

Kenai Peninsula Borough Legal Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Dale Bagley, Assembly member *DLB*

FROM: Colette Thompson, Borough Attorney *CT*

DATE: June 19, 2018

RE: Bagley Substitute Ordinance 2018-16, Amending the Code to Move the Common Boundary Between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area South, Subject to Approval by Voters in the Central Kenai Peninsula Hospital Service Area and the Proposed New Area, and to Expand the South Kenai Peninsula Hospital Service Area to Include the Land South of Kachemak Bay Excluding the City of Seldovia, Subject to Voter Approval (Bagley)

Section 8 of this ordinance describes the varying effective dates and is difficult to follow. By way of explanation, depending upon how the voters vote this ordinance could have one of four different results concerning the hospital service area boundaries:

1. The Central Kenai Peninsula Hospital Service Area ("CPH") and the South Kenai Peninsula Hospital Service Area ("SPH") common boundary could be moved south about 15 miles to near Barbara Drive in Ninilchik;
2. The CPH and SPH common boundary could be moved to near Barbara Drive and the SPH southern boundary moved south to include land south of Kachemak Bay except the City of Seldovia;
3. The common boundary could stay the same and the SPH southern boundary moved south to include land south of Kachemak Bay except the City of Seldovia; or,
4. No changes made to the current boundaries.

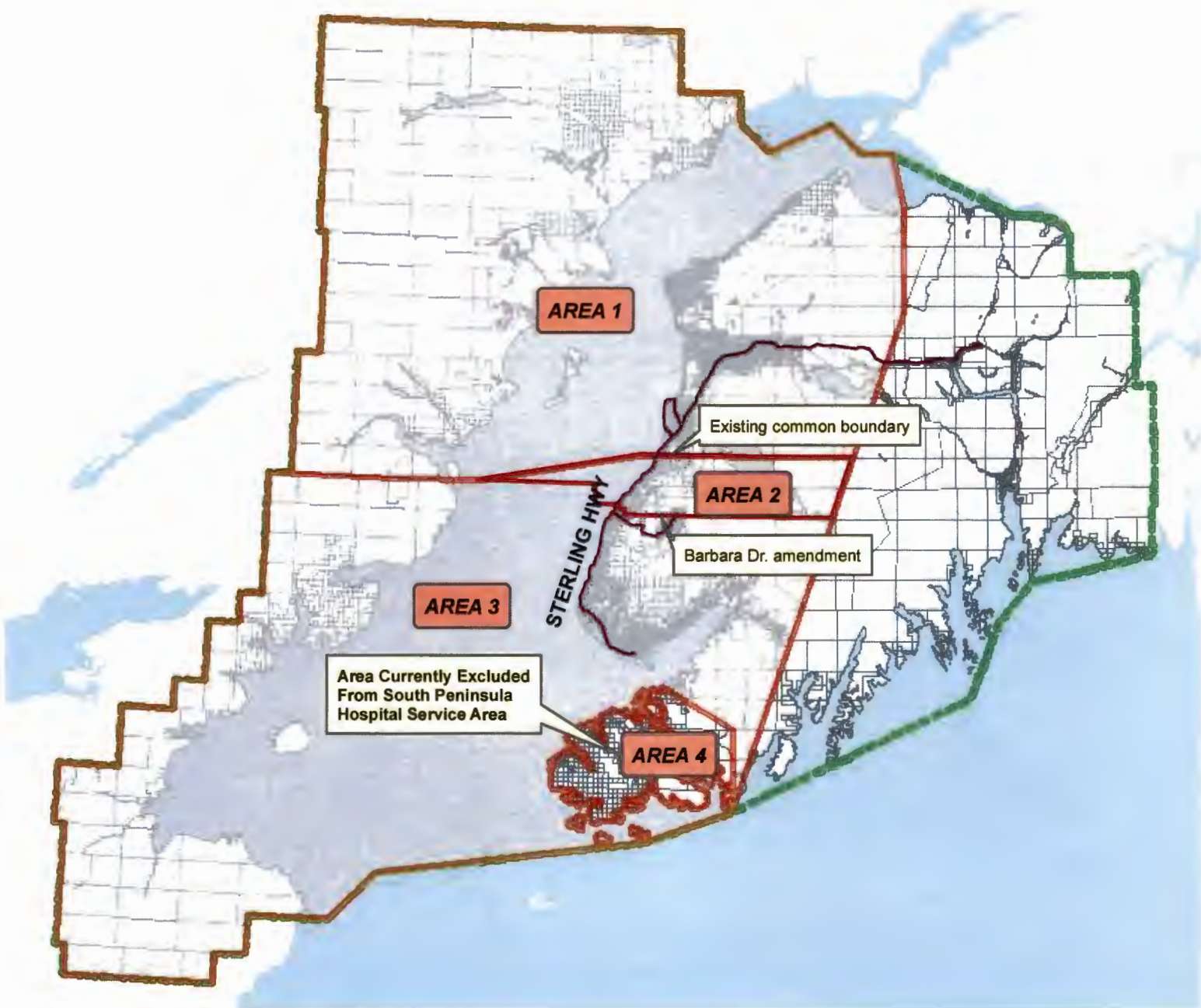
Attached please find a table identifying each of the potential boundary results and the voter results required for each change to take place. Additionally, attached is a map identifying the four involved voter areas referenced in the table.

POTENTIAL BOUNDARY RESULTS		VOTER RESULTS REQUIRED
Only Barbara Dr. Amendment Passes (Sec. 1 & 2 of Ord.)	➔	Okayed by Voters in Areas 1 & 2 Combined (Proposition in Sec. 5 passes)
Both Barbara Dr. and South of Kachemak Bay Amendments Pass (Sec. 1 & 3 of Ord.)	➔	Okayed by Voters in All 4 Areas, with 1 & 2 Combined for Barbara Dr. and 2, 3 & 4 Combined, except Seldovia, ¹ for Kachemak Bay (Propositions in Sec. 5 & 6 of Ord. pass)
Only South of Kachemak Bay Amendment Passes (Not Barbara Dr.) (Sec. 4 of Ord.)	➔	Barbara Dr. Amendment Defeated by Voters in Areas 1 & 2 Combined, and Kachemak Bay Amendment Approved by Voters in Areas 2, 3 & 4, Combined, except Seldovia voters (Proposition in Sec. 5 defeated & proposition in Sec. 6 of Ord. passes)
No Change to Current Boundaries	➔	Barbara Dr. Amendment Defeated by Voters in Areas 1 & 2 Combined, and Kachemak Bay Amendment Defeated by Voters in Areas 2, 3 & 4 Combined except Seldovia (Propositions in both Sec. 5 & 6 of Ord. are defeated)

Ordinance 2018-16 Section Descriptions:

- Sec. 1:** CPH - Legal description in code moving boundary south to Barbara Dr.
- Sec. 2:** SPH - Legal description in code moving northern boundary south to Barbara Dr.
- Sec. 3:** SPH - Legal description in code moving northern boundary south to Barbara Dr. and southern boundary south to land south of Kachemak Bay except Seldovia
- Sec. 4:** SPH - Legal description in code moving south boundary to land south of Kachemak Bay except Seldovia
- Sec. 5:** Proposition asking voters whether they approve changes in Sec. 1 & 2 (Barbara Dr.)
- Sec. 6:** SPH Proposition asking voters whether they approve change in Sec. 4, (land south of Kachemak Bay)
- Sec. 7:** Hearing
- Sec. 8:** Effective dates and voter requirements for enactment of sections 1 – 4 in ordinance

¹ Seldovia voters are not included because the City of Seldovia is not included in any of the boundary changes.



AREA 1

Existing common boundary

AREA 2

Barbara Dr. amendment

STERLING HWY

AREA 3

Area Currently Excluded From South Peninsula Hospital Service Area

AREA 4