

**BYLAWS OF THE  
KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD**

A Service Area Board of the Kenai Peninsula Borough  
A Municipal Corporation

**Preamble**

The Kenai Peninsula Borough Road Service Area Board shall provide for maintenance, improvement, and regulation of rights-of-way within the Kenai Peninsula Borough Road Service Area.

**ARTICLE I  
SERVICE AREA ESTABLISHMENT – GOVERNMENT – NAME**

**Section 1. Name:** The name of the service area is the “KENAI PENINSULA BOROUGH ROAD SERVICE AREA,” hereinafter referred to as the “RSA.”

**Section 2. Establishment:** The RSA was established by Kenai Peninsula Borough Ordinance 91-18 (KPB 16.41).

**Section 3. Government:** Service area operations are governed by Alaska Statutes, particularly Title 29; and the Kenai Peninsula Borough Code of Ordinances, particularly Kenai Peninsula Borough chapters 16.04 and 16.41. The RSA further administers, in full or in part, Kenai Peninsula Borough Titles 12 and 14 and other provisions of the borough code as may be adopted by the assembly and made applicable to the RSA.

**ARTICLE II  
SERVICE AREA BOARD OF DIRECTORS**

**Section 1. Establishment – Appointment:** The board consists of seven members, two [THREE] at- large and one each from the southern, central, eastern, western and northern regions of the borough [AS DEFINED APPROXIMATELY BY THE FORMER SOUTH, CENTRAL, EAST, AND NORTH PENINSULA ROAD MAINTENANCE SERVICE AREAS ESTABLISHED BY ORDINANCES 82-26, 82-27, 82-28, AND 82-29, RESPECTIVELY]. Board members will be appointed by the mayor and confirmed by the assembly consistent with the provisions of AS 29.20.360(b), 29.35.460, and KPB 16.41.020.

**Section 2. Powers and Duties of the Board:** The RSA board shall generally advise and make recommendations to the mayor and the assembly concerning road maintenance, improvement issues, right-of-way regulation, the operation and management of service area activities, annual service area budget, and such additional functions as the assembly may authorize. The board shall promptly furnish accurate and complete copies of minutes of all board meetings, to the mayor and the assembly. The board shall perform the following functions

consistent with applicable ordinances and resolutions governing the RSA as exist and as may be amended:

- A. Consistent with the provisions of KPB 14.06, certify or decertify roads for borough maintenance.
- B. Consistent with the provisions of KPB 16.41.070, provide for the construction, improvement, and maintenance of roads within the RSA and establish criteria by board resolution for the provision of services within the RSA.
- C. Consistent with the provisions of KPB 14.31. and 14.32, approve Local Improvement District formations for road improvement projects.
- D. Consistent with the provisions of KPB 16.41.100, recommend to the mayor the appointment or removal of the RSA director.
- E. Consistent with KPB 16.41.130, require a monthly report from the RSA director indicating the condition of the RSA equipment, services, usage, and other matters as required by the RSA board.
- F. Consistent with the provisions of KPB 16.41.140, provide an annual report to the mayor within one month after the financial close of the fiscal year including comparative data for previous years and recommendations for improving the services to the RSA.
- G. Consistent with KPB 16.41.150, adopt bylaws, regulations, and rules of procedure which do not conflict with the substantive rules and regulations adopted by the assembly for the RSA.
- H. Consistent with the provisions of KPB 16.41.170, arrange for the preparation and presentation, including public hearings, of a budget and capital improvement program for the mayor's approval.
- I. Consistent with the provisions of KPB 16.41.190, recommend procedures to the assembly for the road construction criteria set forth in KPB 16.41.190(A).
- J. Consistent with the provisions of 14.04 and 14.40, formulate policy statements regarding maintenance and improvement of borough roads and make determinations relative to permitting and enforcement issues on borough roads and rights-of-way within the road service area.
- K. Consistent with the provisions of KPB 12.02, establish speed limits for borough maintained roads.
- L. Consistent with the provisions of KPB 12.04, establish no-parking zones on borough-maintained roads.

- M. Consistent with the provisions of KPB 12.06, administer abandoned vehicle abatement provisions within the RSA.
- N. Consistent with assembly Resolution 00-034, recommend an annual budget to the mayor and assembly.
- O. Consistent with assembly Resolution 00-034, approve the contract document forms for, maintenance, improvement, and design of road improvement within the RSA.
- [P. CONSISTENT WITH ASSEMBLY RESOLUTION 00-034, ANNUALLY PRESENT A LIST OF ROAD MILEAGE, INCLUDING ADDITIONS OR DELETIONS, TO THE STATE OF ALASKA FOR FUNDING PURPOSES.]
- P.[Q.]Consistent with assembly Resolution 00-034, recommend to the mayor and assembly award of contracts at a regular or special board meeting.
- Q. [R.]Consistent with assembly Resolution 00-034, approve an annual capital improvement list for roads certified for maintenance;
- R. [s.]Perform other functions as delegated by the assembly.

**Section 3. Terms and Qualifications:**

- A. The terms for all the seats within the RSA are three years and are staggered pursuant to KPB 16.41.050.
- B. Candidates for the board must be qualified voters of the borough and residents of the RSA. Pursuant to KPB 16.41.020, the following criteria shall be considered when appointing board members:
  - 1. familiarity with borough roads;
  - 2. financial & budgetary management capability; and
  - 3. expertise in road maintenance and construction.
- C. Election of officers shall be held annually at the board's first meeting in October. The board shall elect from its board members a chair, a vice-chair, and other officers as the board determines to be desirable.
- D. Board members shall serve until their successors have been appointed to assume the duties of office.

**Section 4. Vacancies:**

- A. Vacancies on the board are created under the following conditions and upon declaration of a vacancy by the board.
1. If a board member fails to take office within 30 days after his or her appointment;
  2. If a board member is physically absent from the service area for a 90-day period, unless excused by the board;
  3. If a board member resigns and the resignation is accepted;
  4. If a board member is physically or mentally unable to perform the duties of his or her office;
  5. If a board member is removed from office;
  6. If a board member misses three consecutive regular meetings unless excused;
  7. If a board member is convicted of a felony or of an offense involving a violation of their oath of office; or
  8. If a board member changes his or her residency to a location outside of the service area for a period longer than 60 days.
- B. Vacancies on the board shall be filled by appointment by the mayor and confirmation by the assembly.
- C. Vacancies shall be filled no later than the third meeting after the meeting in which the vacancy is declared.
- D. Declaration of vacancy of a board seat shall require the vote of the board members.

**Section 5. Absences:** To qualify for an excused absence, a board member must: 1) notify the roads director of the intended absence prior to the meeting at which the member will be absent, and 2) be excused by action of the board.

### **ARTICLE III BOARD MEETINGS**

**Section 1. Board Meetings – Quorum:** 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 chairperson of the board or by three members upon one day's notice thereof published in a newspaper or via radio having general distribution within the RSA. The notice shall state the specific matter or matters to be included on the agenda and include the time and the place of the meeting and shall be mailed or telephoned to each member. The attendance of a member at a meeting constitutes a waiver of notice of the meeting. All meetings are open to the public as provided in AS 29.20.20 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312. Four members shall constitute a quorum; however, any action shall require the affirmative vote of four or more board members. In the absence of a quorum, a majority of those present may adjourn the meeting to a later date.

**Section 2. Work Session:** Work session meetings of the board may be called at any time by the board chairperson or any three members of the board, upon at least one day's notice. The board cannot take any official action at a work session. The board need not, but may, provide for audience participation at a work session.

**Section 3. Executive Session:** The board may go into executive session upon compliance with, and for the reasons listed in the Alaska Open Meetings Act (AS 44.62.310-312).

**Section 4. Public Notice of Meeting – Board Attendance – Public Attendance:**

- A. Public notice of all meetings and work sessions of the board shall be given as specified by the Alaska Open Meetings Act, and the borough ordinances, and policies. Public notice of special meetings and work sessions of the board shall be published in a newspaper having general circulation within the service area. The notice shall set forth the time and place of the meeting. The notice shall also be mailed or telephoned to each board member as soon after the meeting is scheduled as possible.
- B. All board meetings and work sessions are open to the public as provided by the Alaska Open Meetings Act, and the Borough Code of Ordinances.

**Section 5. Agenda:** An agenda for the monthly board meetings shall be mailed or faxed to all board members and shall follow the order of business set forth below unless altered by appropriate motion:

- A. Call to order;
- B. Roll call and establishment of quorum;
- C. Approval of agenda;
- D. Approval of minutes;
- E. Correspondence;
- F. Public presentation with prior notice – items not appearing on agenda – limit 5 minutes per person;
- G. Public hearings;
- H. Road Director's report;
- I. Other;
- J. Public presentation without prior notice – limit 5 minutes per person;
- K. Board and staff comment;
- L. Adjournment.

**Section 6. Minutes:** All proceedings of the board meetings and work sessions will be electronically recorded, and minutes permanently recorded in print. The electronic recording shall be maintained for a period of one year, and the written record shall be distributed to the board members. After the minutes are approved, a copy shall be forwarded to the Borough Clerk for the Borough Mayor and the assembly.

**Section 7. Order of Business:** The order of business at all meetings and work sessions of the board shall be in accordance with the adopted agenda for that meeting; however, the board may change the order of business by motion to accommodate the public, board members, or the business being conducted. The chair may limit or alter the time periods for board debate and public presentation.

**Section 8. Chair:** The chair or vice-chair shall preside at all meetings of the board and shall remain a voting member of the board.

**Section 9. Procedure:** Meetings shall be conducted in accordance with Robert's Rules of Order Newly Revised unless other procedural rules for the conduct of meetings have been adopted by the RSA board. Meetings may be held by teleconference in compliance with AS 44.62.310.

#### **ARTICLE IV BOARD OFFICERS**

**Section 1. Election of Officers – Terms – Qualifications:** At the first regular meeting in October, and annually thereafter, the board shall elect by a majority vote of the board members a chair and vice-chair, and other officers as determined necessary by the board, who shall hold office for one year or until a successor is elected.

**Section 2. Resignation – Vacancies:** Should an officer's seat become vacant, the board shall elect, by majority vote of the remaining board, a successor to fill that office for the rest of the term at the first meeting following the notice of resignation.

#### **ARTICLE V SERVICE AREA PERSONNEL**

**Section 1. Director:** The director and such other administrative officers as may be provided for shall be appointed by the mayor after recommendation from the service area board. The tenure of these offices shall be based upon good and faithful performance of the required duties assigned to these positions, subject to removal by the mayor on or upon the recommendation of the service area board as provided for partially exempt personnel in Title 3 of the borough code. The director and other administrative officers shall be held accountable to the mayor and the service area board only, and they shall make written and verbal reports to the mayor and the service area board as required by the mayor and the service area board. All other service area employees below the staff level shall be accountable to the director only or to such administrative officers as are designated by the mayor and the service area board. The director shall report monthly to the service area board indicating the condition of the road maintenance service area equipment, service, usage, and other matters as required by the service area board.

**Section 2. Job Duties and Responsibilities:** The job duties and responsibilities of the RSA director and other administrative employees shall be set out in a job description, as

recommended by the board, approved by the borough assembly, and maintained by the borough personnel office. The duties and responsibilities of contracts for services shall be on forms approved by the borough attorney.

**ARTICLE VI  
SERVICE AREA RECORDS**

**Section 1. Service Area Records.** The RSA records shall be open for public inspection as provided for in Alaska Statutes, borough ordinances, resolutions and policies. RSA records are maintained and retained in accordance with borough ordinance, resolutions and policies.

**ARTICLE VII  
AMENDMENTS**

**Section 1. Bylaws Adoption, Amendments or Repeal:** The board may adopt, amend, or repeal bylaws at any regular or special meeting of the board provided that no bylaw shall be inconsistent with Alaska Statutes or borough ordinances or resolutions.

**Section 2. Voting Requirements:** No bylaw may be adopted, amended, or repealed except by affirmative vote of four of the seven board members.

**THESE BYLAWS ARE HEREBY APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

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Stan A. McLane  
Chair, Kenai Peninsula Borough Road Service Area

Attest:

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