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MEMORANDUM

KPB
OFFICE

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly
FROM: Gary Superman, Assembly Member
DATE: July 6, 2004
SUBJECT: Ordinance 2004-12 (Substitute)

As written, this ordinance provides that the mayor has sole authority to appoint, suspend, and remove all service area directors. In my view, elected service area boards should share the authority with the mayor to appoint and remove their service area directors. The following amendments are designed to accomplish this:

- Amend the third whereas class as follows:

WHEREAS, appointment and removal provisions should be clarified to provide that the mayor, as the chief executive officer, in concurrence with the service area board, makes the final decision regarding [HIRING] appointing and [TERMINATING] removing administrators of service areas [AFTER CONSIDERING THE RECOMMENDATIONS OF THE APPLICABLE SERVICE AREA BOARD]; and

- Amend Section 1 as follows:

SECTION 1. That KPB 16.04.080 is hereby enacted to read as follows:

16.04.080. Administrative employees—Appointment, qualifications, and removal.

Except as may otherwise be provided for a specific service area, the director and other administrative employees of a service area as determined necessary by the assembly and as defined by KPB 3.04.070 shall be appointed by the mayor [AFTER CONSIDERATION OF A RECOMMENDATION] from a list of recommended names from the service area board. Except for the road service area director, whose board consists of appointed members, all other service area directors may be removed by the mayor only with a concurrent recommendation from the applicable board. Such action by the service area board shall require a majority vote of the board membership. [ADMINISTRATIVE EMPLOYEES SERVE AT THE PLEASURE OF THE MAYOR WHO MAY SUSPEND OR DISCHARGE SUCH EMPLOYEES IN HIS OR HER SOLE DISCRETION. THE SERVICE AREA BOARD MAY INDEPENDENTLY MAKE A RECOMMENDATION TO THE MAYOR REGARDING THE SUSPENSION OR DISCHARGE OF ADMINISTRATIVE EMPLOYEES; HOWEVER, SUCH SUSPENSION OR DISCHARGE REMAINS WITHIN THE SOLE DISCRETION OF THE MAYOR.]

- Delete Section 7 relating to the road service area, and renumber the remaining sections.