

KETCHIKAN CHARTER COMMISSION

AGENDA STATEMENT

NO. H-1

MEETING OF August 5, 2005

ITEM TITLE

Amend Article XII, Areawide, Nonareawide and Service Area Powers, Section 12.04(b) (Second Reading Postponed from 4/22/05)

SUBMITTED BY Debby Otte

SUMMARY STATEMENT

Charter section 12.04, subsection (b) was amended by the Commission at the March 25, 2005 regular meeting and comes again to the body for approval in second reading. The section was changed as follows:

Section 12.04 Creation, Expansion, Reduction, Consolidation, Alteration, and Termination of Service Areas.

(b) **Expansions or Reductions of Service Areas.** The boundaries of a service area may only be expanded or reduced by an ordinance adopted by the Assembly that describes the proposed new boundaries of the service area and the powers to be exercised therein and, if voters reside in the service area, which is approved by both:

- (1) A majority of the voters residing within the boundaries of the existing service area or, in the case of a reduction, a majority of the voters who will remain within the boundaries of the service area after the reduction; and
- (2) A majority of the voters residing in the area that will be added to or subtracted from the existing service area or, if no voters reside within that area, by written consent of all owners of real property within the area that will be added to or subtracted from the existing service area.

Provided however, that the Borough Assembly by ordinance may establish a process to provide for de minimus exemptions to boundary amendment that need not be approved as provided in subsections (1) and (2) above.

RECOMMENDED MOTION:

"I move to amend Article XII, Section 12.04 (b) as indicated above by adding the phrase, "if voters reside in the service area," in the first sentence and adding the paragraph "Provided however, that the Borough Assembly by ordinance may establish a process to provide for de minimus exemptions to boundary amendment that need not be approved as provided in subsections (1) and (2) above, in the second reading."

(Continued)

Other options that were presented are as follows:

(b) "I move to amend Article XII, Section 12.04(b) by adding the phrase ",if voters reside in the service area," in the first sentence and adding the paragraph "Provided, however, that a boundary amendment which affects less than 6% of the number of parcels for a service area or adds less than 1000 residents to a service area, whichever is less, need not be approved as provided in subsection (1) and (2) above."

(c) RECOMMENDED ACTION: (Brad Finney)

"I move to amend Article XII, Section 12.04(b) by adding the phrase, "if voters reside in the service area," in the first sentence and adding the paragraph, "Provided however, that a boundary amendment which affects less than 2% of the number of parcels for a service area or adds less than 2% of the of the number of parcels for a service area or adds less than 2% to the residents of a service area, whichever is less, need not be approved as provided in subsections (1) and (2) above."

(d) RECOMMENDED ACTION: (Glen Thompson)

"I move to amend Article XII, Section 12.04(b) by adding the phrase, "if voters reside in the service area," in the first sentence and adding the paragraph, "Provided however, that a boundary amendment which affects less than 1% of the number of parcels for a service area or changes the number of residents of said service area by less than 1%, whichever is less, need not be approved as provided in subsections (1) and (2) above unless any resident of the service area formally objects."