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Directors Report

# Planning Commission Amendments

12/2/6/1/11

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## 2.40.015. - Membership—Apportionment.

A. The planning commission shall consist of a maximum of **eleven members**. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. No more than one member of the commission may be from any single home rule or first class city in the borough unless more are required to satisfy the statutory apportionment requirement. A city member shall be selected by the mayor from a list of recommendations submitted by the council of any cities from which no member will be on the commission when the vacancy is effective, unless apportionment requires more than one member from a city. In that event all eligible city councils may submit a list of recommendations for the additional seat provided that no city may have greater than one member more than any other home rule or first class city. Appointments shall be subject to confirmation by the assembly.

B. Planning commissioners from outside of first class and home rule cities shall be appointed at-large by the mayor and confirmed by the assembly and may be as representative of the following geographic areas as practical:

- 1) East Peninsula;
- 2) Southwest Borough;
- 3) Anchor Point/Niniichik/Clam Gulch/Kasilof;
- 4) Kalifornsky Beach
- 5) Ridgeway;
- 6) Sterling;
- 7) Northwest Borough.

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## Amend Item # 1 KPB Code 2.40.015

- How Many City Seats Should be on the Planning Commission?

- The proposed amendment points out:

KPB currently has an eleven-member planning commission. There are four city seats, which are subject to an informal rotation between five home rule/first class cities and seven at-large seats. This aligns with apportionment rules, but is difficult, if not, impossible to accomplish with five cities rotating four, 3-year term seats. It is mathematically impossible to create an equitable rotation. This is most likely why Ordinance 2016-25 did not specify how city seats would be distributed.

- **Proposed amendment is to go back to 13**

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## Points of Consideration for 13 Seats

- Stops issues with any rotation of city seats
- Alternative views from the Cities vs. citizens serving in the seats/ Is it a city government seat or a resident seat?
- Will this create permanent ZOOM Seats?
- Costs to KPB taxpayers?
- Where do we put the additional seats and will this allow for a remodel to accommodate the meeting space/needs?
- Is it an administrative function to allow for a rotation of commissioners utilizing a Zoom meeting format (no remodel necessary)?
- Support for a budget increase to cover additional seats?

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2019/2020/2021

Planning Commission Original Budgets

2019 \$90,685  
 2020 \$86,000  
 2021 \$76,400

These costs include: meeting allowance,  
 transport/subsistence,  
 car allowance, &  
 training

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2019 Cost for Distance Seats

City of Seldovia	City of Seward	City of Homer	Cooper Landing
\$ 10,329.50	\$ 6,706.25	\$ 6,212.30	\$ 5,310.00
(Flights, Mileage, Hotel, Meals, iPad, Meeting Pay)			

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## State Statute 29.40.020

- (a) Each first and second class **borough shall establish a planning commission consisting of five residents unless a greater number is required by ordinance**. Commission **membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough**. A member shall be appointed by the borough mayor for a term of three years subject to confirmation by the assembly, except that a member from a home rule or first class city shall be selected from a list of recommendations submitted by the council. Members first appointed shall draw lots for one, two, and three year terms. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the planning commission and its staff are paid as directed by the assembly.

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## What Does a Thirteen Member Planning Commission look like

City/Borough	Population	Rural Seats	Population
City Seat Kenai	7424	Northwest Borough <small>Nikiski/Gray Cliff/Moose Point/Tyonek/Beluga</small>	4,456/228/ 152/34
City Seat Soldotna	4342	Sterling	5918
City Seat Seward	2717	Ridgeway	2136
City Seat Homer	5522	Kalifornsky Beach	8487
City Seat Seldovia	255	East Peninsula	344/161/228
		<b>Kasilof/Clam Gulch/Anchor Point/Ninilchik</b>	<b>525/207/ 2105/845</b>
		<b>SW Borough</b> <small>Kachemak/Port Graham/Nanwalek/Fox River/Voznesenka and Halibut Cove/Diamond</small>	<b>162/247/576/ 644/60/1,330</b>
Apportionment =	5/7 + 1?	Youth Seat? non-specified at large seat?	

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## What Does a Five Member Planning Commission look like

City/Borough	Population (2020 Census)
Kenai	7424
Soldotna	4342
Seward	2717
Homer	5522
Seldovia	235
<b>Total City</b>	<b>20,240 City Population</b>
<b>KPB Rural</b>	<b>38,559 Rural Population</b>

Apportionment could be 5 Districts or 2 City Seats, 3 Rural

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## Amend Item # 2 KPB Code 2.40.015

**Should cities be required to submit more than one applicant to the KPB Mayor for selection to the planning commission?**

State Statute 29.40.020:

(a) Each first and second class borough shall establish a planning commission consisting of **five residents** unless a greater number is required by ordinance. Commission **membership shall be apportioned** so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. **A member shall be appointed by the borough mayor** for a term of three years subject to confirmation by the assembly, except **that a member from a home rule or first class city shall be selected from a list of recommendations submitted by the council.** Members first appointed shall draw lots for one, two, and three year terms. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the planning commission and its staff are paid as directed by the assembly.

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Amend Item # 3 KPB Code 2.40.015

**Should any eligible resident of the borough be allowed to apply for planning commission city seat or should the applicant be required to be a resident of that city?**

- Recently the KPB Mayor and legal department made it clear that they believe state law allows for any eligible KPB resident to apply for a planning commission city seat. The city representatives and constituents that we have spoken with do not feel the same. Many of them disagree with this interpretation of the law. This ordinance would specify that an applicant for a city seat on the planning commission would be required to be a resident of the respective city. Defining who can be seated in a city seat on the planning commission would eliminate any argument that the apportionment to the unincorporated borough could be too high to comply with State of Alaska requirements. If city seats were to be filled with residents from outside the cities, the cities would be inequitably served on the commission.

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Borough	Class	2020 Population	Square Miles	Incorporated Cities?	PC Seats by Borough	Additional Information/ How the PC is composed
City & Borough of Sitka	Unified Home Rule	8,458	2,882	1	5	5 members; roster states "from public"
City & Borough of Yakutat	Home Rule	662	7,650	1	5	5 non-specified
City and Borough of Wrangell	Unified Home Rule	2,127	2,570	1	5	5 non-specified seats
Denali Borough	Home Rule	1,619	12,750	2	5	5 Districts with 9 seats; 1 districts has 4 seats, 1 districts has 2 seats the rest are 1 seat
Municipality of Skagway	First Class	464	464	1	6	6 undefined seats
Petersburg Borough	Home Rule	3,398	119.2	1	6	6 undefined seats
Aleutians East Borough	2nd Class Borough	3,420	6,985	5	7	Seats are by area: False Pass, Sand Point (2), King Cove (2), Nelson Lagoon, Akutan
Anchorage Borough	Unified Home Rule	291,247	1,698	1	7	defined by seat 1,2,3 etc
Bristol Bay Borough	2nd Class Borough	844	519	0	7	7 non-specified seats
Haines Borough	Home Rule	2,080	2,357	1	7	7 Seats A-G
Ketchikan Gateway Borough	2nd Class Borough	13,948	1,220	2	7	4 city and 3 at large seats
Kodiak Island Borough	2nd Class Borough	13,101	6,463	1	7	4 at large and 3 city seats
Lake And Peninsula Borough	Home Rule	1,476	23,632	1	7	7 undefined seats
Matanuska-Susitna Borough	2nd Class Borough	107,081	24,694	3	7	7 seats-by district
North Slope Borough	Home Rule	11,031	87,860	7	8	8 non specified
City & Borough of Juneau	Unified Home Rule		2,594	1	9	9 non-specified seats
Northwest Arctic Borough	Home Rule	7,793	35,862	8	9	9 seats-undefined but 2 are specifically not voting seats advisory only
Fairbanks North Star Borough	2nd Class Borough	95,655	7,362	2	11	11 Seats A-K ; 3 seats for city of Fairbanks, 1 city seat for North Pole rest are at large
Kenai Peninsula Borough	2nd Class Borough	58,799	16,079	6	11	4 City Seats and 7 at large the city seats are on a rotation

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