

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

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Kelly Cooper, Assembly President
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MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Willy Dunne, Assembly Member *(B for W.D.)*
Paul Fischer, Assembly Member *PF*
Kenn Carpenter, Assembly Member *(B for K.C.)*

DATE: October 17, 2017

RE: Ordinance 2017- 31, Amending KPB Title 16 to Authorize Certain Volunteers to Serve on their Respective Service Area Board (Dunne, Fischer, Carpenter)

Anchor Point Fire and Emergency Medical Service Area, Kachemak Emergency Service Area and Bear Creek Fire Service Area are not heavily populated areas. They have had difficulties over the years finding enough volunteers willing to serve on the service area board and other volunteers willing to provide operational services.

The common law has been construed to prohibit service area board members from simultaneously being volunteers for the service area they represent. This is because the board members are generally charged with providing for fire and emergency medical services in their service area, which could put them in a position of overseeing certain decisions of the chief as well as their own actions as volunteers. If a majority of the board members are also volunteers, this would impact the board's ability to have independent oversight.

However, enacted law may supersede the common law. If enacted, this ordinance would enable two service area board members from each of these service areas to also serve as a volunteer for the service area. This is intended to at least partially alleviate the difficulty in finding enough volunteers for these service areas. By ensuring that a majority of the board may not simultaneously serve as volunteers the danger of losing independent oversight is minimized. It should be noted that if this is enacted, any board member who has a conflict of

interest on an item presented to the board because they are a volunteer would still have to recuse themselves from voting on such a matter.

Your support of this ordinance would be appreciated.