

Kenai Peninsula Borough  
Legal Department

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**MEMORANDUM**

**TO:** Kelly Cooper, Assembly President  
Member, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor *CP*

**FROM:** Colette Thompson, Borough Attorney *CT*

**DATE:** November 21, 2019

**RE:** Amendment to Ordinance 2019-32, Authorizing the Mayor to Execute an Operating Agreement with South Peninsula Hospital, Inc. for South Peninsula Hospital and Other Medical Facilities (Mayor)

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Five members of the borough administration attended by video conference the November 14, 2019 Committee of the Whole and evening meetings of the South Kenai Peninsula Hospital Service Area Board (Service Area) to discuss the proposed Operating Agreement.

Board members expressed concerns that their recommendations on items brought to the assembly for approval relating to the service area be considered by the assembly. The Service Area Board represents the borough's and service area residents' interests, and borough code charges the board with advising and making recommendations to the mayor and assembly regarding the operation and management of service activities. The administration supports the board's request and proposes the following amendments to this ordinance:

*[Please note the underlined bold language is new.]*

- Amend the third Whereas clause, as follows:

**WHEREAS**, at its meeting of **November 14**, 2019, the South Kenai Peninsula Hospital Service Area Board recommended **approval by majority vote**;

- Add a new Section 2 as follows:

**SECTION 2. The assembly shall consider all recommendations submitted to it by the South Kenai Peninsula Hospital Service Area Board on matters submitted for assembly consideration pursuant to the Operating Agreement.**

- Renumber existing Section 2 as Section 3.
- Renumber existing Section 3 as Section 4.
- Renumber existing Section 4 as Section 5.