

Introduced by: Local Affairs Committee
Date: April 17, 1979
Hearing: May 15, 1979
Vote: 30.34 "Yes" to 53.66 "No"
Action: Tabled

KENAI PENINSULA BOROUGH

ORDINANCE 79-21

TO ESTABLISH AND TO SET FORTH THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF THE BOARDS OF DIRECTORS OF SERVICE AREAS WITHIN THE BOROUGH.

WHEREAS, the Constitutional Convention of 1955-1956 envisioned service areas to be creatures of boroughs and to function under borough fiscal control; and

WHEREAS, Article 10, Section 2 of the Constitution of the State of Alaska sets out that all local government powers shall be vested in boroughs and cities; and

WHEREAS, Article 10, Section 5 of the Constitution of the State of Alaska provides that service areas may be established, altered, or abolished by the assembly in an organized borough; and

WHEREAS, it has become necessary for the assembly to set forth functions, duties and responsibilities of the board of directors of service areas and their relation to the Borough government;

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

Section 1. That Chapter 16.04 of the Borough Code of ordinances is amended by enacting new Sections 16.04.080 through 16.04.260 to read as follows:

16.04.080 Establishment by assembly action authorized when--Procedure. The borough assembly may at any time initiate its own inquiry into the need for service areas for the performance of governmental services within the Borough and may call for a public hearing pursuant to this chapter within any such areas where it determines there may be a need for the establishment of service areas.

16.04.090 Board of Directors Established--Powers. Each service area shall be administered by a board of directors composed of 5 or more members who shall be appointed or elected. The board of directors shall have no authority to bind the borough to any obligation or financial liability unless authorized by the budget approved by the assembly, or other assembly authorization. To encourage local participation it is also the responsibility of the board of directors of a service area to determine the level of service to be provided and the staffing and level of operating expenditures which will be the basis for the mill rate to be levied in the service area by the assembly. The board of directors of a service area shall also have the responsibility to obtain community participation in determining long range planning for the service area, including a program of capital improvements, and a projected level of operating expenses.

The board of directors of a service area shall have the power to provide for construction and maintenance of services within the service area in accordance with the approved budget authorized by the assembly, and shall furnish accurate and complete records of such construction and maintenance expenditures, and complete copies of minutes of all board meetings to the mayor and the assembly.

16.04.100 Board--Meetings--Quorum. The Board shall meet 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 2 days' notice thereof published in a newspaper, a public place and/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. A majority of the board members shall constitute a quorum; however, any action shall require the affirmative vote of a majority of the members.

16.04.110 Board--Election of Officers. At the first regular meeting and annually thereafter, the board shall elect one of its members by majority vote of the board, a chairman and such other officers as the board shall determine, who shall hold office until successors are elected or appointed.

16.04.120 Board--Terms of office. A member of the board shall be elected or appointed for a 3 year term and shall thereafter serve until his successor has been elected or appointed, except that the first board shall contain members elected or appointed for lesser periods of time in order to provide for staggered terms.

16.04.130 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.

16.04.140 Board--Vacancies--Filling. Vacancies on the board shall be filled by secret ballot with a majority vote of the remaining board, to serve until a new member shall be appointed or elected to fill the unexpired term or for a 3-year term if no unexpired term remains.

16.04.150 Personnel system--Rules and Regulations. Employees of a service area are employees of the borough except when a different operating arrangement has been authorized by the assembly. Title 3 of the Borough Code of Ordinances and the borough personnel system apply to the personnel employed by a service area, unless the personnel

are governed by a collective bargaining agreement authorized by the assembly.

16.04.160 Officers--Designation. The service area board may elect such officers as the board may deem necessary.

16.04.170 Director--Appointment, Qualifications and Removal. A director or other chief executive officer and such other administrative officers as may be provided for shall be appointed by the service area board with the borough Mayor sitting and acting in an ex-officio capacity with voting privilege in the selection process. The tenure of these offices shall be based upon good and faithful performance of the required duties assigned to these positions, subject to removal by the board with the borough Mayor sitting and acting in an ex-officio capacity with voting privilege as provided in Title 3 of the borough Code of Ordinances, or by an authorized collective bargaining agreement.

16.04.180 Director--Accountability. A Director and other administrative officers shall be held accountable to the service area board only. They shall make report to the service area board as required by it. All other service area employees below the staff level shall be accountable to the director only, or to such administrative officers as are designated by the service area board.

16.04.190 Director--Reports Required-Monthly. The director shall report monthly to the service area board regarding the operation of the service area, and shall provide a copy of the report along with the minutes of the meetings, to the Mayor and Borough Clerk, within 15 days.

16.04.200 Rules and regulations--Formulation and Authority--Approval Required. The service area board shall formulate a set of rules and regulations to govern the operation of the service area departments, and shall be responsible to the assembly for the personnel, morale, and general efficiency of the department. Such rules and regulations shall be approved by the borough assembly by resolution before they can be effective.

16.04.210 Service Board--Reports Required--Annual. The service area board shall make an annual report to the assembly 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 the previous two (2) years, and recommendations for improving the services to the service area, and such other matters which the board deems necessary to the performance of its functions.

16.04.220 Procedure-Conduct of Affairs--Meetings. The service area board may adopt by-laws or regulations governing the conduct of its affairs and may adopt rules of procedure for the conduct of its meetings so long as such by-laws are procedural in nature and do not conflict with the substantive rules and regulations governing the service area. Such rules and regulations shall be approved by the borough assembly by resolution before they can be effective.

16.04.230 Budget and Fiscal Control. The formulation of a budget shall be accomplished by the service area board and fiscal control of expenditures of public moneys of the service area are under the supervision of the assembly. The Director of Finance 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.

16.04.240 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.

16.04.250 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 assembly 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.

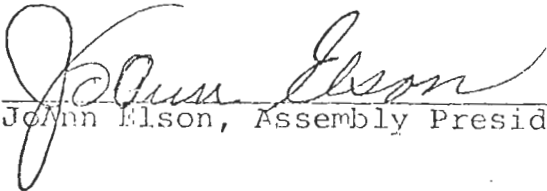
16.04.260 Accounts--Vouchers--Accounting. All accounting functions of the service area shall be under the supervision of the Director of Finance of the borough who shall provide rules and regulations and procedures governing the issuance of vouchers, the payment of vouchers, the issuance of checks, and 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. That this ordinance takes effect 30 days after its enactment.

Tabled

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 15 DAY OF May, 1979.


John Elson, Assembly President

ATTEST:


Borough Clerk

INFORMATIONAL DATA SHEET FOR ORD. 79-21

ADMINISTRATIVE COSTS: No increase in present costs.

CITIZENRY EFFECT:

Group Affected: Service area boards and residents,
Kenai Peninsula Borough residents.

Nature & Effect on Each Group: Specifies in Borough
Code the functions and responsibilities
of service area boards.

INTRODUCING AUTHORITY:

Kenai Peninsula Borough Assembly

By: Local Affairs Committee