

Introduced by: Glick  
Date: Mar. 15, 1983  
Vote: Unanimous  
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 83-64

REQUESTING THE THIRTEENTH LEGISLATURE OF THE STATE OF ALASKA TO AMEND AS 29.33.070 TO PROVIDE THAT ANY POWERS TRANSFERRED TO A CITY THEREUNDER CANNOT BE RETRANSFERRED TO THE BOROUGH WITHOUT CONSENT OF THE CITY.

WHEREAS, AS 29.33.070(b) presently provides that the Assembly may by ordinance designate a city council as a board of adjustment within the city and delegate other planning and zoning powers to a city but that the Assembly may likewise by ordinance revoke or modify any part or all of the powers delegated thereunder; and

WHEREAS, many cities of the Borough have expressed a reluctance to assume zoning powers authorized by current Borough ordinances because of the possibility that a future Borough governing body might revoke the delegation after the city had gone to some expense to set up their own zoning procedures and departments; and

WHEREAS, under the current provisions of AS 29.33.070 the Kenai Peninsula Borough can give no assurance to the cities that a future Assembly and Mayor will not withdraw powers delegated to the city; and

WHEREAS, it would be reasonable to treat powers transferred to the city by the Borough in the same manner as powers which the city has by statute;

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

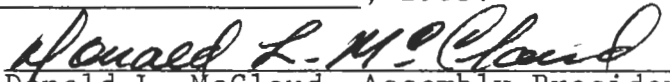
Section 1. The Kenai Peninsula Borough hereby requests the Thirteenth Legislature of the State of Alaska and the Governor of the State of Alaska to amend AS 29.33.070 by repealing AS 29.33.070(b)(3) and adopting a new subsection, AS 29.33.070(c), to read:

(c) Any part or all of the powers delegated under subsection (b) may only be retransferred to the Borough under the provisions of AS 29.33.250 or AS 29.33.260.

Section 2. Immediately after adoption of this resolution, the Clerk of the Kenai Peninsula Borough shall mail copies thereof to Governor William J. Sheffield, to Senators Don Gilman

and Paul Fischer, and to Representatives Hugh Malone, Milo Fritz, Bette Cato, and Vern Hurlbert.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 15 DAY OF March, 1983.

  
Donald L. McCloud, Assembly President

ATTEST:

  
Borough Clerk