

Introduced by: Bagley  
Date: 04/05/16  
Hearing: 05/03/16  
Action: Enacted as Amended  
Vote: 8 Yes, 1 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2016-11**

**AN ORDINANCE REPEALING THE CENTRAL KENAI PENINSULA HOSPITAL  
SERVICE AREA BOARD**

- WHEREAS**, in 1992, the borough created CPGH, Inc. a local non-profit corporation, to operate the hospital, with the corporate membership including sitting assembly members; and
- WHEREAS**, following formation of CPGH, Inc. the assembly abolished the Central Kenai Peninsula Hospital Service Area (CKPHSA) board with Ordinance 92-54 to eliminate essentially duplicate boards; and
- WHEREAS**, in Ordinance 97-70 the assembly reestablished the CKPHSA board to provide improved oversight of the hospital operations; and
- WHEREAS**, the CKPHSA board currently meets on a quarterly basis unless called upon to consider a matter requiring consideration between meetings; and
- WHEREAS**, CPGH, Inc. provides quarterly reports to the CKPHSA board and the assembly and provides the same information to the service area board; and
- WHEREAS**, as the CPGH, Inc. is consistently available to provide information needed by the administration and assembly concerning CPGH, Inc. matters, the assembly can provide adequate oversight of the service area for the borough at this time; and
- WHEREAS**, the Lease and Operating Agreement between the Kenai Peninsula Borough and Central Peninsula General Hospital, Inc. signed in 2008 required CPGH, Inc. to endeavor to operate all of the medical facilities on a self-supporting basis; and
- WHEREAS**, in FY2011, CPGH, Inc. began paying 100 percent of the annual bond payments and since then the assembly approved a reduced mill levy of .01 which in turn reduced the oversight responsibility of the service area board; and
- WHEREAS**, at its meeting of April 11, 2016, the CKPHSA board unanimously recommended the assembly approve Ordinance 2016-11 with the service area board's proposed amendments;

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

**SECTION 1.** That KPB 16.08.020 – .080 is hereby repealed.

**[16.08.020. - BOARD—ESTABLISHED—NOMINATION AND ELECTION.**

THERE IS ESTABLISHED A BOARD OF DIRECTORS FOR THE CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA COMPOSED OF 7 MEMBERS WHO SHALL BE NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN THE BOROUGH ELECTIONS CODE AND KPB 16.04.065.]

**[16.08.030. - 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 CHAIR OF THE BOARD OR BY 3 MEMBERS UPON 1 DAY'S NOTICE. THE NOTICE SHALL SET FORTH THE TIME AND PLACE OF THE MEETING AND SHALL BE MAILED OR TELEPHONED TO EACH MEMBER. THE ATTENDANCE OF A MEMBER AT A MEETING CONSTITUTES A WAIVER OF NOTICE OF THE MEETING. ALL MEETINGS ARE OPEN TO THE PUBLIC AS PROVIDED IN AS 29.20.020 AND AS 44.62.310 AND IN ACCORDANCE WITH THE POLICIES SET FORTH IN AS 44.62.312. FOUR MEMBERS SHALL CONSTITUTE A QUORUM, AND IF A QUORUM IS PRESENT, ACTIONS MAY BE TAKEN BY A MAJORITY VOTE OF THOSE MEMBERS PRESENT.]

**[16.08.040. - BOARD—ELECTION OF OFFICERS.**

AT THE FIRST REGULAR MEETING FOLLOWING THE CERTIFICATION OF THE ELECTION BY THE ASSEMBLY, AND ANNUALLY THEREAFTER, THE BOARD SHALL ELECT BY MAJORITY VOTE OF THE MEMBERS AND FROM THE MEMBERS A CHAIRMAN WHO SHALL HOLD OFFICE UNTIL A SUCCESSOR IS ELECTED.]

**[16.08.050. - BOARD—QUALIFICATIONS AND TERMS OF OFFICE.**

MEMBERS SHALL BE QUALIFIED VOTERS OF THE BOROUGH WHO ARE RESIDENTS OF THE SERVICE AREA. CANDIDATES SHALL FILE FOR ELECTION TO SEATS A THROUGH G FOR STAGGERED TERMS OF THREE YEARS AND MAY SERVE THEREAFTER UNTIL A SUCCESSOR HAS BEEN ELECTED OR APPOINTED, QUALIFIED AND SWORN TO ASSUME THE DUTIES OF OFFICE. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A MEMBER OF THE BOARD FROM RESIGNING OR THEIR SEAT FROM BEING VACATED AS PROVIDED IN THIS CHAPTER.]

**[16.08.060. - BOARD—VACANCIES—CREATED WHEN.**

VACANCIES ON THE BOARD ARE CREATED UNDER THE FOLLOWING CONDITIONS AND UPON DECLARATION OF VACANCY BY THE BOARD:

- A. IF NO CANDIDATE FILES FOR ELECTION TO A SEAT WHICH IS TO BE FILLED AT SAID ELECTION OR IF A SUCCESSFUL CANDIDATE FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER HIS OR HER ELECTION;
- B. IF A MEMBER IS PHYSICALLY ABSENT FROM THE SERVICE AREA FOR A 90-DAY PERIOD, UNLESS EXCUSED BY THE BOARD;
- C. IF A MEMBER RESIGNS AND HIS OR HER RESIGNATION IS ACCEPTED;

- D. IF A MEMBER IS PHYSICALLY OR MENTALLY UNABLE TO PERFORM THE DUTIES OF OFFICE;
- E. IF A MEMBER IS REMOVED FROM OFFICE;
- F. IF A MEMBER MISSES 3 CONSECUTIVE REGULAR MEETINGS UNLESS EXCUSED;  
OR
- G. IF A MEMBER IS CONVICTED OF A FELONY OR OF AN OFFENSE INVOLVING A VIOLATION OF HIS OR HER OATH OF OFFICE.]

**[16.08.070. - BOARD—VACANCIES—FILLING.**

VACANCIES ON THE BOARD SHALL BE FILLED BY APPOINTMENT BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY 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 FULL TERM IF NO UNEXPIRED TERM REMAINS. THE CLERK SHALL PROVIDE AT LEAST TWENTY-ONE 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.]

**[16.08.080. - BOARD—POWERS AND DUTIES.**

THE SERVICE AREA BOARD SHALL ADVISE AND MAKE RECOMMENDATIONS TO THE MAYOR AND THE ASSEMBLY CONCERNING THE OPERATION AND MANAGEMENT OF SERVICE AREA ACTIVITIES, REVIEW AND RECOMMEND THE ANNUAL SERVICE AREA BUDGET, AND PERFORM SUCH ADDITIONAL FUNCTIONS AS THE ASSEMBLY MAY AUTHORIZE. THE BOARD SHALL PROMPTLY FURNISH ACCURATE AND COMPLETE COPIES OF BOARD PACKETS, INCLUDING THE MINUTES OF ALL BOARD MEETINGS, TO THE MAYOR AND THE ASSEMBLY.]

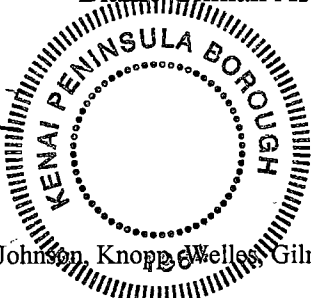
**SECTION 2.** That this ordinance takes effect at the end of fiscal year on June 30, 2016.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF MAY, 2016.**

  
Blaine Gilman Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, Knopp, Welles, Gilman  
 No: Ogle  
 Absent: None