

Introduced by: Knopp, Johnson
Substitute Introduced: 05/01/12
O2012-07 (Murphy) See Original for Prior History
Hearing: 05/01/12
Action: Failed to Amend by
Substitution
Vote: 3 Yes, 6 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-07
(KNOPP/JOHNSON) SUBSTITUTE**

**AN ORDINANCE AMENDING KPB TITLE 16—SERVICE AREAS
TO PROVIDE FOR THE BOARD MEMBERS OF EACH SERVICE AREA
TO BE APPOINTED INSTEAD OF ELECTED SUBJECT TO APPROVAL
BY THE VOTERS OF EACH SERVICE AREA**

- WHEREAS,** the Kenai Peninsula Borough currently has 14 service area boards of which 13 are elected and one, the road service area board, is appointed; and
- WHEREAS,** the Kenai Peninsula Borough is one of the few municipalities in the State of Alaska with elected service area boards; and
- WHEREAS,** historically there have been numerous vacant seats for service area boards as well as seats where only one person has filed to run; and
- WHEREAS,** appointed boards may increase public interest in service on a board as potential board members would not have to run or otherwise comply with the election process requirements; and
- WHEREAS,** changing from elected service area boards to appointed boards will significantly reduce the time and expense involved in borough elections; and
- WHEREAS,** the Clerk's Office has indicated that thousands of dollars would be saved by eliminating these seats from the election process as this would reduce printing costs and time required of election judges and the Clerk's Office in reviewing and verifying election ballots; and
- WHEREAS,** providing for an appointed board may alleviate voter confusion by reducing the content of the voter pamphlet and the number of ballots as many service areas bifurcate precincts requiring more than one ballot for each precinct; and
- WHEREAS,** the appointment process is likewise a public process in which the mayor would appoint interested applicants and the assembly would confirm the appointment to service area boards; and

WHEREAS, appointed boards have functioned well for the road service area and throughout other service areas in the state; and

WHEREAS, it is appropriate to submit this to the voters of each service area for approval;

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

SECTION 1. The following sections of **KPB Chapter 16.08 Central Kenai Peninsula Hospital Service Area** are amended as follows:

...

**16.08.020. Board—Established—[NOMINATION AND ELECTION]
Appointment.**

There is established a board of directors for the Central Kenai Peninsula Hospital Service Area composed of 7 members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN THE BOROUGH ELECTIONS CODE AND KPB 16.04.065.]

...

16.08.040. Board—Election of officers.

At the first regular meeting following the certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the members and from the members a chairman who shall hold office until a successor is elected.

16.08.050. Board—Qualifications and terms of office.

A. Membership. Members shall be qualified voters of the borough who are residents of the service area. [MEMBERS SHALL BE ELECTED TO SEAT A FOR A TERM OF 1 YEAR, AND SEATS B THROUGH G FOR A TERM OF 3 YEARS, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED TO SEATS B AND C FOR INITIAL TERMS OF 1 YEAR AND TO SEATS D AND E FOR INITIAL TERMS OF 2 YEARS IN ORDER TO PROVIDE FOR STAGGERED TERMS.] Board of directors members shall be appointed for a term of three years and shall serve thereafter until a successor has been appointed, qualified and sworn to assume the duties of office. Applicants shall file for appointment to Seats A through G for staggered terms of three years.

B. Membership criteria. The following criteria shall be considered when appointing board members.

1. Familiarity with the provision of medical care within the service area.
2. Financial and budgetary management capabilities.

16.08.060. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board:

- A. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat which is to be filled [AT SAID ELECTION] or if a successful applicant [CANDIDATE] fails to qualify or take office within 30 days after his or her appointment [ELECTION];
- B. If a member is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member resigns and his or her resignation is accepted;
- D. If a member is physically or mentally unable to perform the duties of office;
- E. If a member is removed from office;
- F. If a member misses 3 consecutive regular meetings unless excused; or
- G. If a member is convicted of a felony or of an offense involving a violation of his or her oath of office.

16.08.070. Board—Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmation 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] The appointment shall be to fill the unexpired term or for a full term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed [S] appropriate.

...

SECTION 2. The following sections of **KPB Chapter 16.12 Nikiski Fire Service Area** are amended as follows:

...

16.12.020. Board—Established—Appointment [ELECTION].

There is established a board of directors for the Nikiski Fire Service Area composed of seven (7) members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS DESIGNATED IN THE BOROUGH ELECTIONS CODE.]

...

16.12.040. Board—Election of chair and officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members and from the board members a chair and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.12.050. Board—Qualifications and terms of office.

A. Members of the board of directors shall be qualified voters of the borough who are residents of the service area. Board of directors members shall be appointed for a term of three years and shall serve thereafter until a successor has been appointed, qualified and sworn to assume the duties of office. Applicants shall file for appointment to Seats A through G for staggered terms of three years. [CANDIDATES SHALL FILE FOR ELECTION TO SEATS A THROUGH G FOR STAGGERED TERMS OF THREE YEARS.]

B. Membership criteria. The following criteria shall be considered when appointing board members.

1. Familiarity with the provision of fire and emergency services.
2. Financial and budgetary management capabilities.

16.12.060. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board:

- A. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat which is to be filled [AT SAID ELECTION], or if a successful applicant [CANDIDATE] fails to qualify or take office within 30 days after his/her [ELECTION OR] appointment;
- B. If a member is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member resigns and his/her resignation is accepted;

- D. If a member is physically or mentally unable to perform the duties of his/her office;
- E. If a member is removed from office;
- F. If a member misses 3 consecutive regular meetings unless excused; or
- G. If a member is convicted of a felony or of an offense involving a violation of his/her oath of office.

16.12.070. Board vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed[S] appropriate.

...

SECTION 3. The following sections of **KPB Chapter 16.16 North Peninsula Recreation Service Area** are amended as follows:

...

16.16.020. Board—Established—[NOMINATION AND ELECTION] appointment of members.

There is established a board of directors for the North Peninsula Recreation Service Area composed of 5 members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN SECTIONS 4.08.020 (D) AND 16.04.065 OF THIS CODE.] Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities.

...

16.16.040. Board—Election of officers.

At the first regular meeting following certification of the regular borough 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.

16.16.050. Board—Term of office.

A member of the board of directors shall be appointed [ELECTED] for a term of 3 years and shall serve thereafter until his successor has been appointed [ELECTED], qualified, and sworn to assume the duties of the office. Applicants shall file for appointment to Seats A through E for staggered terms of three years. [, 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.]

16.16.060. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBER]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant fails to qualify or take office within 30 days after his or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER HIS ELECTION OR APPOINTMENT;]
- B. If a member [I]is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member [R]resigns and his resignation is accepted;
- D. If a member [I]is physically or mentally unable to perform the duties of his office;
- E. If a member [I]is removed from office;
- F. If a member [M]misses 3 consecutive regular meetings unless excused;
- G. If a member [I]is convicted of a felony or of an offense involving a violation of his oath of office.

16.16.070. Board—Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is

filled. 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] deemed[s] appropriate.

...

SECTION 4. The following sections of **KPB Chapter 16.20 Kachemak Emergency Service Area** are amended as follows:

...

16.20.030. Board of directors.

There is established a board of directors for oversight of the operations of the Kachemak Emergency Service Area composed of five members who[, EXCEPT AS PROVIDED BELOW,] shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA IN THE MANNER PROVIDED IN THE BOROUGH ELECTION CODE AND KPB 16.04.065 AS NOW ENACTED OR MAY BE HEREINAFTER AMENDED. NOTWITHSTANDING THE PROVISIONS OF KPB 16.04.060, THE FIRST BOARD SHALL BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY FOR ONE YEAR TERMS.]

...

16.20.050. Board—Election of officers.

At the first regular meeting following certification of the regular borough 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.

16.20.060. Board—Terms of office.

Each member of the board of directors shall be appointed [ELECTED] for a term of three years and shall serve thereafter until his or her successor has been appointed [ELECTED], qualified and sworn to assume the duties of the office [, EXCEPT THAT THE FIRST ELECTED BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR STAGGERED TERMS.] Applicants shall file for appointment to Seats A through E for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities.

16.20.070. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBER]:

- A. If a applicant files for appointment to a seat which is to be filled or if a successful applicant fails to qualify or take office within 30 days after his or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER HIS OR HER ELECTION OR APPOINTMENT;]
- B. If a member [I]is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member [C]changes his or her residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is appointed [ELECTED];
- D. If a member [R]resigns and his or her resignation is accepted;
- E. If a member [I]is physically or mentally unable to perform the duties of his or her office;
- F. If a member [M]misses three consecutive regular meetings unless excused; or
- G. If a member [I]is convicted of a felony or of an offense involving a violation of his or her oath of office.

16.20.080. Board—Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed[S] appropriate.

...

SECTION 5. The following sections of **KPB Chapter 16.24 South Kenai Hospital Service Area** are amended as follows:

...

16.24.020. Board—Established—Appointment [NOMINATION AND ELECTION].

There is established a board of directors for the South Kenai Peninsula hospital service area composed of 9 members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN SECTIONS 4.08.020(D) AND 16.04.065 OF THIS CODE.]

16.24.040. Board—Election of officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the members and from the members a chairman who shall hold office until a successor is elected.

16.24.050. Board—Qualifications and terms of office.

A. Members shall be qualified voters of the borough who are residents of the service area. Board of directors members shall be appointed for a term of three years and shall serve thereafter until a successor has been appointed, qualified and sworn to assume the duties of office. Applicants shall file for appointment to Seats A through I for staggered terms of three years. [MEMBERS SHALL BE ELECTED TO SEATS A THROUGH I FOR A TERM OF 3 YEARS, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED TO SEATS G, H, AND I FOR INITIAL TERMS OF 1 YEAR AND TO SEATS D, E, AND F FOR INITIAL TERMS OF 2 YEARS IN ORDER TO PROVIDE FOR STAGGERED TERMS.]

B. Membership criteria. The following criteria shall be considered when appointing board members.

1. Familiarity with the provision of medical care within the service area.
2. Financial and budgetary management capabilities.

16.24.060. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board:

A. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat which is to be filled [AT SAID ELECTION] or if a successful applicant [CANDIDATE] fails to qualify or take office within 30 days after his [ELECTION OR] appointment;

- B. If a member is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member resigns and his resignation is accepted;
- D. If a member is physically or mentally unable to perform the duties of his office;
- E. If a member is removed from office;
- F. If a member misses 3 consecutive regular meetings unless excused; or
- G. If a member is convicted of a felony or of an offense involving a violation of his oath of office.

16.24.070. Board—Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed[S] appropriate.

...

SECTION 6. The following sections of **KPB Chapter 16.28 Bear Creek Fire Service Area** are amended as follows:

...

16.28.020. Board—Established—Appointment [NOMINATION AND ELECTION] of members.

There is established a board of directors for the Bear Creek Fire Service Area composed of 5 members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN SECTIONS 4.08.020(D) AND 16.04.065 OF THIS CODE.]

...

16.28.040. Board—Election of officers.

At the first regular meeting following certification of the regular borough 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.

16.28.050. Board—Terms of office.

A member of the board of directors shall be appointed [ELECTED] for a term of 3 years and shall serve thereafter until his successor has been appointed [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]. Applicants shall file for appointment to Seats A through E for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities.

16.28.060. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBER]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant fails to qualify or take office within 30 days after his or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER HIS ELECTION OR APPOINTMENT;]
- B. If a member [I]is physically absent from the service area for a 90 day period, unless excused by the board;
- C. If a member [R]resigns and his resignation is accepted;
- D. If a member [I]is physically or mentally unable to perform the duties of his office;
- E. If a member [I]is removed from office;
- F. If a member [M]misses 3 consecutive regular meetings unless excused; or
- G. If a member [I]is convicted of a felony or of an offense involving a violation of his oath of office.

16.28.070. Board—Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed[S] appropriate.

...

SECTION 7. The following sections of **KPB Chapter 16.30 Central Emergency Service Area** are amended as follows:

...

16.30.030. Joint operations board.

There is established a joint operations board of directors for oversight of the joint operations of the Central Emergency Service Area with the Central Peninsula Emergency Medical Service Area, to be composed of five members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS RESIDING WITHIN THE TWO SERVICE AREAS AS PROVIDED IN SECS. 4.10.020(C) AND 16.04.065 OF THIS CODE.]

...

16.30.050. Board—Election of officers.

At the first regular meeting following certification of the regular borough 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.

16.30.060. Board—Terms of office.

A member of the board of directors shall be appointed [ELECTED] for a term of three years and shall serve thereafter until his successor has been appointed [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]. Applicants shall file for appointment to Seats A through E

for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities.

16.30.070. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBERS]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant fails to qualify or take office within 30 days after his or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER HIS OR HER ELECTION OR APPOINTMENT;]
- B. If a member [I]is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member [C]changes his or her residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is appointed [ELECTED];
- D. If a member [R]resigns and his or her resignation is accepted;
- E. If a member [I]is physically or mentally unable to perform the duties of his or her office;
- F. If a member [M]misses three consecutive regular meetings unless excused;
or
- G. If a member [I]is convicted of a felony or of an offense involving a violation of his or her oath of office.

16.30.080. Board—Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed[S] appropriate.

...

SECTION 8. The following section of **KPB Chapter 16.40 Central Peninsula Emergency Medical Service Area** are amended as follows:

...

16.40.030. Joint operations board.

There is established a joint operations board of directors for oversight of the joint operations of the Central Emergency Service Area with the Central Peninsula Emergency Medical Service, to be composed of five members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE TWO SERVICE AREAS AS PROVIDED IN SECS. 4.10.020(C) AND 16.04.065 OF THIS CODE.] All procedures and authorities of the joint operations board are set out through the express terms and conditions of KPB Chapter 16.30.

...

SECTION 9. The following sections of **KPB Chapter 16.50 Seward Bear Creek Flood Service Area** are amended as follows:

...

16.50.030. Board of directors.

There is established a board of directors for oversight of the operations of the Seward-Bear Creek Flood Service Area composed of seven members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA IN THE MANNER PROVIDED IN THE BOROUGH ELECTION CODE AND KPB 16.04.065 AS NOW ENACTED OR MAY BE HEREINAFTER AMENDED. BOARD SEATS TO BE FILLED AT THE FIRST ELECTION OF BOARD MEMBERS SHALL BE STAGGERED AS FOLLOWS: SEATS A AND D FOR ONE YEAR; SEATS B AND E FOR TWO YEARS; AND SEATS C, F, AND G FOR THREE YEARS.] Seats A, B, C, and F shall be filled by residents of the City of Seward, and Seats D, E, and G shall be filled by residents of the area outside the city limits of the City of Seward and inside the service area boundaries. [NOTWITHSTANDING PROVISIONS OF KPB 16.04.060, THE FIRST BOARD SHALL BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY FOR ONE-YEAR TERMS.]

...

16.50.050. Board—Election of officers.

At the first regular meeting following certification of the regular borough 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.

16.50.060. Board—Terms of office.

Each member of the board of directors shall be appointed [ELECTED] for a term of three years and shall serve thereafter until his or her successor has been appointed [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 AND AS PROVIDED IN KP.B 16.50.030]. Applicants shall file for appointment to Seats A through G for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities.

16.50.070. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBER]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant fails to qualify or take office within 30 days after his or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER HIS OR HER ELECTION OR APPOINTMENT;]
- B. If a member [I]is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member [C]changes his or her residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is appointed [ELECTED];
- D. If a member [R]resigns and his or her resignation is accepted;
- E. If a member [I]is physically or mentally unable to perform the duties of his or her office;
- F. If a member [M]misses three consecutive regular meetings unless excused; or
- G. If a member [I]is convicted of a felony or of an offense involving a violation of his or her oath of office.
- H. If a member [I]is removed from office pursuant to a recall election.

16.50.080. Board—Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed[s] appropriate.

...

SECTION 10. The following sections **KPB Chapter 16.55 Seldovia Recreational Service Area** are amended as follows:

...

16.55.030. Board of directors.

There is established a board of directors for oversight of the operations of the Seldovia Recreational Service Area composed of five members who, except as provided below, shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA IN THE MANNER PROVIDED IN THE BOROUGH ELECTION CODE AND KPB 16.04.065 AS NOW ENACTED OR MAY BE HEREINAFTER AMENDED.] Notwithstanding the provisions of KPB 16.04.060, the first board shall be appointed by the mayor and confirmed by the assembly for terms expiring upon certification of the regular election held in October 2012. Board seats to be filled at the first appointment [ELECTION] of board members shall be staggered as follows: Seats A and D for one year; seats B and E for two years; and seat C for three years.

...

16.55.050. Board—Election of officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members, and from the board members, a chairperson and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.55.060. Board—Terms of office.

Each member of the board of directors shall be appointed [ELECTED] for a term of three years and shall serve thereafter until his or her successor has been appointed [ELECTED], qualified and sworn to assume the duties of the office, except that the first appointed [ELECTED] board shall contain members appointed [ELECTED] for lesser periods described in KPB 16.55.030. Thereafter, applicants shall file for appointment to Seats A through E for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities.

16.55.070. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board if a member:

- (a) If no candidate files for appointment to a seat which is to be filled or if a successful applicant fails to qualify or take office within 30 days after his or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER HIS OR HER ELECTION OR APPOINTMENT;]
- (b) If a member [I]is physically absent from the service area for a 90-day period, unless excused by the board;
- (c) If a member [C]changes his or her residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is appointed [ELECTED];
- (d) If a member [R]resigns and his or her resignation is accepted;
- (e) If a member [I]is physically or mentally unable to perform the duties of his or her office;
- (f) If a member [M]misses three consecutive regular meetings unless excused;
or
- (g) If a member [I]is convicted of a felony or of an offense involving a violation of his or her oath of office.

16.55.080. Board—Vacancies—Filling.

Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed[S] appropriate.

...

SECTION 11. The following sections in **KPB Chapter 16.60 Anchor Point Fire and Emergency Service Area** are amended as follows:

...

16.60.020. Board of directors.

- (a) There is established a board of directors for the Anchor Point Fire and Emergency Medical Service Area composed of 5 members who shall be appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA IN THE MANNER PROVIDED FOR CANDIDATES FOR THE ASSEMBLY IN THIS CODE, EXCEPT THAT M]Members of the board shall be residents of the borough within the service area.
- (b) The board shall meet periodically at regular and special meetings called by the board. All meetings shall be open to the public as provided by law.

16.60.030. Terms and qualifications.

Board of directors members shall be appointed for a term of three years and shall serve thereafter until a successor has been appointed, qualified and sworn to assume the duties of office. Applicants shall file for appointment to Seats A through E for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities. [A MEMBER OF THE BOARD OF DIRECTORS SHALL BE ELECTED FOR A TERM OF 3 YEARS, AND SHALL SERVE UNTIL HIS SUCCESSOR HAS BEEN ELECTED AND SWORN TO ASSUME THE DUTIES OF THE OFFICE, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN STAGGERED TERMS AS DESIGNATED IN THE RESOLUTION PROVIDING FOR THE ELECTION.]

...

16.60.050. Board—Election of officers and quorum.

- A. Three [3] members of the board shall constitute a quorum; however, any action shall require the affirmative vote of three [3] board members.
- B. At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members, and from the board members, a chair

and such other officers as the board deems to be desirable. These officers shall hold office until their successors are elected.

16.60.060. Board—Vacancies.

A. Vacancies on the board are created under the following conditions and upon a declaration of vacancy by the board [IF A MEMBER]:

1. If no applicant files for appointment to a seat which is to be filled or if a successful applicant [F] fails to qualify or to take office within 30 days after appointment;
2. If a member [I] is physically absent from the service area for a 90-day period unless excused by the board;
3. If a member [R] resigns;
4. If a member [I] is physically or mentally unable to perform the duties of his office, as determined by a majority vote of the board;
5. If a member [I] is removed from office;
6. If a member [M] misses 3 consecutive regular meetings unless excused by the board;
7. If a member [I] is convicted of a felony or an offense involving a violation of his oath of office.

B. Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed [S] appropriate.

...

SECTION 12. The following sections of **KPB Chapter 16.70 Nikiski Senior Service Area** are amended as follows:

...

16.70.030. Board—Established—Membership.

There is established a board of directors for the Nikiski Senior Service Area composed of five members who are appointed by the borough mayor and confirmed by the borough assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [ELECTED BY THE VOTERS IN THE SERVICE AREA IN THE MANNER SET OUT IN THE BOROUGH ELECTIONS CODE.] Board members shall be qualified voters of the borough and residents of the Nikiski Senior Service Area.

...

16.70.050. Board—Election of officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members a chair and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.70.060. Board—Term of office.

Board of directors members shall be appointed [ELECTED] for a term of three years and shall serve thereafter until a successor has been appointed [ELECTED], qualified and sworn to assume the duties of office[; EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESS PERIODS TO PROVIDE FOR STAGGERED TERMS. CANDIDATES] Applicants shall file for appointment [ELECTION] to Seats A through E for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities.

16.70.070. Board—Vacancies created when—Filling vacancies.

A. Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board:

1. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat which is to be filled [AT SAID ELECTION]; or if a successful applicant [CANDIDATE] fails to qualify or take office within 30 days after his/her [ELECTION OR] appointment;
2. If a member is physically absent from the service area for a 90-day period, unless excused by the board;
3. If a member changes his or her residency for a period longer than 60 days to a location outside the service area;
4. If a member resigns, and his/her resignation is accepted;

5. If a member is physically or mentally unable to perform the duties of office;
6. If a member misses three consecutive regular meetings unless excused; or
7. If a member is convicted of a felony or of an offense involving a violation of his or her oath of office.

B. Vacancies on the board shall be filled by appointment by the mayor and confirmation 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]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed[s] appropriate.

...

SECTION 13. That a ballot proposition shall be placed before the voters of the Central Kenai Peninsula Hospital Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 1 of Ordinance 2012-07 providing that the Central Kenai Peninsula Hospital Service Area board members be appointed instead of elected by the service area voters be approved?

YES _____ [A YES vote will change the code to provide that all Central Kenai Peninsula Hospital Service Area board members shall be appointed.]

NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 14. That a ballot proposition shall be placed before the voters of the Nikiski Fire Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 2 of Ordinance 2012-07 providing that the Nikiski Fire Service Area board members be appointed instead of elected by the service area voters be approved?

- YES _____ [A YES vote will change the code to provide that all Nikiski Fire Service Area board members shall be appointed.]
- NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 15. That a ballot proposition shall be placed before the voters of the North Peninsula Recreation Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 3 of Ordinance 2012-07 providing that the North Peninsula Recreation Service Area board members be appointed instead of elected by the service area voters be approved?

- YES _____ [A YES vote will change the code to provide that all North Peninsula Recreation Service Area board members shall be appointed.]
- NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 16. That a ballot proposition shall be placed before the voters of the Kachemak Emergency Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 4 of Ordinance 2012-07 providing that the Kachemak Emergency Service Area board members be appointed instead of elected by the service area voters be approved?

- YES _____ [A YES vote will change the code to provide that all Kachemak Emergency Service Area board members shall be appointed.]
- NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 17. That a ballot proposition shall be placed before the voters of the South Kenai Hospital Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 5 of Ordinance 2012-07 providing that the South Kenai Hospital Service Area board members be appointed instead of elected by the service area voters be approved?

- YES _____ [A YES vote will change the code to provide that all South Kenai Hospital Service Area board members shall be appointed.]
- NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 18. That a ballot proposition shall be placed before the voters of the Bear Creek Fire Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 6 of Ordinance 2012-07 providing that the Bear Creek Fire Service Area board members be appointed instead of elected by the service area voters be approved?

- YES _____ [A YES vote will change the code to provide that all Bear Creek Fire Service Area board members shall be appointed.]
- NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 19. That a ballot proposition shall be placed before the voters of the Central Emergency Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 7 of Ordinance 2012-07 providing that the Central Emergency Service Area board members be appointed instead of elected by the service area voters be approved?

- YES _____ [A YES vote will change the code to provide that all Central Emergency Service Area board members shall be appointed.]
- NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 20. That a ballot proposition shall be placed before the voters of the Central Peninsula Emergency Medical Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 8 of Ordinance 2012-07 providing that the Central Peninsula Emergency Medical Service Area board members be appointed instead of elected by the service area voters be approved?

- YES _____ [A YES vote will change the code to provide that all Central Peninsula Emergency Medical Service Area board members shall be appointed.]
- NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 21. That a ballot proposition shall be placed before the voters of the Seward-Bear Creek Flood Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 9 of Ordinance 2012-07 providing that the Seward-Bear Creek Flood Service Area board members be appointed instead of elected by the service area voters be approved?

- YES _____ [A YES vote will change the code to provide that all Seward-Bear Creek Flood Service Area board members shall be appointed.]
- NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 22. That a ballot proposition shall be placed before the voters of the Seldovia Recreational Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 10 of Ordinance 2012-07 providing that the Seldovia Recreational Service Area board members be appointed instead of elected by the service area voters be approved?

- YES _____ [A YES vote will change the code to provide that all Seldovia Recreational Service Area board members shall be appointed.]
- NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 23. That a ballot proposition shall be placed before the voters of the Anchor Point Fire and Emergency Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 11 of Ordinance 2012-07 providing that the Anchor Point Fire and Emergency Service Area board members be appointed instead of elected by the service area voters be approved?

YES _____ [A YES vote will change the code to provide that all Anchor Point Fire and Emergency Service Area board members shall be appointed.]

NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 24. That a ballot proposition shall be placed before the voters of the Nikiski Senior Service Area at the regular election to be held on October 2, 2012, to read as follows:

PROPOSITION NO. _____

Shall Section 12 of Ordinance 2012-07 providing that the Nikiski Senior Service Area board members be appointed instead of elected by the service area voters be approved?

YES _____ [A YES vote will change the code to provide that all Nikiski Senior Service Area board members shall be appointed.]

NO _____ [A NO vote will leave the code unchanged, providing for the election of members to this service area board.]

SECTION 25. That Sections 13 through 24 shall become effective immediately upon enactment of this ordinance.

SECTION 26. That Section 1 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 13 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.

SECTION 27. That Section 2 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 14 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.

SECTION 28. That Section 3 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 15 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.

- SECTION 29.** That Section 4 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 16 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.
- SECTION 30.** That Section 5 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 17 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.
- SECTION 31.** That Section 6 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 18 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.
- SECTION 32.** That Sections 7 and 8 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the propositions contained in Sections 19 and 20 are approved by a majority of voters voting on the question in the regular election of October 2, 2012.
- SECTION 33.** That Section 9 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 21 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.
- SECTION 34.** That Section 10 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 22 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.
- SECTION 35.** That Section 11 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 23 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.
- SECTION 36.** That Section 12 of this ordinance shall become effective upon certification of the October 2, 2012 regular election only if the proposition contained in Section 24 is approved by a majority of voters voting on the question in the regular election of October 2, 2012.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes: Johnson, Smith, Knopp
No: Haggerty, McClure, Murphy, Pierce, Smalley, Tauriainen
Absent: None