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| Introduced by: | Johnson |
| Date: | 07/08/25 |
| Hearing: | 08/05/25 |
| Action: | |
| Vote: | |

**KENAI PENINSULA BOROUGH
ORDINANCE 2025-17**

**AN ORDINANCE ESTABLISHING THE NINILCHIK RECREATIONAL
SERVICE AREA UPON VOTER APPROVAL**

WHEREAS, on June 4, 2025, pursuant to KPB Chapter 16.04, the Borough Clerk certified the petition establishing the Ninilchik Recreational Service Area as sufficient; and

WHEREAS, the above mentioned petition was signed by more than 15 percent of the eligible voters who voted in the last regular borough election and within the area comprising the establishment of a Ninilchik recreational service area; and

WHEREAS, members of the Ninilchik community have been working to find a way to keep the Ninilchik School pool open; and

WHEREAS, members of the Ninilchik community have expressed interest in providing other recreational opportunities; and

WHEREAS, due to the size and population of the area, the lack of needs for city government in the area and certain character, resource, population, boundary, and standards for annexation to cities as described in 3 AAC 110.090 – 150, such services cannot be provided by an existing service area, by annexation to a city, or by incorporation as a city;

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

SECTION 1. That this ordinance amends KPB Code and will be codified.

SECTION 2. That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new chapter to be numbered KPB 16.90, Ninilchik Recreational Service Area, and which shall read as follows:

CHAPTER 16.90. – NINILCHIK RECREATIONAL SERVICE AREA

16.90.010 Established—Boundaries.

There is established a service area within the borough, designated the “Ninilchik Recreational Service Area” including that portion of the borough described as follows:

All of the following referenced to the Seward Base Line and Seward Meridian, Alaska:

Commencing at the section corner common to Sections 4 and 5, Township 1 North, Range 11 West, and Sections 32 and 33, Township 2 North, Range 11 West;

Thence west along the township line common to Township 1 North and Township 2 North, crossing Ranges 12 West and 13 West, to the northwest section corner of Section 6, Township 1 North, Range 14 West (protracted);

Thence south along the range line common to Range 14 West and Range 15 West to the southwest section corner of Section 31, Township 1 North, Range 14 West (protracted);

Thence west along the Seward Base Line to the northwest section corner of Section 6, Township 1 South, Range 15 West (protracted);

Thence south along the protracted range line common to Range 15 West and Range 16 West, crossing Township 2 South, to the section corner common to Sections 1 and 12, Township 3 South, Range 16 West (protracted), and Sections 6 and 7, Township 3 South, Range 15 West (protracted);

Thence west along the section line to the section corner common to Sections 2, 3, 10, and 11, Township 3 South, Range 16 West (protracted);

Thence south along the section line to the section corner common to Sections 34 and 35, Township 3 South, Range 16 West (protracted), and Sections 2 and 3, Township 4 South, Range 16 West (protracted);

Thence east along the township line common to Township 3 South and Township 4 South, Range 16W (protracted), crossing Ranges 15 West, 14 West, and 13 West;

Thence continuing east along said township line to the section corner common to Section 36, Township 3 South, Range 12 West; Section 31, Township 3 South, Range 11 West; Section 1, Township 4 South, Range 12 West; and Section 6, Township 4 South, Range 11 West;

Thence north along the range line common to Range 12 West and Range 11 West to the section corner common to Section 1, Township 3 South, Range 12 West; Section 6, Township 3 South, Range 11 West; Section 36, Township 2 South, Range 12 West; and Section 31, Township 2 South, Range 11 West;

Thence east along the township line common to Township 2 South and Township 3 South to the section corner common to Sections 35 and 36, Township 2 South, Range 11 West, and Sections 1 and 2, Township 3 South, Range 11 West;

Thence north along the section line, crossing the township line common to Townships 2 South and 1 South, to the northeast corner of Section 2, Township 1 South, Range 11 West;

Thence west along the Seward Base Line to the southeast corner of Section 32, Township 1 North, Range 11 West;

Thence north along the section line to the section corner common to Sections 4 and 5, Township 1 North, Range 11 West, and Sections 32 and 33, Township 2 North, Range 11 West, the true point of beginning.

16.90.020. Mill levy.

In accordance with state law, the assembly will set the mill levy during the annual budgetary process.

16.90.030. Board of directors.

There is established a board of directors (board), appointed by the mayor and confirmed by the assembly, composed of five members. The board will be responsible for legislative oversight of the Ninilchik Recreational Service Area.

16.90.040. Board—Meetings—Quorum.

- (A) The board will meet periodically, no less than quarterly, at a regularly scheduled time and place designated by the board.
- (B) The notice for all meetings must provide the date, time and place of the meeting and provided to each board member. All meetings are open to the public as provided by law.
- (C) Three board members constitute a quorum.
- (D) Special meetings of the board may be called by the chair of the board or by any two members upon compliance with brough code and state law and identifying all matters to be discussed at the special meeting.

16.90.050. Board—Election of officers.

Each year at the first regular meeting in November, or as soon thereafter as possible, the board will elect, by majority vote of the board members, and from the board members, a board chair, a vice-chair, and such other officers as the board

determines to be desirable who will hold office until resignation or a successor is elected.

16.90.060. Board—Terms of office.

Each member of the board will serve for a term of three year and may be appointed to successive terms. Each member of the board will serve until a successor has been appointed, confirmed and sworn to assume the duties of the office or until the seat is vacant as provided in this chapter.

16.90.070. Board—Vacancies.

- (A) Vacancies on the board are created upon declaration of vacancy by the board if a member:
 - (1) Fails to qualify or take office within 30 days of appointment and confirmation;
 - (2) Is physically absent from the service area for a 90-day period, unless excused by the board;
 - (3) Changes residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is elected;
 - (4) Resigns;
 - (5) Is physically or mentally unable to perform the duties of office;
 - (6) Misses three consecutive regular meetings unless excused;
 - (7) Removal; or
 - (8) Is convicted of a felony or of an offense involving a violation of their oath of office.
- (B) Vacancies on the board will be filled by appointment by the mayor and confirmed by the assembly to fill the unexpired term or for a three-year term if no unexpired term remains. The clerk will provide at least twenty-one days' advance public notice of the vacancy prior to appointment by the mayor. Public notice may be provided by posting on the borough's website, at the primary service area office or at the borough administration building, and such other publication as the service area board deems appropriate.

16.90.080. Board—Powers and duties.

Subject to KPB 16.04.001, and assembly approval and appropriation of funds, the board shall have the power to supervise the furnishing of recreational services within the service area. The board shall promptly provide accurate and complete copies of minutes of all board meetings to the mayor and assembly. The board shall be responsible for developing, implementing, and updating a plan for furnishing recreational services which shall be subject to assembly approval.

16.90.090. Administrative officers.

The mayor, after considering the recommendation of the board, may appoint such administrative officers as the mayor deems necessary. In accordance with KPB 3.04.070, administrative personnel are at-will employees and may be removed by the mayor.

16.90.100. Bylaws.

The board may adopt bylaws governing the conduct of its affairs so long as such bylaws are procedural in nature and do not conflict with the substantive rules and regulations governing the board in its delegated powers.

16.90.110. Personnel system—Rules and regulations.

Employees of the Ninilchik Recreational Service Area are employees of the borough, and as such, are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed. Unless specifically provided otherwise, the borough personnel system and Title 3 of the Kenai Peninsula Borough Code of Ordinances apply to personnel, if any, employed by the Ninilchik Recreational Service Area.

16.90.120. Budget and fiscal control.

- (A) Budget and fiscal control. The formulation of a budget and fiscal control of expenditures of public moneys of the Ninilchik Recreational Service Area are under the supervision and direction of the mayor and the assembly. The finance director of the borough will provide the board with the rules and regulations governing the appropriation of funds, the budgeting of funds, the authorization of expenditures, and borough fiscal policy rules and regulations of the borough which the service area is subject. The board will arrange for the preparation of a budget and capital program, which must be submitted to the mayor for approval. The budget and capital expenditure proposals are subject to the procedures for adopting the borough budget and capital expenditures program and final approval by the assembly.
- (B) Accounting. All accounting functions for the service area fall under the supervision of the borough finance director who will provide rules, regulations, and procedures governing the issuance and payment of vouchers, the issuance and payment of checks, the use of the central treasury of the borough, and the manner in which all bonds, contracts, leases or other obligations requiring the payment of funds from the appropriations in the service area budget are to be processed and administered.

16.90.130. Purchasing and contracting.

- (A) The purchasing agent for the service area is the borough purchasing and contracts director. All purchases of supplies, materials, equipment, and contractual services will be made in accordance with the rules and regulations adopted by the assembly.
- (B) All contracts for capital improvements and maintenance performed in connection with the service area will be bid and administered by the borough purchasing and contracting department in accordance with the department's normal procedure for letting of contracts.

SECTION 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances will not be affected.

SECTION 4. That this ordinance shall take effect only upon approval by a majority of the voters residing within the proposed Ninilchik Recreational Service Area who vote on the question during the regular KPB election scheduled for October 7, 2025.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2025.

Peter Ribbens, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent: