

Introduced by:	Murphy
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Vote:	3 Yes, 6 No, 0 Absent
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Vote:	0 Yes, 9 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-07**

**AN ORDINANCE AMENDING KPB TITLES
2—ADMINISTRATION, 4—ELECTIONS AND 16—SERVICE AREAS
TO PROVIDE THAT ALL KENAI PENINSULA BOROUGH SERVICE AREA BOARDS
ARE APPOINTED INSTEAD OF ELECTED**

- 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, if not the only borough 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;

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

SECTION 1. KPB 2.58.010(C) is amended as follows:

2.58.010. Definitions.

...

- C. 1. "Service area board members" means those persons[, WHETHER ELECTED OR APPOINTED,] who serve upon boards of the various service areas as may from time to time be established within the borough.
2. "Service area officers or employees" means an officer or employee of the service area involved in the contractual relationship, but does not include officers or employees of service areas other than the one with which a contractual relationship is sought or entered.

...

SECTION 2. KPB 2.58.035(B) is amended as follows:

2.58.035. Contracts or sales not constituting substantial interest.

...

- B. A contract in which the person has an interest if such contract was entered into prior to the time he/she was [ELECTED OR] appointed as such service area board member, service area officer or employee, but this exception shall in no event authorize a renewal of any such contract;

...

SECTION 3. KPB 4.10.070 is amended as follows:

4.10.070. Votes required for election to office.

- A. Election to the office of borough mayor is by a majority of the votes cast. If no candidate for the office of borough mayor receives a majority of the votes cast for that office, a runoff election will be held between the 2 candidates receiving the highest number of votes.
- B. The candidate for an assembly or school board seat receiving the greatest number of votes is elected.

[C. THE CANDIDATE FOR AN ELECTED SERVICE AREA BOARD SEAT RECEIVING THE GREATEST NUMBER OF VOTES CAST FOR THAT SEAT IS ELECTED.]

SECTION 4. KPB 4.30.010 is amended as follows:

4.30.010. Candidate qualifications.

- A. A candidate for borough mayor must be a qualified voter of the State of Alaska and a resident of the Kenai Peninsula Borough for 180 days immediately preceding filing for office. A person who has served as mayor for two consecutive full terms may not be reelected to that office until 180 days has intervened.
- B. A candidate for borough assembly must be a qualified voter of the State of Alaska and a resident of the district from which the candidate seeks election for at least 180 days immediately preceding filing for office.
- C. A candidate for school board must be a qualified voter of the State of Alaska and a resident of the district from which the candidate seeks election for 180 days immediately preceding filing for office.

[D. A CANDIDATE FOR A SERVICE AREA BOARD MUST BE A QUALIFIED VOTER OF THE STATE OF ALASKA AND A RESIDENT OF THE SERVICE AREA FOR AT LEAST 180 DAYS IMMEDIATELY PRECEDING FILING FOR OFFICE.]

SECTION 5. KPB 4.30.020(D) is amended as follows:

4.30.020. Declaration of candidacy.

...

- D. Filing for elective offices of mayor, assembly, and school board [AND SERVICE AREA BOARDS] shall be made by filing a declaration of candidacy with the borough clerk from August 1st through August 15th, 4:30 p.m. Should August 15 be a Saturday or Sunday, then candidates shall have until noon on the first Monday following to file their declaration.

...

SECTION 6. KPB 4.30.030(A) is amended as follows:

4.30.030. Public official financial disclosure statements.

- A. Candidates for elective borough office and declared write-in candidates shall file a public official financial disclosure statement with the borough clerk as required by the provisions of AS 39.50 at the time of filing a declaration of candidacy. The name of the candidate shall be placed on the ballot by the borough clerk only after the candidate has complied with this requirement.

[THIS SUBSECTION DOES NOT APPLY TO CANDIDATES FOR SERVICE AREA BOARDS.]

...

SECTION 7. KPB 16.04.060 is amended as follows:

16.04.060. Election to establish governmental powers required when.

If the borough assembly shall by ordinance establish a service area, the proposition whether or not to exercise the particular governmental power for which the service area has been established shall be placed on the ballot at the next general or a special election of the borough; except, however, an area that has once been considered and rejected by the eligible voters at either a special or general election shall thereafter be placed before the voters only at a subsequent general election. [IF THE ORDINANCE ESTABLISHING THE SERVICE AREA HAS PROVIDED FOR ELECTED BOARDS TO SUPERVISE THE FURNISHING OF SPECIAL SERVICES IN THE SERVICE AREA, THEN THE CANDIDATES FOR ELECTION TO SUCH BOARD SHALL BE PLACED ON THE BALLOT AT THE SAME ELECTION FOR ELECTION BY THE QUALIFIED VOTERS RESIDING WITHIN THE SERVICE AREA.]

SECTION 8. KPB 16.04.065 is amended as follows:

16.04.065. [ELECTION] Appointment of board members.

Vacancies for service area boards [REQUIRING ELECTED BOARDS] shall be filled by [THE CANDIDATE] applicants appointed by the mayor and confirmed by the assembly. Prior to appointing an applicant the mayor shall solicit applicant recommendations from the service area board. [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 A MAJORITY VOTE OF THE REMAINING BOARD FOLLOWING CERTIFICATION OF THE ELECTION.]

SECTION 9. KPB 16.04.080 is amended as follows:

16.04.080. Administrative employees—Appointment, qualifications, and removal.

A. Service area directors. Except as may otherwise be provided for a specific service area, the director of a service area as determined necessary by the assembly and as defined by KPB 3.04.070 shall be appointed by the mayor from a list of recommended names from the service area board. [EXCEPT FOR THE ROAD S] Service area directors shall serve at the pleasure of the mayor. The service area board may independently make a recommendation to the mayor regarding the suspension or discharge of the service area director, however such suspension or discharge remains within the sole

authority of the mayor.], WHOSE BOARD CONSISTS OF APPOINTED MEMBERS, AND AS OTHERWISE PROVIDED BELOW, ALL OTHER SERVICE AREA DIRECTORS MAY BE REMOVED BY THE MAYOR WITH A CONCURRENT RECOMMENDATION FROM THE APPLICABLE BOARD. SUCH ACTION BY THE SERVICE AREA BOARD SHALL REQUIRE A MAJORITY VOTE OF THE BOARD MEMBERSHIP. IN THE EVENT THAT THE SERVICE AREA BOARD AND THE MAYOR ARE UNABLE TO AGREE WITHIN 30 DAYS OF THE DATE THE ACTION IS RECOMMENDED, THEN THE MAYOR AND THE SERVICE AREA BOARD SHALL COMMUNICATE TO ATTEMPT TO RESOLVE THE IMPASSE. SUCH COMMUNICATION SHALL OCCUR NO MORE THAN 60 DAYS AFTER THE DATE OF THE INITIAL RECOMMENDATION FOR REMOVAL. FOLLOWING SUCH COMMUNICATION, THE MAYOR SHALL HAVE THE FINAL AUTHORITY TO DETERMINE WHETHER OR NOT TO REMOVE THE DIRECTOR.]

B. Other administrative employees. Other administrative employees serve at the pleasure of the mayor who may suspend or discharge such employees in his or her sole discretion. The service area board may independently make a recommendation to the mayor regarding the suspension or discharge of other administrative employees; however, such suspension or discharge remains within the sole discretion of the mayor.

SECTION 10. 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 11. 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 12. 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 13. 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 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.

16.20.080. 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 14. 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 15. 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 16. 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 17. 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 18. 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 KPB 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 19. 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 20. 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 21. 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 22. That this ordinance takes effect immediately upon its enactment.

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

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Vote on Motion to Amend by Substitution:

Yes: Johnson, Smith, Knopp

No: Haggerty, McClure, Murphy, Pierce, Tauriainen, Smalley

Absent: None

Vote on Motion to Enact:

Yes: None

No: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp

Absent: None