



## KENAI PENINSULA BOROUGH

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DALE BAGLEY  
MAYOR

### MEMORANDUM

**TO:** Pete Sprague, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Dale Bagley, Mayor  
Colette Thompson, Borough Attorney

**DATE:** April 8, 2004

**SUBJECT:** Ordinance 2004-12, appointment and removal of service area administrators

In reviewing service area ordinances, it has come to the attention of the administration that ordinances governing the appointment and removal of service area board administrative officials are inconsistent and, in some cases, unclear. Alaska Statutes provide that the executive power in a municipality is vested in the mayor and that the mayor is responsible for appointing, suspending, or removing municipal employees and administrative officials when the municipality has not adopted a manager plan of government. Additionally, AS 29.20.410 provides that the governing body by ordinance may designate positions that are wholly or partially exempt from the classified service, and that such positions serve at the pleasure of the appointing authority, and their term of employment is determined by the appointing authority. The mayor is the appointing authority for all service area administrative heads as currently provided by ordinance. However, each service area provision varies somewhat with respect to the appointment wording and removal authority.

This ordinance amends all of the existing service area code provisions governing appointment of service area administrative employees to make the language consistent with that contained in the road service area ordinance. It clarifies that the administrative head or chief is appointed by the borough mayor after the borough mayor considers recommendations from the service area board. It additionally clarifies that the mayor has exclusive authority to suspend or discharge such employees but that the service area board may make recommendations to the mayor regarding such matters. The existing language does not make clear the extent to which the mayor must act within the scope of service area board recommendations.

Copies of this ordinance are being sent to the affected service area boards for comment. All such comments will be provided to the assembly prior to final hearing on this ordinance.