

Introduced by: Pierce
Date: 11/10/09
Hearing: 01/05/10
Action: Postponed until 02/16/10
Date: 02/16/10
Action: Failed to Enact as Amended
Vote: 1 Yes, 7 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2009-52**

AN ORDINANCE AMENDING TITLE 16 SERVICE AREAS, TO ALLOW FOR BOARD MEMBERS TO BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY WHEN A VACANCY OCCURS OUTSIDE OF THE ELECTION CYCLE

WHEREAS, when a board seat becomes vacant mid-term on the Road Service Area Board, the Planning Commission, and Advisory Planning Commissions, the mayor appoints and assembly approves the replacement member; and

WHEREAS, unifying procedures for appointing persons to complete terms when any borough board seat is vacated mid-term eliminates questions as to which process applies; and

WHEREAS, service area boards currently follow different procedures from the above boards when filling vacancies, and the borough's best interests would be served by using the above-described procedure for appointing persons to complete vacated terms of office on service area boards; and

WHEREAS, at its regular board meeting held on January 20, 2010, the Anchor Point Fire and Emergency Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 12, 2010, the Bear Creek Fire Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 18, 2010, the Central Kenai Peninsula Hospital Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 21, 2010, the Central Emergency Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 14, 2010, the Kachemak Emergency Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 21, 2010, the Lowell Point Emergency Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 13, 2010, the Nikiski Fire Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 12, 2010, the Nikiski Senior Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 25, 2010, the North Peninsula Recreation Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 4, 2010, the Seward/Bear Creek Flood Service Area Board recommended defeat of this ordinance by unanimous consent; and

WHEREAS, at its regular board meeting held on January 4, 2010, the South Peninsula Hospital Service Area Board recommended defeat of this ordinance by unanimous consent;

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

SECTION 1. Amend KPB 16.04.065 as follows:

16.04.065. Election of board members.

Vacancies for service area boards requiring elected boards shall be filled by the candidate receiving the highest number of the votes cast for that seat. In the event that no candidate files for election to a seat which is to be filled at said election, then no election shall be conducted for that particular seat, and the seat shall be filled by appointment by the mayor and confirmed by the assembly [A MAJORITY VOTE OF THE REMAINING BOARD FOLLOWING CERTIFICATION OF THE ELECTION]. The remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.08.070 as follows:

16.08.070. Board--Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [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 full term if no unexpired term remains. The remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.12.070 as follows:

16.12.070. Board vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [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 remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.16.070 as follows:

16.16.070. Board--Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [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 remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.20.080 as follows:

16.20.080. Board--Vacancies—Filling

Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [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 three-year term if no unexpired term remains. The remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.24.070 as follows:

16.24.070. Board--Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [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 three-year term if no unexpired term remains. The remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.28.070 as follows:

16.28.070. Board--Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [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 three-year term if no unexpired term remains. The remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.30.080 as follows:

16.30.080. Board--Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [MAJORITY VOTE OF THE REMAINING BOARD] until the next 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 remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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 9. Amend KPB 16.45.080 as follows:

16.45.080. Board--Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [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 three-year term if no unexpired term remains. The remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.50.080 as follows:

16.50.080. Board--Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [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 three-year term if no unexpired term remains. The remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.60.060(B) as follows:

16.60.060(B) Board—Vacancies.

B. Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [A MAJORITY VOTE OF THE REMAINING BOARD MEMBERS] 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 three-year term if no unexpired term remains. The remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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. Amend KPB 16.70.060(B) as follows:

16.70.060(B) Board—Vacancies.

B. Vacancies on the board shall be filled by appointment by the mayor and confirmed by the assembly [A MAJORITY VOTE OF THE REMAINING BOARD MEMBERS] 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 three-year term if no unexpired term remains. The remaining board members may submit a list of candidates for the vacant seat to the mayor for consideration, although the mayor is not required to appoint a person from that list. 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 take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2010.

Pete Sprague, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes: Pierce

No: Fischer, Haggerty, McClure, Smalley, Smith, Superman, Sprague

Absent: Knopp