

Introduced by: Mayor
Date: 11/22/16
Hearing: 01/03/17
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-41**

**AN ORDINANCE AMENDING KPB 5.35.107(B), REGARDING DEADLINES TO
COLLECT SIGNATURES ON PETITIONS TO FORM UTILITY SPECIAL
ASSESSMENT DISTRICTS**

WHEREAS, KPB 5.35.107 sets forth the petition filing and petition requirements for utility special assessment districts (“USAD”); and

WHEREAS, KPB 5.35.107(B) allows 45 days to collect signatures, triggered by the date the assessing department distributes the petition to the district sponsor; and

WHEREAS, KPB 5.35.107(B) also offers an additional 30 day extension for larger projects with more than 150 parcels, if such an extension will not impact the project timeline for assembly approval and utility construction timeframes or the utility’s estimate of costs; and

WHEREAS, the current language in KPB 5.35.107(B) has inadvertently provided for an additional extension, beyond the 30 day extension, at the mayor’s discretion, with an unspecified time limit, which creates a potential inequality between special assessment districts in the amount of time allowed to collect signatures; and

WHEREAS, this ordinance will remedy this potential inequality by deleting the language in KPB 5.35.107(B) which inadvertently provided for an additional extension, beyond the 30 day extension;

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

SECTION 1. That KPB 5.35.107(B) is hereby amended as follows:

5.35.107. Petition filing; Requirements of petition.


...

B. *Deadline for signatures.* The sponsor shall submit the completed petition signature page(s) to the assessing department within 45 days of the date on which the assessing department distributes the petition to the sponsor.

Proposed districts involving more than 150 properties may have additional time, up to 30 days, to collect signatures at the discretion of the mayor, so long as the delay has no negative impact on the utility company's estimate and timeframe for construction. The sponsor shall request the additional time when submitting the notice of intent to proceed with administrative review under KPB 5.35.030(C). [HOWEVER, THE MAYOR HAS THE DISCRETION TO APPROVE A REQUEST FOR ADDITIONAL TIME AT A LATER POINT IN THE PROCESS SO LONG AS THE REQUEST FOR ADDITIONAL TIME DOES NOT IMPACT THE TIMELINE FOR THE PROJECT.]

SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF JANUARY, 2017.

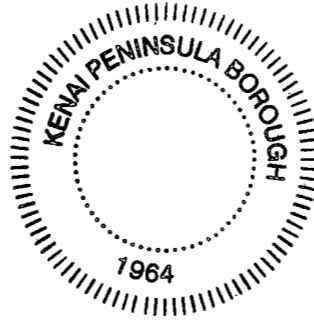


Kelly Cooper, Assembly President

ATTEST:



John Blankenship, MMC, Borough Clerk



Yes: Bagley, Dunne, Fischer, Gilman, Holmdahl, Knopp, Ogle, Welles, Cooper
No: None
Absent: None