



## **KENAI PENINSULA BOROUGH**

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**MIKE NAVARRE**  
**BOROUGH MAYOR**

### **MEMORANDUM**

**TO:** Dale Bagley, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Mike Navarre, Borough Mayor *MN*  
Colette Thompson, Borough Attorney *CT*

**FROM:** Elizabeth Leduc, Assistant Borough Attorney *ehl*

**DATE:** October 15, 2015

**SUBJECT:** Ordinance 2015- 26, An Ordinance Amending the Notice Requirements in  
KPB 5.35.150(C) and KPB 14.31.100(B) to Allow Ordinances of Assessment to  
be Heard at Least 13 Days After Introduction as Allowed in KPB 1.12.010

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In January 2015, ordinance 2014-38 amended KPB 1.12.010 by reducing the amount of time required between the introduction and hearing on ordinances that are not emergency in nature and those that do not add to, amend, or repeal any provision in the Kenai Peninsula Borough Code, to 13 days.

This change in procedure was overlooked when KPB chapters 5.35 and 14.31, dealing with utility and road special assessment districts, were amended in June 2015. In particular, both KPB 5.35.150 and 14.31.100, which address the ordinances of assessment, require the clerk to provide 15 days notice of the ordinance to impacted property owners. Under the current scheme, this means that the ordinances of assessment cannot be heard within the shorter 13 day period now allowed by code. This does not prevent an ordinance of assessment from being scheduled for a later hearing or postponed after the first hearing.

In order to allow ordinances of assessment to be scheduled using the shorter time frame the clerk and legal department recommend that KPB 5.35.150(C) and 14.31.100(B) be amended to require notice of the ordinances of assessment be mailed 10 days prior to the public hearing.