless excused by the board;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office;
- E. Is removed from office;
- F. Misses three consecutive regular meetings unless excused;
- G. Is convicted of a felony or of an offense involving a violation of his oath of office.

**16.65.080. Board—Vacancies—Filling.**

Vacancies on the board shall be filled by a majority vote of the remaining board until the next general election of the borough at which a new member shall

be elected to fill the unexpired term or for a three-year term of no unexpired term remains.

**16.65.090. Board—Powers and duties.**

The board of directors of the service area, subject to assembly approval and appropriation of funds and the provisions of KPB 16.04.001, shall to the extent practical, cooperate with the Corps of Engineers and any other appropriate agency or organization to fund and conduct a study investigating the feasibility of providing port, harbor, boat launch, or other facilities to provide water access and navigation improvements in the vicinity of Anchor Point. The board shall advise the mayor and the assembly concerning the administration and operation of the service area. The board shall promptly furnish accurate and complete copies of minutes of all board meetings to the mayor and assembly.

**SECTION 2.** That the following proposition shall be placed before the voters of the Anchor Point Port and Harbor Service Area at the next regular borough election to be held October 1, 2002:

PROPOSITION


Do you approve the exercise of powers necessary to provide a port and harbor feasibility study within the Anchor Point Port and Harbor Service Area established by Kenai Peninsula Borough Ordinance 2002-21?

\_\_\_\_\_ Yes

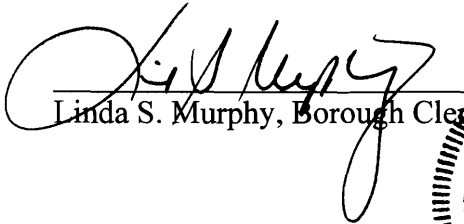
\_\_\_\_\_ No

**SECTION 3.** That Sections 2 and 3 of this ordinance take effect immediately upon enactment of this ordinance. Section 1 shall take effect upon approval of the proposition in Section 2 by the majority of voters in the service area voting on the proposition at the regular borough election to be held on October 1, 2002, and upon the date the October 1, 2002, election is certified by the borough assembly or the date the U.S. Department of Justice issues its nonobjection to preclearance, whichever is later. If the U.S. Department of Justice does not issue a nonobjection to preclearance, the effective date shall be 60 days from the date of receipt of the ballot proposition for preclearance by the U.S. Department of Justice or the date of the certification of the election results, whichever is later. If an objection is imposed by the U.S. Department of Justice, the ordinance shall not be effective until the objection is resolved.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JUNE, 2002.**

  
Timothy Navarre, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk

