



KENAI PENINSULA BOROUGH

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**DAVE CAREY
BOROUGH MAYOR**

MEMORANDUM

TO: Milli Martin, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: David R. Carey, Borough Mayor *DR Carey*

FROM: Colette Thompson, Borough Attorney *CT*

DATE: May 19, 2009

SUBJECT: Amendment to Ordinance 2008-19-59, authorizing a \$525,000 intergovernmental loan to the South Peninsula Hospital for a new MRI

Upon further review, it was determined that because KPB 5.04.110, requiring voter approval for many capital improvement projects, is still in the KPB code, the assembly should expressly exempt this project from the code.

➤ Add a new Section 3 and renumber prior Section 3 to Section 4 as follows:

SECTION 3. Voter approval of this purchase is not required by KPB 5.04.110 because the superior court recently ruled that this code section is legally invalid. In the event that the court determines KPB 5.04.110 is valid, the assembly hereby exempts this acquisition from KPB 5.04.110 for the reason that ordering an MRI requires several weeks' lead time, the lease of the existing MRI will end June 30, 2009, and the MRI is essential for providing adequate radiological services to the community. Voter approval would delay the purchase until long after the existing MRI lease expires.

SECTION 4. That this ordinance takes effect immediately upon its enactment.

Your approval of this amendment would be appreciated.