

Introduced by: Mayor  
Date: 02/20/18  
Hearing: 03/06/18  
Action: Enacted as Amended  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2017-19-15**

**AN ORDINANCE APPROPRIATING \$45,000 TO THE LEGAL DEPARTMENT TO  
COVER COSTS OF HIRING HEARING OFFICERS FOR CODE COMPLIANCE  
HEARINGS AND APPEALS FROM PLANNING COMMISSION DECISIONS**

**WHEREAS,** a new code enforcement provision was adopted in 2011 for land use regulation violations; and

**WHEREAS,** in 2017 the assembly enacted Ordinance 2016-44 revising the code to provide for administrative enforcement processes for violations of the platting code and more recently the assembly enacted Ordinance 2017-22 providing for a hearing officer to hear appeals from planning commission decisions and disbanding the board of adjustment; and

**WHEREAS,** outside counsel is used to serve as the hearing officer for all of these code violation hearings and appeals from the planning commission decisions; and

**WHEREAS,** the cost of these hearings varies depending upon the complexity of the issues and the number of parties involved; and

**WHEREAS,** to date during this fiscal year the legal department has spent approximately \$18,500 on a code compliance matter and \$22,900 on board of adjustment hearing expenses; and

**WHEREAS,** the combined available balance in the contract services and attorney fees special cases accounts currently equals approximately \$12,114; and

**WHEREAS,** there are three pending matters for code compliance violations that appear likely to require the services of a hearing officer and one complex appeal to the hearing officer from a planning commission decision; and

**WHEREAS,** more such hearings may be needed prior to the end of the current fiscal year; and

**WHEREAS,** it is estimated that additional funds of \$25,000 will be needed for the code compliance hearings and an additional \$20,000 will be needed for appeals to the hearing officer from planning commission decisions; and

**WHEREAS,** it is necessary to appropriate funds to hire outside counsel to serve as the hearing officer in order to enforce the code provisions and provide due process for appeals from the planning commission decisions;

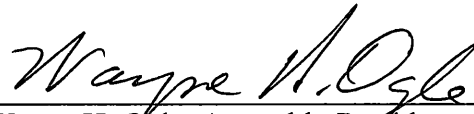
**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** The sum of \$25,000 is hereby appropriated from the General Fund, fund balance to account 100.11310.00000.43011 Contract Services to pay the costs of the code compliance hearing officer.

**SECTION 2.** The sum of \$20,000 is hereby appropriated from the General Fund, fund balance to account 100.11310.00000.43034, Attorney Fees, Special Cases to fund the services of the hearing officer to hear appeals from planning commission decisions.

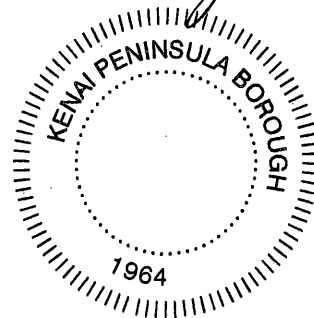
**SECTION 3.** That this ordinance shall become effective upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF MARCH, 2018.**

  
\_\_\_\_\_  
Wayne H. Ogle, Assembly President

ATTEST:

  
Jonni Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle  
No: None  
Absent: None