

Introduced by: Mayor @ request of
service area board
Date: 6/15/93
Hearing: 7/13/93
Action: Enacted
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 93-29**

AN ORDINANCE AMENDING THE NIKISKI FIRE SERVICE AREA ORDINANCES

WHEREAS, the Nikiski Fire Service Area ordinances now in the Borough code were enacted many years ago, and need revision because of changes in service area operations over time; and

WHEREAS, the Nikiski Fire Service Area Board has approved on April 14, 1993, and May 26, 1993, and has recommended to the assembly, the changes to the Nikiski Fire Service Area ordinances that are set forth in this ordinance;

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

SECTION 1. That KPB 16.12 is repealed and reenacted to read as follows:

Chapter 16.12

NIKISKI FIRE SERVICE AREA

Sections:

- 16.12.010. Established--Boundaries.
- 16.12.020. Board--Established--Election.
- 16.12.030. Board--Meetings--Quorum.
- 16.12.040. Board--Election of chair and officers.
- 16.12.050. Board--Qualifications and terms of office.
- 16.12.060. Board--Vacancies--Created when.
- 16.12.070. Board--Vacancies--Filling.
- 16.12.080. Board--Powers and duties.
- 16.12.090. Chief and other officers--Appointment.
- 16.12.100. Chief--Rules and regulations--Mutual aid agreements.
- 16.12.110. Employees.
- 16.12.120. Budget and fiscal control.
- 16.12.130. Purchasing--Contracts.
- 16.12.140. Accounting.

16.12.010. Established--Boundaries.

There is established a service area within the borough designated the "Nikiski Fire Service Area", including that portion of the borough described as follows:

Commencing at the township line between T5N and T6N R17W S.M., and the mean high water line on the westerly shore of Cook Inlet; thence westerly along the township line between T5N and T6N to the westerly boundary of the Kenai Peninsula Borough; thence northerly and easterly along the boundary of the Kenai Peninsula Borough through Cook Inlet to the protracted northeast corner of T11N R5W in Turnagain Arm; thence southeasterly to the intersection of the southerly mean high water line of Turnagain Arm and the 150th meridian west of Greenwich within T10N R4W S.M.; thence southerly along the 150th meridian to the township line between T8N and T9N R4W; thence westerly along the township line between T8N and T9N to the northwest corner of T8N R9W S.M.; thence southerly along the range line between R9W and R10W to the southeast corner of T6N R10W S.M.; thence westerly along the township line between T5N and T6N to the southeast corner of Section 32 T6N R10W; thence northerly along the section line between Sections 32 and 33 to the northeast corner of Section 32; thence westerly along the section line to the northwest corner of Section 31 T6N R10W on the corporate boundary of the city of Kenai; thence northerly and westerly along the corporate boundary of the city of Kenai to the intersection with the mean low water line of Cook Inlet and the section line between Sections 23 and 26 T6N R12W S.M.; thence westerly along the section line extended three miles into Cook Inlet; thence southwestwardly to the protracted southeast corner of T6N R14W in Cook Inlet; thence westerly along the protracted township line between T5N and T6N to the mean high water line on the westerly shore of Cook Inlet the true point of beginning.

16.12.020. Board--Established--Election.

There is established a board of directors for the Nikiski Fire Service Area composed of seven (7) members who shall be elected by the qualified voters of the service area as designated in the borough elections code.

16.12.030. Board--Meetings--Quorum.

A. 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 board chair or by any two members upon public notice thereof. 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 by state law and borough ordinances.

B. Four board members shall constitute a quorum; however, any action shall require the affirmative vote of four board members.

16.12.040. Board--Election of chair and 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 chair and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.12.050. Board--Qualifications and terms of office.

Members of the board of directors shall be qualified voters of the borough who are residents of the service area. Candidates shall file for election to Seats A through G for staggered terms of three years.

16.12.060. Board--Vacancies--Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board:

- A. If no candidate files for election to a seat which is to be filled at said election, or if a successful candidate fails to qualify or take office within 30 days after his/her election or appointment;
- B. If a member is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member resigns and his/her resignation is accepted;
- D. If a member is physically or mentally unable to perform the duties of his/her office;
- E. If a member is removed from office;
- F. If a member misses 3 consecutive regular meetings unless excused; or
- G. If a member is convicted of a felony or of an offense involving a violation of his/her oath of office.

16.12.070. Board vacancies--Filling.

Vacancies on the board shall be filled by majority vote of the remaining board for the remainder of the term.

16.12.080. Board--Powers and duties.

Pursuant to the provisions of state law and borough ordinances, the board of directors of the service area, subject to assembly approval and appropriation of funds, shall have the power to provide for fire and emergency medical services within the service area, and shall promptly furnish accurate and complete copies of the minutes of all board meetings to the mayor and assembly.

16.12.090. Chief and other officers--Appointment.

The service area administration shall consist of a chief, assistant chiefs, and other officers, as appointed by the chief and borough mayor. The chief shall be appointed by the borough mayor, after recommendation from the service area board, for an indefinite period of time, and the chief's tenure of office shall depend upon the chief's good conduct and efficiency. The chief shall be removed only for just cause and after a public hearing before the borough assembly.

16.12.100. Chief--Rules and regulations--Mutual aid agreements.

- A. The chief shall formulate a set of rules and regulations to govern service area

operations.

B. The chief is authorized to enter into mutual aid agreements, pursuant to state law and borough ordinances.

16.12.110. Employees.

Unless specifically provided otherwise, the borough personnel system and ordinances apply to personnel employed by the service area.

16.12.120. Budget and fiscal control.

The formulation of a budget and fiscal control of expenditures of public moneys of the service area are under the supervision and direction of the mayor and 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. The 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 comply with 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 board and the borough assembly.

16.12.130. Purchasing--Contracts.

A. 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.

B. All contracts for capital improvements and maintenance performed in connection with the service area shall be bid and administered by the borough in accordance with the procedures established for letting of contracts.

16.12.140. Accounting.

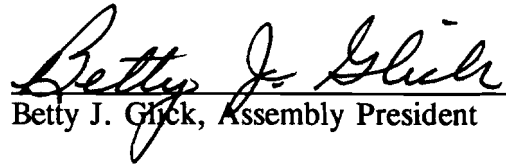
All accounting functions for the service area shall be under the supervision of the borough finance director who shall provide to the service area rules, regulations and procedures governing the issuance and payment of vouchers, the issuance and payment of checks, the use of the central treasury of the 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.

SECTION 2. That service area board terms shall be staggered as follows: Seats A, B and C shall be open for election in 1995, seats D and E shall be open for election in 1993, and seats F and G shall be open for election in 1994; each seat to run for a full three year term.

SECTION 3. That any other ordinance or resolution, including Resolution 79-162, concerning the establishment and governance of the Nikiski Fire Service Area, is hereby repealed.

SECTION 4. That this ordinance is effective immediately upon enactment.

ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 13th DAY OF JULY, 1993.


Betty J. Gluck, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk