

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Tyson Cox Assembly Member (T.M.) for: TC

DATE: June 6, 2023

SUBJECT: **LAYDOWN COX AMENDMENT #1** to Ordinance 2023-11, Amending Borough Code, KPB 2.40.015 and KPB 2.40.030, to Reduce the Number of Seats on the Planning Commission and Provide for an Orderly Process for the Seat Reduction (Elam)

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

➤ Amend Section 1 of the Ordinance as follows:

2.40.015. Membership—Apportionment.

In accordance with AS 29.40.020(a):

- A. The planning commission [~~SHALL CONSIST OF A MAXIMUM OF FOURTEEN MEMBERS~~] will consist of [the same number of member seats as the number of assembly member seats] **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~~] will be apportioned consistent with **assembly member district seats with two additional seats reserved for home rule and first class cities located in the borough.**
- [B. CITY SEATS. ONLY A CITY RESIDENT MAY SERVE ON A CITY SEAT AND SHALL BE SELECTED BY THE MAYOR FROM A LIST OF RECOMMENDATIONS SUBMITTED BY THE COUNCIL. THE LIST WILL CONSIST OF AT LEAST ONE APPLICANT FROM THE RESPECTIVE CITY WHOSE CITY SEAT IS VACANT OR EXPIRING. APPOINTMENTS SHALL BE SUBJECT TO CONFIRMATION BY THE ASSEMBLY. THE CITY SEATS ARE AS FOLLOWS:
1. HOMER;
 2. KENAI;
 3. SELDOVIA;
 4. SEWARD; AND
 5. SOLDOTNA.]

[C] **B.** [SINGLE MEMBER DISTRICT. PLANNING COMMISSIONERS RESIDING OUTSIDE OF FIRST CLASS AND HOME RULE CITIES SHALL BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY AND REPRESENTATIVE OF THE FOLLOWING ASSEMBLY DISTRICTS:

1. ASSEMBLY DISTRICT 1 - KALIFORNSKY;
2. ASSEMBLY DISTRICT 2 - KENAI;
3. ASSEMBLY DISTRICT 3 - NIKISKI;
4. ASSEMBLY DISTRICT 4 - SOLDOTNA;
5. ASSEMBLY DISTRICT 5 - STERLING/FUNNY RIVER;
6. ASSEMBLY DISTRICT 6 - EAST PENINSULA;
7. ASSEMBLY DISTRICT 7 - CENTRAL;
8. ASSEMBLY DISTRICT 8 - HOMER; AND
9. ASSEMBLY DISTRICT 9 - SOUTH PENINSULA.

PLANNING COMMISSIONERS APPOINTED TO REPRESENT A DISTRICT SHOULD RESIDE WITHIN THAT DISTRICT. IN THE EVENT THAT NO QUALIFIED RESIDENTS OF A SINGLE MEMBER DISTRICT APPLY TO FILL A VACANCY FOR THAT DISTRICT'S SEAT, THEN THAT SEAT MAY BE FILLED WITH A QUALIFIED RESIDENT OF THE BOROUGH WHO RESIDES OUTSIDE OF CITY LIMITS. ONLY RESIDENTS LIVING WITHIN THE RESPECTIVE CITY OR SINGLE MEMBER DISTRICT MAY APPLY FOR A LOCATION SPECIFIC VACANCY. ANY BOROUGH RESIDENT WHO RESIDES OUTSIDE OF CITY LIMITS MAY APPLY "AT-LARGE" AND MAY BE SELECTED IN THE EVENT NO QUALIFIED RESIDENTS OF A SINGLE MEMBER DISTRICT APPLY TO FILL A VACANCY FOR THAT DISTRICT'S SEAT.] Each district will have one representative. Commissioners may only serve in the district in which they reside. The city seats will be set up on a rotational basis. No city may have more than one representative on the planning commission. For the two rotating city seats, only city residents may serve on a city seat and will be selected by the borough mayor from a list of recommendations provided by the city council. The list will contain at least one applicant from the respective city.

[D] **C.** All planning commission members [SHALL] will meet the minimum qualifications of the appointed planning commission member seat description. All planning commission members will be appointed for their expertise and knowledge of the community, borough land use, and planning issues, as well as their familiarity with regulations and land use code, and [SHALL] must represent the entire borough. Prospective planning commission members must be in compliance with KPB Titles 14, 17, 20, and 21 and must not have any pending or unresolved code enforcement actions.

E. A vacancy or expiring term on the planning commission will be noticed for at least 30 days by the borough clerk's office. All applications to fill a vacancy or expiring term must be submitted through the borough clerk's office. [APPLICATIONS TO FILL A CITY SEAT SHALL BE TRANSMITTED TO THE CITY CLERK'S OFFICE AT THE CLOSE OF THE APPLICATION PERIOD.]

Your consideration is appreciated.