

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

G. OTHER

1. Planning Commission Bylaws

MEMORANDUM

TO: Jeremy Brantley, Chair
Members, Kenai Peninsula Borough Planning Commission

FROM: A. Walker Steinhage, Deputy Borough Attorney
Robert Ruffner, Director of Planning

DATE: December 11, 2023

RE: Resolution 2023-33, Approving and Adopting Planning Commission Bylaws

An updated draft of the Planning Commission Bylaws is included in your packet. There were no suggested edits following the Planning Commission's review during the November 13, 2023, meeting. The updates listed below are the result of further staff review, and the prior versions are included for reference. Below is a summary of the updates to the most recent draft:

- Format change.
- Removal of the Preamble.
- Article I, Section 3, removal of specific statute and code provisions.
- Clean-up of language in Article II, Sections 2 and 3.
- Article III, Section 2, removal of full text of AS 29.40.020 KPB 2.40 and replacement with references only.
- Article IV, Section 4, change to one "business days' notice".
- Article V, Section 1, change to reference only to KPB 2.40.020.
- Article VII, Section 2, change from "sitting Commissioners" to "Commissioners present".

Another draft can easily be prepared if the Planning Commission wishes to make substantial changes. Any minor edits can be accomplished during the meeting. If, however, the Planning Commission is satisfied with the present product – or is satisfied with the final product after revisions during the meeting – Resolution 2023-33, which would approve and adopt the Bylaws, is ready for the Planning Commission's consideration and vote.

Your consideration and input are appreciated.

**BYLAWS OF THE
KENAI PENINSULA BOROUGH PLANNING COMMISSION**
A Commission of the Kenai Peninsula Borough
A Municipal Corporation

ARTICLE I

Planning Commission Establishment- Government-Name

- Section 1.** Name: The name of the Commission is the "KENAI PENINSULA BOROUGH PLANNING COMMISSION".
- Section 2.** Establishment: The Commission is required by AS 29.40.020 and was established by Borough Ordinance 15, adopted on the 19th day of April, 1966.
- Section 3.** Government: The Commission's operations are governed by Alaska statutes and the Kenai Peninsula Borough Code of Ordinances. The Commission further administers, in full or in part, KPB Titles 20 and 21 and other provisions of the Borough code as may be adopted by the Assembly and made applicable to the Commission.

ARTICLE II

Bylaws

- Section 1.** These Bylaws are adopted to govern the conduct of the Commission's affairs pursuant to KPB 2.40.110.
- Section 2.** References to provisions of law, including Borough code and state statutes, are as they now exist or may from time to time be amended by the law-making body.
- Section 3.** In the event these Bylaws, which are intended to be procedural in nature, conflict with applicable rules, ordinances, statutes and regulations governing the Commission, such applicable provisions supersede these Bylaws.

ARTICLE III

Commissioners

- Section 1.** Establishment - Appointment: As provided for by A.S. 29.40.020 and KPB 2.40.015.
- Section 2.** Powers and Duties of the Commission: Pursuant to A.S. 29.40.020 and KPB 2.40, the Commission will:
- Section 3.** Qualifications: Pursuant to KPB 2.40.015(D), Commissioners are appointed for their expertise and knowledge of the community, Borough land use, and planning issues and must represent the entire Borough.
- Section 4.** Terms: As provided for in KPB 2.40.030.
- Section 5.** Resignation and Vacancies: As provided for in KPB 2.40.030.
- Section 6.** Conflicts of Interest: Commissioners are "municipal employees" of the Borough as defined by KPB 2.58.010. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of KPB Chapter 2.58.

Section 7. Code of Ethics: Commissioners are Borough “employees” as defined by KPB 2.90.320. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of Article II of KPB Chapter 2.90.

ARTICLE IV Meetings

Section 1. Commission Meetings: The Commission will meet periodically at a regularly scheduled time and place in consultation with the Borough administration. Special meetings of the Commission may be called by the Chair, Planning Director or by three Commissioners upon one day's notice thereof published in a newspaper or via radio having general public distribution. The notice will state the specific matter or matters to be included on the agenda and include the time and the place of the meeting and will be e-mailed, mailed or telephoned to each member. The attendance of a Commissioner at a meeting constitutes a waiver of notice of the meeting. All meetings and work sessions, with the exception of executive sessions or adjudicatory sessions, are open to the public as provided in AS 29.20.20 and the Alaska Open Meetings Act (AS 44.62.310) and in accordance with the policies set forth in AS 44.62.312.

Section 2. Quorum: Pursuant to KPB 2.40.120, A majority of the Commissioners who have been appointed by the Mayor and confirmed by the Assembly will constitute a quorum, except in no case may a quorum consist of fewer than five Commissioners. All Commission actions will be by vote of a majority of the Commissioners who are present and voting. No hearing may be held or decision made in the absence of a quorum, except that a Commissioner disqualified by law from voting on a question may be considered present for purposes of constituting a quorum.

Section 3. Voting: Consistent with AS 44.62.310, the vote at a meeting held by teleconference must be taken by roll call. A roll-call vote also is required for all quasi-judicial matters. Other normal business matters, including legislative items, are eligible for approval by unanimous consent.

Section 4. Work Session: Work sessions of the Commission may be called at any time by the Chair, Planning Director or any three Commissioners, upon at least one business days’ notice. The Commission cannot take any official action at a work session. The Commission need not, but may, provide for audience participation at a work session. Public notice is required.

Section 5. Adjudicatory Session: Upon a majority vote in favor by the Commissioners present, the Commission may convene in adjudicatory session to deliberate on quasi-judicial matters. The provisions of AS 44.62.310 do not apply to adjudicatory sessions for the purpose of deliberating on quasi-judicial matters. Commissioners must be physically present to participate in adjudicatory sessions, unless the Chair authorizes attendance by teleconference as described below.

- 1) The Chair may authorize a Commissioner to attend an adjudicatory session due to absences necessitated by work-related events, family emergencies, health issues, or other good cause. Commissioners who cannot be physically present for an adjudicatory session must, if circumstances allow, notify the Chair no later than two hours prior to the scheduled meeting time of their need to appear by teleconference. The Chair will announce on the record that the Commissioner was allowed to attend via teleconference based upon a prior conversation. However, no notice is necessary if the

Commission decides to adjourn to adjudicatory session during the course of a regularly-scheduled Commission meeting.

- 2) Prior to beginning an adjudicatory session with a Commissioner attending via teleconference, the Chair will confirm with the Commissioner who is attending via teleconference that the Commissioner is alone and that to the best of the Commissioner's knowledge no one else is able to overhear the adjudicatory session.
- 3) "Teleconference" means remote participation by telephone or other electronic means, at the Chair's discretion, which must enable the remote Commissioner, for the duration of the adjudicatory session, to clearly hear and be heard by the other Commissioners and any other participants.

The Commission's decision on quasi-judicial matters must be made on the record and during a public meeting.

Pursuant to KPB 21.20.210(A)(6), "quasi-judicial decisions" are those decisions where general law or policy are applied or affect an individual's property interests. Such decisions include but are not limited to preliminary and final plat approvals, conditional use permits, and exception and variance applications.

Section 6. Executive Sessions: The provisions of AS 44.62.310 will govern the Commission's executive sessions. Upon a majority vote of the Commissioners present, the Commission may convene in executive session. Commissioners must be physically present to participate in executive sessions, except the provisions regarding participation by teleconference set forth in Section 5 above apply.

The Commission's decision after executive session will be made on the record and during a public meeting.

Section 7. Agenda: An agenda for the meetings will be distributed to all Commissioners prior to the meeting, including a packet of any supporting documentation.

Section 8. Minutes: All proceedings of meetings and work sessions will be electronically recorded, and minutes permanently recorded in print. The electronic recording will be maintained for a period of one year, and the written record will be distributed to commissioners. After the minutes are approved, a copy will be forwarded to the Borough Clerk for the Borough Mayor and the assembly.

Section 9. Order of Business: The order of business at all meetings and work sessions will be in accordance with the adopted agenda for that meeting; however, the Commission may change the order of business by motion to accommodate the public, Commissioners, or the business being conducted. The Chair may limit or alter the time periods for Commission's debate and public presentation.

Section 10. Chair: The Chair or Vice-chair will preside at all meetings of the Commission and will remain a voting member of the Commission. When presiding during a meeting, the Chair or Vice-chair, as applicable, will have the discretion to pass the gavel in order to speak to a matter on the floor.

Section 11. Procedure: Meetings will be conducted in accordance with the most recent edition of Robert's Rules of Order, Newly Revised unless the Commission adopts other procedural rules for the conduct of meetings. In the event Robert's Rules of Order conflict with applicable rules, ordinances, statutes, regulations, or these Bylaws governing the Commission, such applicable provisions supersede Robert's Rules of Order.

Section 12. Medium: Meetings may be held by teleconference in compliance with AS 44.62.310.

ARTICLE V
Commission Officers

Section 1. Election of Officers – Terms - Qualifications: Pursuant to KPB 2.40.020.

Section 2. Chair: The Chair’s duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.

Section 3. Vice-Chair: The Vice-chair’s duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.

Section 4. The Commission may establish other Commission offices by amendment consistent with Article VII, Section 1.

ARTICLE VI
Records

Section 1. Commission Records: The Commission records will be open for public inspection as provided for in Alaska Statutes, Borough ordinances, resolutions and policies. Commission records will be maintained and retained in accordance with Borough ordinance, resolutions and policies and procedures.

ARTICLE VII
Amendments

Section 1. Bylaws Adoption, Amendments or Repeal: The Commission may adopt, amend, or repeal these Bylaws at any regular or special meeting of the Commission.

Section 2. Voting Requirements: No Bylaw may be adopted, amended, or repealed except by majority vote of Commissioners present.

These Bylaws are hereby approved by the Commission and adopted on _____.

Jeremy Brantley, Chair

Attest:

Robert Ruffner, Director

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-33**

**A RESOLUTION APPROVING AND ADOPTING BYLAWS FOR THE KENAI
PENINSULA BOROUGH PLANNING COMMISSION**

WHEREAS, pursuant to KPB 2.40.110, the Planning Commission may adopt bylaws governing the conduct of its affairs so long as the bylaws are procedural in nature and do not conflict with the rules, ordinances, statutes and regulations governing the Planning Commission; and

WHEREAS, at its regular meeting of December 11, 2023, the Planning Commission reviewed and approved the attached Bylaws;

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

SECTION 1. That the Planning Commission hereby approves and adopts the Bylaws attached to and incorporated into this resolution by reference.

SECTION 2. That this resolution takes effect immediately.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 11TH DAY OF DECEMBER, 2023.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

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BYLAWS OF THE KENAI PENINSULA BOROUGH PLANNING COMMISSION A Commission of the Kenai Peninsula Borough A Municipal Corporation

PREAMBLE

The Kenai Peninsula Borough (the "Borough" or "KPB") Planning Commission (the "Commission") will provide for the systematic and organized development of the Borough.

ARTICLE I

Planning Commission Establishment- Government-Name

- Section 1. Name: The name of the Commission is the "KENAI PENINSULA BOROUGH PLANNING COMMISSION.
- Section 2. Establishment: The Commission is required by AS 29.40.020 and was established by Borough Ordinance 15, adopted on the 19th day of April, 1966.
- Section 3. Government: The Commission's operations are governed by Alaska statutes, particularly Chapter 29.40; and the Kenai Peninsula Borough Code of Ordinances, broad duties are described in KPB Chapter 2.40. The Commission further administers, in full or in part, KPB Titles 20 and 21 and other provisions of the Borough code as may be adopted by the Assembly and made applicable to the Commission.

ARTICLE II

Bylaws

- Section 1. These Bylaws are adopted to govern the conduct of the Commission's affairs pursuant to KPB 2.40.110.
- Section 2. References to Borough code, state statutes, and other provisions of law within these Bylaws are as the provisions of law as they now exist or may from time to time be amended by the Assembly, the Alaska State Legislature or other applicable law-making body.
- Section 3. These Bylaws are procedural in nature and should not conflict with the rules, ordinances, statutes and regulations governing the Commission. In the event these Bylaws conflict with applicable rules, ordinances, statutes and regulations governing the Commission, such applicable provisions supersede these Bylaws.

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ARTICLE III Commissioners

Section 1. Establishment - Appointment: As provided for by A.S. 29.40.020 and KPB 2.40.015.

Section 2. Powers and Duties of the Commission: Pursuant to A.S. 29.40.020, the Commission will:

- 1) Prepare and submit to the Assembly a proposed comprehensive plan in accordance with AS 29.40.030 for the systematic and organized development of the Borough.
- 2) Review, recommend, and administer measures necessary to implement the comprehensive plan, including measures provided under AS 29.40.040.

In addition, the Commission's duties as prescribed by Ordinance are as follows:

- 1) Consistent with the provisions of KPB 2.40.040, the Commission will prepare from time-to-time plans for the systematic development and betterment of the Borough as a place of residence or for business. It may employ engineers, attorneys, clerks and a secretary, or other personnel considered necessary, subject to the approval of the Assembly. The Assembly will fix the compensation of persons employed by the Commission. The compensation and necessary expenses of the Commission will be paid out of the Borough treasury in the same manner as other expenses of the Borough government, within the limits of appropriations by the Assembly for that purpose. In no event may the Commission be authorized to create a deficiency.
- 2) Consistent with the provisions of KPB 2.40.050, the Commission may consider and investigate subject matter tending to the development and betterment of the Borough and make recommendations as it considers advisable to any department of the Borough government and to the Assembly. The Commission may make or have made surveys, maps or plans.
- 3) Consistent with the provisions of KPB 2.40.060, the Commission may investigate and report before final action is taken by the Borough or a department of it, on the location and design of any public building, dock, beach, ski ground, statue, memorial park, parkway, boulevard, street or alley, playground, public street, alley or the grade thereof.
- 4) Consistent with KPB 2.40.080, the Commission in its capacity as the platting board is authorized to delegate powers to hear and decide cases involving platting to a plat committee composed of those Commissioners present for such hearing so long as there are at least four Commissioners present. The following procedures are prescribed for hearings and reviews:

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- A) Cases may be decided by a majority vote of the plat committee members present.
- B) Review of a decision of the plat committee may be heard by the Commission acting as platting board by filing written notice thereof with the Borough Planning director on a form provided by the Borough Planning department. The request for review must be filed within fifteen days of date of distribution of the decision of the plat committee by personal service or service by mail. A request for review may be filed by any person or agency that was sent a notice of decision. The request for review must briefly state the reason for the review request and applicable provisions of Borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.
- C) Cases reviewed will be heard de novo by the planning commission acting as the platting board.

5) Perform other functions as delegated by the Assembly.

Section 3. Qualifications: Pursuant to KPB 2.40.015(D), Commissioners are appointed for their expertise and knowledge of the community, Borough land use, and planning issues and must represent the entire Borough.

Section 4. Terms: As provided for in KPB 2.40.030.

Section 5. Resignation and Vacancies: As provided for in KPB 2.40.030.

Section 6. Conflicts of Interest: Commissioners are "municipal employees" of the Borough as defined by KPB 2.58.010. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of KPB Chapter 2.58.

Section 7. Code of Ethics: Commissioners are Borough "employees" as defined by KPB 2.90.320. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of Article II of KPB Chapter 2.90.

ARTICLE IV Meetings

Section 1. Commission Meetings: The Commission will meet periodically at a regularly scheduled time and place in consultation with the Borough administration. Special meetings of the Commission may be called by the Chair, Planning Director or by three Commissioners upon one day's notice thereof published in a newspaper or via radio having general public distribution. The notice will state the specific matter or matters to be included on the agenda and include the time and the place of the meeting and will be e-

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mailed, mailed or telephoned to each member. The attendance of a Commissioner at a meeting constitutes a waiver of notice of the meeting. All meetings and work sessions, with the exception of executive sessions or adjudicatory sessions, are open to the public as provided in AS 29.20.20 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312.

- Section 2. Quorum: Pursuant to KPB 2.40.120, A majority of the Commissioners who have been appointed by the Mayor and confirmed by the Assembly will constitute a quorum, except in no case may a quorum consist of fewer than five Commissioners. All Commission actions will be by vote of a majority of the Commissioners who are present and voting. No hearing may be held or decision made in the absence of a quorum, except that a Commissioner disqualified by law from voting on a question may be considered present for purposes of constituting a quorum.
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- Section 5. Adjudicatory Sessions: Upon a majority vote in favor by the Commissioners present, the Commission may convene in adjudicatory session to deliberate on quasi-judicial matters. Under a provision of the Alaska Open Meetings Act (AS 44.62.310(d)(1)), adjudicatory sessions are exempt from open meetings requirements. Commissioners must be physically present to participate in adjudicatory sessions, unless the Chair authorizes attendance by teleconference as described below.
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Commissioner is alone and that to the best of the Commissioner's knowledge no one else is able to overhear the adjudicatory session.

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- Section 12. Medium. Meetings may be held by teleconference in compliance with AS 44.62.310.

ARTICLE V Commission Officers

- Section 1. Election of Officers- Terms- Qualifications: Pursuant to KPB 2.40.020, the Commission annually will select and appoint a Chair and Vice-chair.
- Section 2. Chair: The Chair's duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.
- Section 3. Vice-Chair: The Vice-chair's duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.
- Section 4. The Commission may establish other Commission offices by amendment consistent with Article VII, Section 1.

ARTICLE VI Records

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These Bylaws are hereby approved unanimously by the Commission and adopted on _____.

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Jeremy Brantley, Chair

Attest:

Robert Ruffner, Director

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In addition, the Commission's duties as prescribed by Ordinance are as follows:

- 1) Consistent with the provisions of KPB 2.40.040, the Commission will prepare from time-to-time plans for the systematic development and betterment of the Borough as a place of residence or for business. It may employ engineers, attorneys, clerks and a secretary, or other personnel considered necessary, subject to the approval of the Assembly. The Assembly will fix the compensation of persons employed by the Commission. The compensation and necessary expenses of the Commission will be paid out of the Borough treasury in the same manner as other expenses of the Borough government, within the limits of appropriations by the Assembly for that purpose. In no event may the Commission be authorized to create a deficiency.
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- Section 2. Quorum: Pursuant to KPB 2.40.120, A majority of the Commissioners who have been appointed by the Mayor and confirmed by the Assembly will constitute a quorum, except in no case may a quorum consist of fewer than five Commissioners. All Commission actions will be by vote of a majority of the Commissioners who are present and voting. No hearing may be held or decision made in the absence of a quorum, except that a Commissioner disqualified by law from voting on a question may be considered present for purposes of constituting a quorum.
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- Section 6. Executive Sessions: The provisions of AS 44.62.310 will govern the Commission's executive sessions. Upon a motion by a Commissioner and a majority vote of the Commissioners present, the Commission may, from time to time, convene in executive session. Commissioners must be physically present to participate in executive sessions. The Commission's decision after executive session will be made on the record and during a public meeting.

- Section 7. Agenda: An agenda for the meetings will be distributed to all Commissioners prior to the meeting, including a packet of any supporting documentation.
- Section 8. Minutes: All proceedings of meetings and work sessions will be electronically recorded, and minutes permanently recorded in print. The electronic recording will be maintained for a period of one year, and the written record will be distributed to commissioners. After the minutes are approved, a copy will be forwarded to the Borough Clerk for the Borough Mayor and the assembly.
- Section 9. Order of Business: The order of business at all meetings and work sessions will be in accordance with the adopted agenda for that meeting; however, the Commission may change the order of business by motion to accommodate the public, Commissioners, or the business being conducted. The Chair may limit or alter the time periods for Commission's debate and public presentation.
- Section 10. Chair: The Chair or Vice-chair will preside at all meetings of the Commission and will remain a voting member of the Commission. When presiding during a meeting, the Chair or Vice-chair, as applicable, will have the discretion to pass the gavel in order to speak to an matter on the floor.
- Section 11. Procedure: Meetings will be conducted in accordance with the most recent edition of Robert's Rules of Order, Newly Revised unless the Commission adopts other procedural rules for the conduct of meetings. In the event Robert's Rules of Order conflict with applicable rules, ordinances, statutes, regulations, or these Bylaws governing the Commission, such applicable provisions supersede Robert's Rules of Order.
- Section 12. Medium. Meetings may be held by teleconference in compliance with AS 44.62.310.

ARTICLE V Commission Officers

- Section 1. Election of Officers- Terms- Qualifications: Pursuant to KPB 2.40.020, the Commission annually will select and appoint a Chair and Vice-chair.
- Section 2. Chair: The Chair's duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.
- Section 3. Vice-Chair: The Vice-chair's duties are as set forth in recent edition of Robert's Rules of Order, Newly Revised.
- Section 4. The Commission may establish other Commission offices by amendment consistent with Article VII, Section 1.

ARTICLE VI
Records

Section 1. Commission Records. The Commission records will be open for public inspection as provided for in Alaska Statutes, Borough ordinances, resolutions and policies. Commission records will be maintained and retained in accordance with Borough ordinance, resolutions and policies and procedures.

ARTICLE VII
Amendments

Section 1. Bylaws Adoption, Amendments or Repeal: The Commission may adopt, amend, or repeal these Bylaws at any regular or special meeting of the Commission.

Section 2. Voting Requirements: No Bylaw may be adopted, amended, or repealed except by majority vote of sitting Commissioners.

These Bylaws are hereby approved unanimously by the Commission and adopted on _____.

Jeremy Brantley, Chair

Attest:

Robert Ruffner, Director

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BYLAWS OF THE KENAI PENINSULA BOROUGH PLANNING COMMISSION A Commission of the Kenai Peninsula Borough A Municipal Corporation

PREAMBLE

The Kenai Peninsula Borough (the "Borough" or "KPB") Planning Commission (the "Commission") will provide for the systematic and organized development of the Borough.

ARTICLE I

Planning Commission Establishment- Government-Name

- Section 1. Name: The name of the Commission is the "KENAI PENINSULA BOROUGH PLANNING COMMISSION.
- Section 2. Establishment: The Commission is required by AS 29.40.020 and was established by Borough Ordinance 15, adopted on the 19th day of April, 1966.
- Section 3. Government: The Commission's operations are governed by Alaska statutes, particularly Chapter 29.40; and the Kenai Peninsula Borough Code of Ordinances, broad duties are described in KPB Chapter 2.40. The Commission further administers, in full or in part, KPB Titles 20 and 21 and other provisions of the Borough code as may be adopted by the Assembly and made applicable to the Commission.

ARTICLE II

Bylaws

- Section 1. These Bylaws are adopted to govern the conduct of the Commission's affairs pursuant to KPB 2.40.110.
- Section 2. References to Borough code, state statutes, and other provisions of law within these Bylaws are as the provisions of law now exist or may from time to time be amended by the Assembly, the Alaska State Legislature or other applicable law-making body.
- Section 3. These Bylaws are procedural in nature and should not conflict with the rules, ordinances, statutes and regulations governing the Commission. In the event these Bylaws conflict with applicable rules, ordinances, statutes and regulations governing the Commission, such applicable provisions supersede these Bylaws.

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ARTICLE III Commissioners

Section 1. Establishment - Appointment: As provided for by A.S. 29.40.020 and KPB 2.40.015

Section 2. Powers and Duties of the Commission: Pursuant to A.S. 29.40.020, the Commission will:

- 1) Prepare and submit to the Assembly a proposed comprehensive plan in accordance with AS 29.40.030 for the systematic and organized development of the Borough.
- 2) Review, recommend, and administer measures necessary to implement the comprehensive plan, including measures provided under AS 29.40.040.

In addition, the Commission's duties as prescribed by Ordinance are as follows:

- 1) Consistent with the provisions of KPB 2.40.040, the Commission will prepare from time-to-time plans for the systematic development and betterment of the borough as a place of residence or for business. It may employ engineers, attorneys, clerks and a secretary, or other personnel considered necessary, subject to the approval of the Assembly. The Assembly will fix the compensation of persons employed by the Commission. The compensation and necessary expenses of the Commission will be paid out of the borough treasury in the same manner as other expenses of the Borough government, within the limits of appropriations by the Assembly for that purpose. In no event may the Commission be authorized to create a deficiency.
- 2) Consistent with the provisions of KPB 2.40.050, the Commission may consider and investigate subject matter tending to the development and betterment of the Borough and make recommendations as it considers advisable to any department of the Borough government and to the Assembly. The Commission may make or have made surveys, maps or plans.
- 3) Consistent with the provisions of KPB 2.40.060, the Commission may investigate and report before final action is taken by the Borough or a department of it, on the location and design of any public building, dock, beach, ski ground, statue, memorial park, parkway, boulevard, street or alley, playground, public street, alley or the grade thereof.
- 4) Consistent with KPB 2.40.080; The Commission in its capacity as the platting board is authorized to delegate powers to hear and decide cases involving platting to a plat committee composed of those Commissioners present for such hearing so long as there are at least four Commissioners present. The following procedures are prescribed for hearings and reviews:

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- A) Cases may be decided by a majority vote of the plat committee members present.
- B) Review of a decision of the plat committee may be heard by the Commission acting as platting board by filing written notice thereof with the Borough Planning director on a form provided by the Borough Planning department. The request for review must be filed within fifteen days of date of distribution of the decision of the plat committee by personal service or service by mail. A request for review may be filed by any person or agency that was sent a notice of decision. The request for review must briefly state the reason for the review request and applicable provisions of Borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.
- C) Cases reviewed will be heard de novo by the planning commission acting as the platting board.

5) Perform other functions as delegated by the Assembly.

Section 3. Qualifications: Pursuant to KPB 2.40.015(D), Commissioners are appointed for their expertise and knowledge of the community, Borough land use, and planning issues and must represent the entire Borough.

Section 4. Terms: As provided for in KPB 2.40.030.

Section 5. Vacancies: As provided for in KPB 2.10.015(E).

Section 6. Absences: [For Commission discussion]

Section 7. Conflicts of Interest: Commissioners are "municipal employees" of the Borough as defined by KPB 2.58.010. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of KPB Chapter 2.58.

Section 8. Code of Ethics: Commissioners are Borough "employees" as defined by KPB 2.90.320. Accordingly, Commissioners are subject to, and must comply with, the applicable provisions of Article II of KPB Chapter 2.90.

ARTICLE IV Meetings

Section 1. Commission Meetings: The Commission will meet periodically at a regularly scheduled time and place in consultation with the Borough administration. Special meetings of the Commission may be called by the Chair, Planning Director or by three Commissioners upon one day's notice thereof published in a newspaper or via radio having general public distribution.

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The notice will state the specific matter or matters to be included on the agenda and include the time and the place of the meeting and will be emailed, mailed or telephoned to each member. The attendance of a Commissioner at a meeting constitutes a waiver of notice of the meeting. All meetings and work sessions, with the exception of executive sessions or adjudicative sessions, are open to the public as provided in AS 29.20.20 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312.

- Section 2. Quorum: Pursuant to KPB 2.40.120, A majority of the Commissioners who have been appointed by the Mayor and confirmed by the Assembly will constitute a quorum, except in no case may a quorum consist of fewer than five Commissioners. All Commission actions will be by vote of a majority of the Commissioners who are present and voting. No hearing may be held or decision made in the absence of a quorum, except that a Commissioner disqualified by law from voting on a question may be considered present for purposes of constituting a quorum.
- Section 3. Voting: [Roll-call vote for legislative and quasi-judicial items? Unanimous consent? Legal needs to do some more research.]
- Section 4. Work Session: Work session meetings of the Commission may be called at any time by the Chair, Planning Director or any three Commissioners, upon at least one day's notice. The Commission cannot take any official action at a work session. The Commission need not, but may, provide for audience participation at a work session. Public notice is required.
- Section 5. Adjudicatory Sessions: Upon a motion by a Commissioner and a majority vote in favor by the Commissioners present, the Commission may from time to time, convene in adjudicatory session to deliberate on quasi-judicial matters. Pursuant to AS 44.62.310(d)(1), adjudicatory sessions are exempt from open meetings requirements. Commissioners must be physically present to participate in adjudicatory sessions. The Commission's decision on quasi-judicial matters will be made on the record and during a public meeting.
- Pursuant to KPB 21.20.210(A)(6), "quasi-judicial decisions" are those decisions where general law or policy are applied or affect an individual's property interests. Such decisions include but are not limited to preliminary and final plat approvals, conditional use permits, and exception and variance applications.
- Section 6. Executive Sessions: The provisions of AS 44.62.310 will govern the Commission's executive sessions. Upon a motion by a Commissioner and a majority vote of the Commissioners present, the Commission may, from time to time, convene in executive session. Commissioners must be physically present to participate in executive sessions. The Commission's decision after executive session will be made on the record and during a public meeting.

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- Section 7. Agenda: An agenda for the meetings will be distributed to all Commissioners prior to the meeting, including a packet of any supporting documentation. [For Commission/staff discussion: How to handle late submissions to PC packet. Bylaws? Resolution? Website?]
- Section 8. Minutes: All proceedings of meetings and work sessions will be electronically recorded, and minutes permanently recorded in print. The electronic recording shall be maintained for a period of one year, and the written record shall be distributed to commissioners. After the minutes are approved, a copy will be forwarded to the Borough Clerk for the Borough Mayor and the assembly.
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- Section 12. Medium. Meetings may be held by teleconference in compliance with AS 44.62.310. [For Commission discussion about Zoom/remote meeting attendance.]

ARTICLE V Commission Officers

- Section 1. Election of Officers- Terms- Qualifications: Pursuant to KPB 2.40.020, the Commission annually will select and appoint a Chair and Vice-chair.
- Section 2. Chair: [For Commission discussion]
- Section 3. Vice-Chair: [For Commission discussion]
- Section 4. Resignation-Vacancies: Resignation and vacancies will be governed by KPB 2.40.030.

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ARTICLE VI Records

Section 1. Commission Records. The Commission records will be open for public inspection as provided for in Alaska Statutes, Borough ordinances, resolutions and policies. Commission records will be maintained and retained in accordance with Borough ordinance, resolutions and policies and procedures.

ARTICLE VII Amendments

Section 1. Bylaws Adoption, Amendments or Repeal: The Commission may adopt, amend, or repeal these Bylaws at any regular or special meeting of the Commission.

Section 2. Voting Requirements: No Bylaw may be adopted, amended, or repealed except by majority vote of sitting Commissioners.

These Bylaws are hereby approved unanimously by the Commission and adopted on _____.

Chair

Attest:

Director