

1 Introduced by: Assembly Member Dvorak thru the Mayor

2 Drafted by: Borough Attorney

3 Introduced on: 06/17/2021

4 Public Hearing Date: 07/01/2021

5 Failed on: 07/01/2021

6 **KODIAK ISLAND BOROUGH**  
7 **ORDINANCE NO. FY2022-03**

8  
9 **AN ORDINANCE INITIATING A BALLOT MEASURE FOR THE OCTOBER 5, 2021 REGULAR**  
10 **MUNICIPAL ELECTION, ESTABLISHING A PARKS AND RECREATION SERVICE AREA**  
11 **INCLUDING THE ROAD ACCESSIBLE AREAS OF THE BOROUGH OUTSIDE OF THE CITY**  
12 **OF KODIAK TO PROVIDE FOR NON-AREAWIDE PARKS AND RECREATION FACILITY**  
13 **CONSTRUCTION MAINTENANCE AND OPERATION.**

14  
15 **WHEREAS,** the Kodiak Island Borough, a Second-Class Borough under Title 29, Alaska  
16 Statutes, adopted Non-Areawide Parks & Recreation authority in 1976; and,

17 **WHEREAS,** the Kodiak Island Borough also established a Parks & Recreation Committee in  
18 1982 in order to; A. Identify existing and future recreation demands including indoor and outdoor  
19 recreation; B. Evaluate existing and future recreation needs; C. Generate priorities and action  
20 plans including a capital improvement program for parks and recreation; and, D. Review and  
21 recommend revisions as necessary to the adopted comprehensive parks and recreation plan;  
22 and,

23 **WHEREAS,** the current parks and recreation committee is a committee subject to regular three  
24 year sunset provisions in KIBC 2.100.180 which provides planning recommendations to the  
25 Planning Commission, but the Kodiak Island Borough currently has no parks and recreation  
26 services board to provide recommendations to the Assembly under the Borough's non-areawide  
27 parks and recreation powers for a program of parks and recreation activities or facilities, and  
28 advice regarding levy of taxes or fees to generate funds for any budgeted local parks and  
29 recreation expenditures; and

30  
31 **WHEREAS,** the Kodiak Island Borough has used its existing non-areawide parks and recreation  
32 authority under Title 29, Alaska Statutes, to obtain grants, hold state land leases, and enter into  
33 collaborative agreements with the Borough School District and City of Kodiak to maintain local  
34 neighborhood parks and ballfields used by persons residing both inside and outside of the City of  
35 Kodiak, but has not levied taxes on a non-areawide basis to support providing parks and  
36 recreation facilities or services or otherwise engaged in the construction, maintenance or  
37 operation of non-areawide parks and recreational facilities; and,

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39 **WHEREAS,** the Assembly finds that the levying of taxes to support construction, maintenance  
40 and operation of parks and recreation facilities or services funded by local Borough tax levies is  
41 a level of parks and recreational services which is higher than that generally provided on a non-  
42 areawide basis, and, consistent with AS 29.35.450(a), it is therefore appropriate for exercise  
43 within a service area comprised of that part of the non-areawide portion of the Borough which is  
44 accessible by the centralized road system; and

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46 **WHEREAS,** if residents in the area proposed for service area formation, those residing on the  
47 Kodiak Island Borough "Road System", desire to fully exercise parks & recreation authority  
48 involving the expenditure of local revenue, the voters must consider whether that service is worth

49 establishing a Parks & Recreation Service Area, and small tax increment in the same manner as,  
50 road, fire, and lighting district services are administered; and,  
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52 **WHEREAS,** KIBC Section 4.05.040 authorizes the Assembly to initiate establishment of a  
53 service area by ordinance which is ratified by the requisite number of voters. KIBC Section  
54 4.05.050 lists issues upon which the Assembly must make findings in connection with  
55 establishment of a service area; and,  
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57 **WHEREAS,** the Assembly finds that there is a need for parks and recreation facilities and  
58 services within the road accessible portion of the Borough outside of the City of Kodiak using  
59 locally generated funds where needed, and that it is feasible to provide those services through a  
60 service area considering the size, population, and the facilities and services already existing within  
61 the proposed service area; and  
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63 **WHEREAS,** the Assembly finds that the adoption of a parks and recreation service area for a  
64 higher level of service which includes construction, maintenance and operation of parks and  
65 recreation facilities or services funded by local Borough tax levies which is separate from the  
66 current exercise of borough non-areawide parks and recreation powers would not interfere with  
67 the existing cooperative agreements for exercise of non-areawide parks and recreational powers  
68 without the use of local tax revenues; and  
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70 **WHEREAS,** the Assembly finds that the estimated assessed value of property within the  
71 boundaries of the area proposed for inclusion in the Parks and Recreation service area is  
72 approximately \$ \_\_\_\_\_, which is sufficient assessed value of property to pay for the  
73 contemplated parks and recreational services; and  
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75 **WHEREAS,** the Assembly finds that the road accessible areas outside of the City of Kodiak  
76 demonstrate a cohesiveness in terms of access to recreational opportunities; and  
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78 **WHEREAS,** if the proposition set out in this ordinance is approved by majority vote of the  
79 applicable voters at the October 5, 2021 regular municipal election, the Borough establish a parks  
80 and recreational service area to construct, maintain and operate of parks and recreation facilities  
81 or services using local funds where needed; and  
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83 **WHEREAS,** if approved, a Parks & Recreation Service Area Fund would then be created to  
84 provide for the management of borough recreation facilities and services in the service area  
85 separate from the borough's general fund and give the affected voters more direct influence  
86 directly to the Parks & Recreation Service Area Board on matters of recreation facilities, service  
87 levels, and the related tax increment required to sustain said facilities and services.  
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89 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**  
90 **BOROUGH** that:  
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92 **Section 1:** Sections 2 and 3 of this ordinance are of general application and shall be codified  
93 if the proposition in Section 4 is approved. The remainder of this ordinance is not  
94 of general application and shall not be codified.  
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96 **Section 2:** That the Kodiak Island Borough Code is hereby amended by deleting Chapter  
97 2.120, entitled "Parks and Recreation Committee". This Chapter currently reads  
98 as follows:  
99



Chapter 2-120  
PARKS AND RECREATION COMMITTEE

~~1.120.010 Committee Created—Duties.~~

~~There is established the Kodiak Island Borough parks and recreation committee consisting of seven voting members, who are residents of the borough and represent a cross-section of the social and economic structure of the community. Four members shall constitute a quorum for conducting business of the committee. One assembly member, one planning and zoning commissioner, the city parks and recreation director, the state park ranger, and a school representative shall be nonvoting ex officio members of the committee and may participate in all discussions and assigned duties.~~

~~The committee is empowered to:~~

- ~~A. Identify existing and future recreation demands including indoor and outdoor recreation;~~
- ~~B. Evaluate existing and future recreation needs;~~
- ~~C. Generate priorities and action plans including a capital improvement program for parks and recreation; and~~
- ~~D. Review and recommend revisions as necessary to the adopted comprehensive parks and recreation plan.~~

~~All such plans and recommendations shall be reviewed by the planning and zoning commission prior to presentation to the manager and assembly.~~

~~2.120.020 Appointment, terms, procedures.~~

~~Members of the committee shall be appointed by the mayor subject to confirmation by the assembly. Members shall serve three-year terms except that of the initial nine members, three shall be appointed for three-year terms, three for two-year terms and three for one-year terms.~~

~~The committee shall designate its chair and other officers as provided in bylaws approved by the assembly. No additions or changes may be made in the bylaws unless specifically approved by the assembly. Meetings shall be public except that executive sessions may be held in accordance with KIBC 2.30.030(E). The committee shall meet at least quarterly at times and places designated by the chair, but meetings need not be held if no business is pending. The chair or a majority of the committee may call a special meeting. The committee shall give reasonable public notice of its meetings. Vacancies occur and are filled as provided in KIBC 2.100.070.~~

~~2.120.030 Administrative assistance.~~

~~The manager or designee shall:~~

- ~~A. Furnish the committee with all requested documents and other information necessary for, or reasonably related to, committee functions;~~

~~B. Provide the committee with supplies, meeting space and secretarial assistance as reasonably required;~~

~~C. If feasible under the circumstances, refer to the committee matters within its powers and duties, prior to presentation for assembly action; and~~

~~D. Transmit committee recommendations and other communications to the borough assembly, except where matters of planning and zoning require prior approval by the planning and zoning commission.~~

**Section 3:** That the Kodiak Island Borough Code is hereby amended by adding a new Chapter 4.150, entitled "Parks and Recreation Service Area" to read as follows:

**4.150 Parks and Recreation Service Area**

**4.150.010 Creation and Powers**

The Parks and Recreation service area established pursuant to Ordinance No. 2021-XX encompasses the area described in that ordinance. The power to construct, maintain and operate of parks and recreation facilities or services using local funds where needed shall be exercised within the Parks and Recreation Service area.

**4.150.020 Board**

A. The Parks and Recreation service area board shall consist of five members which shall function as provided in Chapter 4.15 of the Kodiak Island Borough Code.

B. In addition to the voting members, the Board shall include One assembly member, one planning and zoning commissioner, the city parks and recreation director, the state park ranger, and a school representative who shall be nonvoting ex officio members of the committee and may participate in all discussions, but who are not counted for purposes of a quorum. Ex officio members shall be appointed by the Mayor subject to confirmation by the Assembly and shall serve two year terms.

**Section 4:** An election is to be held on October 5, 2021 in the Kodiak Island Borough and the following proposition shall be submitted to the qualified voters residing within the boundaries of the proposed Parks and Recreation service area for approval or rejection. A simple majority of those electors qualified and voting in favor of the proposition shall be required for approval.

**Proposition No. 1**

**Shall the Kodiak Island Borough establish a Parks & Recreation service Area for the exercise of the power to construct, maintain and operate of parks and recreation facilities or services within the service area boundaries using local funds where needed as provided for in Ordinance 2021-03 with the boundaries encompassing the Contiguous "Road System" area which lies outside of the City of Kodiak?**

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- YES
- NO

**Section 5: Effective date.** Section 4 shall be effective immediately upon adoption. Sections 2 and 3 shall become effective upon certification of the results of the October 5, 2021 election but only if the proposition in Section 4 receives approval of a majority of the voters of the Kodiak Island Borough voting on the proposition.

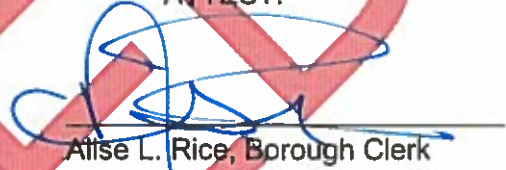
**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS FIRST DAY OF JULY, 2021.**

KODIAK ISLAND BOROUGH



William Roberts, Mayor

ATTEST:



Ailise L. Rice, Borough Clerk

**VOTES:**

Ayes: Turner and Williams

Noes: Symmons and Arndt

Absent: Dvorak, Kavanaugh, and Smith



2022



