

Introduced by: Mayor  
Date: 06/16/98  
Hearing: 07/14/98  
Action: Enacted as Amended  
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 98-26**

**AN ORDINANCE ESTABLISHING THE NINILCHIK  
EMERGENCY SERVICE AREA TO PROVIDE  
FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES,  
AND PROVIDING FOR AN ELECTED BOARD**

**WHEREAS,** more than 15 percent of the eligible voters who voted in the last regular borough election and within the area comprising the proposed Ninilchik Emergency Service Area have by petition requested the establishment of a fire and emergency medical service area district in the area described by the petition; and

**WHEREAS,** such services cannot be provided by an existing service area, by annexation to a city, or by incorporation as a city;

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

**SECTION 1.** Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new chapter 16.20, which shall read as follows:

**Chapter 16.20. NINILCHIK EMERGENCY SERVICE AREA**

**16.20.010. Boundaries.**

There is established a service area within the borough designated as the "Ninilchik Emergency Service Area," in that portion of the borough described as all the following referenced to the Seward Meridian Alaska:

Beginning at the intersection of the Mean High Water Line of the Cook Inlet and the common Township line of T1N and T2N;

Thence east along said Township line to the section corner common to Sections 32 and 33, T2N, R11W, and Sections 4 and 5, T1N, R11W;

Thence south along the common section lines to the section corner of Section 32 and 33, T1N, R11W, and Section 5, T1S, R11W also being the township line;

Thence east along the Township line of T1N and T2S to the northeast corner of Section 2,

T1S, R11W, also being the northwest corner of Section 1, T1S, R11W;

Thence south along the section lines to the Township line common to T2S and T3S, R11W also being the section corner common to Sections 35 and 36 T2S, R11W, and Sections 1 and 2, T3S, R11W;

Thence west along the Township line common to T2S and T3S to the intersection of the thread Happy Creek, being in R14W;

Thence southwesterly along the thread of Happy Creek to the intersection of Happy Creek and the Mean High Water Line of the Cook Inlet;

Thence northeasterly along the Mean High Water Line of Cook Inlet to the point of beginning.

**16.20.020. Mill levy.**

No mill levy in excess of 2 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

**16.20.030. Board of directors.**

A. There is established a board of directors for oversight of the operations of the Ninilchik Emergency Service Area composed of five members who shall be elected by the qualified voters of the service area in the manner provided for candidates for the assembly in this code, except that members of the board shall be residents of the borough within the service area.

**16.20.040. 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 by law. Three board members shall constitute a quorum; however, an action shall require the affirmative vote of three board members.

**16.20.050. 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.

**16.20.060. Board--Terms of office.**

Each member of the board of directors shall be elected for a term of three years and shall serve thereafter until his or her 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.

**16.20.070. 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.

**16.20.080. 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.

**16.20.090. Board--Powers and duties.**

Pursuant to the provisions of AS 29.35.460 the board of directors of the service area, subject to Assembly approval and appropriation of funds, shall have the power to supervise the furnishing of fire and emergency medical services within the Ninilchik Emergency Service Area and shall promptly provide accurate and complete copies of minutes of all board meetings to the Mayor and Assembly.

**16.20.100. 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 Ninilchik Emergency Service Area.

**16.20.110. Employee conduct requirements.**

Employees of the Ninilchik Emergency Service Area are employees of the Borough, and as such, are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed.

**16.20.120. Budget and fiscal control.**

The formulation of a budget and fiscal control of expenditures of public monies of the Ninilchik Emergency Service Area are under the supervision and direction of the Mayor and the Assembly. The Finance Director of the Borough shall provide the 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 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 board and the Borough Assembly.

**16.20.130. Officers--Appointment, qualifications and removal.**

The 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 board with the concurrence of the Mayor.

**16.20.140. Chief administrative officers--Accountability.**

Administrative officers of the service area shall be held accountable to the Mayor and the board only, and they shall make written and verbal reports to the Mayor and the board as required by the Mayor and the 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 board.

**16.20.150. Policies--Formulation and authority--Approval required.**

The 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. Prior to implementation, such policies shall be approved by the Borough Assembly by resolution.

**16.20.160. Annual reports required.**

The 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.

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

The 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 board in its delegated powers. The 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 board.

**16.20.180. Purchasing--Agent.**

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

**16.20.190. 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.

**16.20.200. Fiscal procedures.**

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

**SECTION 2.** That a proposition shall be placed upon the ballot in the next regular Borough election, October 6, 1998, to read as follows:


PROPOSITION:

“Do you approve the exercise of powers necessary to provide fire protection and emergency medical services within the Ninilchik Emergency Service Area established by Kenai Peninsula Borough Ordinance 98-26, with a mill rate not to exceed 2 mills?”

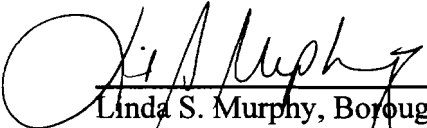
YES \_\_\_\_\_ NO \_\_\_\_\_

**SECTION 3.** That Section 2 of this ordinance takes effect immediately upon its enactment. Section 1 of this ordinance shall take effect upon approval of the proposition in Section 2 by the majority of voters in the service area voting on the proposition at the regular borough election to be held on October 6, 1998, and upon the date the October 6, 1998 election is certified by the borough assembly or the date the U.S. Department of Justice issues its nonobjection to preclearance, whichever is later. If the U.S. Department of Justice does not issue a nonobjection to preclearance, the effective date shall be 60 days from the date of receipt of the ballot proposition for preclearance by the U.S. Department of Justice or the date of the certification of the election results, whichever is later. If an objection is imposed by the U.S. Department of Justice, the ordinance shall not be effective until the objection is resolved.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF JULY, 1998.**

  
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Jack Brown, Assembly President

ATTEST:

  
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Linda S. Murphy, Borough Clerk

