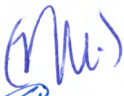



Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Ryan Tunseth, Assembly President
Members, KPB Assembly
Peter A. Micciche, Mayor

FROM: Michele Turner, Borough Clerk 
Sean Kelley, Borough Attorney 

DATE: November 18, 2025

RE: KPB-7303 Confirming the Appointment to the Kachemak Emergency Service Area Board (Mayor)

After further review, it has been determined that a volunteer for Kachemak Emergency Service Area is an incompatible office with board membership of a service area.

KPB 4.30.060(C) provides:

“A borough employee may not serve in incompatible offices. For purposes of this section, incompatible offices means public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, results in any of the following with respect to those offices held:

1. The subordination of one public office to another.
2. The supervision of one public office by another.
3. A breach of duty of public office.

Incompatible offices shall include without limitation service area employees and board membership of any service area for which the employee works or that provides the same or similar services as that service area, and general fund borough employees and membership on the board of any service area for which the employee regularly provides services.”

The service would be considered incompatible under KPB 4.30.060(C)(1)-(2). There is no provision within Kachemak Emergency Service Area (KPB 16.20) which authorizes individuals to volunteer with the service area and serve on the board. In addition, there is no general authorization within KPB Chapter 16.04 allowing such service. Without a specific code provision authorizing the service, the prohibition controls.

Therefore, it is recommended the appointment to Kachemak Emergency Service Area, Seat D be withdrawn from the Assembly's agenda – Agenda Item KPB-7303.

Thank you for your consideration.