

## **KENAI PENINSULA BOROUGH**

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**DAVE CAREY  
BOROUGH MAYOR**

### **MEMORANDUM**

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

**FROM:**  Pete Sprague, Assembly Member

**DATE:** July 7, 2009

**SUBJECT:** Ordinance 2009-32, establishing the Central Peninsula Multi-Use Facility Service Area – Amendment Re District 7  
**Amendment Establishing An Appointed Board**

Due to the expertise needed to operate a large multi-use facility, in my opinion the assembly should provide for an appointed service area board. Following are proposed amendments to ordinance 2009-32 as originally written that would accomplish this. Alternatively, in case Mr. Fischer's substitute seeking an elected board is approved, I am also submitting an amendment to Mr. Fischer's substitute that would change the elected board to an appointed board.

#### **1. Proposed Amendments to Original Ordinance 2009-32 to Establish Appointed Board:**

- **AMEND THE FOLLOWING PROVISIONS OF SECTION 1 AS SHOWN:**

- Amend the KPB code section numbers as follows:

[16.80.040] 16.80.110. Personnel system rules and regulations.  
[16.80.050] 16.80.120. Employee conduct requirements.  
[16.80.050] 16.80.130. Budget and fiscal control.  
[16.80.060] 16.80.140. Administrative officer.  
[16.80.070] 16.80.150. Purchasing agent.  
[16.80.080] 16.80.160. Budget and capital program.  
[16.80.090] 16.80.170. Accounts—Vouchers—Accounting.

- Enact a new KPB 16.80.040 through 16.80.090 to read as follows:

**16.80.040. Board—Established—Membership.**

A. Established. There is established a board of directors for the Kenai Peninsula Borough Multi-Use Facility Service Area (MUFSA) composed of five members who shall be appointed by the mayor and confirmed by the assembly. Board members shall be qualified voters of the borough and residents of the MUFSA.

B. Membership. The board shall consist of at least one member from each city in the service area, and one member from the area of the service area outside of the cities.

C. Membership criteria. The following criteria shall be considered when appointing board members:

1. Familiarity with large facility operations;
2. Financial and budgetary management capability; and
3. Expertise in recreational programs provided in the facility.

**16.80.050. 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 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. 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 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, any action shall require the affirmative vote of three board members.

**16.80.060. Board—Election of officers.**

At the board's first meeting in October or as soon thereafter as practical, 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.

**16.80.070. Board—Term of office.**

A member of the board of directors shall be appointed for a term of three years and shall serve thereafter until a successor has been appointed by the mayor and confirmed by the assembly, qualified, and sworn to assume the duties of the office, except that the first board shall

contain members appointed for lesser periods as designated in the documents setting up the election to provide for staggered terms.

**16.80.080. 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 election or appointment;
- B. Is physically absent from the service area for a 90-day period, unless excused by the board;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office;
- E. Is removed from office;
- F. Misses three consecutive regular meetings unless excused;
- G. Is convicted of a felony or of an offense involving a violation of his oath of office.

**16.80.090. Board—Vacancies—Filling.**

A member of the board of directors shall be appointed for a term of three years and shall serve thereafter until his or her successor has been appointed and sworn to assume the duties of the office, except that the first board shall contain members for lesser periods to provide for staggered terms. The terms of office for the initial board shall be determined by drawing lots at the organizational meeting, with one member to serve one year, two members to serve two years, and two members to serve three years.

**2. AMENDMENTS TO MR. FISCHER'S SUBSTITUTE TO CREATE AN APPOINTED BOARD.**

- Amend Section 1, KPB 16.80.040 as follows:

**16.80.040. Board—Established—Membership.**

**A. Established:** There is established a board of directors for the Central Peninsula Multi-Use Facility Service Area (MUFSA) composed of five members who shall be **appointed by the mayor and confirmed by the assembly. Board members shall be qualified voters of the borough and residents of the MUFSA [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN KPB 4.02.020(D) AND KPB 16.04.065].**

**B. Membership.** **The board shall consist of at least one member from each city in the service area, and one member from the area of the service area outside of the cities.**

**C. Membership criteria.** **The following criteria shall be considered when appointing board members:**

- 1. Familiarity with large facility operations;**
- 2. Financial and budgetary management capability; and**
- 3. Expertise in recreational programs provided in the facility.**

- Amend Section 1, KPB 16.80.060 as follows:

**16.80.060. Board—Election of officers.**

[AT THE FIRST REGULAR MEETING FOLLOWING CERTIFICATION OF THE ELECTION BY THE ASSEMBLY,] **At the board's first meeting in October or as soon thereafter as practical,** 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.

- Amend Section 1, KPB 16.80.090 as follows:

**16.80.090. 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 TIME A NEW MEMBER SHALL BE ELECTED TO FILL THE UNEXPIRED TERM OR FOR A THREE-YEAR TERM IF NO UNEXPIRED TERM REMAINS. THE CLERK SHALL PROVIDE AT LEAST 21 DAYS' ADVANCE PUBLIC NOTICE BEFORE FILLING THE VACANCY. PUBLIC NOTICE MAY BE PROVIDED BY PUBLICATION THROUGH PRINT OR BROADCAST MEDIA, POSTING AT THE PRIMARY SERVICE AREA OFFICE OR AT THE BOROUGH ADMINISTRATION BUILDING, AND SUCH OTHER PUBLICATION AS THE SERVICE AREA BOARD DEEMS APPROPRIATE.] **A member of the board of directors shall be appointed for a term of three years and shall serve thereafter until his or her successor has been appointed and sworn to assume the duties of the office, except that the first board shall contain members for lesser periods to provide for staggered terms. The terms of office for the initial board shall be determined by drawing lots at the organizational meeting, with one member to serve one year, two members to serve two years, and two members to serve three years.**