

Introduced by: Superman  
Date: 09/21/04  
Hearing: 10/26/04  
Action: Enacted  
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 2004-34**

**AN ORDINANCE AMENDING KPB 16.04.080 TO CLARIFY PROCEDURES  
REGARDING SERVICE AREA DIRECTORS' EMPLOYMENT**

**WHEREAS,** in Ordinance 2004-12 (Substitute), the assembly adopted KPB 16.04.080, which provides in part that all service area directors, other than the road service area director, may be removed by the mayor only with a concurrent recommendation from the applicable service area board; and

**WHEREAS,** no provision was included to address a potential stalemate between a service area board and the mayor regarding such action; and

**WHEREAS,** the best interests of the borough and service areas would be served by providing a mechanism to resolve any such stalemate; and

**WHEREAS,** the executive power in the borough is vested in the mayor pursuant to AS 29.20.220; and

**WHEREAS,** AS 29.20.410 provides that a position that is wholly or partially exempt from the classified service serves at the pleasure of the appointing authority; and

**WHEREAS,** the "classified service" consists of all salaried and hourly paid personnel who are not designated as legislative or administrative pursuant to KPB 3.04.060, .061, and .070; and

**WHEREAS,** the appointing authority for service area directors is the mayor; and

**WHEREAS,** while the mayor shall attempt to obtain a concurrent recommendation from the applicable service area board before removing a director, ultimately the decision should rest with the mayor;

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

**SECTION 1.** That KPB 16.04.080 is hereby amended as follows:

16.04.080. Administrative employees--Appointment, qualifications, and removal.

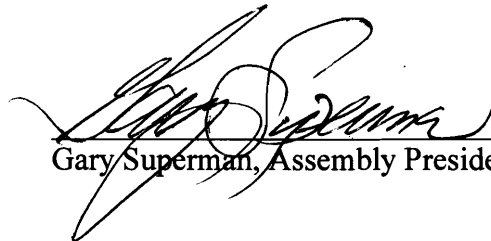
A. Service area directors. Except as may otherwise be provided for a specific service area, the director of a service area as determined necessary by the

assembly and as defined by KPB 3.04.070 shall be appointed by the mayor from a list of recommended names from the service area board. Except for the road service area director, whose board consists of appointed members, and as otherwise provided below, all other service area directors may be removed by the mayor [ONLY] with a concurrent recommendation from the applicable board. Such action by the service area board shall require a majority vote of the board membership. In the event that the service area board and the mayor are unable to agree within 30 days of the date the action is recommended, then the mayor and the service area board shall communicate to attempt to resolve the impasse. Such communication shall occur no more than 60 days after the date of the initial recommendation for removal. Following such communication, the mayor shall have the final authority to determine whether or not to remove the director.

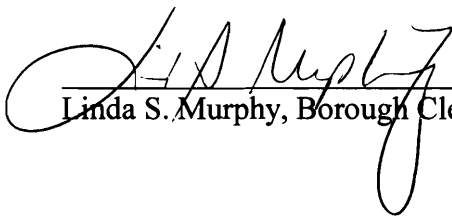
**B. Other administrative employees.** Other administrative employees serve at the pleasure of the mayor who may suspend or discharge such employees in his or her sole discretion. The service area board may independently make a recommendation to the mayor regarding the suspension or discharge of other administrative employees; however, such suspension or discharge remains within the sole discretion of the mayor.

**SECTION 2.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 26TH DAY OF OCTOBER, 2004.**

  
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Gary Superman, Assembly President

ATTEST:

  
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Linda S. Murphy, Borough Clerk

