

Introduced by: Mayor  
Date: 08/02/94  
Hearing: 09/06/94  
Action: Withdrawn by Sponsor  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 94-40**

**AN ORDINANCE ESTABLISHING A NEW EMERGENCY SERVICE AREA FOR  
PROVISION OF FIRE PROTECTION SERVICES AND EMERGENCY MEDICAL  
SERVICES IN THAT GEOGRAPHIC AREA DESCRIBED AS THE DIAMOND  
RIDGE/FRITZ CREEK EMERGENCY SERVICE AREA**

**WHEREAS,** fire and emergency medical services in the proposed service area are currently provided to the Diamond Ridge/Fritz Creek area by the City of Homer; and

**WHEREAS,** with the growth of the Diamond Ridge/Fritz Creek community, the frequency of fire and rescue calls is continuing to increase; and

**WHEREAS,** it is beyond the ability of the City of Homer to continue to provide the level of service that the Diamond Ridge/Fritz Creek community desires; and

**WHEREAS,** the present relationship does not provide for the equitable sharing of the cost of the services among those who receive the services; and

**WHEREAS,** the formation of a service area encompassing the Diamond Ridge/Fritz Creek community is the method provided by statutes for organizing and funding the desired services; and

**WHEREAS,** the best interests of the Diamond Ridge/Fritz Creek community requires maintaining and increasing the level of fire and emergency medical services available; and

**WHEREAS,** the City of Homer is willing and able to provide continued emergency services with the Diamond Ridge/Fritz Creek community by contract;

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

**SECTION 1.** That a new Chapter 16.80 is hereby enacted to read as follows:

**CHAPTER 16.80.  
DIAMOND RIDGE/FRITZ CREEK EMERGENCY SERVICE AREA**

**16.80.010. Boundaries.**

There is hereby established a Diamond Ridge/Fritz Creek Emergency Service Area within that portion of the Borough described as: THE DIAMOND RIDGE/FRITZ CREEK VOTING PRECINCTS

**16.80.020. Mill Levy.**

No mill levy in excess of 2.50 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.

**16.80.030. Service area board.**

There is established a service area board of directors for oversight of the Diamond Ridge/Fritz Creek Emergency Service Area to be composed of five (5) members who shall be nominated and elected by the qualified voters residing within the proposed service area as provided in Secs. 4.10.020(C) and 16.04.065 of this Code.

**16.80.040. 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.

**16.80.050. 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.

**16.80.060. 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.

**16.80.070. 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 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.

**16.80.080. Board - Vacancies - Filling.**

Vacancies on the board shall be filled by majority vote of the remaining board until the next regular election of the Borough at which a new member shall be elected to fill the unexpired term or for a three-year term if no unexpired term remains.

**16.80.090. 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 establish the scope and level of services to be provided within the Diamond Ridge/Fritz Creek Emergency Service Area and provide for funding, contract for services, and provide facilities. The service area board shall promptly furnish accurate and complete copies of minutes of all board meetings to the Mayor and Assembly.

**16.80.100. Service area policies - Formulation and authority - Approval required.**

The service area board shall formulate policies to govern the service area. Such policies shall be approved by service area board, the Mayor, and the Borough Assembly by resolution.

**16.80.110. Procedure - Conduct of affairs - Meetings.**

The service area 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 service area board. The service area 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 service area board.

**16.80.120. Service area 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 service to the service area.

**16.80.130. Budget and fiscal control.**

The formulation of a budget and fiscal control of expenditures of public monies of the Diamond Ridge/Fritz Creek Emergency 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 service area board shall arrange for the preparation of a budget which shall be submitted to the Mayor for approval. The budget shall be subject to the procedures for adopting the Borough budget and capital expenditures program and its consideration by the Borough Assembly.

**16.80.140. 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.

**16.80.150. 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.

**16.80.160. Fiscal procedures.**

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

**16.80.170. Contract for the provision of services to the Diamond Ridge/Fritz Creek Emergency Service Area by the City of Homer.**

Prior to the initial effective date of the new Diamond Ridge/Fritz Creek Emergency Service Area, the Interim Board of Directors and the City of Homer shall develop a contract for services which shall contain the terms and conditions under which the City of Homer will provide emergency services within the Diamond Ridge/Fritz Creek Emergency Service Area. The contract shall provide for the continuation of services at current levels for a term of one year at a tax rate of approximately 1.25 mills. Additionally, the residents of the Diamond Ridge/Fritz Creek Emergency Service Area shall be subject to the same emergency service billing schedule as the residents of the City of Homer.

**16.80.180. Fire Chief - Authority.**

The Fire Chief or other officers of the City of Homer, Homer Volunteer Fire Department shall have the exclusive authority to manage and administer the operations of the department and the delivery of emergency services, organize and supervise all personnel in the department, have the use and control of all emergency service facilities, equipment and resources, and shall have the authority to execute all laws, regulations, ordinances and rules pertaining to fire protection, emergency medical and related services within the Diamond Ridge/Fritz Creek Emergency Service Area.

**SECTION 2.** That the Mayor is hereby authorized to appoint an interim board of directors, to be made up of residents of the Diamond Ridge/Fritz Creek Voting Precinct which interim board shall serve until such time as an elected board is sworn in following the regular election of October, 1995. The interim board shall be appointed within 30 days of certification of voter approval of establishment of the new Diamond Ridge/Fritz Creek Emergency Service Area, and shall be responsible for preparation of a proposed budget and contract for the 1995-96 fiscal year for implementation as of July 1, 1995. Board seats to be elected at the October 1995 regular election shall be staggered as follows: Seat A for one year, seats B and C for two years, and seats D and E for three years.

**SECTION 3.** That this ordinance shall take effect immediately upon certification of the special election to be held in January 1995, provided that the voters of the new Diamond Ridge/Fritz Creek Emergency Service Area approve a ballot measure authorizing exercise of the powers set out through this ordinance.

**SECTION 4.** That the following proposition shall be placed before the voters of the Diamond Ridge/Fritz Creek Emergency Service Area at an election to be held in January 1995:

**PROPOSITION**

Shall the Diamond Ridge/Fritz Creek Emergency Service Area be established for the purpose of providing emergency medical services and ambulance services and fire protection within its boundaries?

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1994.**

\_\_\_\_\_  
Betty J. Glick, Assembly President

ATTEST:

\_\_\_\_\_  
Gaye J. Vaughan, Borough Clerk