

Introduced by: Mayor, Cooper
Date: 04/18/17
Hearing: 05/16/17
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2017-09**

**AN ORDINANCE ENACTING KPB CHAPTER 16.80, ESTABLISHING THE EASTERN
PENINSULA HIGHWAY EMERGENCY SERVICE AREA**

- WHEREAS,** over the past year, the EMS workgroup and mayor's administration have been working to identify ways to address inconsistent emergency service coverage along the heavily traveled highway that serves as the sole road connection between the Kenai Peninsula and the rest of the state; and
- WHEREAS,** in Resolution 2017-021, adopted by the assembly on March 7, 2017, the assembly found that the public interest may be served by formation of a service area for the provision of emergency services on the eastern peninsula highway corridor; and
- WHEREAS,** pursuant to KPB 16.04.030, the borough clerk referred Resolution 2017-021 and the proposed Eastern Peninsula Highway Emergency Service Area ("EPHESA") to the mayor for his recommendation and analysis; and
- WHEREAS,** pursuant to KPB 16.04.030, the mayor has reviewed the proposed service area, and prepared a report evaluating the need and the estimated cost of the service area, and recommending that the assembly form the proposed EPHESA for purposes of exercising emergency services powers on the eastern peninsula highway corridor; and
- WHEREAS,** the borough currently exercises emergency service powers in six service areas: Anchor Point Fire & Emergency Medical Service Area, Bear Creek Fire Service Area, Central Emergency Service Area, Central Peninsula Emergency Medical Service Area, Kachemak Emergency Service Area, and the Nikiski Fire Service Area; and
- WHEREAS,** the primary reason for establishing this service area is to provide consistent and coordinated response to incidents requiring fire and emergency medical services along this heavily-traveled highway corridor; and
- WHEREAS,** there are no registered voters residing in the proposed service area boundaries, and the highway corridor serves all borough residents as well as visitors to and from the borough; and

WHEREAS, Alaska Department of Transportation statistics for 2015 show the average traffic count on the affected stretches of the Seward and Sterling highways at between 3,000 and 4,000 vehicles a day — with summer peaks at three times that level; and

WHEREAS, without the adoption of emergency service powers for the area, the borough does not have the authority to address emergency services on this highway;

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

SECTION 1. Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new chapter 16.80, which shall read as follows:

CHAPTER 16.80. EASTERN PENINSULA HIGHWAY EMERGENCY SERVICE AREA

16.80.010. Boundaries.

There is established a service area within the borough designated as the "Eastern Peninsula Highway Emergency Service Area," the geographical boundaries of which are shown in the map entitled "Eastern Peninsula Highway Emergency Service Area" available in the Borough Clerk's office and described as follows:

The Right-of-Way area of the Seward Highway beginning at the intersection of the Seward Highway Right-of-way and the Kenai Peninsula Borough Boundary at the East section line of Sections 26 and 35 Township 9 North, Range 2 East, Seward Meridian, Alaska, commencing in the westerly direction of the Right-of-way following the Right-of-Way corridor of the Seward Highway through Township 9 North, Range 2 East and continuing through Townships:

T8N, R2E;

T8N, R1E;

T7N, R1E;

T8N, R1E;

T8N, R1W;

T7N, R1W;

T6N, R1W;

T6N, R2W;

T5N, R2W;

T5N, R1W;

T4N, R1W;

T4N, R1E;

T3N, R1E;

T3N, R1W;

T3N, R1E;

T2N, R1E;

T2N, R1W to the intersection of the Seward Highway Right-of-Way with the North Line of Township 1 North, Range 1 West, Seward Meridian, said course being 67.9 highway-miles more or less;

AND

The Right-of-Way area of the Sterling Highway beginning at the Intersection of the Sterling Highway Right-of-Way and the Seward Highway Right-of-Way within Section 12, Township 5 North, Range 2 West, Seward Meridian, Alaska commencing in the westerly direction of the Right-of-Way following the Right-of-Way corridor of the Sterling Highway through Township 5 North, Range 2 West and continuing through Townships:

T5N, R2W;

T5N, R3W;

T5N, R4W;

T5N, R5W to the intersection of the Sterling Highway Right-of-Way with the intersection of a line drawn along the Kenai mountains from USC & GS Triangulation Station Gore Point on the Gulf of Alaska to USC & GS Triangulation Station Gull Rock on Turnagain Arm being also the boundary line of the Central Emergency Service Area described in Kenai Peninsula Borough Code 16.30.010 A, said course being 21.0 highway-miles more or less and includes the Right-of-way area of the Seward Highway to Sterling Highway off-ramp within Section 12, T5N, R2W for the purpose of this description;

AND

The Right-of-Way area of the Hope Highway beginning at the Intersection of the Hope Highway Right-of-Way and the Seward Highway Right-of-Way within Section 15, Township 8 North, Range 1 West, Seward Meridian, Alaska commencing in the Northerly direction of the Right-of-Way following the Right-of-Way corridor of the Hope Highway through Township 8 North, Range 1 West and continuing through Townships:

T9N, R1W;

T10N, R1W;

T10N, R2W to Porcupine Campground at the Corner 8-Corner 9 boundary of USS 2757 within Section 29, Township 10 North, Range 2 West, Seward Meridian, said course being 17.8 highway-miles more or less.

16.80.020. Board of directors.

- A. Established. There is established a board of directors for the Eastern Peninsula Highway Emergency Service Area composed of 5 members who shall be appointed by the mayor and confirmed by the assembly. Board members shall be residents and qualified voters of the borough.

- B. Membership. The board shall consist of three members preferably from the Eastern Peninsula communities of Cooper Landing, Hope, or Moose Pass, and two members at large.

- C. Membership criteria. The following criteria shall be considered when appointing board members:
 - 1. Familiarity with the provision and/or administration of emergency services;
 - 2. Familiarity with the eastern Kenai Peninsula highway corridor; and
 - 3. Financial and budgetary management capability.

- D. Term of office. A member of the board of directors shall be appointed for a term of three years, and may serve thereafter until a successor has been appointed, qualified and sworn to assume the duties of the office, except that the first board shall contain staggered terms with one member appointed for one year, two members appointed for two years and two members appointed for three years. 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.

16.80.030. Board—Vacancies.

- A. Vacancies on the board are created upon declaration of vacancy by the board if a member:
 - 1. Fails to take office within 30 days after his or her appointment;
 - 2. Is physically absent from the borough for a 90-day period, unless excused by the board;
 - 3. Resigns and the resignation is accepted;
 - 4. Is physically or mentally unable to perform the duties of his or her office;
 - 5. Is removed from office by the mayor and the assembly has confirmed the removal;
 - 6. Misses three consecutive regular meetings unless excused by the board;
 - 7. Is convicted of a felony or of an offense involving a violation of his or her oath of office; or
 - 8. Changes his or her residency to a location outside of the borough for a period longer than 60 days.

- B. Vacancies on the board shall be filled as prescribed in Section 16.80.020 above. The appointment shall be to fill the unexpired term or for a three-year term if no unexpired term remains. The mayor 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.

16.80.040. Board—Meetings—Quorum.

- A. Regular meetings. The board shall meet periodically at a regularly scheduled time and place designated by the board.
- B. Special meetings. Special meetings of the board may be called by the chair of the board or by any three members upon at least two days' notice thereof published in a newspaper or via radio having general distribution within the borough and posting notices at the borough administrative offices at 144 N. Binkley Street, Soldotna, Alaska. Notice shall also be mailed or electronically transmitted to each board member. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting.
- C. Notice. The notice for all Eastern Peninsula Highway Emergency Service Area board meetings shall set forth the date, time and place of the meeting, shall state the tentative agenda and specific matter or matters to be included on the agenda, and shall be posted at the place designated by the board for its meetings and at the borough administrative offices at 144 N. Binkley Street, Soldotna, Alaska at least five days before each meeting. Notice shall also be mailed or electronically transmitted to each board member. The attendance of a board member at a meeting constitutes a waiver of notice of the meeting.
- D. Meetings open. 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 44.62.310 and AS 44.62.312.
- E. Quorum. Three board members shall constitute a quorum; however, any action shall require the affirmative vote of three or more board members.
- F. Agenda. The published tentative agenda may be amended by vote of three or more board members at the meeting.

16.80.050. Powers and duties.

The board of directors of the service area, subject to assembly approval and appropriation of funds, shall have the power to provide for fire protection and emergency medical services

within the service area, review and recommend the annual service area budget, and perform such additional functions as the assembly may authorize. The service area board shall inform and make recommendations to the mayor and the assembly concerning the administration and operation of the service area and shall promptly furnish accurate and complete copies of the minutes of all board meetings to the mayor and assembly.

16.80.060. Board—Bylaws.

- A. The service area board may adopt bylaws or regulations governing the conduct of its affairs so long as these bylaws are procedural in nature and do not conflict with the rules, ordinances, statutes and regulations governing the service area board.
- B. The board may establish various committees and appoint members to them.

16.80.070. Fiscal procedures.

- A. All contracts for capital improvements and maintenance performed in connection with the service area shall be bid and administered by the borough department of purchasing and contracting in accordance with the department's normal procedure for the letting of contracts.
- B. The purchasing agent for the service area is the borough purchasing and contracting director. All purchases of supplies, materials and equipment shall be made in accordance with the rules and regulations adopted by the borough assembly.
- C. The service area board shall arrange for the preparation of a budget and capital program which shall be submitted to the mayor and assembly for approval. The budget and capital expenditures proposal shall be subject to the procedures for adopting the borough budget and capital expenditures program and for consideration borough assembly.
- D. The service area shall abide by the fiscal policies and procedures applicable to the borough general government budget.
- E. All accounting functions of the service areas shall be performed under the supervision of the borough director of finance, who shall provide rules and regulations and procedures governing the issuance of vouchers, the payment of vouchers, the issuance of checks, the payment of checks, the use of the central treasury of the borough, and the manner in which all bonds, contracts, leases or other obligations requiring payment of funds for the appropriations of the service area budget shall be processed and administered.

16.80.080. Personnel.

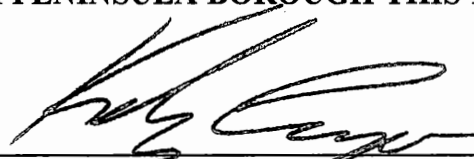
Unless otherwise provided, the borough personnel system and Title 3 of this code shall be applied to any person employed in connection with the service area, excluding independent contractors. All positions of borough employment must first be approved by the assembly.

16.80.090. Ambulance billing.

Revenues collected from ambulance billing or other services provided by the Eastern Peninsula Highway Emergency Service Area as approved by the assembly pursuant to KPB 1.26.010 shall be recorded as revenue within that service area. This provision shall not preclude contracted agencies from collecting and retaining fees for services provided for the service area pursuant to contractual provisions.

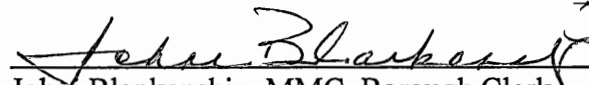
SECTION 2. That this ordinance shall only take effect after either (a) the State of Alaska enacts enabling legislation or (b) all owners of real property in the service area consent in writing to the exercise of the power as required by AS 29.35.490(a)(2), whichever occurs first.

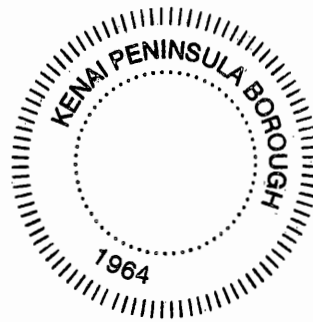
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF MAY, 2017.



Kelly Cooper, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Carpenter, Dunne, Fischer, Hibbert, Ogle, Schaefer, Welles, Cooper
No: None
Absent: None