

Introduced by:	Knopp, Pierce
Date:	12/01/09
Action:	Introduced and Set for Public Hearing
Date:	01/05/10
Action:	Failed to Enact
Vote:	4 Yes, 5 No, 0 Absent
Action:	Reconsideration Filed by Knopp
Date:	01/19/10
Action:	Reconsideration Failed
Vote:	4 Yes, 5 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2009-53**

**AN ORDINANCE AUTHORIZING THE SOLE SOURCE PURCHASE OF VEHICLE
MAINTENANCE EQUIPMENT FOR CENTRAL EMERGENCY SERVICES FROM
CHUMLEY’S, INC., AND WAIVING THE REQUIREMENT TO FILE A NOTICE OF
INTENT TO DO BUSINESS WITH THE BOROUGH**

- WHEREAS,** Chumley’s, Inc. (“Chumley’s”), has contracted with Central Emergency Services (“CES”) for about 15 years to provide equipment maintenance services to CES for its emergency response and other vehicles; and
- WHEREAS,** to improve services for that contract, Chumley’s purchased new maintenance equipment in 2004 and 2009; and
- WHEREAS,** in 2008, Chumley’s terminated its contract for vehicle maintenance with the borough effective June 30, 2009; and
- WHEREAS,** CES hired an in-house mechanic to provide the services formerly provided by Chumley’s and needed to acquire equipment for the mechanic to maintain the vehicles; and
- WHEREAS,** CES asked Chumley’s if it would sell CES the equipment it had used to maintain CES equipment; and
- WHEREAS,** Chumley’s offered to sell the equipment to the borough for CES for \$18,000; and
- WHEREAS,** the purchasing department performed research and determined that the equipment appeared to be in good condition and that the current fair market value for new equipment would be approximately \$34,370, which is almost double the price that Chumley’s had quoted; and
- WHEREAS,** it was determined that the borough’s best interest would be served by purchasing this equipment, thereby saving the borough approximately \$17,000 as well as shipping costs; and

WHEREAS, the Kenai Peninsula Borough code requires that an employee of the borough who intends to do business with the borough shall sign a notice of intent to do business and submit it to the clerk's office at least 10 days before entering into an agreement to do business with the borough; and

WHEREAS, the borough chief of staff was president of Chumley's, Inc. at the time of this transaction and did not file the notice of intent to do business as he was unaware of the requirement; and

WHEREAS, immediately upon learning of the requirement, he returned the \$18,000 to the borough and attempted to donate the equipment to CES; and

WHEREAS, the best interests of the borough would be served by approving this sale due to the need for the equipment and the monetary savings that would benefit CES residents; and

WHEREAS, this ordinance may not be used to set a precedent for future waivers of the requirement that employees, officers, and directors file a notice of intent to do business prior to doing business with the borough or a service area;

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

SECTION 1. That the mayor is authorized to purchase a truck tire machine, a wheel balancer, and two different scan tools from Chumley's, Inc. located in Sterling, Alaska.

SECTION 2. That the requirement in KPB 2.58.050, that an employee submit an intent to do business with the borough form 10 days before entering into a contract with the borough is hereby waived for the sale by Chumley's Inc. to the Kenai Peninsula Borough that was authorized August 6, 2009, provided that one be submitted prior to entering into the sale authorized by this ordinance.

SECTION 3. That the mayor is authorized to execute documents necessary to fulfill the intents and purposes of this ordinance.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2010.

Pete Sprague, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

January 5, 2010 Vote on Motion to Enact

Yes: Fischer, Knopp, McClure, Pierce

No: Haggerty, Smalley, Smith, Superman, Sprague

Absent: None

January 19, 2010 Vote on Motion to Reconsider

Yes: Fischer, Knopp, McClure, Pierce

No: Haggerty, Smalley, Smith, Superman, Sprague

Absent: None