

Introduced by: Mullen
Date: May 6, 1986
Hearing: June 3, 1986
Vote:
Action:

KENAI PENINSULA BOROUGH

Failed Introduction
5-6-86

ORDINANCE 86-35

ESTABLISHING THE NORTH KENAI PENINSULA FIRE SERVICE AREA AND PROVIDING FOR AN ELECTED BOARD.

WHEREAS, a public hearing was held by the Kenai Peninsula Borough Assembly on _____, 1986, to determine the necessity for this service area; and

WHEREAS, the assembly finds that fire and emergency medical services are needed within the proposed service area; and

WHEREAS, the assembly finds that the new service cannot be provided by incorporation as a city because the residents of the proposed service area outside the city of Soldotna do not desire to incorporate and provide for other municipal services at this time; and

WHEREAS, the assembly finds that the new service cannot be provided by annexation to the city of Soldotna because (1) the residents of the service area do not desire full municipal services at this time, and in fact, live in the proposed service area (outside of the city of Soldotna) to avoid city taxation and government, and (2) because the city of Soldotna proposed to transfer its fire powers, as it already has its emergency medical service powers, to the Kenai Peninsula Borough by ballot proposition at an upcoming election; and

WHEREAS, the assembly finds that fire and emergency medical services can best be provided by consolidating the Nikiski Fire Service Area, the Ridgeway/Sterling Fire Service area, the Kalifornsky Fire Service Area, and the Central Peninsula Emergency Medical Service Area to establish a new service area of the borough;

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

Section 1. That Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new Chapter 16.72 which shall read as follows:

Chapter 16.72

NORTH KENAI PENINSULA FIRE SERVICE AREA

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Passed and Adopted

Sections:

- 16.72.010 Established--Boundaries
- 16.72.020 Board of directors--Established--Meetings
- 16.72.030 Board--Terms and qualifications
- 16.72.040 Board--Powers and duties
- 16.72.050 Board--Election of officers and quorum
- 16.72.060 Board--Vacancies
- 16.72.070 Board--Bylaws
- 16.72.080 Fiscal procedures

16.72.010 Established--Boundaries. There is established a service area within the borough designated the "North Kenai Peninsula Fire Service Area" in that portion of the borough described as follows:

That portion of the Kenai Peninsula Borough which includes all lands lying within the boundaries of the Nikiski Fire Service Area, Kalifornsky Fire Service Area, Ridgeway - Sterling Fire Service Area, City of Soldotna and Central Peninsula Emergency Medical Service Area, more particularly described as follows:

All, Seward Meridian, Alaska;
Beginning at the southwest corner to T. 6 N., R. 23 W. (protracted), being common to the southwest corner of the Nikiski Fire Service Area, also being a point on the west boundary of the borough; thence, following the common boundary of the borough and said fire service area,
north to the northwest corner of T. 8 N., R. 23 W. (protracted);
thence west to the southwest corner of T. 9 N., R. 23 W. (protracted);
thence north to the northwest corner of T. 12 N., R. 23 W. (protracted);
thence west to the southwest corner to T. 13 N., R. 23 W. (protracted);
thence north to the northwest corner of T. 15N., R. 23 W. (protracted);
thence east to the northeast corner of T. 15 N., R. 12 W. (protracted);
thence south to the southeast corner of T. 14 N., R. 12 W. (protracted);
thence east to the northeast corner of T. 13 N., R. 10 W. (protracted);
thence south to the southeast corner of T. 13 N., R. 10 W. (protracted), in Cook Inlet;
thence southeasterly to the southeast corner of T. 12 N., R. 9 W. (protracted), in Cook Inlet;
thence northeasterly to the northeast corner of T. 12 N., R. 7 W. (protracted), in Cook Inlet;

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thence, southeasterly to the northeast corner of T. 11 N., R. 6 W. (protracted), in Cook Inlet;
thence east to the northeast corner T11N, R5E (protracted), in Turnagain Arm;
thence, leaving the borough boundary, southeasterly to the point of intersection of the easterly boundary of the Kenai National Wildlife Refuge with the mean highwater mark of Chickaloon Bay, Turnagain Arm;
thence, following said boundary, south to the line common to Tps. 8 and 9 N, R4W (protracted), also being a point on the boundary of the Central Peninsula Emergency Medical Service Area;
thence, leaving the Kenai National Wildlife Refuge boundary and following the Central Peninsula Emergency Medical Service Area boundary, east to the point of intersection with a line drawn from USC & GS Triangulation Station Gore Point on the Gulf of Alaska to USC & GS Triangulation Station Gull Rock on Turnagain Arm;
thence southwesterly along said line to the point of intersection with the southerly boundary of the Kenai National Wildlife Refuge near Glacier Lake in T4S, R8W;
thence, following said Refuge boundary, northwesterly along the southwesterly mean high waterline of Sheep Creek to a point that bears S 45° E from the southeast corner of Section 19, T. 3 S., R. 9 W.; thence N 45 W to the southeast corner of said Section 19;
thence northerly to the northeast corner of Section 7, T. 3 S., R. 9 W.;
thence west to the southeast corner of Section 2, T. 3 S., R. 11 W.;
thence northerly to the northeast corner of Section 2, T. 1 S., R. 11 W.;
thence west to the southwest corner of Section 33, T. 1 N., R. 11 W.;
thence northerly to the northeast corner of Section 5, T. 2 N., R. 11 W.;
thence west to the easterly line of mean high water mark of Cook Inlet;
thence, following the said high water mark, northerly to the point of intersection with the City of Kenai Corporate Boundary; thence, following the said corporate boundary, easterly, northerly and westerly to the point of intersection with the mean high water mark of Cook Inlet and the line common to Sections 23 and 26, T. 6 N., R. 12 W.;
thence westerly, along the projection of the said common section line, three miles into Cook Inlet;
thence southwesterly to the southeast corner of T. 6 N., R. 14 W. (protracted), in Cook Inlet;
thence west to the southwest corner of T. 6 N., R. 23

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W. (protracted) being the true point of beginning.

16.72.020 Board of directors--Established--Meetings. A. There is established a board of directors for the North Kenai Peninsula Fire Service Area composed of five (5) members who shall be nominated and elected by the qualified voters of the service area as provided for candidates for the assembly in the Borough Code of Ordinances, except that members of the board shall be residents of the borough within the service area.

B. The board shall meet periodically at regular and special meetings called by the board. All meetings shall be open to the public as provided by law.

16.72.030 Board--Terms and qualifications. A member of the board of directors shall be elected for a term of three (3) years and shall serve until a successor has been elected and sworn to assume the duties of the office, except that the first board shall contain at least two (2) staggered terms as follows: for the purpose of the election, candidates shall file for specific seats designated A,B,C,D, and E, and the terms and qualifications for each of such seats shall be as follows:

- A. One year for the initial term, and three years for subsequent terms;
- B. One year for the initial term, and three years for subsequent terms;
- C. Two years for the initial term, and three years for subsequent terms;
- D. Two years for the initial term, and three years for subsequent terms;
- E. Three years.

16.72.040 Board--Powers and duties. The board of directors of the service area, subject to assembly approval, and appropriation of funds, shall supervise the furnishing of fire and emergency medical services within the service area and shall advise the mayor and the assembly concerning the administration and operation of the service area.

16.72.050 Board--Election of officers and quorum. A. Three (3) members of the board shall constitute a quorum; however, any action shall require the affirmative vote of three (3) board members.

B. 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 chair and such other officers as the board deems to be desirable. These officers shall hold office until their

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successors are elected.

16.72.060 Board--Vacancies. A. Vacancies on the board are created upon a declaration of vacancy by the board if a member:

1. Fails to qualify or to take office within thirty (30) days after appointment;
2. Is physically absent from the service area for a ninety (90) day period unless excused by the board;
3. Resigns;
4. Is physically or mentally unable to perform the duties of his office, as determined by a majority vote of the board;
5. Is removed from office;
6. Misses three (3) consecutive regular meetings unless excused by the board;
7. Is convicted of a felony or an offense involving a violation of his oath of office.

B. Vacancies on the board shall be filled by a majority vote of the remaining board members until the next general election of the borough, at which time a new member shall be elected to fill the unexpired term or for a three (3) year term if no unexpired term remains.

16.72.070 Board--Bylaws. A. The service area board may adopt bylaws or regulations governing the conduct of its affairs so long as these bylaws are procedural in nature and do not conflict with the rules, ordinances, statutes and regulations governing the service area board.

B. The board may establish various committees and appoint members to them.

16.72.080 Fiscal procedures. A. All contracts for capital improvements and maintenance performed in connection with the service area shall be bid and administered by the Borough department of public works in accordance with the department's normal procedure for the letting of contracts.

B. The purchasing agent for the service area is the Borough director of finance. All purchases of supplies, materials and equipment shall be made in accordance with the rules and regulations adopted by the borough assembly.

C. The service area board shall arrange for the preparation of a budget and capital program which shall be submitted to the

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mayor and assembly for approval. The budget and capital expenditures proposal shall be subject to the procedures for adopting the borough budget and capital expenditures program and for consideration of such items by the borough assembly.

D. The service area shall abide by the fiscal policies and procedures applicable to the borough general government budget.

E. All accounting functions of the service area shall be performed under the supervision of the Borough director of finance, who shall provide rules and regulations and procedures governing the issuance of vouchers, the payment of vouchers, the issuance of checks, 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 payment of funds for the appropriations of the service area budget shall be processed and administered.

F. The service area shall not hire any personnel without the approval of the borough assembly. Unless otherwise provided, the borough personnel system and Title 3 of the Borough Code of Ordinances shall be applied to any person employed in connection with the service area, excluding independent contractors.

G. No tax levy for operations of the service area shall exceed 2 mills unless the question of abolishing this 2 mill limit is approved by a majority vote of the people residing within this service area at a regular or special election.

Section 2. That KPB Code of Ordinances, Title 16, Chapters 16.12, 16.36, 16.40, 16.64 and 16.68 are hereby repealed.

Section 3. That the following propositions shall be placed before the voters residing in the North Kenai Peninsula Fire Service Area, to be voted upon at the next regular election on October 7, 1986:

Proposition:

Do you approve the exercise of fire protection and emergency medical services powers within the North Kenai Peninsula Fire Service Area established by Kenai Peninsula Borough Ordinance 86-35?

YES _____ NO _____

Proposition:

Do you approve of setting a mill levy limit of 2 mills for the operation of the North Kenai Peninsula Fire Service Area?

YES _____ NO _____

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That qualifications for candidates, voting and conduct of this election are governed by Title 4 of the Borough Code of Ordinances and Ordinance 86-35 establishing the North Kenai Peninsula Fire Service area.

Section 4. That Section 2 and 2 of this ordinance take effect July 1, 1987, only after approval by the voters of the service area at the regular borough election to be held on October 7, 1986; except that KPB 16.72.080 (G) setting a 2 mill limit, takes effect on July 1, 1997 only after approval by the voters of the service area voting on the question of the mill limit at the regular borough election to be held on October 7, 1986. Section 3 and 4 take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1986.

Betty J. Glick, Assembly President

ATTEST:

Borough Clerk

