

Ratified by the voters July 30, 1974

Introduced by: Arness
Date: May 7, 1974
Hearing: June 4, 1974
Enacted: June 4, 1974
Vote: 135 "Yes" ; 9 "No"

KENAI PENINSULA BOROUGH
ORDINANCE 74-16

AN ORDINANCE ENTITLED: AN ORDINANCE ESTABLISHING THE NORTH PENINSULA RECREATION SERVICE AREA FOR THE CONSTRUCTION AND MAINTENANCE OF RECREATION SERVICES AND PROVIDING FOR AN ELECTED BOARD

WHEREAS, the assembly finds that construction and maintenance of recreation services are needed within the herein described area and 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 State Constitution, be provided by an existing service area, by annexation to a city, or by incorporation as a city; and

WHEREAS, the intent of this service area is to construct a swimming pool, to be placed as near to the North Kenai Elementary School as practical;

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. Title 27 of the Kenai Peninsula Borough Code of Ordinances is amended to add a new chapter to read:

CHAPTER 35. NORTH PENINSULA RECREATION SERVICE AREA

Section 27.35.010. Boundaries. There is hereby established pursuant to AS 29.63.090 a service area within the borough designated the "North Peninsula Recreation Service Area", including that portion of the borough described as follows:

DESCRIPTION

Beginning in Turnagain Arm at the N.E. corner of T.11N., R.5W., (projected) Seward Meridian, State of Alaska, thence south to the N.E. corner of T.9N., R.5W., thence southwest to the N.E. corner of T.6N., R.10W., thence south to the S.E. corner of T.6N., R.10W., thence west to the S.E. corner of Section 32, T.6N., R.10W., thence north to the N.E. corner of Section 32, T.6N., R.10W., thence west to the boundary of the corporate limits of the City of Kenai, the S.E. corner of Section 25, T.6N., R.11W., thence northerly and westerly following the boundary of the corporate limits of the City of Kenai, as follows: "thence north to the N.E. corner of the SE 1/4 of Section 24, T.6N., R.11W., thence west to the S.E. corner of the NW 1/4 of Section 24, T.6N., R.11W., thence north to the N.E. corner of the NW 1/4 of Section 24, T.6N., R.11W., thence west to the N.E. corner of the NW 1/4 of Section 20, T.6N., R.11W., thence south to the S.E. corner of the NW 1/4 of Section 29, T.6N., R.11W., thence west to the S.E. corner of the W 1/2 E 1/2 E 1/2 NW 1/4 Section 25, T.6N., R.12W., thence north to the N.E. corner of the W 1/2 E 1/2 E 1/2 NW 1/4, Section 25, T.6N., R.12W., thence west to a point on the shore of Cook Inlet that is common to Section 23 and Section 26, T.6N., R.12W.," thence leaving the corporate limits of the City of Kenai southwesterly to the S.E. corner of T.6N., R.14W., (projected) said corner being in Cook Inlet, thence west to the Kenai Peninsula Borough boundary, the S.W. corner of T.6N., R.23W., (projected), thence following the boundary of the Kenai Peninsula Borough north to the N.W. corner of T.8N., R.23W., (projected); thence west to the S.E. corner of T.9N., R.24W., (projected); thence north to the N.E. corner of T.12N., R.24W., (projected); thence west to the S.E. corner of T.13N., R.24W., (projected); thence north to the N.E. corner of T.15N., R.24W., (projected); thence east to the N.E. corner of T.15N., R.12W., (projected); thence south to the N.W. corner of T.13N., R.11W., (projected); thence east to the N.E. corner of T.13N., R.10W., (projected); thence south to the S.E. corner of T.13N., R.10W., (projected); said corner being in Cook Inlet, thence southeasterly to the S.E. corner of T.12N., R.9W., (projected), said corner being in Cook Inlet, thence northeasterly to the N.E. corner of T.12N., R.7W., (projected), said corner being in Cook Inlet, thence southeasterly to the N.E. corner of T.11N., R.6W., (projected) said corner being in Turnagain Arm; thence east to the N.E. corner of T.11N., R.5W., (projected), the point of beginning.

Section 27.35.020. Board of Directors. (a) There is hereby established a board of directors for the North Peninsula Recreation Service Area composed of five (5) members who shall be nominated and elected by the qualified voters of the service area in the same manner as provided for candidates in the Kenai Peninsula Borough Code of Ordinances, Title 11, Elections.

(b) 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 (2) members upon one (1) 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 29.23,580 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312. Three (3) board members shall constitute a quorum; however, any action shall require the affirmative vote of three (3) board members.

(c) 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.

Section 27.35.030. Terms and qualifications. (a) A member of the board of directors shall be elected for a term of three (3) years and shall serve thereafter until his 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.

(b) Vacancies on the board are created upon declaration of vacancy by the board if a member:

- (1) Fails to qualify or take office within thirty (30) days after his election or appointment;

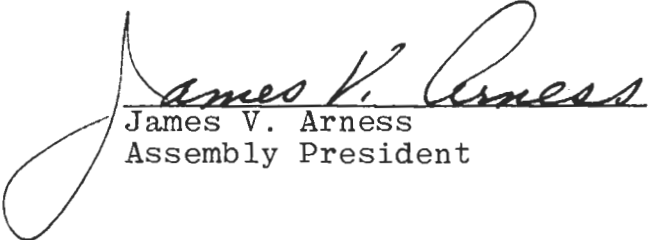
- (2) is physically absent from the service area for a ninety (90) day period, unless excused by the board;
- (3) resigns and his resignation is accepted;
- (4) is physically or mentally unable to perform the duties of his office;
- (5) is removed from office;
- (6) misses three (3) consecutive regular meetings unless excused; or
- (7) is convicted of a felony or of an offense involving a violation of his oath of office.

(c) Vacancies on the board shall be filled by 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 (3) year term if no unexpired term remains.

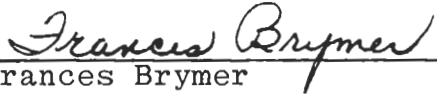
Section 27.35.040. Powers and duties. Pursuant to the provisions of AS 29.63.090 the board of directors of the service area subject to assembly approval and appropriation of funds shall have the power to provide for construction and maintenance of recreation services within the service area and shall promptly furnish accurate and complete copies of the minutes of all board meetings to the mayor and assembly.

Section 2. This ordinance becomes effective after enactment and upon approval by the voters of the service area.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 4 DAY OF June, 1974.


James V. Arness
Assembly President

ATTEST:


Frances Brymer
Borough Clerk