

Introduced by:	Niesen, Mayor
Date:	12/02/25
Hearing:	01/06/26
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2025-26**

**AN ORDINANCE AMENDING BOROUGH CODE, KPB 21.02.080 AND
KPB 21.02.100 REGARDING ADVISORY PLANNING COMMISSION
TERMS AND VACANCIES**

WHEREAS, these code amendments will allow an APC member to serve after completing their term or after voluntarily resigning, upon request by the APC, until a new member is appointed and confirmed;

WHEREAS, these amendments promote APC stability and enable them to better meet quorum requirements and conduct regular business during transition periods; and

WHEREAS, KPB code for service area board members contains similar language allowing members to stay in their seat until a new member is appointed;

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 KPB 21.02.080 is hereby amended as follows:

21.02.080. - Term of office.

- A. Each APC shall consist of not more than seven (7) members.
- B. Members shall be appointed to seats A through G for a term of three (3) years, except in the case of a newly created commission when seats A and B are appointed for an initial term of one (1) year; seats C and D are appointed for an initial term of two (2) years; and seats E, F, and G are appointed to three-year terms.
- C. At the initial meeting, members shall draw for seats.
- D. Except in the case of a new APC, a term shall begin on October 1st and end on September 30th. In the case of a new APC the term shall begin upon appointment confirmation.

- E. Upon expiration of a term of office, at the request of the commission, a commissioner may continue to serve until a successor has been appointed and confirmed.

SECTION 3. That KPB 21.02.100 is hereby amended as follows:

21.02.100. - Vacancies.

- A. Vacancies on the commission are created upon declaration of vacancy by the commission if a member:
1. Fails to qualify or has an unexcused absence for the first meeting after the borough assembly has confirmed the appointment;
 2. Is physically absent from the APC area for a 90-day period, unless excused by the commission;
 3. Resigns and his/her resignation is accepted;
 4. Is physically or mentally unable to perform the duties of his/her office;
 5. Misses three consecutive regular meetings unless excused;
 6. Is convicted of a felony; and
 7. Changes residency to a location outside of the APC boundary for a period longer than 60 days.
- B. The commission shall post notice of a commission vacancy in a prominent place within the community, such as the post office or a community bulletin board, for a 30 day period after the commission declares a vacancy or 30 days before the term expires.
- C. Vacancies on the commission [SHALL]will be filled in the same manner as prescribed above. The appointment [SHALL]will be to fill the unexpired term or for a 3-year term if no unexpired term remains. A commissioner who has voluntarily resigned from their seat but still qualifies to hold the seat may, at the request of the commission, continue to serve until a successor has been appointed and confirmed.

SECTION 4. 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 5. That this ordinance shall become immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2026.**

Ryan Tunseth, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent: