



KENAI PENINSULA BOROUGH

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DAVE CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Milli Martin, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU:  Pete Sprague, Assembly Member
Gary Knopp, Assembly Member *Sm for GK*

FROM:  Colette Thompson, Borough Attorney

DATE: June 25, 2009

SUBJECT: Ordinance 2009-32 establishing the Central Peninsula Multi-Use Facility Service Area

This memo responds to assembly requests for a comparison of the North Peninsula Recreation Service Area (NPRSA) function with those of the proposed multi-use facility service area and also contains a proposed amendment to the proposition clarifying the voting process.

1. Functions of NPRSA compared with multi-use facility functions.

Following are the proposed functions of the Central Peninsula Multi-Use Facility Service Area and the existing NPRSA functions.

16.80.030. Authorized functions of the Central Peninsula Multi-use Facility Service Area.

Subject to assembly approval and appropriation of funds and the provisions of KPB 16.04.001, the service area shall provide for the construction, operation, and maintenance of a multi-use facility to be located in the central peninsula area that is large enough to provide a venue to practice and compete in youth or adult sports that normally require a large area. Specific examples of such sports include soccer, football, lacross, softball, baseball, track and field events, golf and other similar recreational sports activities. This facility may also be used for sports shows, exhibitions, academic and cultural events and services, wellness programs and other special events.

NPRSA:

16.16.080. 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 Section 16.04.001, shall provide for recreation services and programs within the service area and may construct, operate and maintain facilities to provide such services. 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.

2. Proposition language.

Additionally, questions were raised regarding the proposition language and whether or not the city retains the authority by ordinance to opt into the service area. The following amendments are suggested to clarify that the city councils have the option to be included in the service area if they so choose:

➤ Amend Section 3 as follows:

SECTION 3. That Section 2 of this ordinance shall take effect immediately upon its adoption, and Section 1 of this ordinance shall take effect upon approval of the proposition in Section 2 above by a majority of the qualified voters voting on the issue in the manner described in Section 4 of this ordinance and 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.

➤ Amend Section 4 as follows:

SECTION 4. That this ordinance shall also only take effect after the cities of Soldotna and Kenai either agree to be included in the service area by ordinance, or approval is granted by a majority of the voters in each city and residing inside the boundaries of the proposed service area but outside of the city as required by AS 29.35.450(a). If either the City of Soldotna or the City of Kenai decline to approve inclusion in the service area by ordinance, then a single ballot proposition as described in Section 2 must be approved separately by a majority of the voters of the City of Soldotna, the City of Kenai, and the area of the borough outside of the cities in order to pass. If both cities agree by ordinance to be included in the service area, then the proposition shall pass if it is approved by a majority of the voters in the entire service area.