

Introduced by: Mayor at request of
Nikiski Senior Service Area Board
Date: 09/06/94
Action: Adopted
Vote: Unanimous

**KENAI PENINSULA BOROUGH
RESOLUTION 94-073**

**A RESOLUTION APPROVING BOARD BYLAWS FOR THE
NIKISKI SENIOR SERVICE AREA BOARD**

WHEREAS, it is common practice for boards to have bylaws to govern board procedures; and


WHEREAS, the Nikiski Senior Service Area Board has drafted, and approved on August 8, 1994, service area board bylaws for the approval of the borough assembly;

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

SECTION 1. That the assembly hereby approves the Nikiski Senior Service Area Board bylaws, attached to and incorporated as part of this resolution by reference.

SECTION 2. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6th DAY OF SEPTEMBER, 1994.


Betty J. Glick, Assembly President

ATTEST:


Gaye I. Vaughan, Borough Clerk

**BYLAWS OF THE
NIKISKI SENIOR SERVICE AREA BOARD**

**A Service Area Board of the
Kenai Peninsula Borough, an Alaska Municipal Corporation**

PREAMBLE

Recognizing that the Nikiski Senior Service Area is formed to provide services and programs for senior citizens within the Nikiski Senior Service Area, the Nikiski Senior Service Area board hereby organizes itself in conformity with these bylaws.

ARTICLE I

Service Area Name--Establishment--Government

Section 1. Name. The name of the service area is the Nikiski Senior Service Area" (hereinafter the "Service Area" or "NSSA").

Section 2. Establishment. The service area was established by the Kenai Peninsula Borough assembly, to provide services to senior citizens who reside within the service area, by Ordinance 93-05, approved by service area voters on October 5, 1993.

Section 3. Government. Service area operations are governed by Alaska statutes, particularly Title 29; and borough ordinances and resolutions, particularly KPB 16.70 (Service Areas) and KPB 5.28 (Purchasing Code).

ARTICLE II

Service Area Board

Section 1. Establishment--Election. The service area board, as established by KPB 16.70.030, is composed of five (5) members, who are elected by the qualified voters of the service area as provided in the Kenai Peninsula Borough Code of Ordinances. Seats on the board are designated A through E.

Section 2. Powers and Duties of the Board. The board of directors of the service area, subject to assembly approval and the appropriation of funds, shall provide for services and programs for senior citizens within the service area.

Section 3. Terms and Qualifications. A. A member of the board shall be elected for a term of three (3) years, and shall serve thereafter until a successor has been elected, qualified, and sworn to assume the duties of the office.

B. Candidates for board seats must be qualified voters of the borough and residents of the service area at the time they file to run for the board, and must comply with the borough elections code, Title 4.

C. Newly elected board members must be sworn in by the borough clerk or designee within thirty (30) days after the certification of election results. Newly elected board members may be sworn in by the borough clerk or designee any time after the election is certified.

D. Newly elected board members take office at the end of the first board meeting after the certification of election results; unless a member has not been sworn in by the time of that meeting, in which case the board member takes office after being sworn in.

Section 4. Vacancies.

A. Vacancies on the board are created upon declaration of a vacancy by the board:

1. If no candidate files for election to a seat which is to be filled at the election;
2. If a successful candidate fails to qualify or take office within thirty (30) days after election or appointment;
3. If a member is physically absent from the service area for a ninety (90) day period, unless excused by the board;
4. If a member resigns, and the board accepts the resignation;
5. If a member is physically or mentally unable to perform the duties of office;
6. If a member is removed from office;
7. If a member misses three (3) consecutive regular meetings unless excused by the board; or
8. If a member is convicted of a felony or an offense involving a violation of the oath of office.

B. Vacancies on the board shall be filled by majority vote of the remaining board until the next regular election of the borough, at which time a new member shall be elected to fill the unexpired term or for a 3-year term if no unexpired term remains.

C. Vacancies shall be filled no later than the second meeting after the meeting in which the vacancy is declared.

Section 5. Absences. To qualify for an excused absence, a board member must (1) notify the service area administrator or board chair of the intended absence at a reasonable time before the meeting at which the member will be absent, and (2) be excused by action of the board.

Section 6. Removal.

A. Board members may be removed for the following reasons:

1. Violation of State statutes or Kenai Peninsula Borough ordinances; or
2. Taking action outside board approval or authority.

B. Removal of a board member shall be done by three (3) of the five (5) board members, subject to borough assembly approval.

Section 7. Ex-officio Members. The service area administrator or equivalent, if any, shall be an ex-officio member of the service area board, but shall not vote.

**ARTICLE III
Board Meetings**

Section 1. Time and Place of Meetings. The service area board shall hold regular meetings at the place designated by the board, at the time designated by the board.

Section 2. Special Meetings. Special meetings may be called by the board chair, or by any two (2) members, upon public notice thereof, as set out below in Article III, Section 5.

Section 3. Work Sessions. Work session meetings of the board may be called at any time by the board chair, upon public notice thereof, as set out below in Article III, Section 5.

Section 4. Executive Session. The board may go into executive session, upon compliance with and for the reasons listed in the Alaska Open Meetings Act (AS 44.62.310-312).

Section 5. Notice of Meeting--Board Member Attendance--Public Attendance.

A. Public notice of all meetings and work sessions of the board shall be given as specified by the Alaska Open Meetings Act, and borough ordinances and policies. Public notice may be given by publication in a newspaper having general circulation within the service area, or otherwise communicated, distributed or posted within the service area, as designated by the board. The notice shall set forth the time and place of the meeting, and the agenda for the meeting. The notice shall also be mailed or telephoned to each board member as soon after the meeting is scheduled as possible.

B. The attendance of a board member at a regular meeting, special meeting or work session constitutes a waiver of notice of the meeting.

C. All board meetings and work sessions are open to the public, as provided by the Alaska Open Meetings Act and borough ordinances and resolutions.

Section 6. Quorum. Three (3) board members shall constitute a quorum. No action may be taken without an affirmative vote of at least three (3) board members. In the absence of a quorum, a majority of those present may adjourn the meeting to a later date.

Section 7. Minutes. All proceedings of board meetings and work sessions shall be permanently recorded, in writing, and regularly distributed to the board members and ex-officio members. After the minutes are approved, a copy shall be forwarded to the borough clerk for the borough mayor and assembly.

Section 8. Order of Business. The order and conduct of business at all meetings and sessions of the board shall be governed by informal procedures as designated by the board; provided that the board may take action to impose formal parliamentary procedures, in which case the board shall be governed by Roberts Rules of Order, Newly Revised.

ARTICLE IV
Committees and Task Forces

Section 1. Committee Appointment. Committees shall be established by the chair, consistent with the size and scope of the activities of the service area. The chair shall appoint the members of such committees.

Section 2. Committee Rules. The board may adopt rules for the purpose, composition and government of any committee, provided they are consistent with these bylaws; or, in the absence of rules adopted by the board, the committee may adopt such rules.

Section 3. Open Meetings. Notice shall be provided of all meetings of committees, and the committee meetings shall be open to the public, as provided for service area board meetings.

ARTICLE V Board Officers

Section 1. Officers. The officers of the board shall be the chair and the vice-chair.

Section 2. Election of Officers--Term--Qualifications. At the first regular meeting following certification of the election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members a chair and vice-chair who shall hold office until successors are elected. All officers shall hold office for one (1) year.

Section 3. Resignation--Vacancies. Should any officer resign, or the officer's seat become vacant, the board shall elect by majority vote a successor to fill that office, for the rest of the term, at the first meeting following the notice of the resignation.

Section 4. Chair. The chair shall preside at all meetings of the board, and shall ensure that all service area records are maintained as required by law and these bylaws.

Section 5. Vice-Chair. The vice-chair shall act as chair in the absence of the chair, and when so acting, shall have all the power and authority of the chair.

ARTICLE VI Service Area Records

Service area records shall be open for public inspection as provided in Alaska statutes and borough ordinances, resolutions, and policies. Service area records are maintained and retained according to borough ordinances, resolutions and policies.

ARTICLE VII Employees

The service area board may create such employment positions and hire such employees as are approved by the mayor and the borough assembly in accordance with applicable statutes, ordinances and regulations, and subject to the appropriation and availability of funds. Any such employees shall be employees of the Kenai Peninsula Borough and shall be subject to all applicable borough employee ordinances, resolutions, policies and benefits relevant to the position. Nothing in this article shall preclude the board from hiring independent contractors subject to the appropriation and availability of funds. Any such independent contractors shall

not be considered borough employees and shall be subject to the Kenai Peninsula Borough purchasing code requirements.

**ARTICLE VIII
Amendments**

Section 1. Bylaw Adoption, Amendment or Repeal. The board may adopt, amend or repeal bylaws at any regular or special meeting of the board; provided that public notice of such bylaw change shall be given; and provided further, that no bylaw shall be inconsistent with Alaska statutes or borough ordinances or resolutions.

Section 2. Voting Requirement. No bylaw may be adopted, amended or repealed except by affirmative vote of three (3) of the five (5) board members.

THESE BYLAWS ARE HEREBY APPROVED AND ACCEPTED:

Service Area Resolution No. 965

Borough Assembly Resolution No. 11

NIKISKI SENIOR SERVICE AREA

KENAI PENINSULA BOROUGH

By: Brodwin, S. Johnson
Its: President
Dated: 8-8-94

By: Paul J. Kennedy
Its: Mayor
Dated: 10/10/94

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY BY:

Gay Vaughan
Borough Clerk

Walter J. Sampson
Borough Attorney

- C. **Tyonek - Final Contract**
Rosemary Johnson, Chairperson, receive the final draft from the borough of the Tyonek contract. She told us that she is sending the document to Tyonek for the appropriate signatures.
- D. **Tyonek Start-up request**
Tyonek has requested start-up funds in the amount of \$3,750.00. The balance of the contract moneys to be received in nine monthly installments of \$1,250.00.
Loretta Brown moved to approve the request start-up funds in the amount of \$3,750.00 and 9 monthly installments of \$1,250.00 for a total of \$15,000.00 the amount of the contract.
Pearl Brown seconded Unanimously passed.
- E. **Nikiski Senior Center monthly budget report.**
Denise Grim, Nikiski Senior Center Director, gave us a brief report. She said they are beginning to receive the contract funds and are proceeding to set-up the office and accounting system. She anticipated being able to present a budget print-out at our next regular Board Meeting in September. She thanked us on the Nikiski Senior Center's behalf for all the help they have had from the Kenai Peninsula Borough and the Nikiski Senior Service Area Board of Directors.

7. **NEW BUSINESS - None**

8. **EXECUTIVE SESSION - None**

9. **ANNOUNCEMENTS - None**

10. **BOARD COMMENTS**

Next Regular meeting of the Nikiski Senior Service Board of Directors will be September 12, 1994 at 7:00 PM at the Nikiski Senior Center.

11. **ADJOURNMENT**

Meeting was adjourned at 8:15 PM