

Introduced by: Mayor @ req of
CPEMSA Board, the KFSA Board,
the RSFSA Board and the City
of Soldotna
Date: June 18, 1991
Hearing: July 16, 1991
Vote: UNANIMOUS
Action: ENACTED

KENAI PENINSULA BOROUGH

ORDINANCE 91-32

ESTABLISHING A NEW CENTRAL EMERGENCY SERVICE AREA FOR PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES IN THAT GEOGRAPHIC AREA GENERALLY DESCRIBED AS THE CURRENT KALIFORNSKY FIRE SERVICE AREA, THE CURRENT RIDGEWAY-STERLING FIRE SERVICE AREA, THE CITY OF SOLDOTNA, AND CERTAIN BORDERING AREAS AS BELOW-DESCRIBED, AND FURTHER PROVIDING FOR A REDUCTION IN THE GEOGRAPHIC AREA OF THE CENTRAL PENINSULA MEDICAL SERVICE AREA TO THE AREA OF ITS CURRENT BORDERS MINUS THE AREA CONTAINED WITHIN THE NEW CENTRAL EMERGENCY SERVICE AREA

WHEREAS, fire and emergency medical services in the central Kenai Peninsula area are currently provided through the operations of three borough service areas, with oversight by three service area boards and a joint management board which includes a representative from the City of Soldotna; and

WHEREAS, over the past few years, these service area boards and their administrators have developed standard operating procedures allowing for joint training and operations which provide for more efficient and effective services to residents of all covered areas; and

WHEREAS, over the past two years, the four boards have held numerous joint public meetings to discuss ways in which the current level of services may be maintained without increasing tax rates; and

WHEREAS, each of the boards have voted unanimously in support of the reorganization plan set out through this ordinance as the most appropriate strategy for cost savings through reduction of administrative efforts and increased flexibility in operational planning;

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

Section 1. That a new KPB Chapter 16.30 is hereby enacted to read as follows:

CHAPTER 16.30

CENTRAL EMERGENCY SERVICE AREA

16.30.010 Boundaries. There is hereby established a Central Emergency Service Area within that portion of the Borough described as:

All referenced to Seward Meridian, Alaska;

Beginning at the corner common to Tps. 3 and 4 N, Rgs. 10 and 11 W;

Thence west along the line common to Tps. 3 and 4 N, R11W, to the corner common to Sections 3, 4, 33 and 34;

Thence, in T3N, R11W, southerly along the line common to Sections 3 and 4 to the N 1/16 corner common to said Sections 3 and 4;

Thence westerly along the north 1/16 line of said Section 4 to the north 1/16 corner on the line common to Sections 4 and 5;

Thence northerly along said common line to the corner common to Sections 4 and 5, T3N, and Sections 32 and 33, T4N R11W;

Thence, west along the line common to Tps. 3 and 4 N, R11W, to a point on the east line of U.S. Survey Number 83;

Thence, southerly along said line of said U.S. Survey to the mean high water mark on the right bank of the Kasilof River;

Thence westerly and northerly along the said mean high water line of the right bank, Kasilof River, to the point of intersection with the mean highwater line of the easterly shore of Cook Inlet;

Thence continuing into Cook Inlet, N 45° W to a point that is 1,320 feet westerly of the said mean highwater line of Cook Inlet, as measured normal to the said highwater line;

Thence northerly along a line that is 1,320 feet westerly of the said highwater line of Cook Inlet, as measured normal to the said highwater line; to a point on the westerly extension of the line common to Sections 7 and 18, T5N, R11W, said point also being on the southerly corporate boundary line of the City of Kenai;

Thence following said corporate boundary line in T5N, R11W, east along said line common to Sections 7 and 18 to the corner common to Sections 7, 8, 17 and 18;

Thence southerly along the line common to Sections 17 and 18 to the corner common to Sections 17, 18, 19 and 20;

Thence east along the line common to Sections 17 and 20, 16 and 21 to the corner common to Sections 15, 16, 21 and 22;

Thence northerly along the line common to Sections 15 and 16 to the 1/4 corner common to said sections;

Thence east along the east-west center 1/4 line of said Section 15 to the 1/4 corner common to Sections 14 and 15;

Thence southerly along the line common to said Sections 14 and 15 to a point on the mean highwater line on the left bank, being the southerly side of the Kenai River;

Thence easterly, northeasterly and southeasterly along the said mean highwater line of the left bank, Kenai River, to a point on the line common to Sections 7 and 18, in T5N, R10W;

Thence continuing along said corporate boundary line, east to the E 1/16 corner common to said Sections 7 and 18;

Thence northerly to the SE 1/16 corner of said Section 7;

Thence east along the S 1/16 line through said Section 7, continuing to the SW 1/16 corner of Section 8;

Thence northerly to the C W 1/16 corner of said Section 8;

Thence east to the center 1/4 corner of said Section 8;

Thence northerly along the north-south centerline of said Section 8 to the 1/4 corner common to Sections 5 and 8;

Thence west along the line common to said Sections 5 and 8 to the corner common to Sections 5, 6, 7 and 8;

Thence northerly along the line common to Sections 5 and 6 to the northerly section corner common to Sections 5 and 6, T5N, R10W;

Thence continue northerly along the line common to Sections 31 and 32, T6N, R10W to the S 1/16 corner common to said Sections 31 and 32;

Thence west along the S 1/16 line of said Section 31 to the S 1/16 corner common to Section 31, T6N, R10W and Section 36, T6N, R11W;

Thence north along the line common to said Sections 31 and 36 to the section corner common to Sections 30 and 31, T6N, R10W and Sections 25 and 36, T6N, R11W;

Thence, leaving the corporate boundary line of the City of Kenai, east along the line common to Sections 30 and 31, 29 and 32 to the section corner common to Sections 28, 29, 32 and 33, T6N, R10W;

Thence southerly along the line common to sections 32 and 33 to the south section corner common to Sections 32 and 33, T6N, R10W;

Thence east along the line common to Tps. 5 and 6 W, R 10 W to the corner common to Tps. 5 and 6 N, Rgs. 9 and 10 W;

Thence north along the line common to Rgs. 9 and 10 W to the N W corner of T8N, R9W;

Thence east along the line common to Tps. 8 and 9 N to the point of intersection with a line drawn along the Kenai mountains 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 the above described line to the point of intersection with the ordinary high water line on the northerly shore of Skilak Lake in T4N, R5W;

Thence northwesterly along the said ordinary high water line of the northeasterly shore of Skilak Lake to the outlet of Skilak Lake, also being the Kenai River;

Thence northwesterly and southwesterly along the ordinary high water line of the northerly bank of the Kenai River to the point of intersection with the line common to Tps. 4 and 5 N, R10W;

Thence east along the line common to Tps. 4 and 5 N, R10W, to the point of intersection with the southeasterly right-of-way line of the Funny River Road, in R9W;

Thence southwesterly, westerly and northwesterly along the southerly right-of-way line of the Funny River Road to the point of intersection with the line common to Tps. 4 and 5 N, R 10 W, also being a point on the south line of the corporate boundary line of the City of Soldotna;

Thence west along the line common to Tps. 4 and 5 N, R10W, and portions of said south corporate boundary line, to the N E corner of T4N, R11W, also being the N W corner of T4N, R10W;

Thence south along the line common to T4N, Rgs. 10 and 11 W, to the corner common to Tps. 3 and 4 N, Rgs. 10 and 11 W and being the Point of Beginning

16.30.020 Mill levy. No mill levy in excess of 2.85 mills shall be levied on behalf of the service area unless an increase is approved by a majority vote of the voters at an election within the service area.

16.30.030 Joint operations board. There is established a joint operations board of directors for oversight of the joint operations of the Central Emergency Service Area with the Central Peninsula Emergency Medical Service Area, to be composed of five members who shall be nominated and elected by the qualified voters residing within the two service areas as provided in Secs. 4.10.020(C) and 16.04.065 of this Code.

16.30.040 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 two members upon one 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. 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 44.62.312. Three board members shall constitute a quorum; however, an action shall require the affirmative vote of three board members.

16.30.050 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.

16.30.060 Board--Terms of office. A member of the board of directors shall be elected for a term of three 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.

16.30.070 Board--Vacancies--Created when. Vacancies on the

board are created upon declaration of vacancy by the board if a members:

A. Fails to qualify or take office within 30 days after his or her election or appointment;

B. Is physically absent from the service area for a 90-day period, unless excused by the board;

C. Changes his or her residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is elected;

D. Resigns and his or her resignation is accepted;

E. Is physically or mentally unable to perform the duties of his or her office;

F. Misses three consecutive regular meetings unless excused;
or

G. Is convicted of a felony or of an offense involving a violation of his or her oath of office.

16.30.080 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 time a new member shall be elected to fill the unexpired term or for a three-year term if no unexpired term remains.

16.30.090 Board--Powers and duties. Pursuant to the provisions of AS 29.63.090 the board of director of the service area, subject to Assembly approval and appropriation of funds, shall have the power to provide for the establishment and maintenance of fire and emergency medical services within the Central Emergency Service Area and of emergency medical services within the Central Peninsula Emergency Medical Service Area and shall promptly furnish accurate and complete copies of minutes of all board meetings to the Mayor and Assembly.

16.30.100 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 Central Emergency Service Area. All current employees of the Central Peninsula Emergency Medical Service Area, the Kalifornsky Fire Service Area, and the Ridgeway-Sterling Fire Service Area shall be transferred to employment with the new Central Emergency Service Area.

16.30.110 Employee conduct requirements. Employees of the Central Emergency 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.

16.30.120 Budget and fiscal control. The formulation of a budget and fiscal control of expenditures of public monies of the Central Emergency Service Area and the Central Peninsula Emergency Medical Service Area are under the supervision and direction of the Mayor and the Assembly. The Finance Director of the Borough shall provide the joint operations 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. The joint operations 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 joint operations board and the Borough Assembly.

16.30.125 Contract for provision of services to Central Peninsula Emergency Medical Service Area. Prior to the initial effective date of the new Central Emergency Service Area, the joint operations board shall submit a joint operations contract for approval by the Mayor and Borough Assembly which shall contain terms and conditions providing for the provision of emergency medical services within the Central Peninsula Emergency Medical Service Area through the operations, personnel, and equipment of the Central Emergency Service Area. The contract shall provide that for a term of five years a tax at the rate of one mill shall be levied within the Central Peninsula Emergency Medical Service Area with all receipts and enforcement rights to be transferred to the Central Emergency Service Area as the sole tax compensation due for emergency medical services to be provided. Additionally, Central Peninsula Emergency Medical Service Area residents shall be subject to the same ambulance billing schedule as are residents of the Central Emergency Service Area.

16.30.130 Officers--Appointment, qualifications and removal. The joint operations board, with the concurrence of the Mayor, may appoint or elect such administrative officers as the board and Mayor deem necessary. The tenure of these officers shall be based upon good and faithful performance of the 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. The administrative officers shall administer policy as set by the joint operations board with the concurrence of the Mayor.

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

16.30.150 Policies--Formulation and authority--Approval required. The joint operations board, or its designee, shall formulate policies 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 policies shall be approved by the Borough Assembly by resolution.

16.30.160 Joint operations board--Reports required--Annual. The joint operations 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 service to the service area.

16.30.170 Procedure--Conduct of affairs--Meetings. The joint operations board shall adopt bylaws or regulations governing the conduct of its affairs so long as such bylaws are procedural in nature and do not conflict with the substantive rules and regulations governing the joint operations board in its delegated powers. The joint operations board shall 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 joint operations board.

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

16.30.190 Accounts--Vouchers--Accounting. All accounting functions for the service area shall be under the supervision of the Borough Finance Director who shall provide rules, regulations, and procedures governing the issuance and payment of vouchers, the issuance and 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.

16.30.200 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 Public Works Department in accordance with the Department's normal procedure for letting of contracts.

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

Section 2. That the current KPB Chapter 16.40 is hereby repealed and a new KPB Chapter 16.40 is enacted to read as follows:

16.40.010 Boundaries. There is hereby established a Central Peninsula Emergency Medical Service Area within that portion of the Borough described as:

All referenced to Seward Meridian, Alaska;

Beginning at the corner common to Tps. 3 and 4N, Rgs. 10 and 11 W;

Thence north along the line common to T4N, Rgs. 10 and 11 W to the NE corner of T4N, R11W, also being the NW corner of T4N, R10W, also being a point on the south line of the corporate boundary line of the City of Soldotna;

Thence east along the line common to Tps. 4 and 5 N, R10W, and along portions of said south corporate boundary line to the point of intersection with the southerly right-of-way line of the Funny River Road;

Thence southeasterly, easterly and northeasterly along said southerly right-of-way line of the Funny River Road to the point of intersection with the line common to Tps. 4 and 5 N, R9W;

Thence west along the line common to Tps. 4 and 5 N, Rgs. 9 and 10 W, to the point of intersection with the ordinary high water line of the northerly bank of the Kenai River;

Thence northeasterly and southeasterly along said ordinary high water line of the northerly bank of the Kenai River to the juncture of said northerly bank of the river and the ordinary high water line of the northerly shore of Skilak Lake;

Thence southeasterly along said high water line of the northerly shore of Skilak Lake to the point of intersection with a line drawn along the Kenai Mountains 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 the previously described line to the point of intersection with the ordinary high water line of

the southwesterly bank of Sheep Creek, or Glacier Lake, in T4S, R8W;

Thence northwesterly along said ordinary high water line of the southwesterly bank of Ship Creek to the point of intersection with a westerly boundary of the Kenai National Wildlife Refuge in T3S, R9W;

Thence northwesterly, westerly and northerly along the said westerly boundary of the Kenai National Wildlife Refuge to the point of intersection with the line common to Tps. 1 and 2 N, R11W;

Thence, leaving said refuge boundary, west along the line common to Tps. 1 and 2 N to the mean high water line of the easterly shore of Cook Inlet;

Thence northerly along the said mean high water line of the easterly shore of Cook Inlet to the point of intersection with the ordinary high water line of the right, or northerly bank of the Kasilof River;

Thence southerly and easterly along said ordinary high water line of the northerly bank of the Kasilof River to the point of intersection with the easterly line of U.S. Survey No. 83;

Thence north along said east line of U.S. Survey No. 83 to the point of intersection with the line common to Tps. 3 and 4 N, R12W;

Thence east along the line common to Tps 3 and 4 N to the corner common to Sections 4 and 5, T3N and Sections 32 and 33, T4N, R11W;

Thence south along the line common to said Sections 4 and 5 to the N 1/16 corner common to said sections;

Thence east along the north 1/16 line of said Section 4 to the N 1/16 corner common to Sections 3 and 4;

Thence north along the line common to Sections 3 and 4, T3N, R11W to the corner common to Sections 3 and 4, T3N, R11W and Sections 33 and 34, T4N, R11W;

Thence east along the line common to Tps. 3 and 4 N, to the corner common to Tps. 3 and 4 N, Rgs. 10 and 11 W, and being the Point of Beginning.

16.40.020 Mill levy. No mill levy in excess of one mill shall be levied on behalf of the service area unless an increase is

approved by a majority vote of the voters at an election within the service area.

16.40.030 Joint operations board. There is established a joint operations board of directors for oversight of the joint operations of the Central Emergency Service Area with the Central Peninsula Emergency Medical Service, to be composed of five members who shall be nominated and elected by the qualified voters of the two service areas as provided in Secs. 4.10.020(C) and 16.04.065 of this Code. All procedures and authorities of the joint operations board are set out through the express terms and conditions of KPB Chapter 16.30.

16.40.040 Contract for provision of emergency medical services with Central Emergency Service Area. All emergency medical services provided within the boundaries of the Central Peninsula Emergency Medical Services shall be provided by the Central Emergency Service Area under contract executed prior to and with initial effective date of July 1, 1992. The contract shall require that the Central Emergency Service Area provide all administration, personnel and equipment necessary for provision of emergency medical services throughout the Central Peninsula Emergency Medical Service Area, under the direction of the joint operations board, the Mayor and the Borough Assembly. The contract shall provide that for a term of five years a tax at the rate of one mill shall be levied within the Central Peninsula Emergency Medical Service Area with all receipts and enforcement rights to be transferred to the Central Emergency Service Area as the sole tax compensation due for emergency medical services to be provided. Additionally, EMS services provided within the Central Peninsula Emergency Medical Service Area shall be subject to the same ambulance billing schedule as are services provided within the Central Emergency Service Area.

16.40.050 Personnel. All personnel of the Central Peninsula Emergency Medical Service Area, the Kalifornsky Fire Service Area and the Ridgeway/Sterling Fire Service Area who are employed as of June 30, 1992, shall be transferred to the new Central Emergency Service Area as of July 1, 1992.

Section 3. That the Mayor is hereby authorized to appoint an interim joint operations board of directors, to be made up of one member from each existing service area board, one member of the Council of the City of Soldotna, and one at-large member of the Mayor's choice, which interim board shall serve until such time as an elected board is sworn in following the regular election of October 1992. The interim board shall be appointed within 30 days of certification of voter approval of establishment of the new Central Emergency Service Area, and shall be responsible for preparation of a proposed budget for the 1993 fiscal year and for oversight of the preparation of a joint operations plan by the chief administrative

officers of the existing service areas in preparation for the consolidation of operations, assets, personnel, and administration as of July 1, 1992. The interim board shall serve as the joint operations board from July 1, 1992, until the first elected board is sworn in following the general election of October, 1992.

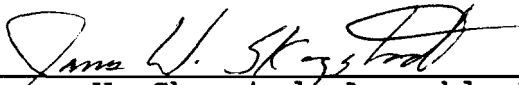
Section 4. That all assets and liabilities of the Kalifornsky Fire Service Area, the Ridgeway/Sterling Fire Service Area, and the Central Peninsula Emergency Medical Service Area shall be assumed and transferred hereby to the new Central Emergency Service Area.

Section 5. That all assets which the City of Soldotna is transferring to the Borough as an element of its transfer of fire fighting authority shall be assumed by the Central Emergency Service Area.

Section 6. That KPB Chapter 16.64 and KPB Chapter 16.68 are hereby repealed in their entirety.

Section 7. That sections 3 and 7 of this ordinance shall take effect immediately upon certification of the general election of October 1991, and that sections 1,2,4,5, and 6 shall take effect at 12:01 a.m., July 1, 1992, provided that the voters of the new Central Emergency Service Area approve a ballot measure authorizing exercise of the powers set out through this ordinance at the general election of the Kenai Peninsula Borough in October, 1991.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS
23rd DAY OF July, 1991.


James W. Skogstad, Assembly President

ATTEST:


Borough Clerk