

E. NEW BUSINESS

5. Resolution 2023-XX: Providing a 30-day application period prior to inactivating the Kachemak Bay Advisory Planning Commission.

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor
Robert Ruffner, Planning Director

FROM: Samantha Lopez, Senior Manager

DATE: January 2, 2023

RE: Resolution 2023-____, Providing a 30-Day Application Period Prior to Inactivating the Kachemak Bay Advisory Planning Commission (Mayor)

The Kenai Peninsula Borough (the “Borough”) has established Advisory Planning Commissions (“APCs”) in several communities throughout the Borough, one being the Kachemak Bay APC. The Kachemak Bay APC was established on January 16, 1996, by Ordinance 95-38.

Borough code allows APCs to seat up to seven members, and requires at least four members to constitute a quorum. Since September 30, 2022, there have been two filled seats on this APC (Seats C and D), and five vacancies (Seats A, B, E, F, and G). These vacancies have been posted since October 3, 2022, and no applications have been received to date to fill these seats.

Because only two seats are filled, this APC is unable to form a quorum. Code does not address how or when APCs should be inactivated when a quorum cannot be formed. However, when the Kalifornsky APC did not have enough members to form a quorum, it was deactivated by the same process via Resolution 2022-025 on April 19, 2022.

Through this resolution, Kachemak Bay APC seats A, B, E, F, and G shall be declared vacant and advertised for 30 days. If, during the application period, the Borough receives applicants for the APC but there is still not a sufficient number of qualified applicants to secure a quorum on the APC, then the APC will be listed as inactive.

Your consideration of the Resolution is appreciated.

Introduced by:

Mayor

Date:

01/17/23

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-**

**A RESOLUTION PROVIDING A 30-DAY APPLICATION PERIOD PRIOR TO
INACTIVATING THE KACHEMAK BAY ADVISORY PLANNING COMMISSION**

WHEREAS, the Kenai Peninsula Borough (the “Borough”) has established Advisory Planning Commissions (“APCs”) in several communities throughout the Borough, including the Kachemak Bay APC; and

WHEREAS, the Kachemak Bay APC was established on January 16, 1996, by Ordinance 95-38; and

WHEREAS, Borough code allows APCs to seat up to seven members, and requires at least four members to constitute a quorum; and

WHEREAS, currently there are five declared vacancies on this APC: Seats A, B, E, F, and G; and

WHEREAS, no applications have been received to date to fill Seats A, B, E, F or G on this APC; and

WHEREAS, there are only two remaining seated members on the Kachemak Bay APC and therefore the APC is unable to form a quorum; and

WHEREAS, Borough code does not address how or when APCs should be inactivated when a quorum cannot be constituted; and

WHEREAS, the Kalifornsky APC was deactivated by the same process via Resolution 2022-025 on April 19, 2022; and

WHEREAS, at its meeting held on January 9, 2023, the Borough Planning Commission recommended _____;

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

SECTION 1. That the Assembly declares Kachemak Bay APC Seats A, B, E, F, and G are vacant and the Borough shall, for a period of 30 days, advertise for applicants to fill those vacancies.

SECTION 2. That if, during the 30-day application period, the Borough receives applicants for the Kachemak Bay APC but there remains an insufficient number of qualified applicants to constitute a quorum, the Borough will then list the Kachemak Bay APC as inactive.

SECTION 3. This resolution is effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ____
DAY OF _____ 2023.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, MMC, Borough Clerk

Introduced by:	Mayor
Date:	04/19/22
Action:	Adopted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-025**

**A RESOLUTION PROVIDING A 30-DAY APPLICATION PERIOD PRIOR TO
INACTIVATING THE KALIFORNSKY ADVISORY PLANNING COMMISSION**

WHEREAS, the Kenai Peninsula Borough (“Borough”) has established Advisory Planning Commissions (“APCs”) in several communities throughout the Borough, including the Kalifornsky APC; and

WHEREAS, the Kalifornsky APC was established by Ordinance 2019-21 and held its first meeting on November 18, 2019; and

WHEREAS, APCs may seat up to seven members, and at least four members are required to constitute a quorum; and

WHEREAS, currently there are two declared vacancies on this APC, Seat D and Seat E, due to the fact that the terms for both seats expired on September 30, 2021

WHEREAS, no applications have been received to date to fill Seat D and Seat E on this APC; and

WHEREAS, as of January 2022, four of the five seated Kalifornsky APC members have submitted resignations and/or cannot be reached, those seats being Seats B, C, F, and G; and

WHEREAS, there is only one remaining seated member on the Kalifornsky APC and therefore the APC is unable to hold a meeting to declare vacancies on the APC as required by KPB 21.02.100; and

WHEREAS, Borough code does not address how or when APCs should be inactivated when a quorum cannot be constituted; and

WHEREAS, at its meeting held on April 11, 2022, the Borough Planning Commission recommended adoption by unanimous consent;

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

SECTION 1. That the Assembly declares Kalifornsky APC Seats B, C, F, and G are vacant and the Borough shall, for a period of thirty days, advertise for applicants to fill those vacancies.

SECTION 2. That if, during the 30-day application period, the Borough receives applicants for the Kalifornsky APC but there remains an insufficient number of qualified applicants to constitute a quorum, the Borough will then list the Kalifornsky APC as inactive.

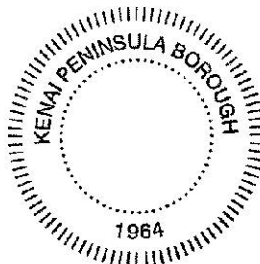
SECTION 3. This resolution is effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF APRIL, 2022.


Brent Johnson, Assembly President

ATTEST:


Johni Blankenship, MMC, Borough Clerk



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