

Introduced by: Martin
Date: 01/06/04
Hearing: 02/03/04
Action: Postponed until 02/17/04 and 03/16/04
Action: Enacted as Amended by Substitution
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2004-01 (MARTIN) SUBSTITUTE**

**AN ORDINANCE AMENDING KPB TITLE 16 TO REQUIRE PUBLIC
NOTICE OF VACANCIES ON SERVICE AREA BOARDS BEFORE
SUCH VACANCIES ARE FILLED**

WHEREAS, Title 16 of the borough code addresses service areas and contains requirements for filling vacancies on service area boards; and

WHEREAS, currently, vacancies on a service area board are filled by a majority vote of the remaining service area board members until the next regular borough election at which a new member will be elected to fill the unexpired term or for a three-year term if no unexpired term remains; and

WHEREAS, in practice, many service area boards advertise to fill a vacancy, which has not been done consistently; and

WHEREAS, advertising through public notice, radio, public service announcements, and other means designed to provide public notice of a vacancy should help increase the pool of applicants to fill vacant positions on service area boards; and

WHEREAS, the following service area boards had the following recommendations regarding this ordinance:

Central Kenai Peninsula Hospital Service Area: recommended enactment;

Nikiski Fire Service Area: recommended enactment provided the ordinance is amended to clarify that the publication must be 21 days prior to filling the vacant seat;

North Peninsula Recreation Service Area: recommended enactment;

Kachemak Emergency Service Area: recommended enactment;

South Kenai Peninsula Hospital Service Area: recommended enactment;

Bear Creek Fire Service Area: recommended enactment;

Central Emergency Service Area: recommended enactment;

Kenai Peninsula Borough Road Service Area: no recommendation;

Lowell Point Emergency Service Area: no recommendation;

Seward-Bear Creek Flood Service Area: recommended enactment;

Anchor Point Fire and Emergency Medical Service Area: recommended enactment;

Nikiski Senior Service Area: recommended enactment;

WHEREAS, the borough's best interests would be served by requiring public notice of vacancies on service area boards prior to the positions being filled;

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

SECTION 1. That KPB 16.08.070 is hereby amended as follows:

16.08.070. Board—Vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next [GENERAL] regular election of the borough at which time a new member shall be elected to fill the unexpired term or for a full term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 2. That KPB 16.12.070 is hereby amended as follows

16.12.070. Board vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next regular election of the borough at which time a new member shall be elected to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 3. That KPB 16.16.070 is hereby amended as follows:

16.16.070. Board—Vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next [GENERAL] regular election of the borough at which time a new member shall be elected to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 4. That KPB 16.20.080 is hereby amended as follows:

16.20.080. Board—Vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next [GENERAL] regular election of the borough at which time a new member shall be elected to fill the unexpired term or for a three-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 5. That KPB 16.24.070 is hereby amended as follows:

16.24.070. Board—Vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next [GENERAL] regular election of the borough at which time a new member shall be elected to fill the unexpired term or for a [3]three-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 6. That KPB 16.28.070 is hereby amended as follows:

16.28.070. Board—Vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next [GENERAL] regular election of the borough at which time a new member shall be elected to fill the unexpired term or for a [3]three-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 7. That KPB 16.30.080 is hereby amended as follows:

16.30.080. Board—Vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next [GENERAL] election of the [B]orough at which time a new member shall be elected to fill the unexpired term or for a three-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 8. That KPB 16.41.060(B) is hereby amended as follows:

B. Vacancies on the board shall be filled as prescribed in Section 16.41.020 above. The appointment shall be to fill the unexpired term or for a [3]three-year term if no unexpired term remains. The mayor shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 9. That KPB 16.45.080 is hereby amended as follows:

16.45.080. Board—Vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next [GENERAL] regular election of the borough at which time a new member shall be elected to fill the unexpired term or for a three-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 10. That KPB 16.50.080 is hereby amended as follows:

16.50.080. Board—Vacancies—Filling.

Vacancies on the board shall be filled by majority vote of the remaining board until the next [GENERAL] regular election of the borough at which time a new member shall be elected to fill the unexpired term or for a three-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service

area office or at the borough administration building, and such other publication as the service area board deems appropriate.

SECTION 11. That KPB 16.60.060(B) is hereby amended as follows:

B. Vacancies on the board shall be filled by a majority vote of the remaining board members until the next [GENERAL] regular election of the borough, at which time a new member shall be elected to fill the unexpired term or for a [3]three-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

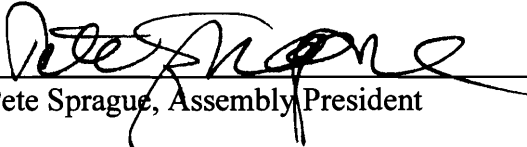
SECTION 12. That 16.70.070(B) is hereby amended as follows:

B. Vacancies on the board shall be filled by majority of the remaining board until the next regular election of the borough at which time a new member shall be elected to fill the unexpired term or for a [3]three-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before filling the vacancy. Public notice may be provided by publication through print or broadcast media, posting at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

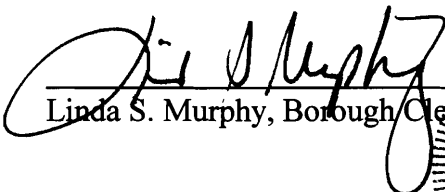
SECTION 13. That this ordinance shall only apply to service area board seats that become vacant on or after the effective date of this ordinance.

SECTION 14. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF MARCH, 2004.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

