

Introduced by: Johnson, Hibbert, Elam  
Date: 02/15/22  
Action: Adopted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2022-013**

**A RESOLUTION REQUESTING THAT THE ALASKA STATE LEGISLATURE  
AMEND ALASKA STATUTE 29.40.020 TO CHANGE THE PLANNING COMMISSION  
APPORTIONMENT REQUIREMENT**

- WHEREAS,** Article 10, Section 1 of the Constitution of the State of Alaska states, “The purpose of this article is to provide for maximum local self-government with a minimum of government units and to prevent duplication of tax-levying jurisdictions”; and
- WHEREAS,** Alaska Statute 29.40.0209(a) requires that a borough’s planning commission 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”; and
- WHEREAS,** this statutory requirement effectively removes local control and flexibility of the assembly to determine planning commission membership in a manner that best meets the needs of the borough; and
- WHEREAS,** the Kenai Peninsula Borough (“KPB”) is unique in that it is the only borough with five first class or home rule cities within its boundaries; and
- WHEREAS,** cities have planning commissions of their own that oversee land development within city borders; and
- WHEREAS,** city managers and city staff commonly collaborate with KPB staff, including the platting manager and planning director, on land development projects within cities and the assembly expects that collaboration will continue moving forward; and
- WHEREAS,** the KPB Assembly requests that the Alaska State Legislature remove the apportionment requirement to provide boroughs more local control over composition of borough planning commissions; and
- WHEREAS,** the change is requested to provide the KPB Assembly the authority, if so desired, to establish planning commission composition and membership that mirror the composition of the KPB Assembly and the KPB Board of Education;

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

**SECTION 1.** The Kenai Peninsula Borough Assembly requests that the Alaska State Legislature amend AS 29.40.020(a) as follows:

**Sec. 29.40.020. Planning commission.**

- (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.

**SECTION 2.** If the requested amendments are enacted by the Alaska State Legislature, AS 29.40.020(a) will read as follows:

**Sec. 29.40.020. Planning commission.**

- (a) Each first and second class borough shall establish a planning commission consisting of five residents unless a greater number is required by ordinance. A member shall be appointed by the borough mayor for a term of three years subject to confirmation by the assembly. 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.

**SECTION 3.** That a copy of this resolution shall be provided to Governor Dunleavy and the Kenai Peninsula State Legislators: Senators Peter Micciche and Gary Stevens, and Representatives Ben Carpenter, Ron Gillham, Louise Stutes, and Sarah Vance.

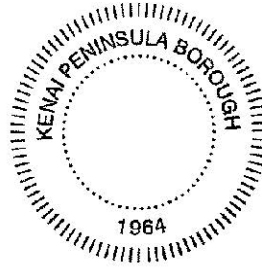
**SECTION 4.** That this resolution is effective immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF FEBRUARY, 2022.**

Brent Johnson  
Brent Johnson, Assembly President

ATTEST:

John Blankenship  
John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson  
No: None  
Absent: None