



KENAI PENINSULA BOROUGH

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DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members of the Kenai Peninsula Borough Assembly

FROM: David R. Carey, Borough Mayor *DR Carey*
Susan Wilcox, Chief of Staff *Wilcox*

DATE: November 24, 2010

SUBJECT: Ordinance 2010 - 42, Amending KPB 16.60.040, Anchor Point Fire and Emergency Medical Service Area Board Powers and Duties

During the last two years the mayor's office has worked with the Anchor Point Fire and Emergency Medical Service Area Board and the administrator to address numerous issues including compliance with borough administrative requirements as well as rules governing board meetings. In the course of those efforts it became apparent that the code provision describing the powers and duties of the board should be amended to fit the board's current practice of contracting for the provision of services and to be clear that the board is not required to directly supervise the service area operations. Additionally, it was discovered that the code did not require the board to provide regular minutes to the clerk, as is required of the other service area boards.

The code presently states that the board shall "supervise" the operation of the service area and "advise" the mayor and assembly regarding the administration and operation of the service area. In 2004 the borough, on behalf of the service area, contracted with the Anchor Point Volunteer Firefighters Association, a nonprofit corporation, to provide firefighting, emergency medical, and minor equipment and facility maintenance services for the service area.

The proposed code amendment would mirror the language in this contract by stating that the service area board shall "provide for" fire and emergency medical services. It means that the service area board may oversee the provision of these services by the nonprofit corporation instead of directly supervising the services. This amendment is consistent with the present practice, and is also consistent with KPB 16.04.001, which states that the service area board is advisory to the mayor and assembly and that the board may not contravene the authority of the mayor or the assembly regarding the powers granted to them by state or local law. In accordance with this provision, the borough administration intends to change the service area administrator's reporting structure to provide that the administrator works under the general supervision and direction of the mayor, which is the same structure under which some of the other borough service area administrators operate.¹ The code change will not interfere with the service area

¹ It should be noted that this administrator position is not an appendix A position; instead it is represented by the union and is subject to the Collective Bargaining Agreement.

board's ability to use the administrator as necessary, within the scope of the job description, to comply with the borough's contract with the Anchor Point Volunteer Firefighter's Association.

Finally, there have been numerous meetings in which it appeared that the service area board needed more training regarding its responsibility to independently ensure that borough, state, and other requirements are met by the service area, and that the board and the administrator, as applicable, are legally required to follow established borough policies and procedures as well as state law regarding purchasing, conflicts of interest, executive sessions, and other matters. Most recently this problem is seen in the results of the equipment audit showing that a significant amount of work that must be done for the service areas' equipment to meet the minimum standards for a fire and emergency medical service area. The administration plans to provide the needed training to the board. Also, if this ordinance is approved the administration intends to revise the administrator's reporting structure as described above and continue to take steps to ensure the required policies and procedures are followed.

The assembly's approval of these proposed amendments to the code would be appreciated.