

Introduced by: Mayor  
Date: March 15, 1977  
Hearing: April 19, 1977  
Continued to: May 3, 1977  
Vote: UNANIMOUS  
Action: ENACTED

KENAI PENINSULA BOROUGH

ORDINANCE 77-13  
(SUBSTITUTE)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF THE BEAR CREEK FIRE SERVICE AREA, THE ORGANIZATION OF ITS BOARD OF DIRECTORS AND SETTING FORTH BOUNDARIES, ORGANIZATION, AND RULES AND REGULATIONS.

WHEREAS, the assembly adopted Resolution 76-45 which called a special election to establish the Bear Creek Fire Service Area; and

WHEREAS, the voters within the area approved the establishment of the Bear Creek Fire Service Area at an election held on January 25, 1977; and

WHEREAS, the election calls for an ordinance pertaining to the organization, administration, and regulations of the service area;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That a new Chapter 16.28, containing Section 16.28.010 through Section 16.28.210, is enacted as a part of the Kenai Peninsula Borough Code.

Chapter 16.28

BEAR CREEK FIRE SERVICE AREA

Sections:

16.28.010 Established-Boundaries.  
16.28.020 Board--Established--Nomination and

- 16.28.030 Board--Meetings--Quorum.
- 16.28.040 Board--Election of officers.
- 16.28.050 Board--Terms of office.
- 16.28.060 Board--Vacancies--Created when.
- 16.28.070 Board--Vacancies--Filling.
- 16.28.080 Board--Powers and duties.
- 16.28.090 Personnel System--Rules and Regulations.
- 16.28.100 Employee Conduct Requirements.
- 16.28.110 Budget and Fiscal Control.
- 16.28.120 Officers--Designation.
- 16.28.130 Fire Chief--Appointment, Qualifications and Removal.
- 16.28.140 Fire Chief--Accountability.
- 16.28.150 Rules and regulations--Formulation and Authority--  
Approval Required.
- 16.28.160 Fire Chief--Reports Required--Monthly.
- 16.28.170 Service Board--Reports Required--Annual.
- 16.28.180 Procedure--Conduct of Affairs--Meetings.
- 16.28.190 Purchasing--Agent.
- 16.28.200 Budget and Capital Program.
- 16.28.210 Accounts--Vouchers--Accounting.

16.28.010 Established--Boundaries. There is established pursuant to AS 29.63.090 a service area within the borough designated the "Bear Creek Fire Service Area," including that portion of the borough described as follows:

All of Sections 1, 12, 13, 14, 22, 23, 24, 25, 26, 36, NE-1/2 Sec. 27 (cut diagonally from NW corner to SE corner), NE-1/2 Sec. 35 (cut diagonally from NW corner to SE corner), and all of Protracted Sec. 21, T.1N, R.1W, S.M.; all of Sections 7, 18, and all of Protracted Section 6, T.1N, R.1E, Seward Meridian, and containing 9600 acres, more or less.

16.28.020 Board--Established--Nomination and election of members. There is established a board of directors for the Bear Creek Fire Service Area composed of 5 members who shall be nominated and elected by the qualified voters of the service area in the same manner as provided for candidates in the Kenai Peninsula Borough Code of ordinances, Title 4, Elections.

16.28.030 Board--Meetings--Quorum. The board shall meet periodically at a regularly scheduled time and place designated by the board. Special meetings of the board may be called by the chairman of the board or by any 2 members upon 1 day's notice thereof published in a newspaper or via radio having general distribution within the service area. The notice shall set forth the time and place of the meeting and shall be mailed or telephoned to each board member. The attendance of a board

member at a meeting constitutes a waiver of notice of the meeting. All meetings are open to the public as provided in AS 29.23.580 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312. Three board members shall constitute a quorum; however, any action shall require the affirmative vote of 3 board members.

16.28.040 Board--Election of Officers. At the first regular meeting following certification of the election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members and from the board members a chairman and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.28.050 Board--Terms of office. A member of the board of directors shall be elected for a term of 3 years and shall serve thereafter until his successor has been elected, qualified, and sworn to assume the duties of the office, except that the first board shall contain members elected for lesser periods as designated in the documents setting up the election to provide for staggered terms.

16.28.060 Board--Vacancies--Created when. Vacancies on the board are created upon declaration of vacancy by the board if a member:

- A. Fails to qualify or take office within 30 days after his election or appointment;
- B. Is physically absent from the service area for a 90-day period, unless excused by the board;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office;
- E. Is removed from office;
- F. Misses 3 consecutive regular meetings unless excused; or
- G. Is convicted of a felony or of an offense involving a violation of his oath of office.

16.28.070 Board--Vacancies--Filling. Vacancies on the board shall be filled by majority vote of the remaining board until the next general election of the borough at which a new member shall be elected to fill the unexpired term or for a 3-year term if no unexpired term remains.

16.28.080 Board--Powers and duties. Pursuant to the provisions of AS 29.63.090 the board of directors of the service area, subject to assembly approval and appropriation of funds, shall have the power to provide for construction and maintenance of fire protection services within

the service area and shall promptly furnish accurate and complete copies of minutes of all board meetings to the mayor and assembly.

16.28.090 Personnel System--Rules and Regulations. Unless specifically provided otherwise, the borough personnel system and Title 3 of the Kenai Peninsula Borough Code of ordinances applies to the personnel employed by the fire service area.

16.28.100 Employee Conduct Requirements. Employees of the fire service area are employees of the borough, and as such employees are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed.

16.28.110 Budget and Fiscal Control. The formulation of a budget and fiscal control of expenditures of public moneys of the fire service area are under the supervision and direction of the Mayor and the assembly. The Finance Director of the borough shall provide the service area board with the rules and regulations governing the appropriation of funds, the budgeting of funds, the authorization of expenditures, and any and all rules and regulations of the borough fiscal policy to which the service area is subject.

16.28.120 Officers--Designation. The fire service area board, with the concurrence of the Mayor, may appoint or elect such officers as the board and the Mayor may deem necessary.

16.28.130 Fire Chief--Appointment, Qualifications and Removal. The Fire Chief and such other administrative officers as may be provided for shall be appointed by the Mayor after recommendation from the service area board. The tenure of these offices shall be based upon good and faithful performance of the reequired required duties assigned to these positions, subject to removal by the Mayor on or upon the recommendation of the service area board as provided for partially exempt personnel in Title 3 of the Kenai Peninsula Borough Code of ordinances.

16.28.140 Fire Chief--Accountability. The Fire Chief and other administrative officers shall be held accountable to the Mayor and the service area board only, and they shall make written and verbal reports to the Mayor and the service area board as required by the Mayor and the service area board. All other service area employees below the staff level shall be accountable to the Fire Chief only or to such administrative officers as are designated by the Mayor and the service area board.

16.28.150 Rules and regulations--Formulation and Authority--Approval Required. The service area board, or its designee, shall formulate a set of rules and regulations to govern the operation of the service area departments, and shall be responsible to the Mayor for the personnel, morale, and general efficiency of the department. Such rules and regulations shall be approved by the Borough Assembly by resolution.

16.28.160 Fire Chief--Reports Required--Monthly. The Fire Chief shall report monthly to the service area board indicating the condition of the fire service area equipment, service, usage, and other matters as required by the service area board.

16.28.170 Service Board--Reports Required--Annual. The service area board shall make a complete annual report to the Mayor within one month after the close of the fiscal year, such report to include the information specified by the rules and regulations of the borough, together with comparative data for previous years and recommendations for improving the services to the service area.

16.28.180 Procedure--Conduct of Affairs--Meetings. The service area board may adopt by-laws or regulations governing the conduct of its affairs so long as such by-laws are procedural in nature and do not conflict with the substantive rules and regulations governing the service area board in its delegated powers. The service area board may adopt rules of procedure for the conduct of its meetings so long as such rules of procedure are not in conflict with rules and regulations governing the operations of the service area board. The service area board shall not attempt to enlarge upon its powers by the device of adopting by-laws or rules of procedure to govern its meetings, or the composition of the board or the assignment of committees.

16.28.190 Purchasing--Agent. The purchasing agent for the service area is the Borough Director of Finance. All purchases of supplies, materials, equipment, and contractual services shall be made in accordance with the rules and regulations adopted by the Borough assembly.

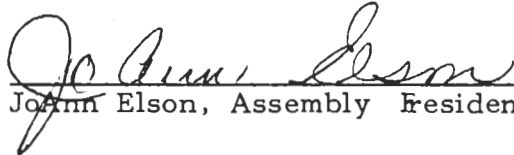
16.28.200 Budget and Capital Program. The service area board shall arrange for the preparation of a budget and capital program which shall be submitted to the Mayor for approval. The budget and capital expenditure proposals shall be subject to the procedures for adopting the borough budget and capital expenditures program and its consideration by the Borough Assembly. Such public hearings as are necessary shall be a part of the budgetary procedures before the Borough Assembly.

16.28.210 Accounts--Vouchers--Accounting. All accounting functions of the service area shall be under the supervision of the Director of Finance of the Borough who shall provide rules and regulations and procedures governing the issuance of vouchers, the payment of vouchers, the issuance of checks, and the payment of checks, the use of the central treasury of the borough, and the manner in which all bonds, contracts, leases or other obligations requiring the payment of funds from the appropriations in the service area budget are to be processed and administered.


Section 2. This ordinance shall be effective on the date of its enactment.

Section 3. That existing Sections 16.32.010, 16.32.020, 16.32.030, and 16.32.040 pertaining to the Bear Creek Fire Service Area are hereby repealed.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA  
BOROUGH THIS 3rd DAY OF May, 1977.

  
John Elson, Assembly Resident

ATTEST:

  
Borough Clerk