

Introduced by:	Mayor
Date:	09/21/21
Hearing:	10/12/21
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-15**

**AN ORDINANCE APPROPRIATING \$150,000 TO THE LEGAL DEPARTMENT TO
COVER COSTS OF HIRING HEARING OFFICERS FOR PLANNING COMMISSION
APPEALS**

WHEREAS, 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, as a cost cutting measure, the State of Alaska, Office of Administrative Hearings has been retained to serve as the hearing officer in appeals from decisions of the planning commission in place of a rotating list of private attorneys and law firms; and

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

WHEREAS, the cost of hearing officers are paid from the legal department's Legal Services account which is also used to pay for hiring of outside counsel in cases where a conflict of interest may exist; and

WHEREAS, the unencumbered balance available in the legal department's Legal Services account is currently \$1,000;

WHEREAS, there are currently pending three appeals to a hearing officer from planning commission decisions; and

WHEREAS, gravel pit requests for conditional use permits or modifications thereto are always controversial and regardless of the decision lead to appeals; and

WHEREAS, local option zoning districts are also controversial and regardless of the planning commission decision there are typically appeals filed in those matters as well; and

WHEREAS, it is estimated that additional funds of \$150,000 may be needed for appeals to the hearing officer from planning commission decisions; and

WHEREAS, it is necessary to appropriate funds to retain a 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 \$150,000 is hereby appropriated from the General Fund, fund balance to account 100.11310.22HOA.43034 Legal Services to fund the services of hearing officers in appeals from planning commission decisions and the hiring of outside counsel in situations where a conflict of interest may exist.


SECTION 3. That upon enactment this ordinance shall become effective retroactively on July 1, 2021.

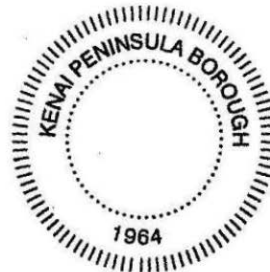
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 12TH DAY OF OCTOBER, 2021.



Brent Hibbert, Assembly President

ATTEST:



Jonni Blankenship, MMC, Borough Clerk

Yes: Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert
No: None
Absent: None