

KENAI PENINSULA BOROUGH

The background of the page is a stylized illustration of rolling green hills. The hills are rendered in various shades of green, from light to dark, with some yellow highlights. Scattered across the hills are several four-leaf clovers in green and yellow. The overall style is graphic and modern.

ASSEMBLY PACKET

MARCH 13, 2012

7:00 P.M.

Assembly Chambers, 144 North Binkley Street, Soldotna

March 2012

Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
				1 7:00 PM Hope/Sunrise APC	2	3	
	4	5 7:00 PM SBCF SA	6 7:00 PM Anchor Point APC	7 6:00 PM Cooper Landing APC	8 6:30 PM South Pen Hospital SA 7:00 PM KESA	9	10
	11	12 5:30 PM CKPH SA 5:30 PM Plat Committee & 7:30 PM Planning Commission	13 12:00 PM Lowell Point Emergency SA 5:30 PM Nikiski Senior 7:00 PM Assembly Meeting 7:30 PM Bear Creek Fire	14 7:30 PM Nikiski Fire SA	15 7:00 PM CES	16	17 ST. PATRICK'S DAY
SPRING BREAK							
	18	19 5:30 PM CPGH SA 6:00 PM Anchor Point Fire 7:00 PM SBCF SA	20	21	22	23	24
	25	26 5:30 PM Plat Committee & 7:30 PM Planning Commission 7:00 PM North Pen RSA	27	28	29	30	31

Feb 2012

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April 2012

Monthly Planner

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March 2012 - December 2012

Assembly Yearly Planner

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MARCH

- 2 3/02-3/08 NACo Conf. (Washington DC)
- 13 Assembly Meeting

APRIL

- 3 Assembly Meeting
- 17 Assembly Meeting (Seward)

MAY

- 1 Assembly Meeting
- 15 Assembly Meeting
- 28 Borough Holiday: Memorial Day

JUNE

- 5 Assembly Meeting
- 19 Assembly Meeting

JULY

- 3 Assembly Meeting
- 4 Borough Holiday: Independence Day
- 13 7/13-7/17 NACo Annual Conf. (New Mexico)

AUGUST

- 7 Assembly Meeting
- 21 Assembly Meeting
- 28 Primary Election

SEPTEMBER

- 3 Borough Holiday: Labor Day
- 4 Assembly Meeting
- 18 Assembly Meeting (Homer)

OCTOBER

- 2 Borough Election

- 9 Assembly Meeting
- 23 Assembly Meeting

NOVEMBER

- 6 General Election
- 12 11/12-11/16 AML Annual Conf. (Anchorage)

Borough Holiday: Veterans Day

- 20 Assembly Meeting
- 22 Borough Holiday: Thanksgiving
- 23 Borough Holiday: Thanksgiving

DECEMBER

- 4 Assembly Meeting
- 24 Borough Holiday: Christmas Eve
- 25 Borough Holiday: Christmas

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Assembly Meeting Schedule

TUESDAY, MARCH 13, 2012

- 1:00 PM Assembly Work Session**
- 2:30 PM Finance Committee**
- 3:30 PM Lands Committee**
- 3:45 PM Policies and Procedures Committee**
- 4:30 PM Legislative Committee**
- 4:45 PM Committee of the Whole**
- 7:00 PM Regular Assembly Meeting**

Above listed meetings will be held in:

Assembly Chambers
George A. Navarre Kenai Peninsula Borough Administration Building
144 North Binkley Street, Soldotna, Alaska

Assembly Work Session

March 13, 2012

1:00 PM

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building, Soldotna

All Assembly Members

AGENDA

1. Central Peninsula Hospital Issues

[Clerk's Note: Members of the CKPHSAB and the CPGH, Inc. Board have been invited to attend.]

2. FY2013 Budget
3. Assembly Legal Counsel

March 13, 2012	2:30 PM	Assembly Chambers George A. Navarre Kenai Peninsula Borough Administration Building, Soldotna
Bill Smith, Chair	Ray Tauriainen, Vice Chair	All Assembly Members

AGENDA

M. PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2011-19-68: Appropriating Supplemental Funding of \$29,750 for the Purchase of Limited Liability Reports (Mayor)19
2. Ordinance 2011-19-70: Appropriating \$200,000 to Hire a Consultant to Assist the Borough in Determining the Course of Action to Pursue Regarding Curtailing Health Care Costs (Mayor)22
3. Ordinance 2011-19-72: Appropriating \$4,700,000 for the Purpose of Constructing a Radiation Oncology Facility at Central Peninsula Hospital (Mayor)27
4. Ordinance 2011-19-73: Appropriating \$569,292 from the Equipment Replacement Fund for the Purchase of New Sales Tax Software (Mayor)32
5. Ordinance 2011-19-75: Accepting and Appropriating \$30,500 from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase a Portable Generator (Mayor)37
7. Ordinance 2012-03: Confirming the Assessment Roll for the Poppy Ridge Road Improvement Assessment District (Mayor)41
8. Ordinance 2012-04: Authorizing Revised Community Revenue Sharing Program Expenditures for Unincorporated Communities and Approving the Use of Funds by Voznesenka and Razdolna (Mayor).....57

O. NEW BUSINESS

2. Ordinances
 - *a. Ordinance 2011-19-78: Appropriating \$625,000 in the Borough’s School Revenue Capital Project Funds for Improvements to School Facilities (Mayor) (Hearing on 04/17/12).....92

- *b. Ordinance 2011-19-79: Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$357,552.50 and Allocating \$324,865 to the City of Seward and \$32,687.50 to the City of Homer (Mayor) (Hearing on 04/17/12).....96
- *c. Ordinance 2011-19-80: Appropriating \$1,400,000 from the Road Service Area Operating Fund Balance for Additional Snow Removal (Mayor) (Shortened Hearing on 04/03/12).....101
- *d. Ordinance 2011-19-81: Accepting and Appropriating a Grant in the amount of \$230,220 from the State of Alaska Division of Homeland Security and Emergency Management to Complete a Local Hazard Mitigation Plan Annex in the Seward Bear Creek Flood Service Area (Mayor) (Hearing on 04/17/12)104

3. Other

- *a. Requesting a Formal Assembly Protest to the Renewal of the Following Liquor Licenses Due to Unpaid Taxes146

<u>Business Name</u>	<u>Location</u>
Starvin Marvin's Pizza	Homer, Alaska
Moose Pass Inn	Moose Pass, Alaska
AK Supperclub.com	Ninilchik, Alaska

*Consent Agenda Items

March 13, 2012

3:30 PM

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building, Soldotna

Sue McClure, Chair

Brent Johnson, Vice Chair

Ray Tauriainen

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Kenai Peninsula Borough Municipal Entitlement Land Grant: Strategic Focus for Fulfillment, Land Management Officer Marcus Mueller (15 minutes)

*Consent Agenda Items

Policies and Procedures Committee

March 13, 2012

3:45 PM

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building, Soldotna

Mako Haggerty, Chair

Charlie Pierce, Vice Chair

Linda Murphy

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

- 1. Destruction of Obsolete Records, Deputy Clerk Shellie Saner (5 minutes)

K. MAYOR’S REPORT9

- 1. Assembly Requests/Responses – None.
- 2. Agreements and Contracts
 - a. Authorization to Award Contract for Banking Services to First National Bank Alaska10
 - b. Multispectral Imagery and Professional Services, Scope of Work Modification for Aero Metric Inc.11
- 3. Other
 - a. Letter from James Greeley, Sate Petroleum Property Assessor, Regarding Total Assessed Value of Oil and Gas Properties within the Kenai Peninsula Borough.....18

M. PUBLIC HEARINGS ON ORDINANCES

- 6. Ordinance 2012-02: Decertifying Approximately 350 Feet of Strawberry Road Extending Beyond the Easterly End of Dedicated Borough Right-of-Way (Mayor).....41

N. UNFINISHED BUSINESS

1. Postponed Items

- a. Resolution 2012-012 Approving a Mutual Aid Agreement and the Initial Operational Plan Between the Anchor Point Fire and Emergency Medical Service Area (APFEMSA) and the City of Homer on Behalf of the Homer Volunteer Fire Department and Ninilchik Emergency Services (Mayor)61

O. NEW BUSINESS

1. Resolutions

- *a. Resolution 2012-016: Authorizing the Mayor to Execute an Amendment to the Central Peninsula Hospital Lease and Operating Agreement to Authorize Central Peninsula General Hospital, Inc. to Sublease a Portion of the Facility for Oncology Services (Mayor)81
- *b. Resolution 2012-017: Approving the Memorandum of Understanding from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Conduct a Security Vulnerability Assessment (Mayor)85

[Clerk's Note: David Kang and Andrew Stephens, Alaska Department of Homeland Security and Emergency Management, will briefly describe the program and will be available for questions.] (10 minutes)

2. Ordinances

- *e. Ordinance 2012-07: Amending KPB Titles 2—Administration, 4—Elections and 16—Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Murphy) (Hearings on 04/03/12 and 04/17/12).....110

*Consent Agenda Items

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Johni Blankenship, MMC
Borough Clerk

MEMORANDUM

To: Assembly President Gary Knopp
Assembly Members

From: Shellie Saner, Deputy Borough Clerk 

Thru: Johni Blankenship, Borough Clerk 

Date: March 13, 2012

Re: Report to Assembly - Destruction of Records

In accordance with the Kenai Peninsula Borough Records Retention Schedule, approved and adopted under Resolution 2005-038, the Records Management Division of the Borough Clerk's Office disposed of certain borough records in 2011, which were subject to disposal under the schedule.

Assessing Department	24 Boxes
Finance Department	64 Boxes
Legal Department	76 Boxes
Office of Emergency Management	23 Boxes
Personnel Department	4 Boxes
Planning Department	12 Boxes

Note: A total of 9,719 lbs of paper documents were shredded and recycled in 2011. This was due to destruction of obsolete records and destruction of paper records once they have been transferred to microfilm.

The records were authorized for destruction by the respective department managers and the borough attorney, as per KPB 2.52.030(G), and AS 29.20.380(4). A complete listing of the above referenced obsolete records is available for review in the Clerk's Office.

March 13, 2012

4:30 PM

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building, Soldotna

Hal Smalley, Chair

Linda Murphy, Vice Chair

All Assembly Members

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Legislative Update via Teleconference with Legislative Delegation
2. National Association of Counties Legislative Conference Trip Report

N. UNFINISHED BUSINESS

1. Postponed Items
 - b. Resolution 2012-015 Supporting Governor Parnell's FY2013 Budget Request of \$1,813,000 for a Kenai River King Salmon Assessment Program (Johnson).....78

*Consent Agenda Items

March 13, 2012

4:45 PM

Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building, Soldotna

All Assembly Members

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Borough Clerk's Annual Review (*Executive Session may be held.*)

*Consent Agenda Items

Assembly Agenda

March 13, 2012 - 7:00 PM

Regular Meeting

Borough Assembly Chambers, Soldotna, Alaska

*Gary Knopp
Assembly President
Seat 1 - Kalifornsky
Term Expires 2012*

*Charlie Pierce
Assembly Vice President
Seat 5-Sterling/Funny
River
Term Expires 2014*

*Mako Haggerty
Assembly Member
Seat 9 - South Peninsula
Term Expires 2012*

*Brent Johnson
Assembly Member
Seat 7 - Central
Term Expires 2013*

*Sue McClure
Assembly Member
Seat 6 - East Peninsula
Term Expires 2012*

*Linda Murphy
Assembly Member
Seat 4 - Soldotna
Term Expires 2013*

*Hal Smalley
Assembly Member
Seat 2 - Kenai
Term Expires 2014*

*Bill Smith
Assembly Member
Seat 8 - Homer
Term Expires 2014*

*Ray Tauriainen
Assembly Member
Seat 3 - Nikiski
Term Expires 2013*

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. INVOCATION**
- D. ROLL CALL**
- E. COMMITTEE REPORTS**
- F. APPROVAL OF AGENDA AND CONSENT AGENDA**
(All items listed with an asterisk (*) are considered to be routine and non-controversial by the Assembly and will be approved by one motion. There will be no separate discussion of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)
- G. APPROVAL OF MINUTES**
 - *1. February 28, 2012 Regular Assembly Meeting Minutes 1
- H. COMMENDING RESOLUTIONS AND PROCLAMATIONS**
- I. PRESENTATIONS WITH PRIOR NOTICE (20 minutes total)**
 - 1. Kenai Peninsula School District Quarterly Report (10 minutes)
 - 2. South Peninsula Hospital Quarterly Report (10 minutes)
- J. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 minutes aggregate)**
- K. MAYOR'S REPORT 9**
 - 1. Assembly Requests/Responses – None.

2.	Agreements and Contracts	
a.	Authorization to Award Contract for Banking Services to First National Bank Alaska	10
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3.	Other	
a.	Letter from James Greeley, Sate Petroleum Property Assessor, Regarding Total Assessed Value of Oil and Gas Properties within the Kenai Peninsula Borough.....	18
L.	ITEMS NOT COMPLETED FROM PRIOR AGENDA – None.	
M.	PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)	
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<u>Business Name</u>	<u>Location</u>
Starvin Marvin’s Pizza	Homer, Alaska
Moose Pass Inn	Moose Pass, Alaska
AK Supperclub.com	Ninilchik, Alaska

P. PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

Q. ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 3, 2012 Regular Assembly Meeting 7:00 PM Soldotna

R. ASSEMBLY COMMENTS

S. PENDING LEGISLATION (This item lists legislation which will be addressed at a later date as noted.)

1. Resolution 2011-108: Approving a New Senior Clerk Typist Classified Position in the River Center Department (Mayor) (Referred to Policies and Procedures Committee) *TABLED 01/17/12*
2. Ordinance 2011-36: Amending KPB 14.40.155 Temporary Road Closure, to Clarify and Expand the Reasons and Procedure for Closing Borough Roads and Rights-of-Way (Mayor) (Referred to Policies and Procedures Committee) *TABLED 11/01/11*
3. Ordinance 2011-19-76: Appropriating \$35,000 from Central Emergency Service Area (CES) Capital Projects Fund Balance for a New Generator at the Funny River Station (Mayor) (Hearing on 04/03/12) (Referred to Finance Committee)
4. Ordinance 2011-19-77: Accepting and Appropriating \$106,350 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to Purchase Disaster Management Equipment, Emergency Sheltering Supplies and to Conduct CERT Training (Mayor) (Hearing on 04/03/12) (Referred to Finance Committee)
5. Ordinance 2012-05: Amending KPB Chapter 14.40 to Delete the Provisions for Seasonal Permits Which are No Longer Issued by the Road Service Area (Mayor) (Hearing on 04/03/12) (Referred to Policies and Procedures Committee)
6. Ordinance 2012-06: Amending KPB 21.18.081, 21.18.100 and 21.18.140 to Permit Certain Structures in Tidally Inundated Areas, and Conditionally Permit Certain Structures Within the Habitat Protection District and Adding Definitions (Smith, Haggerty) (Hearing on 04/03/12) (Referred to Policies and Procedures Committee)

T. INFORMATIONAL MATERIALS AND REPORTS

U. NOTICE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on April 3, 2012, at 7:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula), K201AO-FM 88.1 (East Peninsula).

Copies of agenda items are available at the Borough Clerk's Office in the Meeting Room just prior to the meeting. For further information, please call the Clerk's Office at 714-2160 or toll free within the Borough at 1-800-478-4441, Ext. 2160. Visit our website at www.borough.kenai.ak.us for copies of the agenda, meeting summaries, ordinances and resolutions.

Kenai Peninsula Borough

Assembly Meeting Minutes

February 28, 2012

Regular Meeting - Soldotna, Alaska

CALL TO ORDER

A Regular Meeting of the Kenai Peninsula Borough Assembly was held on February 28, 2012, in the Borough Assembly Chambers, Soldotna, Alaska. President Knopp called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was recited followed by the invocation given by Dr. Keith Hamilton from the Alaska Christian College. Girl Scout Olivia Brewer gave a solo performance singing the National Anthem.

There were present:

Gary Knopp, Presiding
Mako Haggerty
Brent Johnson
Sue McClure
Linda Murphy

Charlie Pierce
Hal Smalley
Bill Smith
Ray Tauriainen

comprising a quorum of the assembly.

Also in attendance were:

Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Michele Turner, Borough Clerk Assistant

COMMITTEE REPORTS

Assembly Member Smith said the Finance Committee met and discussed its agenda items.

(07:03:46)

Assembly Member McClure said the Lands Committee met and discussed its agenda items.

Assembly Member Haggerty said the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Smalley said the Legislative Committee met and discussed its agenda items.

MOTION: Smalley moved to authorize Assembly Members Hal Smalley and Linda Murphy to attend the National Association of Counties (NACo) Legislative Conference in Washington DC, March 2-8, 2012 and to discuss federal funding priorities with the Borough's congressional delegation.

MOTION PASSED: Unanimous.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

MOTION TO APPROVE AGENDA: Pierce moved for the approval of the agenda and consent agenda. (07:19:16)

President Knopp called for additions, corrections or deletions to the agenda or consent agenda.

The following items were postponed:

- Resolution 2012-012: Approving a Mutual Aid Agreement and the Initial Operational Plan Between the Anchor Point Fire and Emergency Medical Service Area (APFEMSA) and the City of Homer on Behalf of the Homer Volunteer Fire Department and Ninilchik Emergency Services (Mayor) (Referred to Policies and Procedures Committee)

[Clerk's Note: Resolution 2012-012 was postponed until March 13, 2012.]

- Resolution 2012-015: Supporting Governor Parnell's FY2013 Budget Request of \$1,813,000 for a Kenai River King Salmon Assessment Program (Johnson) (Referred to Legislative Committee)

[Clerk's Note: Resolution 2012-012 was postponed until March 13, 2012.]

Copies having been made available to the public, Borough Clerk Johni Blankenship noted by title only the items on the consent agenda.

- February 14, 2012 Regular Assembly Meeting Minutes
- Resolution 2012-013: Approving Twenty-Seven Unincorporated Communities for Participation in the State's Fiscal Year 2013 Community Revenue Sharing Program (Mayor) (Referred to Finance Committee)
- Resolution 2012-014: Modifying Certain Management Job Descriptions for Administrative Service Employees (Mayor) (Referred to Policies and Procedures Committee)
- Ordinance 2011-19-75: Accepting and Appropriating \$30,500 from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase a Portable Generator (Mayor) (Shortened Hearing on 03/13/12) (Referred to Finance Committee)

- Ordinance 2011-19-76: Appropriating \$35,000 from Central Emergency Service Area (CES) Capital Projects Fund Balance for a New Generator at the Funny River Station (Mayor) (Hearing on 04/03/12) (Referred to Finance Committee)
- Ordinance 2011-19-77: Accepting and Appropriating \$106,350 from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Purchase Disaster Management Equipment, Emergency Sheltering Supplies and to Conduct CERT Training (Mayor) (Hearing on 04/03/12) (Referred to Finance Committee)
- Ordinance 2012-05: Amending KPB Chapter 14.40 to Delete the Provisions for Seasonal Permits Which are No Longer Issued by the Road Service Area (Mayor) (Hearing on 04/03/12) (Referred to Policies and Procedures Committee)
- Ordinance 2012-06: Amending KPB 21.18.081, 21.18.100 and 21.18.140 to Permit Certain Structures in Tidally Inundated Areas, and Conditionally Permit Certain Structures Within the Habitat Protection District and Adding Definitions (Smith, Haggerty) (Hearing on 04/03/12) (Referred to Policies and Procedures Committee)
- Petition to Vacate Allview Avenue (Changed From Woodfin Avenue Resolution SN 2004-04) a 30-Foot Public Right-of-Way and the Associated 10-Foot Utility Easement Adjacent to Lots 1 Thru 9 (Lots are Subject to Replat), Dedicated by Woodfin Subdivision (Plat KN 84-179); Within Section 15, Township 5 North, Range 9 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-008; Location: On Allview Avenue in Sterling (Mayor) (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent during its regularly scheduled meeting of February 13, 2012.]

- Petition to Vacate the West 487 Feet, More or Less of Mooring Drive, a 60-Foot Public Right-of-Way Including the 50-Foot Temporary Turnaround Located at the West End of Mooring Drive and Any Associated Utility Easements Along the South Boundary of Tract A as Dedicated by Lofsdell Acres Subdivision (Plat KN 76-74), and Along the North Boundary of Tract One-B as Dedicated by Birch Hill Subdivision (Plat KN 72-65); within Section 18, Township 5 North, Range 10 West, Seward Meridian, Alaska and Within the Kenai Peninsula Borough; KPB File 2012-012; Location: On Mooring Drive, Soldotna Area (Mayor) (Referred to Lands Committee)

[Clerk's Note: The Planning Commission approved the referenced vacation by unanimous consent during its regularly scheduled meeting of February 13, 2012.]

President Knopp called for public comment.

Tim Dillon, Seldovia City Manager expressed his community's concerns regarding Ordinance 2012-06.

There being no one else who wished to speak, the public comment period was closed.

AGENDA APPROVED AS AMENDED: Unanimous.

COMMENDING RESOLUTIONS AND PROCLAMATIONS

(07:26:35)

Mayor Navarre presented a proclamation, declaring March 11 – 17, 2012 as “Girl Scout Week”, to Joyce Cox, Membership and Program Director for the Girl Scouts Alaska, Soldotna Office, accompanied by Girl Scouts from the area.

PRESENTATIONS WITH PRIOR NOTICE

(07:30:29)

Central Peninsula Hospital’s Chief Executive Officer **Rick Davis** and Central Peninsula General Hospital, Inc. Board President **Loren Weimer** presented a quarterly report for the period ending December 31, 2011.

Deb Carlson and Sandra Holsten of the Cooper Landing Walkable Community Steering Committee gave a presentation regarding the Cooper Landing Walkable Community Project.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(08:15:33)

President Knopp called for public comment with none being offered.

MAYOR’S REPORT

(08:15:53)

1. Assembly Requests/Responses - None.
2. Agreements and Contracts – None.
3. Other
 - a. Investment Portfolio Report
 - b. Budget Revisions January, 2012
 - c. Revenue-Expenditure Report January, 2012
 - d. Spruce Bark Beetle Month Status Report January, 2012

ITEMS NOT COMPLETED FROM PRIOR AGENDA - None.

PUBLIC HEARING ON ORDINANCES

(08:30:31)

Ordinance 2011-19-71: Appropriating \$35,000 to Pay for Outside Counsel to Defend the Kenai Peninsula Borough Against a Lawsuit Filed by Kahtnu Ventures, LLC Relating to the Certificates of Need for an Ambulatory Surgery Center Proposed to be Built by Kahtnu in Kenai and an Operating Room to be Built in the Central Peninsula Hospital (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-71.

President Knopp called for public comment.

The following people spoke in opposition to Ordinance 2011-19-71:

George Pierce, PO Box 80, Kasilof
Fred Sturman, 136 Riverview Avenue, Soldotna

There being no one else who wished to speak, the public comment period was closed.

MOTION: Smith moved to amend Ordinance 2011-19-71 as follows:

Fill in the blank in Section 1 to read as follows:

“That the sum of \$35,000 is hereby appropriated from the General Fund fund balance to Account No. 100.11310.00000.43011, Contract Services, to be used for costs and expenses associated with defending the Kenai Peninsula Borough in the case brought by Kahtnu Ventures, LLC against the State of Alaska, CPGH, Inc. and the Kenai Peninsula Borough.”

MOTION TO AMEND PASSED: Unanimous.

MOTION: Smith moved to amend Ordinance 2011-19-71 as follows:

The ninth whereas to read, “[SINCE FILING SUIT AGAINST THE STATE AND CPGH, INC.] Kahtnu Ventures, LLC has amended its complaint again to [MOVED THE COURT TO ALLOW IT TO AMEND THE COMPLAINT TO] sue the Kenai Peninsula Borough (“Borough”) in the pending lawsuit, and served the Borough on February 21, 2012; and

MOTION TO AMEND PASSED: Unanimous.

MOTION: Smith moved to amend Ordinance 2011-19-71 as follows:

Add a new final whereas to read, "at its meeting of February 13, 2012, the Central Kenai Peninsula Hospital Service Area Board considered this ordinance and recommended approval;"

MOTION TO AMEND PASSED: Unanimous.

Assembly Members Smalley, Murphy, Johnson and Smith spoke in support of Ordinance 2011-19-71.

Assembly Member Tauriainen spoke in opposition to Ordinance 2011-19-71.

VOTE ON MOTION TO ENACT AS AMENDED:

Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Knopp

No: Tauriainen

Absent: None

MOTION TO ENACT PASSED AS AMENDED: 8 Yes, 1 No, 0 Absent

(08:51:20)

Ordinance 2011-19-74: Appropriating \$690,907 in the Borough's School Revenue Capital Projects Fund for Improvements to School Facilities (Mayor) (Referred to Finance Committee)

MOTION: Smith moved to enact Ordinance 2011-19-74.

President Knopp called for public comment with none being offered.

VOTE ON MOTION TO ENACT:

Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp

No: None

Absent: None

MOTION TO ENACT PASSED: 9 Yes, 0 No, 0 Absent

UNFINISHED BUSINESS – None.

NEW BUSINESS – None.

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

(08:53:22)

President Knopp called for public comment with none being offered.

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

(08:53:39)

The next meeting of the Kenai Peninsula Borough Assembly was scheduled for March 13, 2012, at 7:00 p.m. in the Borough Assembly Chambers, Soldotna, Alaska.

ASSEMBLY COMMENTS

(08:53:50)

Assembly Member Haggerty welcomed the Borough Clerk back and commended her for leaving them in capable hands with her Deputy Clerk. He thanked Tim Dillon for attending the meeting and voicing his community's concerns regarding Ordinance 2012-06. He also discussed the insidious and chronic problem of junk vehicles around the borough. He applauded the administration for taking the lead on addressing this issue.

Assembly Member Johnson congratulated Girl Scout Olivia Brewer on a fabulous job singing the National Anthem, as well as congratulated Dusty VanMeter and Marc McKenna for winning the 2012 Iron Dog snowmachine race.

Assembly Member McClure thanked Deb Carlson & Sandra Holsten of Cooper Landing for their presentation and Girl Scout Olivia Brewer for singing the National Anthem. She also mentioned that Seward was hosting National Ocean Sciences Bowl state competition March 2 – 4, 2012 and extended good luck to all participating students.

Assembly Member Tauriainen also discussed the problem of junk vehicles and stated Niksiki Community Council uses part of their community revenue sharing money to remove junk vehicles.

Assembly Member Smith thanked the Girl Scouts for bringing cookies.

Assembly Member Murphy thanked Girl Scout Olivia Brewer for singing the National Anthem and the Girl Scouts for bringing cookies. She wished everyone a happy end of February.

Assembly Member Smalley stated the beautiful voice of Girl Scout Olivia Brewer was fantastic. He welcomed the Borough Clerk back and commended her Deputy and Assistant for doing an excellent job in her absence. He thanked Central Peninsula Hospital for their quarterly report and the Cooper Landing Steering Committee for presenting their Walkable Community Project status update.

Assembly Member Pierce thanked the Mayor for his comments regarding Ordinance 2011-19-71 and keeping the record accurate. He discussed the 4.6% cost of living increase that will be imposed during the next FY2013 budget cycle. He also discussed how the oil pipeline was one of our state's greatest assets and hoped that legislators in Juneau would take the necessary steps to move the state forward in this regard. He asked the Mayor to relay this message to legislators during his next trip to Juneau.

President Knopp urged parents to be careful of letting their children play on the snow banks. He announced he planned to call a work session before the next assembly meeting on March 13, 2012 regarding hospital and health care issues.

ADJOURNMENT

With no further business to come before the assembly, President Knopp adjourned the meeting at 9:07 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of March 13, 2012.

Johni Blankenship, MMC, Borough Clerk

Approved by Assembly: _____



KENAI PENINSULA BOROUGH

144 North Binkley St. Soldotna, Alaska 99669-7520

Toll-Free within the Borough 1-800-478-4441

Phone 907-714-2150 • Fax 907-714-2377

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

MAYOR'S REPORT TO THE ASSEMBLY

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Mike Navarre, Kenai Peninsula Borough Mayor *P.O. for M.N.*

DATE: March 13, 2012

Assembly Requests/ Response

None

Agreements and Contracts

- a. Authorization to Award Contract for Banking Services to First National Bank Alaska
- b. Multispectral Imagery and Professional Services, Scope of Work Modification for Aero Metric Inc.

Other

- a. Letter from James Greeley, State Petroleum Property Assessor, regarding total assessed value of oil & gas properties within the Kenai Peninsula Borough



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 144 North Binkley Street • Soldotna, Alaska 99669-7520
 Toll-free within the Borough: 1-800-478-4441, Ext. 2260
 www.borough.kenai.ak.us

**MIKE NAVARRE
 BOROUGH MAYOR**

MEMORANDUM

TO: Mike Navarre, Mayor
THRU: Mark Fowler, Purchasing & Contracting Officer *[Signature]*
FROM: Craig Chapman, Finance Director *C Chapman*
DATE: February 13, 2012
SUBJECT: Authorization to Award Contract for Banking Services

The Purchasing and Contracting Office formally solicited and received proposals for banking services. Proposal packets were released on December 5, 2011 and the Request for Proposal was advertised in the Peninsula Clarion on December 5, 2011.

The services consists of general banking services for the Kenai Peninsula Borough and Kenai Peninsula Borough School District

On the due date of January 12, 2012 three (3) proposals were received and ranked by a review committee as follows:

<u>FIRM</u>	<u>Ranking</u>
First National Bank Alaska	1
KeyBank N.A.	2
Wells Fargo Bank N.A.	3

The highest ranking proposal, which includes a cost factor, was submitted by First National Bank Alaska with a cost of \$21,911. The proposal review committee recommends award of a contract to First National Bank Alaska. Your approval for this award is hereby requested.

Funding for this service is in account number 100.00000.00000.37350.

[Signature]

 Mike Navarre, Mayor

2/22/12

 Date

FINANCE DEPARTMENT FUNDS VERIFIED	
ACT # <u>100.00000.00000.37350</u>	
BY: <i>[Signature]</i>	DATE: <u>2/21/12</u>



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 144 North Binkley Street • Soldotna, Alaska 99669-7520
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**MIKE NAVARRE
 BOROUGH MAYOR**

MEMORANDUM

TO: Mike Navarre, Mayor

THRU: Mark Fowler, Purchasing & Contracting Officer
 Max Best, Director – Planning Director

FROM: Tom Dearlove, Coastal Management Program Coordinator

DATE: February 21, 2012

SUBJECT: Multispectral Imagery and Professional Services – Scope of Work Modification

Attached is a revised cost proposal and scope of work for the above referenced project. Because of the competitive cost proposal received it was determined that it would be in the best interest of the Borough to obtain additional imagery. The additional imagery will assist the River Center in complying with anadromous stream legislation. Additionally, the added areas will assist Land Management, Office of Emergency Management, Assessing, and Planning along with utility companies, native organizations, and state and federal agencies in the management, restoration, and enhancement of the overall quality of the coastal environment.

KPB Ordinance 2010-19-48 accepted and appropriated \$499,272 from the U.S. Department of Interior through the Coastal Impact Assistance Program for aerial photography.

The original scope of work was awarded on January 4th in the amount of \$162,279.00 to Aero Metric Inc. A modified cost proposal, including the additional imagery, has been provided with a total lump sum cost of \$367,350.00.

The additional scope of work has been reviewed and approved by the granting agency. We are now requesting your approval. Funding for this project is in account number 271.21135.11124.43011.

Paul Oster for M.N.
 Mike Navarre, Mayor

3/3/12
 Date

FINANCE DEPARTMENT
 FUNDS VERIFIED

ACT #271.21135.11124.43011 - \$367,350.00

BY: *CBW* DATE: *3/1/12*

C Chapman

RECEIVED

MAR 01 2012

KPB
 FINANCE ADMINISTRATION



Geospatial Solutions

2014 Marrill Field Drive
Anchorage, Alaska 99501
P: 907-272-4495
F: 907-274-3265
www.aerometric.com



February 6, 2012

Mark Fowler
Purchasing & Contracting Officer
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

Project: E611-812 | Kenai Peninsula Borough Multispectral Imagery

Dear Mark Fowler:

We are pleased to respond to your request for supplemental proposal regarding the above referenced project. This proposal describes our understanding of the scope of work and services your project requires.

Summary of Work

For this project, we will utilize one of our Z/I Imaging Digital Mapping Cameras (DMC) to acquire digital imagery at a nominal scale of 1:70,000. The photography will be captured digitally as 12-bit data and resampled into 8-bit tiff files.

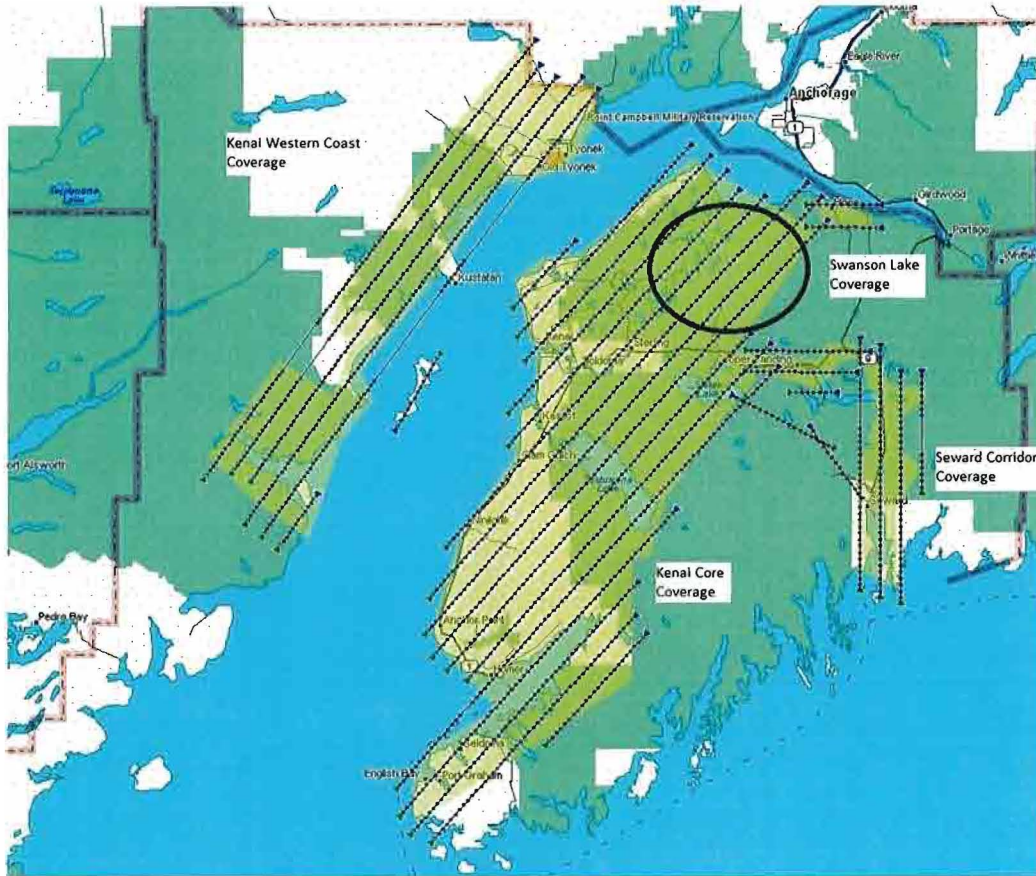
From this aerial photography, we will produce the following:

Digital orthoimagery intended for viewing with a pixel size of .84 meter/pixel



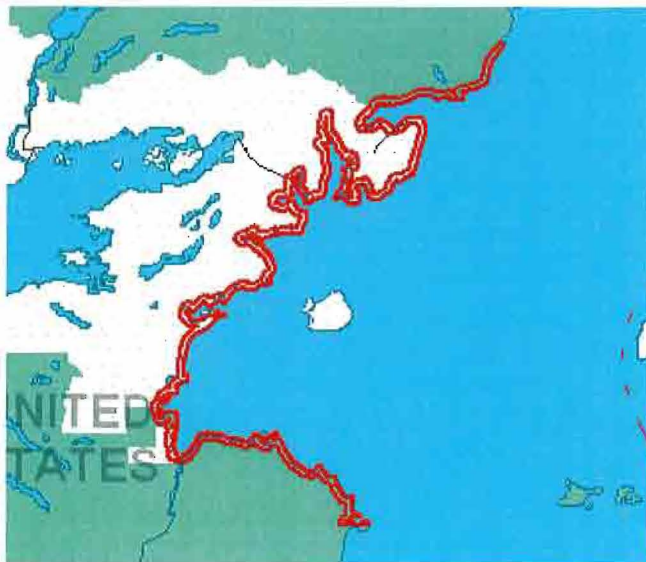
Revised Project Area

Incorporating priority areas 1, 2, and a portion of the Coastal Management area as described in the RFP



Revised Proposal = 6,510 Sq. Miles

Southwest coastline





Railroad corridor



Seward Hwy Corridor



Area coverage by square miles

Kenai Core Coverage = 3,650 sq. Miles

Seward Corridor Coverage = 690 sq. Miles

Kenai Western Coast Coverage = 1,750 sq. Miles

Southwest coastline Coverage = 270 sq. Miles

Railroad corridor Coverage = 50 sq. Miles

Seward Hwy Corridor Coverage = 100 sq. Miles

Kenai Western coast will need a photogrammetric elevation model created in order to orthorectify the imagery. This additional effort is reflected in the production cost of this area.

Total area in square miles equals = 6,510

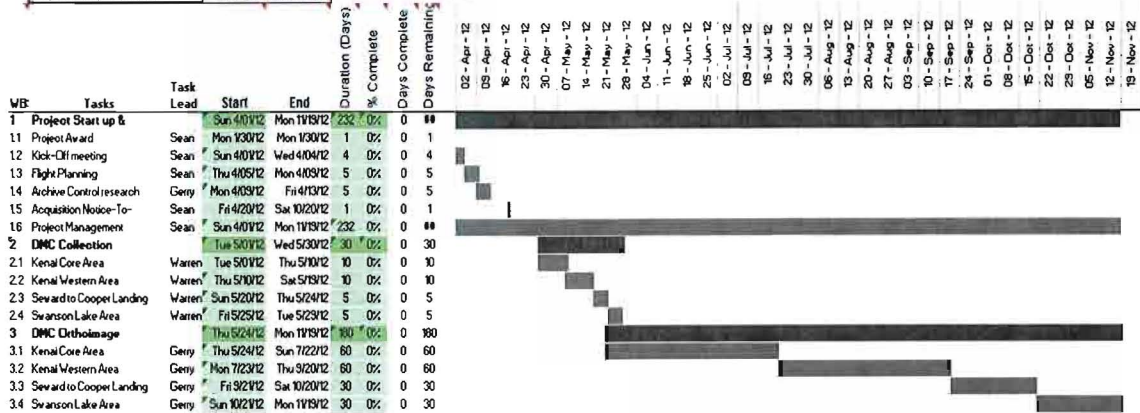
We can and will provide digital boundary file offering our exact orthoimagery coverage as we move closer to an agreement on coverage and cost.



Schedule

Kenai Multispectral Imagery Project
 Aero-Metric
 Project Manager: Sean Bolender

Project Start Date:	4/1/2012 (Sunday)
Project Completion Date:	11/19/2012 (Monday)



Digital Imagery Acquisition Schedule

We will acquire the DMC imagery for this project, including airborne GPS control, after notice-to-proceed and as ground and weather conditions permit. Collection period will occur when there is no snow below 1,000ft. elevation, leaf off, and minimum shadows.

We are committed to obtaining high quality DMC imagery for you within the allowable window of opportunity. We have designed your project with appropriate parameters for maximum flight safety and efficiency. We will be responsible for monitoring and selecting suitable weather to complete the DMC imagery acquisition for the project, and will take all reasonable steps to acquire the imagery for you in a timely manner. There are a number of considerations that affect our mobilization decisions including but not limited to weather, sun-angle, ground conditions, and leaf conditions. Therefore, please provide us with a notice-to-proceed or signed contract for DMC imagery acquisition as early as possible.

Digital Imagery Production Schedule

We expect production for this project, including aerotriangulation and related tasks, to be complete within one hundred and eighty working days after successful DMC imagery acquisition. Anticipated project completion date is November 19, 2012

Deliverables

During the course of the project or upon completion, we will deliver the following items to Kenai Peninsula Borough:

- Natural color mosaic in 8-bit GeoTiff format
- Digital 4 band orthophoto raster image files in GeoTIFF with associated world files, NAD 83, AK State Plane Zone 4 feet
- FGDC compliant metadata

All digital files will be delivered on external hard drive, with USB 2.0 or better, connector.

Cost and Payment Terms

Compensation for the above services will be broken down to lump sum fees for the following services:

Service	Cost
Kenai Core Coverage	\$182,500.00
Seward Corridor Coverage	\$34,500.00
Southwest Coastline Coverage	\$17,550.00
Southwest Coastline Collection Mobilization	\$9,300.00
Kenai Western Coast Coverage	\$113,750.00
Railroad Corridor Coverage	\$3,250.00
Seward Hwy Corridor Coverage	\$6,500.00
Total	\$367,350.00

AeroMetric will, at a minimum, submit monthly invoices for the percentage or work completed during the billing period. Payments are due within 30 days of invoice date. Past due balances will be subject to a service charge at the rate of 1.5% per month. Unless Client provides AeroMetric with a written statement of any objections to the invoice within 15 calendar days from the date of invoice, Client shall be deemed to accept the invoice as submitted.

Client Responsibilities

The successful and timely completion of this project is dependent upon a number of elements and work tasks, some of which involve participation by Kenai Peninsula Borough. You will be responsible for designating a representative for the project who will have the authority to transmit instructions, receive information, and make timely decisions with respect to the services provided by AeroMetric.

AeroMetric Representative

Sean Bolender and Sean Bolender, Project Manager, will represent us during the performance of the services to be provided under this agreement. Each has the authority to transmit and receive instructions and make decisions with respect to the services. Sean Bolender is authorized to commit the necessary resources towards completing the services described herein.

We look forward to working with you and your staff to complete this project in a timely and cost-effective manner. Should you have any questions, please call me at 907-272-4495 or email me at the address shown below.

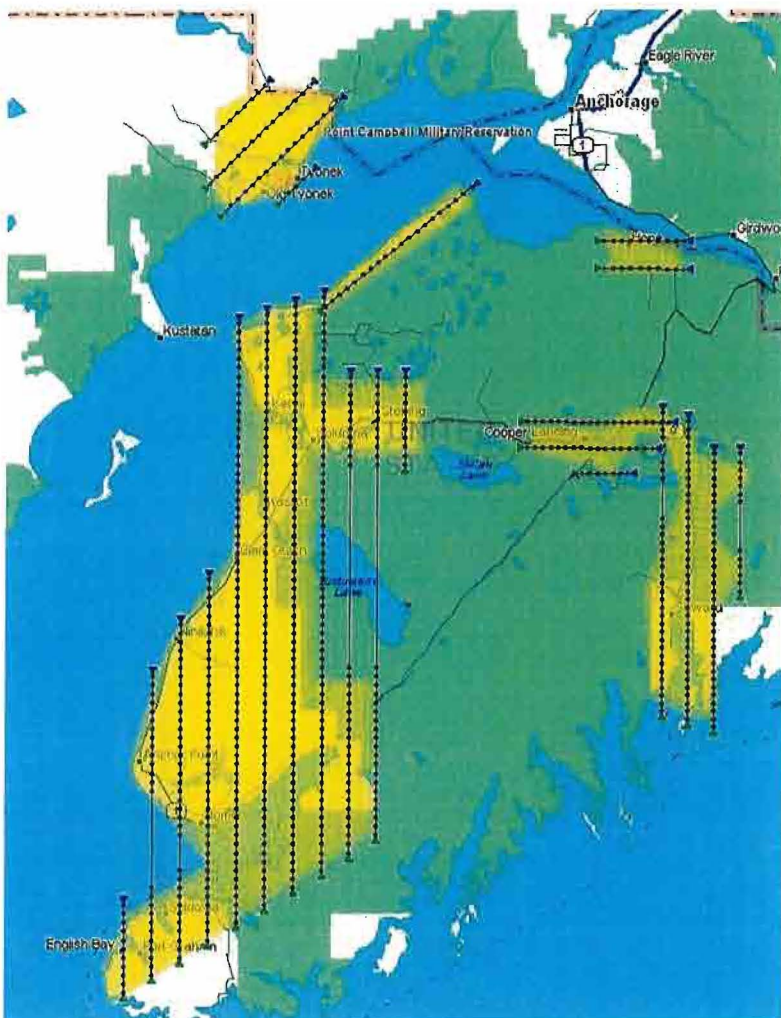
Sincerely,



Sean Bolender
Project Manager
sbolender@aerometric.com



Our proposed imagery collection plan is shown below:



Original proposal
3,178 square miles

Proposed Imagery Collection Plan

Spectral Resolution

The 4 spectral bands (R, G, B, IR) and 1 panchromatic band of the DMC multi-spectral sensor will permit the capture of reflectance data that may be used to generate natural color, color infrared, and panchromatic aerial imagery.

The spectral sensitivity of each of the DMC bands is well-suited to provide imagery that is easily interpretable by analysts familiar with any of the standard aerial film types or satellite multispectral platforms.

Radiometric Resolution

The DMC sensor collects each of its 5 bands in 12-bit (212 or 4,096) pixel depth. Since each band of imagery has a far wider available dynamic range than scanned aerial photograph data, far more



STATE OF ALASKA

DEPARTMENT OF REVENUE

Tax Division

Sean Parnell, Governor

□ State Office Building
PO Box 110420
Juneau, AK 99811-0420
907.465.2320

✱ 550 W 7th Ave Suite 500
Anchorage, AK 99501-3555
907.269.6620

www.tax.state.ak.us

February 28, 2012

The Honorable Mike Navarre
Mayor, Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669

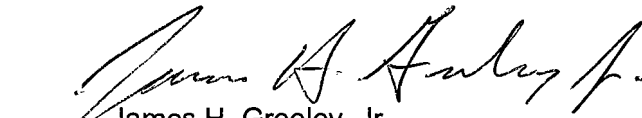
Dear Mayor Navarre,

I have mailed to your Assessor a copy of the preliminary 2012 Assessment Roll for oil and gas properties located within the Kenai Peninsula Borough, taxable under AS 43.56.

The total assessed value is \$ 811,279,730.

The value is subject to change under the provisions of AS 43.56.110 (appeal to the Department) and AS 43.56.120 (appeal to the State Assessment Review Board).

Sincerely,



James H. Greeley, Jr.
State Petroleum Property Assessor

cc: Tom Anderson, Assessor



Introduced by: Mayor
Date: 02/14/12
Hearing: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-68**

**AN ORDINANCE APPROPRIATING SUPPLEMENTAL FUNDING OF \$29,750 FOR
THE PURCHASE OF LIMITED LIABILITY REPORTS**

1 **WHEREAS**, the borough is required to order limited liability reports in order to comply with
2 part of the foreclosure process requiring notification to all holders of mortgages or
3 other liens of record on the property in accordance with Alaska Statute 29.45.440;
4 and

5 **WHEREAS**, \$20,000 was budgeted in the finance department's property tax and collection
6 department FY2012 budget for these reports; and

7 **WHEREAS**, the estimated cost of acquiring these reports is now \$49,750; and

8 **WHEREAS**, a supplemental appropriation is needed to provide the additional funding
9 necessary to acquire these reports;

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

12 **SECTION 1.** That \$29,750 is appropriated from the borough's General Fund, fund balance to
13 account 100.11440.00000.43932, litigation reports, for additional funding
14 necessary to acquire litigation reports.

15 **SECTION 2.** That this ordinance shall take effect immediately upon its enactment.

1 ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
2 DAY OF * 2012.

Gary Knopp, Assembly President

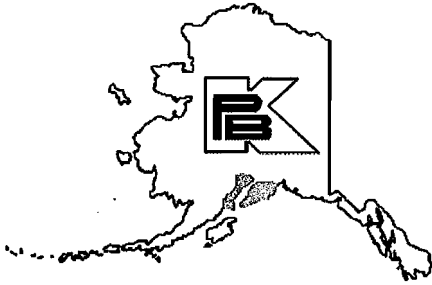
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • FAX: (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Craig Chapman, Director of Finance *C Chapman*

DATE: February 2, 2012

SUBJECT: Ordinance 2011-19-68, appropriating \$29,750 in supplemental funding for limited liability reports

Per Alaska statute 29.45.440, each year prior to the expiration of redemption on foreclosed properties with an assessed value over \$10,000 the borough is required to notify all holders of mortgages or other liens of record on the property. A limited liability report is required to determine all holders of mortgages or other liens of record.

The borough's current contract for these reports expired December 31, 2011. The price of these reports was previously \$150 for the Seward recording district and \$84 for all other recording districts.

The borough issued an Invitation to Bid in November 2011 for these services for the period January 1, 2012 to December 31, 2014. There was only one response received. The only responsive bid price for these reports in all jurisdictions is \$199; an increase of 33 percent in the Seward recording district and approximately 135 percent for all other recording districts.

Due to the substantial increase in the price of these reports there is insufficient funding available to order the reports that will be needed in FY2012. In a normal year, the borough orders approximately 250 reports. With the new rate, this equates to a cost of \$49,750. The amount budgeted for FY2012 was \$20,000, a difference of \$29,750.

A supplemental appropriation is being requested to provide the funding necessary to order these reports.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>100.27900 F-B</u>
Amount	<u>\$29,750-</u>
By:	<u>CBW</u> Date: <u>2/1/12</u>

Introduced by: Mayor
Date: 02/14/12
Hearing: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-70**

**AN ORDINANCE APPROPRIATING \$200,000 TO HIRE A CONSULTANT TO ASSIST
THE BOROUGH IN DETERMINING THE COURSE OF ACTION TO PURSUE
REGARDING CURTAILING HEALTH CARE COSTS**

1 **WHEREAS**, beginning in June, 2011 the borough administration began meeting with
2 representatives from the school district, the cities, Central Peninsula Hospital and
3 South Peninsula Hospital to identify each entity's current health care costs and
4 explore alternatives that may be available to reduce these costs for the participants
5 and potentially other groups in the Kenai Peninsula; and

6 **WHEREAS**, one option being explored by this group is forming a health care coalition which
7 the entities may join as members, that would negotiate with providers using the
8 increased numbers of employees as leverage to negotiate better health care rates;
9 and

10 **WHEREAS**, the borough spends in excess of \$18,660 per employee and the school district
11 spends approximately \$17,436 per employee per year for health care; and

12 **WHEREAS**, the rising cost of health care is also driving up the cost of Public Employees
13 Retirement System (PERS), the Teachers Retirement System (TRS), and costs
14 incurred in the private sector; and

15 **WHEREAS**, as the owner of two hospitals the borough is also keenly interested in tracking
16 changes in the healthcare industry from the provider's perspective and in
17 anticipating changes needed to prepare for national health care reform measures;
18 and

1 **WHEREAS,** establishing one or more mechanisms for reducing health care costs for all Kenai
2 Peninsula Borough residents would be a significant benefit for all; and

3 **WHEREAS,** the field is complex and dynamic, and independent expertise is needed by the
4 borough to help it identify potential options to reduce health care costs and take
5 steps to implement selected options; and

6 **WHEREAS,** it is anticipated that expertise will be needed in several areas, including
7 knowledge of legal changes in the health care industry for providers and patients,
8 programs that have been tried or considered throughout the nation, preferred
9 mechanisms for implementation and financing preferred options, and other areas
10 in the health care and insurance industries; and

11 **WHEREAS,** considering that potentially millions of dollars per year are at stake it is in the best
12 interest of the borough and its residents to appropriate funds to retain expert
13 assistance in attempting to reduce health care costs and prepare for upcoming
14 legal changes;

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

17 **SECTION 1.** The sum of \$200,000 is hereby appropriated from the General Fund fund balance
18 to account no. 100.94910.12HCC.43011, contract services, to be used for the
19 purpose of hiring one or more independent consultants to assist the borough and
20 the health care working group to advise the working group, research, and evaluate
21 options available for reducing health care costs for these entities and their
22 employees, and potentially assist in implementing one or more of the options
23 subject to assembly approval.

24 **SECTION 2.** This appropriation is project length in nature and does not lapse at the end of any
25 fiscal year.

1 **SECTION 3.** That this ordinance takes effect immediately upon its enactment.

2 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
3 **DAY OF * 2012.**

Gary Knopp, Assembly President

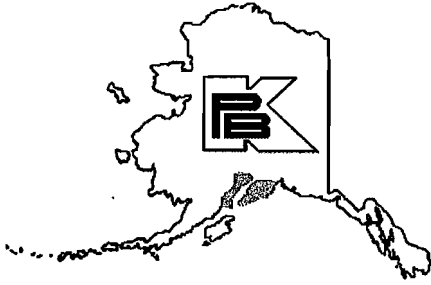
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • **FAX:** (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Mike Navarre, Mayor *MN*

DATE: February 2, 2012

SUBJECT: Ordinance 2011-19-10, appropriating \$200,000 to hire consultants to assist the borough in determining the course of action to pursue regarding curtailing health care costs

The cost of health care has risen dramatically within the last 11 years. Currently the borough spends in excess of \$18,660 per employee for health care as compared to \$6,055 in FY2000. The school district currently spends approximately \$17,436 per employee on an annual basis for health care and these expenses are anticipated to continue increasing. The combined cost of health care for employees of the KPB and KPBSD is in excess of \$23 million annually. Additionally, the rising cost of health care is increasing the borough and school district's liability for PERS and TRS as a result of the unanticipated escalation of health care costs in those systems. The private sector is similarly faced with dramatically increased health care costs that show no sign of declining.

In June 2011, the former borough administration began holding meetings with representatives from the school district, Central Peninsula Hospital, South Peninsula Hospital, and the cities of Kenai, Homer, Soldotna and Seward to consider what options may be available to reduce healthcare costs. My administration is continuing this important project. Independent expertise is now needed to assist the group in identifying potential mechanisms for reducing health care costs as well as identifying and comparing options and strategies to consider in addressing the rapid changes in national health care laws.

These funds are requested to hire outside experts in the health care and health insurance fields to assist in identifying and potentially implementing mechanisms to achieve these goals.

Another benefit of this appropriation is the ability to monitor the ever changing health care landscape with the goal of identifying opportunities and strategies to reduce health care costs to all KPB residents.

A study by the University of Alaska, Institute of Social and Economic Research included the following information on health care costs in Alaska:

- *Health-care spending for Alaskans reached about \$7.5 billion in 2010. For comparison, that's close to half the wellhead value of all the oil produced in Alaska that year. It's also roughly equal to half the wages Alaskans collected in 2010.*
- *The state's health-care spending has been rising fast, tripling since 1990 and jumping 40% just between 2005 and 2010—and at current trends it could double by 2020, reaching more than \$14 billion.*

I believe health care and associated issues are the biggest set of challenges facing our nation and our communities. We simply do not have adequate resources or expertise in house to address the many issues and changes in health care. We have a responsibility to face these coming challenges and to attempt to find the best solutions.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>100,27900 FB</u>
Amount	<u>\$200,000.00</u>
By:	<u>C. B. W.</u> Date: <u>2/2/12</u>
	<u>C. Chap</u>

Introduced by: Mayor
Date: 02/14/12
Hearing: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-72**

**AN ORDINANCE APPROPRIATING \$4,700,000 FOR THE PURPOSE OF
CONSTRUCTING A RADIATION ONCOLOGY FACILITY AT CENTRAL
PENINSULA HOSPITAL**

1 **WHEREAS,** cancer is one of the leading causes of death in the State of Alaska and the Kenai
2 Peninsula Borough; and

3 **WHEREAS,** in Community Health Needs Assessments that were conducted in 2004 and 2009,
4 Central Kenai Peninsula Hospital Service Area (CKPHSA) residents identified
5 additional cancer care services as the number one priority of service area
6 residents; and

7 **WHEREAS,** radiation oncology medical services are currently not available within the service
8 area; and

9 **WHEREAS,** the administration of Central Peninsula Hospital (CPH) has been in discussions
10 with radiation oncology physicians in Anchorage regarding the construction of a
11 radiation oncology facility at Central Peninsula Hospital; and

12 **WHEREAS,** with construction of this facility, service area residents would no longer be
13 required to travel outside of the borough for radiation oncology medical services
14 necessary to the treatment of cancer; and

15 **WHEREAS,** the estimated cost is \$4,700,000, would be built on the hospital's campus, and
16 funding would come from the CPH Plant Replacement and Expansion Fund; and

1 **WHEREAS**, constructing the radiation oncology facility on the hospital’s campus not only
2 allows for easy access to infusion services which are often required during a
3 radiation treatment regime to replace fluids and push medications that combat the
4 side effects of radiation, but also provide a close proximity to ancillary services
5 such as imaging, pathology, and laboratory that are often utilized for cancer
6 treatment; and

7 **WHEREAS**, additional benefits include communication and coordination among treatment
8 providers and the ability to treat radiation oncology inpatients without
9 transporting them by ambulance to another facility; and

10 **WHEREAS**, the CPGH, Inc. Board of Directors at its January 26, 2012, board meeting
11 approved the use of \$4,700,000 from the CPH Plant Replacement and Expansion
12 Fund for this facility subject to approval by the Borough Assembly after
13 consideration by the CKPHSA Board; and

14 **WHEREAS**, the CKPHSA Board, at its _____ meeting considered the hospital’s
15 request for construction of a radiation oncology facility on the hospital’s campus
16 and recommended _____;

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

19 **SECTION 1.** That \$4,700,000 in CPH Plant Replacement and Expansion funds are appropriated
20 to 401.81111.12ONC.49999 for construction of a radiation oncology facility.

21 **SECTION 2.** That this ordinance is takes effect immediately upon its enactment.

1 ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
2 DAY OF * 2012.

Gary Knopp, Assembly President

ATTEST:

Johi Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Craig Chapman, Director of Finance *C Chapman*

DATE: February 2, 2012

SUBJECT: Ordinance 2011-19-72, appropriating \$4,700,000 for the purpose of constructing a radiation oncology facility at Central Peninsula Hospital

In Community Health Needs Assessments that were conducted in 2004 and 2009, Central Kenai Peninsula Hospital Service Area residents identified additional cancer care services as the number one priority of service area residents.

Cancer is one of the leading causes of death in the State of Alaska and the Kenai Peninsula Borough and radiation oncology medical services are currently not available within the service area. Currently borough residents must go to Anchorage or other locations for radiation oncology medical services.

For the past year, the administration of Central Peninsula Hospital (CPH) has been in discussions with radiation oncology physicians in Anchorage regarding the construction of a radiation oncology facility at Central Peninsula Hospital, and to determine who would be interested in operating the facility. With construction of this facility, service area residents would no longer be required to travel outside of the borough for radiation oncology medical services necessary to the treatment of cancer.

CPH is proposing that a radiation oncology facility be built on the hospital's campus. The estimated cost is \$4,700,000 and would be paid for from the CPH Plant Replacement and Expansion Fund. This facility would then be leased to a private physicians group that would install the necessary equipment and operate the radiation oncology facility.

Constructing the radiation oncology facility on the hospital's campus not only allows for easy access to already existing infusion services, which are often required during a radiation treatment regime to replace fluids and push medications that combat the side effects of radiation, but also provides close proximity to ancillary services such as imaging, pathology, and laboratory that are often utilized for cancer treatment. Additional benefits of communication and coordination among treatment providers and the ability to treat radiation oncology inpatients without

transporting them by ambulance to another facility will also serve patient needs. Currently all of the radiology oncology centers in the State of Alaska are located on a hospital campus.

The CPH proposed radiation oncology facility requires that CPH successfully negotiate a lease agreement with a qualified radiation and oncology group to operate the facility on campus. If CPH is unable to successfully negotiate with a qualified radiation and oncology group for the leasing of this facility; or, if private physician group remains committed to constructing a facility off campus, this ordinance will not be necessary. However, in order to meet a construction timeline for the upcoming building season and to provide for public notice and hearing requirements, this ordinance is being introduced while discussions continue about the best approach for moving forward on this needed service.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>490.20602</u>	
Amount <u>\$4,700,000.00</u>	
By: <u>CBW</u>	Date: <u>2/2/12</u>

Introduced by: Mayor
Date: 02/14/12
Hearing: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-73**

**AN ORDINANCE APPROPRIATING \$569,292 FROM THE EQUIPMENT
REPLACEMENT FUND FOR THE PURCHASE OF NEW SALES TAX SOFTWARE**

- 1 **WHEREAS**, the Borough’s current sales tax software is in need of an upgrade; and
- 2 **WHEREAS**, the estimated cost of the upgrade is approximately \$368,000, not including the
3 borough’s internal cost of implementing; and
- 4 **WHEREAS**, the estimated cost of the software maintenance agreement for the Borough’s
5 current sales tax software for next five years is \$548,375; and
- 6 **WHEREAS**, the Borough’s Finance and IT Departments looked at other options available in
7 lieu of the upgrade; and
- 8 **WHEREAS**, other options included doing nothing and selecting new software; and
- 9 **WHEREAS**, it is the recommendation of the Borough’s Finance and IT Departments that
10 formal bidding procedures be waived pursuant to KPB 5.28.300 and that new
11 sales tax software be acquired from MS Govern at a cost of \$664,460; and
- 12 **WHEREAS**, the total cost of the project is estimated to be \$800,000 of which \$230,708 has
13 previously been appropriated; and
- 14 **WHEREAS**, an appropriation from the Borough’s Equipment Replacement Fund for \$569,292
15 is needed to supplement the unused funds from the prior appropriation; and
- 16 **WHEREAS**, the cost of the project will be charged to the General Fund over a seven year time
17 period;

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

3 **SECTION 1.** That \$569,292 is appropriated in the Borough Equipment Replacement Fund to
4 account no. 705.18420 to supplement funds that have been previously
5 appropriated, for acquiring new sales tax software.

6
7 **SECTION 2.** The mayor is authorized to enter into an agreement with MS Govern for the
8 purchase of its Self Reporting Tax software module for an amount not to exceed
9 \$664,460.

10 **SECTION 3.** That this ordinance shall take effect immediately upon its enactment.

11 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
12 **DAY OF * 2012.**

Gary Knopp, Assembly President

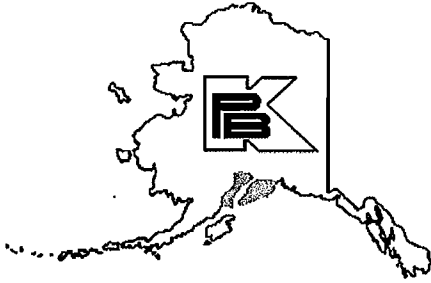
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Craig Chapman, Director of Finance *CChapman*
Ben Hanson, Director of Information Technology *BH*
Mark Fowler, Purchasing and Contracting Director *MF*

DATE: February 2, 2012

SUBJECT: Ordinance 2011-19-13, appropriating \$519,292 from the Equipment Replacement Fund for the purchase of new sales tax software

The borough's current sales tax software, Tax Mantra, was installed in 2006 and is in need of an upgrade to stay current with technology. Prior to moving forward with a fund request for the upgrade, the Finance and IT departments reviewed the current sales tax software to determine if the needs of the borough were being met. Below is a summary of some of the issues that were noted with our current software:

- The current operating platform is Windows XP using Office 2003. Microsoft ended support for Windows XP in April 2009. Tax Mantra has indicated it will not be upgrading to the Windows 7 or newer Windows platform. When new computers are purchased they come loaded with Windows 7. When borough sales tax staff receives a replacement computer, the borough's IT department must load Windows XP on to the machines in order to operate Tax Mantra.
- Tax Mantra will upgrade a new web based version of its software. The cost to the borough for this upgrade is \$368,000 and would take approximately seven months.
- Data for Tax Mantra is currently stored on a database server using Microsoft SQL 2003. Other borough data have been moved forward to SQL Server 2005, 2008 and will soon be moved to the 2010 platform. An unsupported platform means that if there is a system failure we cannot go back to the provider/manufacturer and insist on a fix (without incurring substantial cost).
- In 2011, the borough was notified that our current software maintenance agreement would increase from \$57,306 per year to \$95,357 per year with annual increases thereafter of 7%, resulting in annual maintenance cost for the next five years as follows:

2012, \$95,357; 2013, \$102,032; 2014, \$109,175; 2015, \$116,817; 2016, \$124,994. The 2012 fee represents a 66% increase from 2011.

- System defects identified by users and reported to Tax Mantra are not immediately addressed. Standard corrective measure is that the fix will be presented in a future release. No timeline or anticipated arrival date of the new release is provided by Tax Mantra. Users have to pursue and push for a date to be given for the new release.
- Tax Mantra's support center is based in India. With its location and corresponding time zone, fixes typically take at least two days and sometimes as long as a week depending on the complexity of the issue. This delay can cause work to not be processed as timely as we would like. A problem with one account can hold up an entire batch until the problem is corrected.
- The Tax Mantra website is not always operable or available, creating additional delays in reporting outstanding issues.
- Language. This is a big issue when we are relaying a problem to their staff. Their understanding or comprehension of what we are saying is not the same as our staff intends. Conversely when they present something to us, we have difficulties figuring out what they are really saying or trying to convey. This results in numerous errors due to misunderstandings.
- Lack of flexibility as all changes to the software must be done by Tax Mantra. When the City of Seward made a change to its sales tax code in 2007 regarding the sales tax cap, the borough incurred cost in excess of \$83,000 to make this change.

Because of the lack of flexibility, the increased cost of the maintenance agreement, and the outdated operating platform and associated cost to upgrade, the borough's finance and IT departments made a decision to look at other options regarding the borough's sales tax software.

These options included:

1. Do nothing. The impact to the borough is that Tax Mantra has indicated they will stop supporting this software in the near future; therefore, if an issue is encountered, the borough will not have the ability to fix the problem.
2. Update to the web version of Tax Mantra. The cost of this upgrade is approximately \$368,000. As indicated previously, the annual maintenance to Tax Mantra for the next five years will total approximately \$548,375. The total cost for the update and maintenance for the first five years of the purchase would be approximately \$916,375. The borough would still have the following issues with Tax Mantra:
 - a. Conversion fees to upgrade to new system platforms as they are developed
 - b. High maintenance cost
 - c. Response time
 - d. Language issues

3. Select new software. There is a limited number of vendors who offer sales tax software, including Oracle, Manatron, and MS Govern. The cost of new software from one of these vendors would be in the \$500,000 to \$1,500,000 range. If the borough were to acquire new sales tax software, a product should be purchased that would interface with current financial software. Both Manatron and MS Govern are current suppliers of software to the borough; Manatron for assessing/property tax collections and MS Govern for financials including payroll, HR, and accounts payable. Summaries of Manatron and MS Govern are as follows:

Manatron Summary

The borough's relationship with Manatron did not start out smoothly but has greatly improved. Problems are resolved timely and the borough in the past has not had to pay for platform upgrades. The annual maintenance agreement of \$153,721 is high when compared to the cost of other software maintenance agreements of the borough. Manatron recently integrated a company into its software that has sales tax reporting capabilities; they currently have one customer using this sales tax software.

MS Govern

The borough has been using MS Govern software since 1999. They keep up with the latest system platform at no cost to the borough. They have good response and the borough has a good working relationship with them. Their Self Reporting Tax module ("SRT"), which they recently acquired and integrated into their software, is web enabled and allows the user to make program changes as needed. This software would integrate into the borough's current financial software. There are currently five customers using this software. The borough contacted one of the customers; they were extremely happy with the product.

The borough recently sat in on a demo for the SRT software and noted the following:

- Screens are completely user configurable allowing for staff to modify data elements; for example, user interface, new screens, modification of current screens, and add/remove command buttons allowing for more timely information for users, customers and decision makers.
- Customers have the ability to manage their account information, filings, payment securely from the web.
- Integration into the MS Govern software.

Based upon the demo, the borough requested MS Govern provide an estimated cost for installation of their SRT module. The estimate from MS Govern for the cost of the SRT system including installation was \$664,460, the cost of maintenance for the first five years would be \$140,627.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>705.18420</u>	Amount <u>\$569,292</u>
By: <u>CBW</u>	Date: <u>2/2/12</u>

Introduced by: Mayor
Date: 02/28/12
Shortened Hearing: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-75**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$30,500 FROM THE ALASKA
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS,
DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO
PURCHASE A PORTABLE GENERATOR**

1 **WHEREAS**, the Division of Homeland Security and Emergency Management provides funds
2 through the State Homeland Security Program for the purpose of purchasing
3 equipment that may be used in the event of an emergency; and

4 **WHEREAS**, the borough applied for a State Homeland Security Program grant to purchase a
5 portable generator that may be transported and operated on scene; and

6 **WHEREAS**, award notification has been received from the Alaska Division of Homeland
7 Security and Emergency Management that funds in the amount of \$30,500 may
8 be used for the purchase of the generator; and

9 **WHEREAS**, it is in the best interest of the borough to accept these funds;

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

12 **SECTION 1.** That the mayor is authorized to accept \$30,500 from the State of Alaska
13 Department of Military and Veterans Affairs, Division of Homeland Security and
14 Emergency Management.

1 **SECTION 2.** That grant funds in the amount of \$30,500 are appropriated to account
2 271.11250.12SLD.49999, project account.

3 **SECTION 3.** That the mayor is authorized to execute a grant agreement and any other
4 documents deemed necessary to accept and expend the grant, and to fulfill the
5 intents and purposes of this ordinance.

6 **SECTION 4.** This ordinance shall become effective immediately upon its enactment.

7 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
8 **DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members of the Kenai Peninsula Assembly

THRU: Mike Navarre, Mayor *mn*
Craig Chapman, Director of Finance *C Chapman*
Brenda Ahlberg, Community & Fiscal Projects Manager *B Ahlberg*

FROM: Eric Mohrmann, Emergency Management Director

DATE: February 15, 2012

SUBJECT: Ordinance 2011-19-75, accepting and appropriating \$30,500 from the Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to purchase a portable generator

The borough applied for funds through the Alaska Division of Homeland Security and Emergency Management (AK DHS&EM) - State Homeland Security Program (SHSP) grant for the purpose of purchasing a portable generator that may be transported and operated on scene in the event of an emergency. AK DHS&EM recently notified the borough that funds were available for award from the 2009 SHSP reallocated funds.

This ordinance accepts and appropriates an amendment increase of \$30,500 to grant 09SHSP-GR34058. Ordinance 2011-19-52 accepted and appropriated the original grant in the amount of \$15,847. Upon enactment, the total grant award for 09SHSP-GR34058 will be \$46,347. The Office of Emergency Management is requesting a shortened hearing because the deadline to spend the funds is May 1, 2012.

Eric Mohrmann, Emergency Management Director shall be the project manager for the grant funds. The performance period has been extended to May 1, 2012.

Attachment: email notification

FINANCE DEPARTMENT	
Acct #	FUNDS VERIFIED
Acct. No. <u>271.11250.12SLD.49999</u>	
Amount <u>N/A</u>	
By: <u>CBW</u>	Date: <u>2/15/12</u>

Smith, Cheryl

From: Heun, Michelle (MVA) [michelle.heun@alaska.gov]
Sent: Tuesday, February 07, 2012 2:39 PM
To: Ahlberg, Brenda
Cc: Mohrmann, Eric; Crum, Dale (MVA); King, James A (MVA)
Subject: RE: SHSP-reallocation application

Brenda/Eric,

On behalf of the Division, I am pleased to inform you the Kenai Peninsula Borough's request for reallocated funds in the amount of \$30,500.00 for a 25 Kw portable generator with power cables and distribution center is approved.

The allocation will be an increase to the existing 2009 State Homeland Security Program (SHSP) grant award 09SHSP-GR34058. The Equipment allocation will be combined with existing Exercise funds for a total grant award of \$46,347.00 (Exercise \$15,847 and Equipment \$30,500). I suggest a revised performance date of May 1, 2012, with the Final Report due June 15, 2012. This new project will require an Environmental or Historical Preservation (EHP) review. This process and required documentation can be facilitated through Jim King at 428-7064, or by email at jim.king@alaska.gov

Please provide written response acknowledging the ability to accept this award increase pending local Borough acceptance.

You are welcome to call me if you have questions.

Thank you.
Michelle Heun
428-7089

From: Ahlberg, Brenda [mailto:bahlberg@borough.kenai.ak.us]
Sent: Tuesday, February 07, 2012 11:58 AM
To: Heun, Michelle (MVA)
Cc: Mohrmann, Eric
Subject: SHSP-reallocation application

Greetings Michelle

I've attached the application requesting funds for the generator. Please let me know if you need additional information. Enjoy this beautiful day,
☺B

Brenda Ahlberg

Community & Fiscal Projects Manager
Kenai Peninsula Borough
144 N. Binkley St., Soldotna Alaska 99669
907-714-2153 office
907-714-2377 fax
907-394-8385 mobile

Introduced by: Mayor
Date: 02/14/12
Hearing: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-02**

**AN ORDINANCE DECERTIFYING APPROXIMATELY 350 FEET OF STRAWBERRY
ROAD EXTENDING BEYOND THE EASTERLY END OF DEDICATED BOROUGH
RIGHT-OF-WAY**

1 **WHEREAS**, Strawberry Road, located between SW¼, SE¼, Section 5 and NW¼, NE¼
2 Section 8, all within T5N, R10W, Seward Meridian, is on the Kenai Peninsula
3 Borough Road Service Area (RSA) maintenance system; and

4 **WHEREAS**, the most easterly 350 feet of Strawberry Road is not located in platted right-of-
5 way but is within a state section line easement; and

6 **WHEREAS**, the most easterly 350 feet of Strawberry Road is not constructed to borough
7 standards and is used primarily as a driveway for the bordering parcels which are
8 owned by the Wasson Family Trust; and

9 **WHEREAS**, the Wasson Family Trust has formally requested that the RSA decertify the most
10 easterly 350 feet of Strawberry Road; and

11 **WHEREAS**, no properties other than those owned by the Wasson Family Trust utilize the
12 subject road for access; and

13 **WHEREAS**, KPB 14.06.240 provides for the decertification of roads certified for borough
14 maintenance upon meeting standards within that section and recommendation by
15 the RSA Board to the assembly; and

1 **WHEREAS,** the most easterly 350 feet of Strawberry Road was posted with the decertification
2 notice required by KPB 14.06.240(B)(2); and

3 **WHEREAS,** the notice of public hearing on the decertification was advertised on December
4 29, 2011 and January 5, 12, 19, 2012 in the Peninsula Clarion; and

5 **WHEREAS,** a public hearing was held on January 24, 2012 at the RSA Board meeting held in
6 Soldotna, Alaska; and

7 **WHEREAS,** no written objection to the decertification was received as per KPB 14.06.240 (B)
8 (3); and

9 **WHEREAS,** on January 24, 2012, the RSA Board adopted resolution 2012-01 recommending
10 the decertification of approximately 350 feet of Strawberry Road extending
11 beyond the easterly end of dedicated borough right-of-way; and

12 **WHEREAS,** because the dwellings owned by the Wasson Family Trust do not have alternate
13 vehicular access an ordinance is required to decertify the road;

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

16 **SECTION 1.** That the assembly adopts the findings in RSA resolution 2012-01 regarding
17 approximately 350 feet of Strawberry Road extending beyond the easterly end of
18 dedicated borough right-of-way which are set out below, and finds that the RSA
19 Board's findings meet the requirements of KPB 14.06.240 (C) and (D) with the
20 exception noted below.

- 1 1. Dwellings standards. *Exception:* The most easterly 350 feet of Strawberry
2 Road provides the only vehicular access to a driveway accessing a dwelling,
3 wholly owned by the Wasson Family Trust, which is the party requesting the
4 road be decertified.
- 5 2. Safety. The road presents safety concerns because of a steep grade.
- 6 3. Road condition. The road is not constructed to borough standards.
- 7 4. Drainage problems. There are no drainage issues.
- 8 5. Access. The road is outside platted right-of-way and does not provide access
9 to other maintained roads.
- 10 6. Snow storage. There are no current issues with snow storage.
- 11 7. Funding. Cost will be saved by this decertification through decreased
12 maintenance expenditures and reduced Capital Improvement Project
13 expenditures.
- 14 8. Prior maintenance. The 350 foot portion of the road being decertified has
15 been on road maintenance for at least 10 years. It is unknown when this
16 section of road was accepted for maintenance.

17 **SECTION 2.** Notwithstanding KPB 14.06.240(C), Dwelling standards, the assembly finds an
18 exception is warranted as the owners of the dwelling accessed by the road support
19 the decertification.

20 **SECTION 3.** That the approximately 350 feet of Strawberry Road extending beyond the
21 easterly end of dedicated borough right-of-way is hereby decertified for
22 maintenance.

23 **SECTION 4.** That this ordinance takes effect immediately upon its enactment.

1 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
2 **DAY OF * 2012.**

Gary Knopp, Assembly President

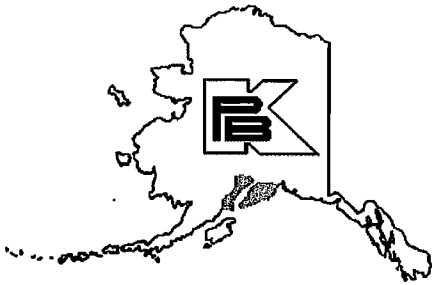
ATTEST:

Johi Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • **FAX:** (907) 262-1892

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Doug Schoessler, Roads Director *[Signature]*

DATE: February 2, 2012

SUBJECT: Ordinance 2012-02, decertification of approximately 350 feet of Strawberry Road extending beyond the easterly end of dedicated borough right-of-way

The Road Service Area (RSA) board voted to support RSA resolution 2012-01 recommending the decertification of approximately 350 feet of Strawberry road extending beyond the easterly end of dedicated borough right-of-way located between SW ¼ SE ¼ Section 5 and NW ¼ NE ¼ Section 8, all within T5N R10W Seward Meridian. This resolution is forwarded to the assembly per KPB 14.06.240(B)(3), which requires the RSA board to recommend decertification to the assembly.

The RSA board did not have any objections to the decertification and none have been received from the public. The decertification was requested by the Wasson Family Trust which owns the only parcels served by the road. KPB 14.06.240(C) states “no road shall be decertified which provides access to dwellings.” Because the road serves a dwelling owned by the Wasson Family Trust and no other access is available an exception is required. Because an exception to decertification standards is required it is requested that the assembly approve the decertification by enactment of an ordinance instead of a resolution.

Attachments:

1. Map
2. RSA resolution 2012-01
3. Letter from Wasson Family Trust requesting decertification



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 130 260 520 Feet



STRAWBERRY RD, STRAWBERRY CT DORI LYNN ST



KPB

NOV 22 2011

Road Service Area

November 17, 2011

Kenai Peninsula Borough
Road Service Area
47140 E. Poppy Lane
Soldotna, AK 99669

Attn: Henry Knackstedt
RSA Engineer

Gentlemen:

This letter is in reference to your letter concerning : Strawberry Road Capital Improvement Project
KPB Parcels 05760108 & 05701006.
T5N R10W Section 5 & 8
Section Line Easement Notification

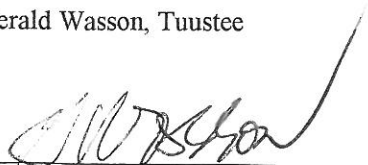
Per our conversation with Mr. Knackstedt on this date, we would like to make the following request Regarding future road improvements to Strawberry Road: Please de-certify the maintenance on that part of the road between the two parcels belonging to the Wasson Trust as referenced above. We would further request that appropriate signage be placed at the western edge of the Wasson Trust property indicating "Dead End" and "End of Borough Maintenance".

We would like to thank Mr. Knackstedt for notifying us of the upcoming improvements to Strawberry Road, and giving us the opportunity to make our wishes known.


Sincerely,

For The Wasson Family Trust

Gerald Wasson, Tuustee



Lisa Wasson, Trustee



**KENAI PENINSULA BOROUGH ROAD SERVICE AREA
RESOLUTION 2012-01**

**A RESOLUTION RECOMMENDING DECERTIFICATION OF APPROXIMATELY
350 FEET OF STRAWBERRY ROAD EXTENDING BEYOND THE EASTERLY END
OF DEDICATED BOROUGH RIGHT-OF-WAY**

WHEREAS, Strawberry Road, located between SW¼, SE¼, Section 5 and NW¼, NE¼ Section 8, all within T5N, R10W, Seward Meridian, is on the Kenai Peninsula Borough Road Service Area (RSA) maintenance system; and

WHEREAS, the most easterly 350 feet of Strawberry Road is not located in platted right-of-way but is within a state section line easement; and

WHEREAS, the most easterly 350 feet of Strawberry Road is not constructed to borough standards and is used primarily as a driveway for the two bordering parcels which are owned by the Wasson Family Trust; and

WHEREAS, the Wasson Family Trust has formally requested that the RSA decertify the most easterly 350 feet of Strawberry Road; and

WHEREAS, no properties other than those owned by the Wasson Family Trust utilize the subject road for access; and

WHEREAS, KPB 14.06.240 provides for the decertification of roads certified for borough maintenance upon meeting standards within that section and recommendation by the RSA Board to the assembly; and

WHEREAS, the most easterly 350 feet of Strawberry Road was posted with the decertification notice required by KPB 14.06.240(B)(2); and

WHEREAS, the notice of public hearing on the decertification was advertised on December 29, 2011 and January 5, 12, 19, 2012 in the Peninsula Clarion; and

WHEREAS, a public hearing was held on January 24, 2012 at the RSA Board meeting held in Soldotna, Alaska; and

WHEREAS, no written objection to the decertification was received as per KPB 14.06.240 (B) (3);

NOW, THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD:

SECTION 1. That the RSA Director has made a written recommendation to the RSA Board to decertify the most easterly maintained 350 feet of Strawberry Road.

SECTION 2. That the most easterly maintained 350 feet of Strawberry Road meets the following decertification standards of KPB 14.06.240(C) and (D) with one noted exception:

1. Dwellings standards. *No road shall be decertified which provides the only vehicular access to dwellings.* The most easterly 350 feet of Strawberry Road provides the only vehicular access to a driveway access, wholly owned by the Wasson Family Trust which requests the road be decertified. If this standard is not met, the RSA requests the assembly approve the decertification by ordinance waiving the standard set by KPB 14.06.240(C).
2. Safety. The road presents safety concerns because of a steep grade.
3. Road condition. The road is not constructed to borough standards.
4. Drainage problems. There are no drainage issues.
5. Access. The road is outside platted right-of-way and does not provide access to other maintained roads.
6. Snow storage. There are no current issues with snow storage.
7. Funding. Cost will be saved by this decertification through decreased maintenance expenditures and reduced Capital Improvement Project expenditures.
8. Prior maintenance. The 350 foot portion of the road being decertified has been on road maintenance for at least 10 years. It is unknown when this section of road was accepted for maintenance.

SECTION 3. The most easterly maintained approximately 350 feet of Strawberry Road meets the requirements pursuant to KPB 14.06.240, with one noted exception, and the Road Service Area Board recommends decertification to the Kenai Peninsula Borough Assembly.


SECTION 4. A copy of this resolution shall be forwarded to the mayor and the assembly.

RESOLVED BY THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA BOARD ON THIS 24TH DAY OF JANUARY 2012.



Cam Shafer, Road Service Area Vice-Chairman

ATTEST:



Doug Schoessler, Road Service Area Director

Introduced by: Mayor
Date: 02/14/12
Hearing: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-03**

**AN ORDINANCE OF ASSESSMENT CONFIRMING THE ASSESSMENT ROLL
FOR THE POPPY RIDGE ROAD IMPROVEMENT ASSESSMENT DISTRICT**

1 **WHEREAS**, the Assembly, by Resolution 2011-033 established the Poppy Ridge Road
2 Improvement Assessment District (the "District") and authorized the construction of
3 the improvements; and

4 **WHEREAS**, the Assembly, by Ordinance 2010-19-46, appropriated \$348,257.00 for the Poppy
5 Ridge Road Improvement Assessment District; and

6 **WHEREAS**, the Assembly, by Resolution 2011-083, authorized the construction of the
7 improvement for the Poppy Ridge Road Improvement Assessment District; and

8 **WHEREAS**, the total costs of constructing the improvements, including all allowable amounts as
9 provided in KPB 5.35.080 and AS 29.46.110 ("Costs"), are now known; and

10 **WHEREAS**, the District special assessment roll has been prepared and the total costs of the
11 improvement less the Road Service Area 50 percent match is allocated among the
12 benefited parcels based on an equal amount to each parcel; and

13 **WHEREAS**, the Borough Clerk has given notice of the public hearing on the ordinance by regular
14 mail mailed not less than fifteen days before the date of the March 13, 2012 hearing
15 to each record owner of a parcel in the District, and by publication not less than
16 fifteen days before March 13, 2012 in a newspaper of general circulation within the
17 borough in accordance with KPB 14.31.100(B)(2); and

1 **WHEREAS,** the notices of public hearing stated that such assessment has been made and is on file
2 in the office of the borough clerk, available for public inspection, and provided notice
3 of the time and place for the hearing on March 13, 2012, where objections may be
4 heard; and

5 **WHEREAS,** the notice of the assessment and hearing mailed to each record owner of a parcel in
6 the District stated the amount of the assessment to be levied against the parcel; and

7 **WHEREAS,** on March 13, 2012, the assembly held a hearing on the assessment roll at which time
8 all persons objecting to assessments were given an opportunity to present their
9 objections; and

10 **WHEREAS,** the assembly found no errors or inequalities in the roll; and

11 **WHEREAS,** the assembly finds that the roll should be confirmed; and

12 **WHEREAS,** special assessments will be levied on properties in the District that are specially
13 benefited by the Project, and said special assessments, with interest thereon, will be
14 sufficient (together with other amounts) and available to pay the actual cost to the
15 borough of the improvements plus interest;

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

18 **SECTION 1. Classification.** That this ordinance shall be a non-code ordinance.

19 **SECTION 2. Confirmation of Roll.** That the assessment roll for Poppy Ridge Road Improvement
20 Assessment District, attached as Exhibit A to this ordinance, as presented to the
21 assembly on March 13, 2012 in the total amount of \$276,774.28 less the Road
22 Service Area 50 percent match of \$138,387.14, for a net assessed amount of

1 \$138,387.14 to all benefited parcels of the District is confirmed.

2 **SECTION 3. Notice of Assessment.** That within fifteen days after the adoption date of this
3 ordinance, the finance director shall mail to the record owner of each property
4 assessed a statement designating the property, the assessment amount, the schedule of
5 payments, the time of delinquency, and penalties. Within five days after the
6 statements are mailed, the finance director shall publish a notice that the statements
7 have been mailed and that the assessment roll is on file in the office of the borough
8 clerk. After enactment of this ordinance the clerk shall file in the office of the Kenai
9 District Recorder a notice of assessment on all parcels assessed within the road
10 improvement assessment district.

11 **SECTION 4. Payment of Assessment.** That the entire assessment may be prepaid without interest
12 or penalty within thirty days of the date of mailing of the assessment statement.
13 Thereafter, the assessment may be prepaid in whole or in part with interest to the
14 payment date. Interest on the unpaid amount of the assessment shall accrue at the
15 rate of 5.25 percent per annum. Assessments that are not prepaid shall be paid in ten
16 equal annual installments on March 31 of each year, commencing March 31, 2013.
17 Installments shall include principal plus accrued interest.

18 **SECTION 5. Delinquencies.** That if an installment of the assessment is delinquent, the balance of
19 the assessment, plus accrued interest, becomes due and delinquent thirty days after
20 the date of notice of the installment delinquency. Notice of the delinquency shall be
21 mailed to the owner of record. The notice must contain notice of the nonpayment of
22 the installment and that the balance of the assessment, plus accrued interest, will
23 become due and delinquent if the installment, interest and penalty are not paid within
24 thirty days of the date of the notice. The penalty for delinquent installment and
25 assessment payments is the same as the penalty for delinquent real property taxes in
26 effect on the date of the delinquency.

1 **SECTION 6. Termination of Assessment.** Upon the discharge of indebtedness to the borough,
2 the Finance Director shall release special assessment liens associated to the District.

3 **SECTION 7. Authority for Ordinance.** That the borough has ascertained and hereby determines
4 that each and every matter and thing as to which provision is made in this ordinance
5 is necessary in order to carry out and effectuate the purposes of the borough in
6 accordance with our constitution and statutes of the State of Alaska, and the Code of
7 Ordinances of the Kenai Peninsula Borough.

8 **SECTION 8. Severability.** That if any one or more of the covenants and agreements provided in
9 this ordinance to be performed on the part of the borough shall be declared by any
10 court of competent jurisdiction to be contrary to law, then such covenant or
11 covenants, agreements or agreements shall be null and void and shall be deemed
12 separable from the remaining covenants and agreements in this ordinance and shall in
13 no way affect the validity of the other provisions of this ordinance.

14 **SECTION 9. Effective Date.** That this ordinance shall take effect immediately upon enactment.

15 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY**
16 **OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • **FAX:** (907) 262-1892
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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Craig Chapman, Director of Finance *C Chapman*

DATE: February 2, 2012

SUBJECT: Ordinance 2012-03, Confirming the Assessment Roll for the Poppy Ridge Road Improvement Assessment District

Attached please find the ordinance of assessment and the final assessment roll for the Poppy Ridge Road Improvement Assessment District. This is the final step for the borough in a process that began with the adoption of Resolution 2011-033, which established the Poppy Ridge Road Improvement Assessment District and authorized construction of the improvements and the enactment of Ordinance 2010-19-46, which appropriated \$348,257.00 for the project.

KPB 14.31.070(C)(1) requires signatures of the owners of more than 70 percent of the parcels within the proposed district sign the petition and 76.4 percent signed the petition. KPB 14.31.070(C)(2) requires signatures of the owners that would bear more than 70 percent of the total assessments in the proposed district and 76.4 percent signed the petition. The road improvements and paving have been constructed and benefit 34 parcels within the district.

The total cost of the project is \$276,774.28. The Road Service Area provided a 50 percent match of \$138,387.14. The net total cost of the assessment is \$138,387.14. Based on an equal allocation of the net total cost of the project, the special assessment per lot in the district is \$4,070.21. The assessment may be prepaid without interest within 30 days of the notice of assessment. If not prepaid, the assessment is payable over a ten-year period in equal installments with interest accruing as provided in the attached ordinance. The assessment constitutes a lien on each parcel within the district.

EXHIBIT A

POPPY RIDGE - ROAD IMPROVEMENT ASSESSMENT DISTRICT

Cost:

Construction	\$ 239,822.05
Engineering & Project Admin	\$ 24,195.88
KPB Interdepartmental	\$ -
Inflation Adj	\$ -
Contingency	\$ -
Total Construction Cost	\$ 264,017.93
Filing Fee Adjustment	\$ 4,377.00
KPB Admin Fee	\$ 8,379.35
Total Cost	\$ 276,774.28
Less Road Service Area Match	\$ 138,387.14
Final Cost to Parcel Owners	\$ 138,387.14

Number of benefitted parcels: 34
 Percent of Parcels Delq
 Cost per parcel \$ 4,070.21

2011 Total Assessed Value

Parcel #	Legal Description	Owner	Address	City	ST	Zip	Maximum Assessment	Required Prepay
05507213	T 5N R 11W SEC 25 & 26 SEWARD MERIDIAN KN ADL 21928 S1/2 NW1/4 IN SEC 25 & NE1/4 IN T 5N R 11W SEC 24 SEWARD MERIDIAN KN	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA	AK	99669	311,300 \$	4,070.21 \$
05561002C07	0820044 COLLEGE ESTATES SUB NO 2 LOT 2 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	KRULL HENRY G & MARY L	47220 EAGLE RIDGE CT	KENAI	AK	99611	65,600 \$	4,070.21 \$
05561019	2004077 COLLEGE ESTATES SUB NO 4 LOT 13 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	LISA BISMARCK	PO BOX 727	KENAI	AK	99611-0727	185,400 \$	4,070.21 \$
05561020	2004077 COLLEGE ESTATES SUB NO 4 LOT 12 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	DEMOSS ROGER D & GINGER L	35790 POPPY RIDGE RD	SOLDOTNA	AK	99669	253,800 \$	4,070.21 \$
05561021	2004077 COLLEGE ESTATES SUB NO 4 LOT 11 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	FOSTER KIMBERLY J	35820 POPPY RIDGE RD	SOLDOTNA	AK	99669	189,300 \$	4,070.21 \$
05561022	2004077 COLLEGE ESTATES SUB NO 4 LOT 10 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	DAILY JOHN A AND STOGSDIL VONDA K	35840 POPPY RIDGE RD	SOLDOTNA	AK	99669	186,600 \$	4,070.21 \$
05561023	2004077 COLLEGE ESTATES SUB NO 4 LOT 24 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	OLSON CASEY SCOTT & KATIE ARCHER	PO BOX 1385	SOLDOTNA	AK	99669	274,500 \$	4,070.21 \$
05561024	2004077 COLLEGE ESTATES SUB NO 4 LOT 23 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	KRAUSE KEVIN B & LILJEBLAD DAORUANG	PO BOX 730	KENAI	AK	99611	185,300 \$	4,070.21 \$
05561025	2004077 COLLEGE ESTATES SUB NO 4 LOT 22 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	NATH ROBERT A & TONI	35920 POPPY RIDGE RD	SOLDOTNA	AK	99669	224,800 \$	4,070.21 \$
05561026	2004077 COLLEGE ESTATES SUB NO 4 LOT 2 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	WILSON GARY W VA REO VETERANS AFFAIRS SECRETARY OF C/O BANK OF AMERICA	PO BOX 1660 2375 N GLENNVILLE DR	SOLDOTNA	AK	99669	193,500 \$	4,070.21 \$
05561027	2004077 COLLEGE ESTATES SUB NO 4 LOT 3 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	CRAWFORD RHONDA JEAN	35675 POPPY RIDGE RD	SOLDOTNA	AK	99669	218,400 \$	4,070.21 \$
05561028	2004077 COLLEGE ESTATES SUB NO 4 LOT 4 T 5N R 11W SEC 25 SEWARD MERIDIAN KN	APPELHANS RONNIE JOE & KARLA L	35855 POPPY RIDGE RD	SOLDOTNA	AK	99669	187,400 \$	4,070.21 \$
05561029	2004077 COLLEGE ESTATES SUB NO 4 LOT 5						189,800 \$	4,070.21 \$

Parcel #	Legal Description	Assessed Value	2011 Total Assessed Value	Maximum Assessment	Required Prepay	Owner	Address	City	ST	Zip
05561030	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2004077 COLLEGE ESTATES SUB NO 4 LOT 6	192,600	\$ 4,070.21	\$ -	JONES LYNN A	35835 POPPY RIDGE RD	SOLDOTNA	AK	99669	
05561031	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2004077 COLLEGE ESTATES SUB NO 4 LOT 7	186,800	\$ 4,070.21	\$ -	SMITH JOE T	PO BOX 2619	KENAI	AK	99611	
05561032	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2004077 COLLEGE ESTATES SUB NO 4 LOT 8	187,400	\$ 4,070.21	\$ -	LAWRENCE CINDY	35795 POPPY RIDGE RD	SOLDOTNA	AK	99669	
05561033	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2004077 COLLEGE ESTATES SUB NO 4 LOT 9	313,000	\$ 4,070.21	\$ -	DIXON W JOHN & MARCELLA J	35765 POPPY RIDGE RD	SOLDOTNA	AK	99669	
05561035	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2005075 COLLEGE ESTATES SUB NO 5 LOT 1	185,300	\$ 4,070.21	\$ -	DAVIS HOWARD T III	PO BOX 2555	KENAI	AK	99611	
05561036	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2005075 COLLEGE ESTATES SUB NO 5 LOT 21	188,000	\$ 4,070.21	\$ -	CLARK JOSEPH A	1529 SHEPHERD LN	CARROLLTON TX	75007-1234	99669	
05561037	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2005075 COLLEGE ESTATES SUB NO 5 LOT 20	208,300	\$ 4,070.21	\$ -	BASS RAYMOND D & DEBRAH L	46430 FRANKE RD	SOLDOTNA	AK	99669	
05561038	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2005075 COLLEGE ESTATES SUB NO 5 LOT 25	186,800	\$ 4,070.21	\$ -	HARPER MICHAEL A	46440 FRANKE RD	SOLDOTNA	AK	99669	
05561039	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2005075 COLLEGE ESTATES SUB NO 5 LOT 19	207,100	\$ 4,070.21	\$ -	MULLICAN JOHN R & JOYCE LYNN PALM RONALD A & TRACY Y & PALM TIFFANY L	46427 FRANKE RD	SOLDOTNA	AK	99669	
05561040	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2005075 COLLEGE ESTATES SUB NO 5 LOT 18	187,900	\$ 4,070.21	\$ -	TIFFANY L	785 BROOKS AVE	SOLDOTNA	AK	99669	
05561041	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2005075 COLLEGE ESTATES SUB NO 5 LOT 17	187,100	\$ 4,070.21	\$ -	AZZARA MARK	46447 FRANKE RD	SOLDOTNA	AK	99669	
05561042	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 2005075 COLLEGE ESTATES SUB NO 5 LOT 16	209,400	\$ 4,070.21	\$ -	HART JEREMY E & CUNNINGHAM TRACY R	PO BOX 1901	SOLDOTNA	AK	99669	
05561101	0860152 FERN FOREST SUB LOT 9	181,400	\$ 4,070.21	\$ -	WATSON MICHAEL	35500 POPPY RIDGE RD	SOLDOTNA	AK	99669	
05561102	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0860152 FERN FOREST SUB LOT 8	188,100	\$ 4,070.21	\$ -	SEGURA DAVID R & ELLEN P	35540 POPPY RIDGE RD	SOLDOTNA	AK	99669	
05561103	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0860152 FERN FOREST SUB LOT 7	179,400	\$ 4,070.21	\$ -	ZORN MECCA C AND JONES MECCA	PO BOX 2857	SOLDOTNA	AK	99669	
05561104	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0860152 FERN FOREST SUB LOT 6	187,400	\$ 4,070.21	\$ -	HANSON JAMES E JR & EMILY	35610 POPPY RIDGE RD	SOLDOTNA	AK	99669	
05561105	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0860152 FERN FOREST SUB LOT 5	176,700	\$ 4,070.21	\$ -	GRIFFIN JEFFREY SCOTT & MONICA J	PO BOX 3235	SOLDOTNA	AK	99669	
05561106	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0860152 FERN FOREST SUB LOT 4	185,200	\$ 4,070.21	\$ -	CARMICHAEL ANDREW J	35640 POPPY RIDGE RD	SOLDOTNA	AK	99669	
05561107	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0860152 FERN FOREST SUB LOT 3	181,600	\$ 4,070.21	\$ -	WILLSON BRADLEY A & SHARON L	35670 POPPY RIDGE RD	SOLDOTNA	AK	99669	
05561108	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0860152 FERN FOREST SUB LOT 2	189,000	\$ 4,070.21	\$ -	LAWTON ERIN	PO BOX 4216	SOLDOTNA	AK	99669	
05561109	T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0860152 FERN FOREST SUB LOT 1	186,100	\$ 4,070.21	\$ -	WATSON DAVID L & DAWNITA R	23031 COHOE LOOP RD	KASILOF	AK	99610	
34		6,760,300	\$138,387.14		Total Assessment Per 34 Parcels x \$5,121.43					

50

Introduced by: Mayor
Date: 02/14/12
Hearing: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-04**

**AN ORDINANCE AUTHORIZING REVISED COMMUNITY REVENUE SHARING
PROGRAM EXPENDITURES FOR UNINCORPORATED COMMUNITIES AND
APPROVING THE USE OF FUNDS BY VOZNESENKA AND RAZDOLNA**

1 **WHEREAS**, the State Legislature has provided funding to municipalities and unincorporated
2 communities through the Community Revenue Sharing Program, hereinafter
3 referred to as “Program;” and

4 **WHEREAS**, AS 29.60.865 and 3 AAC 180.070 requires the assembly of a borough or unified
5 municipality to adopt a resolution identifying those unincorporated communities
6 located within their municipal boundaries that the assembly determines meet the
7 Program eligibility criteria established under AS 29.60.865, AS 29.60.879, and 3
8 AAC 180.110; and

9 **WHEREAS**, the Program allows funds to be used for any public purpose at the discretion of
10 the local governing body and as allowed by state statutes and borough code; and

11 **WHEREAS**, the one-time proportional payment allocations for the unincorporated community
12 of Cohoe was not correct as approved in ordinance 2011-19-56; and

13 **WHEREAS**, this ordinance corrects the fund distribution among the qualified nonprofit entities
14 that will complete public projects or services for the unincorporated community
15 of Cohoe; and

16 **WHEREAS**, this ordinance approves the public projects to be completed by the unincorporated
17 communities of Voznesenka and Razdolna;

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

3 **SECTION 1.** That the Mayor is authorized to enter into grant agreements and any other
4 documents necessary with the nonprofit organizations on behalf of the qualified
5 unincorporated communities for public projects that benefit the community as
6 identified in the following chart:

COMMUNITY REVENUE SHARING Recipients and Projects			
Community	Recipient	Project	Amount
Cohoe	Kasilof Public Library (located in Cohoe)	Operations	\$3,367
	Tustamena 200	Operations	\$3,366
Razdolna	Village of Razdolna	Playground improvements	\$6,733
Voznesenka	Voznesenka Community Council	Community room	\$39,208

7 **SECTION 2.** That each eligible non-profit entity, representing an unincorporated community,
8 shall enter into a grant agreement with the borough prior to receipt of any revenue
9 sharing funds.

10 **SECTION 3.** To the extent this ordinance conflicts with ordinance 2011-19-56 this ordinance
11 supersedes ordinance 2011-19-56. All other provisions of ordinance 2011-19-56
12 remain in full force and effect.

13 **SECTION 4.** This ordinance takes effect immediately upon its enactment.

14 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
15 **DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH GRANTS MANAGEMENT

MEMORANDUM

MIKE NAVARRE
BOROUGH MAYOR

TO: Gary Knopp, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*
Craig Chapman, Director of Finance *C Chapman*

FROM: *B.A.* Brenda Ahlberg, Community & Fiscal Projects Manager

DATE: February 2, 2012

SUBJECT: Ordinance 2012- 04, authorizing revised Community Revenue Sharing Program expenditures for unincorporated communities and approving the use of funds by Voznesenka and Razdolna

The State Legislature has approved a one-time proportional payment to municipalities and unincorporated communities through the Community Revenue Sharing Program; hereinafter referred to as "Program." Qualified communities and respective use of funds were approved in ordinance 2011-19-56. However, the unincorporated community of Cohoe was allocated the total sum twice to two nonprofits; this ordinance corrects that error. Additionally, the application for the community of Razdolna had not been received at the time that O2011-19-56 was approved; therefore, this ordinance approves Razdolna's use of funds.

Lastly, this ordinance approves the FY10 and FY11 use of funds in the amount of \$39,208 for the unincorporated community of Voznesenka. The community elected to defer these funds, affording them the ability to construct a community room for public use. The borough retains the FY12 allocation and one-time proportional payment for future award.

Brenda Ahlberg, the Community & Fiscal Projects Manager manages the Community Revenue Sharing Program.

Introduced by: Mayor
Date: 02/28/12
Action: Postponed Until 03/13/12
Date: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-012**

**A RESOLUTION APPROVING A MUTUAL AID AGREEMENT AND THE INITIAL
OPERATIONAL PLAN BETWEEN THE ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA (APFEMSA) AND THE CITY OF HOMER ON BEHALF
OF THE HOMER VOLUNTEER FIRE DEPARTMENT AND NINILCHIK
EMERGENCY SERVICES**

1 **WHEREAS**, mutual aid agreements and associated operational plans provide for additional
2 resources to residents of the Kenai Peninsula Borough in the form of fire and
3 medical personnel when required; and

4 **WHEREAS**, mutual aid agreements and operational plans are common in the fire and
5 emergency medical service professions; and

6 **WHEREAS**, Alaska Statute 18.70.150 provides that: “A city, other incorporated entity, and
7 other fire protection groups may organize a mutual-aid program by adopting an
8 ordinance or resolution authorizing and permitting their fire department, fire
9 company, emergency relief squad, fire police squad, or fire patrol to go to the aid
10 of another city, incorporated entity, or fire protection group, or territory outside of
11 it;” and

12 **WHEREAS**, the Alaska Administrative Code authorizes state certified emergency medical
13 service providers to enter into mutual aid agreements with other such providers in
14 accordance with a municipal ordinance or resolution; and

1 **WHEREAS**, all associated costs are borne by each responding agency, and in this manner,
2 costs for manpower, materials, supplies and equipment are exchanged between
3 the agencies, ultimately resulting in service area funds being expended for the
4 benefit of the service area; and

5 **WHEREAS**, in recent years the operational plans have been considered as matters within the
6 expertise of the agencies providing the mutual aid and, therefore, future
7 amendments to the operational plans have been left to the discretion of the
8 agencies; and

9 **WHEREAS**, at its meeting of February 6, 2012, the Ninilchik Emergency Services board
10 discussed the proposed mutual aid agreement and had no objection to it; and

11 **WHEREAS**, at its meeting of February 13, 2012, the City of Homer adopted Resolution 12-014
12 approving a mutual aid agreement with the Anchor Point Fire and Emergency
13 Service Area; and

14 **WHEREAS**, at its meeting of _____, the Anchor Point Fire and Emergency
15 Medical Service Area Board considered this resolution and recommended _____
16 _____;

17 **NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI**
18 **PENINSULA BOROUGH:**

19 **SECTION 1.** The attached mutual aid agreements between APFEMSA and the City of Homer,
20 on behalf of the Homer Volunteer Fire Department, and APFEMSA and Ninilchik
21 Emergency Services are hereby approved. The Mayor is authorized to execute
22 the mutual aid agreements.

1 **SECTION 2.** The initial operational plans accompanying this resolution are hereby approved
2 and the Chief of APFEMSA is hereby authorized to approve amendments to the
3 operational plan with the Mayor's approval without further review by the
4 Assembly so long as any such amendments do not conflict with the mutual aid
5 agreement.

6 **SECTION 3.** That this resolution takes effect immediately upon its adoption.

7 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
8 **13TH DAY OF MARCH, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • **FAX:** (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Scott Bloom, Assistant Borough Attorney *SB*
Brad Nelson, Health and Safety Officer-CES *BN*

DATE: February 15, 2012

SUBJECT: Resolution 2012-012, approving mutual aid agreements and initial operating plans between APFEMSA and the City of Homer on behalf of the Homer Volunteer Fire Department, and APFEMSA and Ninilchik Emergency Services

This resolution would approve the attached mutual aid agreements and initial operating plans between Anchor Point Fire and Emergency Medical Service Area (APFEMSA) and the City of Homer, on behalf of the Homer Volunteer Fire Department, and Ninilchik Emergency Services. Mutual aid agreements allow for emergency service agencies to assist each other with emergency response through the provision of equipment and personnel as set out in the mutual aid agreements and operations plans.

The agreements will continue in effect until modified or a party withdraws. The resolution would allow the operation plans, which detail specific response procedures, to be modified in the future without assembly approval as long as they do not conflict with the agreements themselves.

Thank you for your consideration.

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Fire Chief

RESOLUTION 12-014

A RESOLUTION OF THE HOMER CITY COUNCIL
APPROVING A MUTUAL AID AGREEMENT FOR
EMERGENCY SERVICES EQUIPMENT AND PERSONNEL
BETWEEN THE CITY OF HOMER FIRE DEPARTMENT AND
THE ANCHOR POINT FIRE AND EMERGENCY MEDICAL
SERVICE AREA.

WHEREAS, Mutual aid agreements and associated operational plans provide for additional resources to residents in the service areas of the parties to such agreements; and

WHEREAS, Mutual aid agreements and operational plans are common in the fire and emergency medical service professions; and

WHEREAS, Alaska Statute 18.70.150 provides that: "A city, other incorporated entity, and other fire protection groups may organize a mutual aid program by adopting an ordinance or resolution authorizing and permitting their fire department, fire company, emergency relief squad, fire police squad, or fire patrol to go to the aid of another city, incorporated entity, or fire protection group, or territory outside of it"; and

WHEREAS, The Alaska Administrative Code authorizes state certified emergency medical service providers to enter into mutual aid agreements with other such providers in accordance with a municipal ordinance or resolution; and

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the mutual aid agreement for emergency services equipment and personnel between the City of Homer Fire Department and the Anchor Point Fire and Emergency Medical Service Area and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2012.

CITY OF HOMER

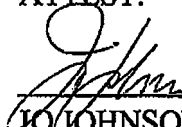


JAMES C. HORNADAY, MAYOR

41 ATTEST:

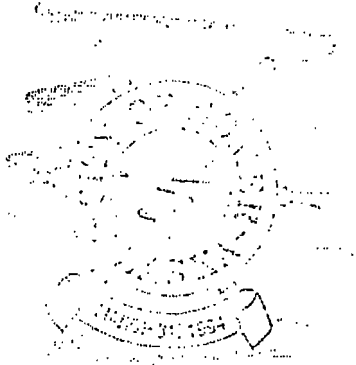
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JO JOHNSON, CMC, CITY CLERK

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46 Fiscal Note: N/A



MUTUAL AID AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into as of the ____ day of _____ 2012, by and between the CITY OF HOMER ("City"), and the KENAI PENINSULA BOROUGH ("Borough") on behalf of the ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA ("Service Area").

WHEREAS, the City is a first class city and operates the Homer Volunteer Fire Department ("Department"), which provides fire and emergency medical services in the City; and

WHEREAS, the Service Area is a service area of the Kenai Peninsula Borough, adjacent to the City, and was formed to provide fire and emergency medical services within its boundaries; and

WHEREAS, although the mission of each of the Department and the Service Area includes acquiring and developing the human and material resources that are sufficient to provide emergency response services that are required within the area that it serves, situations may arise where it is in the public interest for either the Department or the Service Area to assist the other in responding to a fire, medical, or other emergency; and

WHEREAS, AS 29.35.010(13) authorizes the City and the Borough, on behalf of its service areas, to enter into an agreement, including an agreement for cooperative or joint administration of any function or power, with another municipality and

WHEREAS, the purpose of this Agreement is to establish procedures and standards for each of the Department and the Service Area to assist the other in responding to an emergency.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein, the parties agree as follows.

Section 1. Definitions. In addition to the terms defined in the recitals above, the following terms shall have the following meanings when used in this Agreement:

"Agency" shall mean either the Department or the Service Area.

"Aid" shall mean the provision of personnel, equipment or other resources by one Agency to the other, to assist the latter in responding to an emergency.

"Requested Agency" shall mean, with respect to any request for Aid, the Agency to which the request is directed.

"Requesting Agency" shall mean, with respect to any request for Aid, the Agency that makes the request.

Section 2. Aid Requests. Either Agency may request Aid from the other in the form of personnel, equipment, facilities or materials for the purpose of assisting in fighting fires or responding to other emergency incidents. A request for Aid may include Aid to directly respond to an incident, a cover assignment, or other form of assistance as required. An Agency will provide Aid only upon receiving such a request from the other Agency.

Section 3. Response to Aid Request. The senior officer on duty at the Requested Agency shall determine whether to respond in whole or in part, or not to respond, to a request for Aid based on a determination of what level of response can be provided without unreasonably limiting the Requested Agency's ability to provide required services within its own jurisdiction. The senior officer on duty at the Requested Department shall notify the Requesting Agency promptly of the level of response, if any, that the Requested Agency will provide.

Section 4. Information from Requesting Agency. At the time Aid is dispatched by the Requested Agency, the Requesting Agency shall provide, at a minimum, the following information:

a. Clear and concise directions to the location to which the Aid should be directed, whether the site of the emergency or a site where the Requested Agency's resources will be staged;

b. A description of the type of emergency, and the planned use of the Requested Agency's resources; and

c. The communication channels that will be used for command and for any tactical functions.

Section 5. Command Authority. Upon the arrival of the Requested Agency's resources at the location to which they have been dispatched, all such resources shall remain under the command of the Requested Agency's senior responding officer. The Requested Agency may require that a unified command structure as defined under NIMS be implemented.

Section 6. Use of Equipment. If the Requested Agency provides equipment without personnel to operate the equipment, the Requesting Agency shall be responsible for assigning appropriately trained and qualified personnel to operate the equipment. Equipment provided shall be promptly returned to the Requested Agency in substantially the same condition as it was provided. Notwithstanding Section 7 of this Agreement below, it shall be the Requesting Agency's responsibility to repair or replace any damaged equipment.

Section 7. Responsibility of Each Agency. As between the Agencies, and subject to (b) of this section, each Agency shall bear all costs of its provision of Aid, and be responsible for all claims and liability that arise from its response, and shall hold the other Agency harmless from all such costs, claims and liabilities. Nothing in this section creates rights in any third party, or waives any immunity from third party claims that is available to either Agency, including without limitation any immunity available under AS 09.65.070.

Section 8. Withdrawing or Declining Aid. After the Requested Agency's resources arrive at the location to which they have been dispatched:

a. The Requested Agency's senior responding officer retains full discretion to withdraw all or part of those resources as required to meet an emergency within the Requested Agency's own service area;

b. The Requested Agency's senior responding officer retains full discretion to decline an assignment, upon determining that the assignment would expose the Requested Agency's resources to unnecessary or unreasonable danger, or if the Requested Agency's personnel do not have the training or other resources required for the assignment; and

c. The Requested Agency's senior responding officer shall coordinate any withdrawal or declining of an assignment with the Requesting Agency's Incident Command, to mitigate the consequences of the withdrawal or declining of the assignment and to avoid endangering personnel or other resources of either Agency.

Section 9. Duration of Agreement. Either Agency may terminate this Agreement upon 30 days' written notice to the other. This Agreement shall remain in effect until so terminated.

Section 10. Joint Training. In addition to any other training that is required for either Agency, the Agencies shall carry out joint training exercises at least annually.

Section 11. Relationship of Parties. Each Agency and any agents and employees of that Agency act as independent contractors of the other Agency under this Agreement, and are not officers, employees, agents, partners or joint venturers of the other Agency in the performance of this Agreement.

Section 12. Severability. If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.

Section 13. Parties Interested Herein. Nothing in this Agreement, express or implied, is intended or shall be construed to give to any person, other than the City and the Borough any right, remedy or claim under or by reason of this Agreement. The covenants, stipulations and agreements contained in this Agreement are and shall be for the sole and exclusive benefit of the City and the Borough.

Section 14. Communications. Representatives of the Requested Agency, after notifying their dispatch center that they are in route, will switch to the Requesting Agency's command channel, and advise they are in route. In all cases the incoming party will communicate with Incident Command (IC) unless advised otherwise by IC. Clear text will be used for all radio communications.

Section 15. Incident Reporting. Each agency shall be responsible for documenting the incident to satisfy their respective agency needs.

Section 16. Annual Operations Plan. Annual operations plans shall be cooperatively developed and become part of this Agreement upon agreement of the service areas and execution by the HVFD and APFEMSA Chiefs, and the City Manager of Homer, and the Kenai Peninsula Borough Mayor. The FY 2012 Annual Operations Plan is attached hereto and incorporated herein, by reference, as Exhibit A. The Annual Operations Plan shall continue in full force and effect, unless a new operational plan is presented and approved by both parties, at which time the new operational plan will supersede all previous operational plans.

Section 17. Entire Agreement, Amendment. This Agreement represents the entire and integrated agreement between the City and the Borough concerning the subject matter hereof, and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the City and the Borough.

IN WITNESS WHEREOF, the City and the Borough have caused this Agreement to be executed as of the date first set forth above.

CITY OF HOMER

KENAI PENINSULA BOROUGH.

Walt Wrede, City Manager

Mike Navarre, Mayor

**Exhibit A to Mutual Aid Agreement
2012 OPERATIONS PLAN**

City of Homer Fire Department/Anchor Point Fire and Emergency Medical Service Area

This Operational Plan between the City of Homer on behalf of the Homer Volunteer Fire Department and the Kenai Peninsula Borough on behalf of the Anchor Point Fire and Emergency Medical Service Area is for the exchange of emergency services equipment and personnel.

The purpose of this operational plan is to outline the procedures for carrying out a mutual aid response between the City of Homer Volunteer Fire Department (HVFD) and Anchor Point Fire and Emergency Medical Service Area (APFEMSA). This plan is a guide for day-to-day operations. This Operational Plan may be revised, amended, or altered annually by mutual consent of the authorized representatives of the City of Homer and the Kenai Peninsula Borough for the purpose of carrying out the original intent of the Mutual Aid Agreement.

I. AMOUNT AND TYPE OF ASSISTANCE

For fire responses, HVFD will provide a tanker/engine company with a crew of two for response to the incident scene if requested by the OIC. The APFEMSA Company Officer will have the option to direct the responders to any other location as needed within the Anchor Point Fire and Emergency Medical Service Area.

A HVFD Medic unit may be requested within the entire Anchor Point Fire and Emergency Medical Service Area jurisdiction. The response will be an Advanced Life Support (“ALS”) unit with a minimum of two personnel. Upon dispatch, the HVFD OIC may alter the manning of the unit to best suit the call.

For fire responses, APFEMSA will provide an engine company with a minimum crew of two on a mutual aid request to the incident scene. HVFD Shift Officer will have the option to direct the responder to any other location as needed within the City of Homer.

Emergency medical responses to Homer will be with an Advanced Life Support (“ALS”) unit staffed with a minimum of two personnel. They will respond as requested by the HVFD Shift Officer. The APFEMSA OIC may alter the manning of the unit to best suit the call.

Increased response needs will be addressed by the Chiefs upon need notification. Available recourses will be provided to the requesting Department after local jurisdiction requirements are met and maintained to the extent available.

II. TRAINING

Joint training exercises shall be carried out annually under the direction of the Fire Chief's Operation/Training Officers in each department. Class instruction should be available upon request by each department.

III. COMMUNICATIONS

RADIO -- The responding agency, after notifying their dispatch center they are en route, will switch to the requesting agency's dispatch channel, and advise they are en route. In all cases, the incoming party will communicate with Command unless advised otherwise. Radio traffic will be kept to a minimum. Clear text will be used at all times.

IV. FIRE INCIDENT REPORTING

Each agency shall be responsible for reporting the incident in accordance with their department's policy and procedures.

V. REVISIONS

Operational Plans shall be cooperatively developed, reviewed annually, and become part of the Mutual Aid Agreement upon consent of the agencies and execution by the City Manager and Borough Mayor.

APPROVED:

ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA

By: _____
Its: Chief
Date: _____

HOMER VOLUNTEER FIRE DEPT.

By: _____
Its: Chief
Date: _____

KENAI PENINSULA BOROUGH

By: _____
Its: Mayor
Date: _____

CITY OF HOMER

By: _____
Its: City Manager
Date: _____

APPROVED AS TO FORM

By: _____
Its: Borough Attorney
Date: _____

APPROVED AS TO FORM

By: _____
Its: City Attorney
Date: _____

ATTEST:

Johni Blankenship, Borough Clerk

MUTUAL AID AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2012, by and between ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA (APFEMSA) and NINILCHIK EMERGENCY SERVICES for the provision of fire and emergency services as follows:

1. Mutual Aid Requests. Aid may be requested by either department in the form of personnel, equipment, facilities or materials for the purpose of assisting in fighting fires or responding to other emergency incidents. Requests for aid may include direct response to the incident(s), cover assignments, or any other form of assistance needed. Requests for aid shall include as much detail as circumstance and time allow.

2. Response to Mutual Aid Request. The senior officer on duty at the requested department shall determine whether to respond in whole, in part, or to deny the request based on a determination of what level of response can be provided without unreasonably limiting the requested department's ability to meet its responsibility within its own jurisdictional area. The senior officer at the requested department shall promptly notify the requesting department of the level of response, if any, the requested department will provide. Departments that cannot meet a request should document in writing why the request could not be met.

3. Emergencies - Information Provided. Upon dispatch by the requested department, the requesting department shall at a minimum:
 - a. give concise directions as to the location of the emergency and/or to the location at which the requested department's equipment/personnel will be staged;
 - b. describe the type of emergency, and provide a description of the planned utilization of the requested department's resources; and
 - c. provide communications channels for command functions as well as any tactical channels.

4. Command Authority. Upon arrival of the requested department's resources at the incident scene, staging area, or cover assignment location, all such personnel, equipment, and materials shall remain under the command of the requested department's senior responding personnel. The requested department's senior responding personnel shall report to and operate under the direction of the requesting (jurisdictional) department's Incident Command ("IC"). In no case shall any equipment be loaned for use to personnel who have not been trained in its use.

5. Responsibility for Liability. Each department shall bear its own costs for responding to requests for aid under this Agreement. Each responding department shall be responsible for damages caused by its personnel's negligence while traveling to the scene, at the scene, and returning to the station of origin. In rendering emergency services, each department will bear the responsibility to other parties for actions of its own personnel, and any liability incurred as a result of such acts. Nothing in this provision shall preclude individuals from being held personally liable for damage caused by their own intentional misconduct.

6. Mutual Aid Withdrawal or Assignment Turn Down - Circumstances.

a. After arrival at the incident, staging area, or location of cover assignment, if it becomes necessary to withdraw a portion or all of such requested personnel, equipment or materials in order to meet an emergency situation in the jurisdictional area served by the requested department, such withdrawal may be initiated at the sole discretion of the requested department's senior personnel at the scene.

b. Turn down of an assignment may be made at the scene of an incident, at the sole discretion of the requested department's senior personnel, if she/he determines that the requested department's personnel, equipment, or materials are being exposed to unnecessary or unreasonable danger, or if the requested department's personnel do not have the training or resources to accomplish the requested assignment.

c. In either case, the requested department's senior personnel shall coordinate the withdrawal or assignment turn down with the requesting department's IC in such a manner as to best mitigate the consequences of a withdrawal or turn down of assignment to avoid endangering personnel and property of either department.

7. Withdrawal from Agreement. This Agreement shall continue until either department gives thirty (30) days notice of its withdrawal, in writing, to the other department.

8. Training. Joint training exercises shall be carried out at least annually under the direction of the Chief or Training Officers in each department.

9. Annual Operating Plan. Annual operating plans shall be cooperatively developed by the departments and become part of this Agreement upon execution by the Department Chiefs and Borough Mayor. The Annual Operating Plan in effect at the time of execution of this Agreement is attached hereto and incorporated herein by reference as Exhibit A.

ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA

By: _____
Its: President, APFEMSA Board
Dated: _____
Approved by Resolution No. _____

NINILCHIK EMERGENCY SERVICES

By: _____
Its: President, Steve Vanek
Dated: _____
Approved by Resolution No. _____

KENAI PENINSULA BOROUGH

By: _____
Its: Mayor
Dated: _____

Approved by
KPB Resolution No. _____

ATTEST:

APPROVED AS TO FORM and
LEGAL SUFFICIENCY

Borough Clerk

Assistant Borough Attorney

**Exhibit A to Mutual Aid Agreement
2012 OPERATIONS PLAN**

Anchor Point Fire and Emergency Medical Service Area/ Ninilchik Emergency Services

This Agreement between Anchor Point Fire and Emergency Medical Service Area (“APFEMSA”) and Ninilchik Emergency Services is for the exchange of emergency services, equipment, facilities and personnel pursuant to the Mutual Aid Agreement between these services areas dated _____.

The purpose of this Operations Plan is to outline the day-to-day procedures for carrying out a mutual aid response between the above departments.

I. AMOUNT AND TYPE OF ASSISTANCE

Each department may provide equipment, apparatus and personnel as necessary and available to respond. The responding department must retain sufficient equipment, apparatus and personnel to ensure a reasonable level of fire and emergency response within its own jurisdictional boundaries.

II. AREA COVERED

- a. The jurisdictional boundaries of APFEMSA are as described in KP16.60.010.
- b. The jurisdictional boundaries of Ninilchik Emergency Services are within the boundaries of the village of Ninilchik from mile marker 119 to mile marker 144 of the Sterling Highway.
- c. The departments shall exchange map books of their jurisdictional areas, and/or other maps as available.

III. TRAINING

Joint training exercises shall be carried out at least annually under the direction of the Chief or Training Officers in each department, with a higher frequency of joint training sessions recommended.

IV. COMMUNICATIONS

RADIO – Representatives of the responding departments, after notifying their dispatch center they are en route, will switch to the requesting department’s command channel, and advise they are en route. In all cases the incoming party will communicate with Incident Command (IC) unless advised otherwise by IC. Radio traffic will be kept to a minimum. Clear text will be used.

V. INCIDENT COMMAND

Each department shall use the Incident Command System, ICS, within the National Incident Management System, NIMS.

VI. INCIDENT REPORTING

Each department shall be responsible for documenting the incident to satisfy their respective department's needs, state and national requirements.

VII. REVISIONS

Annual Operational Plans shall be cooperatively developed and become part of the Mutual Aid Agreement upon execution by the Kenai Peninsula Borough Mayor.

AGREED:

AGREED:

ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA.

NINILCHIK EMERGENCY SERVICES

By: _____
Its: Chief
Date: _____

By: _____
Its: Chief
Date: _____

APPROVED:
KENAI PENINSULA BOROUGH

APPROVED AS TO FORM and
LEGAL SUFFICIENCY:

By: _____
Its: Mayor
Date: _____

Assistant Borough Attorney

Approved by
KPB Resolution No. 2012-012

ATTEST:

Johni Blankenship
Borough Clerk

Introduced by: Johnson
Date: 02/28/12
Action: Postponed Until 03/13/12
Date: 03/13/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-015**

**A RESOLUTION SUPPORTING GOVERNOR PARNELL'S FY2013 BUDGET
REQUEST OF \$1,813,000 FOR A KENAI RIVER KING SALMON ASSESSMENT
PROGRAM**

1 **WHEREAS**, Kenai Peninsula sport, guided sport and commercial fishers are dependent on
2 strong Kenai River king salmon stocks; and

3 **WHEREAS**, management of Kenai River king salmon stocks is provided by the Alaska
4 Department of Fish and Game; and

5 **WHEREAS**, management of king stocks is dependent on knowing how many king salmon
6 spawn each year; and

7 **WHEREAS**, technology is now being developed for counting individual king salmon in the
8 glacial waters of the Kenai River; and

9 **WHEREAS**, the Alaska Department of Fish and Game has a plan for implementing devices to
10 count Kenai River king salmon; and

11 **WHEREAS**, said plan is estimated to cost \$1,813,000 for a multi-year study beginning in
12 FY2013; and

13 **WHEREAS**, Governor Parnell has recognized the need for best management of Kenai River
14 king stocks and has included the necessary funding in his FY2013 capital budget;

1 **NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI**
2 **PENINSULA BOROUGH:**

3 **SECTION 1.** That the Kenai Peninsula Borough Assembly respectfully requests the Alaska
4 State Legislature to approve funding for the Kenai River king salmon sonar
5 assessment program as submitted by Governor Parnell.

6 **SECTION 2.** That a copy of this resolution shall be provided to Governor Parnell and all
7 legislators representing the Kenai Peninsula Borough.

8 **SECTION 3.** That this resolution takes effect immediately upon its adoption.

9 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
10 **13TH DAY OF MARCH, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Gary Knopp, Assembly President
Charlie Pierce, Vice President

MEMORANDUM

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Brent Johnson, Assembly Member *for BS*

DATE: February 28, 2012

RE: Resolution 2012-015, Supporting Governor Parnell's FY2013 Budget Request of \$1,813,000 for a Kenai River King Salmon Assessment Program

After years of strong Kenai River late-run king salmon returns, those stocks have experienced back-to-back seasons of weak returns. Alaska Department of Fish and Game (ADF&G) has been actively trying to assess run strength, but their various methods have resulted in conflicting results. ADF&G has now identified a strategy for achieving better results. That strategy involves buying new DIDSON sonar counter equipment and installing it in a location suited for its use. The old Bendix sonar counter has been compromised with other salmon species interfering with the ability to isolate and count king salmon.

ADF&G plans to adapt to the new technology of DIDSON sonar counters. In terms of management it is imperative that they receive funding for a multi-year study to implement their plans. Governor Parnell has recognized this and has included the necessary funding in his budget. Lawmakers may not be convinced however, and it is the intention of this legislation to inform them that the Kenai Peninsula Borough Assembly concurs with the Governor, and with the Alaska Department of Fish and Game.

Your support of this resolution will be appreciated.

Introduced by:

Mayor

Date:

03/13/12

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-016**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO
THE CENTRAL PENINSULA HOSPITAL LEASE AND OPERATING AGREEMENT
TO AUTHORIZE CENTRAL PENINSULA GENERAL HOSPITAL, INC. TO
SUBLEASE A PORTION OF THE FACILITY FOR ONCOLOGY SERVICES**

1 **WHEREAS**, cancer care services were identified in community health needs assessments
2 conducted in 2004 and 2009 for the Central Kenai Peninsula Hospital Service
3 Area (CKPHSA) as the number one priority of service area residents; and

4 **WHEREAS**, radiation oncology medical services are currently not available in the Kenai
5 Peninsula Borough (Borough); and

6 **WHEREAS**, the Kenai Peninsula Borough Assembly is considering appropriating funds for the
7 purpose of constructing a radiation oncology facility at Central Peninsula Hospital
8 (CPH); and

9 **WHEREAS**, the Central Peninsula General Hospital, Inc. (CPGHI) administration has engaged
10 in discussions with oncologists concerning the provision of cancer treatment
11 services at Central Peninsula Hospital; and

12 **WHEREAS**, CPGHI operates the hospital and other medical facilities pursuant to a lease and
13 operating agreement with the Borough effective January 1, 2008 through
14 December 31, 2017; and

1 **WHEREAS,** CPGHI and the Borough administration recommend that medical facilities be
2 constructed and subleased to oncologists to provide this service; and

3 **WHEREAS,** it is anticipated that the oncologists will invest significant funds for supplies and
4 equipment, and accordingly will need at least a ten-year sublease to recover such
5 costs; and

6 **WHEREAS,** paragraph 29 of the lease and operating agreement requires Borough approval of
7 any such sublease;

8 **NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI**
9 **PENINSULA BOROUGH:**

10 **SECTION 1.** The Assembly finds that the CKPHSA's best interests are served by authorizing
11 CPGHI to sublease a portion of the medical facilities to radiation oncologists for
12 purposes of providing cancer treatment on the CPH campus for a period of up to
13 10 years.

14 **SECTION 2.** That the mayor is authorized to execute an amendment to the lease and operating
15 agreement authorizing CPGHI to sublease a portion of the hospital campus to a
16 sublessee who is qualified to provide radiation oncology medical services and that
17 the term of the sublease may extend for a period of up to ten years. Further, if the
18 lease and operating agreement between the Borough and CPGHI is not renewed
19 or is otherwise terminated before the expiration of that ten year period then the
20 Borough or the Borough's designee shall assume management of the sublease
21 agreement.

22 **SECTION 3.** That this resolution takes effect immediately upon its adoption.

1 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
2 **13TH DAY OF MARCH, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • **FAX:** (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Mike Navarre, Mayor *P.O. for M.N.*

DATE: March 1, 2012

SUBJECT: Resolution 2012-016, authorizing the Mayor to execute an amendment to the Central Peninsula Hospital lease and operating agreement to authorize a sublease of a portion of the facility for oncology purposes

The assembly is scheduled to consider the appropriation of \$4,700,000 through ordinance 2011-19-72 on March 13, 2012 to fund construction of a radiation oncology facility at Central Peninsula Hospital (CPH). Central Peninsula General Hospital, Inc. (CPGHI) operates CPH on behalf of the Kenai Peninsula Borough pursuant to a lease and operating agreement. If the radiation oncology center is constructed the CPGHI and borough administrations recommend subleasing the facility to an entity that would provide such services. The entity would be responsible for the necessary equipment, personnel, supplies and other costs for cancer treatment. The hospital would benefit through the receipt of sublease payments and the additional services it would provide to support the radiation oncology facility. Paragraph 29 of the lease and operating agreement requires borough approval before CPGHI may sublease any part of the medical facilities. This resolution authorizes the mayor to execute an amendment to the lease and operating agreement that would allow CPGHI to sublease the radiation oncology center to the appropriate medical group. It is important that this be brought forward at this time in order for CPGHI to determine which entity would lease the facility and enable it to provide input regarding the facility design.

Additionally, the investment required of the radiation oncology group is such that a minimum ten-year sublease would be required for it to recover its costs. The lease and operating agreement between the borough and CPGHI is scheduled to expire December 31, 2017. Accordingly this resolution would allow the sublease to extend beyond termination of the current lease and operating agreement in the event the lease and operating agreement is terminated before the ten-year period expires.

Your support of this resolution is appreciated.

Introduced by:
Date:
Action:
Vote:

Mayor
03/13/12

**KENAI PENINSULA BOROUGH
RESOLUTION 2012-017**

**A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FROM
THE ALASKA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS,
DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO
CONDUCT A SECURITY VULNERABILITY ASSESSMENT**

1 **WHEREAS**, the Alaska Department of Military and Veterans Affairs, Division of Homeland
2 Security & Emergency Management (DHS&EM) provides funds to enhance the
3 capability of local governments to prevent, deter, respond to and recover from all-
4 hazard incidents and to enhance regional preparedness efforts; and

5 **WHEREAS**, the DHS&EM State Homeland Security Program (SHSP) is a federal grant passed
6 through the Federal Emergency Management Agency that provides funding for
7 planning, equipment, training and exercises; and

8 **WHEREAS**, the SHSP award notification includes a memorandum of understanding (MOU) to
9 be executed between the borough and DHS&EM, allowing a security
10 vulnerability assessment to be completed on borough-owned infrastructure that
11 the borough identifies as critical or key resource facilities in the event of an
12 emergency; and

13 **WHEREAS**, upon completion the assessment may be used as support documentation for future
14 DHS&EM grant applications;

15 **NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI**
16 **PENINSULA BOROUGH:**

1 **SECTION 1.** That the mayor is authorized to enter into a MOU allowing a security
2 vulnerability assessment to be completed on borough-owned infrastructure with
3 the Alaska Division of Homeland Security and Emergency Management and is
4 authorized to execute the MOU and any other documents deemed necessary and
5 to fulfill the intents and purposes of this resolution.

6 **SECTION 2.** That this resolution takes effect immediately upon its adoption.

7 **ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS**
8 **13TH DAY OF MARCH, 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

Office of Emergency Management

MEMORANDUM

MIKE NAVARRE
BOROUGH MAYOR

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *P.O. from M.N.*
Brenda Ahlberg, Community & Fiscal Projects Manager *[Signature]*

FROM: Eric Mohrmann, Emergency Management Director *[Signature]*

DATE: March 1, 2012

SUBJECT: Resolution 2012-017, approving a Memorandum of Understanding from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management to Conduct a Security Vulnerability Assessment

The Alaska Department of Military and Veterans Affairs, Division of Homeland Security & Emergency Management (DHS&EM) provides funds through the State Homeland Security Program (SHSP) to enhance the capability of local governments to prevent, deter, respond to and recover from all-hazard incidents and to enhance regional preparedness efforts.

DHS&EM has provided a Memorandum of Understanding that will authorize DHS&EM to conduct a Security Vulnerability Assessment (SVA) on borough-owned facilities. The borough will provide a list of facilities to be assessed. This assessment will provide the borough with recommendations on how to protect critical infrastructure. David Kang, DHS&EM SVA project manager, has provided the attached summary describing the SVA program.

Eric Mohrmann, Emergency Management Director shall be the project manager for the grant funds. The performance period ends December 2013.

Attachment: DHS&EM Memorandum of Understanding, Kang email 01-24-12

From: Kang, David B (MVA)
To: Ahlberg, Brenda;
cc: Stevens, Andrew P (MVA); george.mayberry@alaska.gov; Mohrmann, Eric;
Carney, Roberta D (MVA);
Subject: SVA summary
Date: Tuesday, January 24, 2012 8:53:52 AM

Brenda,

Below is a summary of the State of Alaska's Security Vulnerability Assessment process.

The State of Alaska Security Vulnerability Assessment Team (SVA) was established under Administrative Order No. 203 as a diverse, multi disciplined unit with allocations for members from various agencies such as the Departments of Transportation, Health and Social Services, Administration, Public Safety, Environmental Conservation, and Division of Homeland Security and Emergency Management. This unique association allows for an in depth multi-faceted analysis in targeting both man-made and naturally occurring hazards.

The SVA team currently provides risk assessments for critical infrastructure/key resources facilities. A "Security Vulnerability Assessment" utilizes a multi-stepped process to identify and prioritize vulnerabilities of critical infrastructure/key resources that are of importance to provide essential services and that, if disabled or destroyed, could pose significant impact upon an individual, a community, or system. The assessment begins with the local jurisdiction selecting the critical infrastructure and key resources to be evaluated. Upon completion, the SVA team will provide the local jurisdiction with recommendations on how to protect the critical infrastructure. Recommendations on equipment necessary to protect the critical infrastructures will also be provided. Much like a business plan provided to a bank, the assessment can be used to support a request for homeland security funding in the following year(s), and any potential reallocated funding during the grant year.

All information collected by the SVA Team becomes protected from public dissemination under the Homeland Security Act as "Homeland Security Sensitive Information" or as "Protected Critical Infrastructure Information." The means by which the information is classified is dictated by the type of assessment being completed; however, both security classification programs protect information from public disclosure under national law.

I would be happy to come down to KPB to provide additional clarification

information as needed or if requested. Please let me know if there are any additional issues.

Thank you

David B. Kang
Program Manager, Planning
State of Alaska
Department of Military and Veterans Affairs
Division of Homeland Security and Emergency Management
Voice: 907-428-7041
Fax: 907-428-7009
david.kang@alaska.gov
<http://www.ready.alaska.gov>

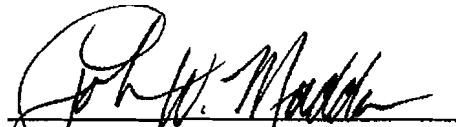
SIPR: david.b.kang@richardson.army.smil.mil
(Please send a notice to my regular e-mail account when sending things SIPR)

State of Alaska Department of Military and Veterans Affairs		Page 1 of 3
Division of Homeland Security and Emergency Management Under US Department of Homeland Security Federal Emergency Management Agency Grant Programs Directorate		FEDERAL GRANT PROGRAM Homeland Security Grant Program (HSGP)
MEMORANDUM OF UNDERSTANDING		FEDERAL GRANT NUMBER EMW-2011-SS-00053
RECIPIENT NAME AND ADDRESS (Including Zip Code)		PERFORMANCE PERIOD
Kenai Peninsula Borough 144 N. Binkley Street Soldotna, AK 99669		FROM: 12/01/2011
		TO: 12/31/2013
DUNS NUMBER 809386725 (State of Alaska)		CFDA: 97.067
EIN 9260030894 (KPB)		AWARD AMOUNT \$5,000.00
		REFERENCING
		<input checked="" type="checkbox"/> PLANNING – SVA
		<input type="checkbox"/> EXERCISE
		<input type="checkbox"/> TRAINING
		<input type="checkbox"/> EQUIPMENT

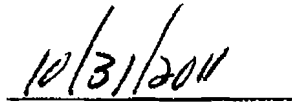
1. **PARTIES.** The parties to this Memorandum of Understanding (MOU) are the State of Alaska and the Kenai Peninsula Borough.
2. **AUTHORITY.** This MOU is authorized under the provisions of the US Department of Homeland Security FEMA Grant Programs Directorate.
3. **PURPOSE.** The purpose of this MOU is to set forth terms by which the State of Alaska shall expend Homeland Security Grant funding on behalf of the Kenai Peninsula Borough. On October 6, 2011, the US Department of Homeland Security FEMA Grant Programs Directorate, issued grant number EMW-2011-SS-00053 to the State of Alaska. Under this grant, the State of Alaska must allocate 80 percent grant funding local jurisdictions. Under this grant, the Kenai Peninsula Borough may authorize the State of Alaska to expend funds on behalf of the Kenai Peninsula Borough provided that the Kenai Peninsula Borough and the State of Alaska enter into a MOU on the matter.
4. **RESPONSIBILITIES.**
 - a. State of Alaska
Shall provide a Security Vulnerability Assessment (SVA) for the Kenai Peninsula Borough. The SVA project carries a value of \$5,000.00.
 - b. Kenai Peninsula Borough
The SVA Final Report document will be considered secure and critical information to the protection of the Kenai Peninsula Borough.
5. **POINTS OF CONTACT.**

Alaska Division of Homeland Security and Emergency Management (DHS&EM)
State Administrative Agency Point of Contact (SAA)
PO Box 5750
JBER, AK 99505
Fax: 907-428-7009
Direct: 907-428-7000
Toll Free: 1-800-478-2337

APPROVED BY:



John W. Madden, DHS&EM Director
State of Alaska Signatory Official



Date

~~David R. Carey, Mayor~~ Mike Navarre, Mayor

Jurisdiction Signatory Official

Date

Craig C. Chapman
Jurisdiction Chief Financial Officer

Date

Introduced by: Mayor
Date: 03/13/12
Hearing: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-78**

**AN ORDINANCE APPROPRIATING \$625,000 IN THE BOROUGH'S SCHOOL
REVENUE CAPITAL PROJECT FUNDS FOR IMPROVEMENTS TO SCHOOL
FACILITIES**

1 **WHEREAS**, the Kenai Peninsula Borough School District (School District) has funds set aside for
2 improving school facilities; and

3 **WHEREAS**, during site visits by the School District and Borough Capital Projects Department a
4 number of projects were identified as projects the School District would like to see
5 addressed as soon as possible; and

6 **WHEREAS**, the estimated cost of these projects totaled \$625,000 and included the following:
7 \$150,000 for movement and set up of 2 portables, \$100,000 for ADA compliance
8 study; \$250,000 for asphalt repairs at the entrances to various schools, \$75,000 for
9 design development of the Homer track, and \$50,000 for design development for
10 school improvements;

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

13 **SECTION 1.** That the Borough is authorized to receive funding from the Kenai Peninsula Borough
14 School District in the amount up to \$625,000 for improvements at various schools
15 throughout the district.

1 **SECTION 2.** That \$625,000 is appropriated in the School Revenue Capital Projects Fund as
2 follows:

3 400.78010.12PTB.49999 in the amount of \$150,000 for movement and set up of 2
4 portables.

5 400.78050.12ADA.49999 in the amount of \$100,000 for an ADA compliance study.

6 400.78050.12PAV.49999 in the amount of \$250,000 for asphalt repairs at the
7 entrances to various schools.

8 400.72010.12TRC.49999 in the amount of \$75,000 for design development of the
9 Homer track.

10 400.78050.12DSG.49999 in the amount of \$50,000 for design development for
11 school improvements.

12 **SECTION 3.** That this ordinance takes effect immediately upon its enactment.

13 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY**
14 **OF * 2012.**

Gary Knopp, Assembly President

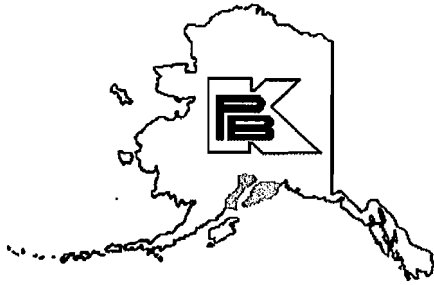
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • FAX: (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *P.O. for M.N.*

FROM: Dave Tressler, Director of Maintenance
Kevin Lyon, Capital Projects Director
Craig Chapman, Director of Finance *CBW*

DATE: March 1, 2012

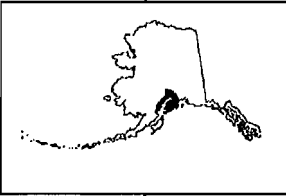
SUBJECT: Ordinance 2011-19-78, appropriating \$625,000 for capital improvement projects at various schools in the Kenai Peninsula Borough School District

The Kenai Peninsula Borough School District (School District) has funds set aside for improving school facilities. During site visits by the School District and borough Capital Projects department, the following projects were identified as projects the School District would like to see addressed:

Movement and set up of 2 portables	\$150,000
ADA Compliance Study	\$100,000
Asphalt repairs at entrances of various schools	\$250,000
Design Development – Homer Track	\$ 75,000
Design development for school improvements	\$ 50,000

This ordinance would appropriate funds to be received from the School District for the above mentioned projects.

FINANCE DEPARTMENT	
Acct #'s FUNDS-VERIFIED	
400.78010.12.PTB, 49999	
400.78050.12.ADA, 49999	
Acct. No.	400.78050.12.PAV, 49999
400.72010.12.TRG, 49999	
Amount	400.78050.12.DSG, 49999 <u>N/A</u>
By: <u>CBW</u>	Date: <u>3/1/12</u>



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Assistant Superintendent

Dave Jones

148 North Binkley Street Soldotna, Alaska 99669-7553

Phone (907) 714-8888 Fax (907) 262-5867

Email: davejones@kpbsd.k12.ak.us

March 1, 2012

Craig Chapman, Director of Finance
Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669

Re: Capital Projects for Schools

Dear Craig,

In addition to the request submitted and capital projects identified in my letter of February 15, 2012, please include the design of the Homer Track as an identified need. The estimate for design of the replacement track is \$75,000, which would bring the total capital projects request to \$625,000.

Please consider this letter the district's request to proceed with this additional project and our commitment to fund it, along with the previous requests.

Sincerely,

Dave Jones

Introduced by: Mayor
Date: 03/13/12
Hearing: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-79**

**AN ORDINANCE APPROPRIATING COMMERCIAL PASSENGER VESSEL TAX
PROCEEDS RECEIVED FROM THE STATE OF ALASKA IN THE AMOUNT OF
\$357,552.50 AND ALLOCATING \$324,865 TO THE CITY OF SEWARD AND \$32,687.50
TO THE CITY OF HOMER**

1 **WHEREAS**, in the August 22, 2006 State of Alaska election, Alaska voters approved the
2 initiative in Ballot Measure 2, enacting AS 43.52.200 – 43.52.295, which imposed
3 a tax on travel aboard certain cruise ships travelling in Alaska waters; and

4 **WHEREAS**, the Alaska legislature has authorized the sharing of Commercial Passenger Vessel
5 (CPV) excise tax collections with eligible ports of call in the State; and

6 **WHEREAS**, CPV excise tax collections are derived from taxes imposed on cruise ship
7 passengers; and

8 **WHEREAS**, the City of Seward and City of Homer are eligible ports of call for receiving CPV
9 funds; and

10 **WHEREAS**, when the eligible ports of call are cities located in a borough then the cities and
11 the borough each receive \$2.50 for each passenger; and

12 **WHEREAS**, the total amount received by the borough from the State of Alaska for the 2011
13 calendar CPV programs was \$357,552.50; and

14 **WHEREAS**, the City of Seward and City of Homer have requested that funds received by the
15 borough that are derived from cruise ship passengers in each city be appropriated
16 to each city for port improvement projects; and

1 **WHEREAS,** the intended use of these funds by the cities of Seward and Homer will comply
2 with AS 43.52.230(b), federal legislation and court rulings that permit the use of
3 these funds for port facilities, harbor infrastructure, and other services provided to
4 the commercial passenger vessels and the passengers on board those vessels;

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

7 **SECTION 1.** That the mayor is authorized to execute grant agreements and any other
8 documents deemed necessary to expend the funds and to fulfill the intents and
9 purposes of this ordinance.

10 **SECTION 2.** That \$357,552.50 received from the State of Alaska in FY2012 for the
11 commercial passenger vessel excise tax collection program be appropriated from
12 the miscellaneous grant fund balance to account 271.94910.12CPV.43011
13 contract services, for payment to the City of Seward in the amount of \$324,865.00
14 and to the City of Homer in the amount of \$32,687.50 to be used for port
15 improvement projects.

16 **SECTION 3.** This ordinance shall become effective immediately upon enactment.

17 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
18 **DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • FAX: (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *P.O. for M.N.*
Craig Chapman, Director of Finance *C Chapman*

FROM: Brenda Ahlberg, Community & Fiscal Projects Manager *B Ahlberg*

DATE: March 1, 2012

SUBJECT: Ordinance 2011-19-79, appropriating Commercial Passenger Vessel Tax Proceeds received from the State of Alaska in the amount of \$357,552.50 and allocating \$324,865 to the City of Seward and \$32,687.50 to the City of Homer

In the August 22, 2006, election the Alaska voters approved the initiative in Ballot Measure No. 2, which imposed a tax on passengers travelling for at least 72 hours aboard a vessel with 250 or more berths, that anchors or moors in Alaska waters with the intent to allow passengers to disembark. The initiative enacted statutes AS 43.52.200 - AS 43.52.295 that provide for the levy and collection of this tax and the disposition of the proceeds. The taxes are deposited into a state fund called the Commercial Passenger Vessel (CPV) tax account. A portion of the proceeds are disbursed to the first seven ports of call each year. If ports of call are located in a city within a borough, \$2.50 per passenger is distributed to the city and to the borough in which the city is located. Both the City of Seward and the City of Homer have qualified for these funds, and the borough has accordingly received proceeds from the CPV account.

For the calendar years 2007 through 2010 the tax proceeds were awarded to the City of Seward and City of Homer by way of grant agreements. The use of funds must comply with State of Alaska Department of Commerce, Community & Economic Development, "Commercial Vessel Passenger Tax Program" as governed by AS 43.52.200 - 43.52.295; specifically, AS 43.52.230 (b), "federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels."

This ordinance will approve the 2011 calendar year appropriations to be allocated to the City of Seward and the City of Homer, which will be executed by way of grant agreements. Brenda Ahlberg, the Community & Fiscal Projects Manager, shall oversee the program.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>271.27910 FB</u>
Amount	<u>\$357,552.50</u>
By:	<u>CBW</u> Date: <u>3/1/12</u>



City of Homer

City Manager

*491 East Pioneer Avenue
Homer, Alaska 99603
907-235-8121, X-2222*

Fax (907) 235-3148 E-mail: wwrede@ci.homer.ak.us Web Site: www.ci.homer.ak.us

February 28, 2012

Mayor Mike Navarre
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK. 99669

SUBJECT: 2011 CVPT Receipts

Dear Mayor Navarre:

I am writing to confirm that the City of Homer wishes to receive 2011 Commercial Vessel Passenger Tax receipts from the Borough. It is our understanding that you will be sponsoring an ordinance that would make the Borough's share of these tax receipts for vessel landings in Homer available to the City. The City appreciates that and understands that the amount to be passed through for calendar year 2011 is \$32,687.50.

The City of Homer recognizes that these funds must be used for port and harbor improvements that directly benefit cruise ship passengers. The City agrees to comply with the provisions contained in AS 43.52.200-298 and former SB 256 and HB 310. The funds will be used for paving the cruise ship staging area and/ or for Ramp 3 design and engineering. Ramp 3 is the oldest ramp in the Homer Boat Harbor and it is in need of replacement. This ramp is dangerously steep at low tide and it is not ADA accessible. This ramp is used by 100 or more cruise ship passengers each time a ship docks to access the tour boats that take them on excursions around Kachemak Bay.

Thanks for your time and consideration. Please do not hesitate to contact us if you have any questions.

Sincerely,

Walt Wrede
City Manager

CITY OF SEWARD
P.O. BOX 167
SEWARD, ALASKA 99664-0167



- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- City Clerk (907) 224-4046
- Community Development (907) 224-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

February 28, 2012

Mayor Mike Navarre
Kenai Peninsula Borough
144 N. Binkley
Soldotna, Alaska 99669

RE: Cruise ship passenger tax proceeds

Dear Mayor Navarre,

On behalf of the community of Seward, I would like to thank the Borough Assembly and administration for allocating the Commercial Passenger Vessel (CPV) excise tax to the cities of Seward and Homer, based on their pro-rata share of cruise ship passengers visiting each port. These funds have been critical to Seward's ability to provide improvements to our port infrastructure in support of cruise ships and their passengers.

The City of Seward was asked to submit a letter requesting their allotment of 2011 cruise ship head tax proceeds, and to identify the intended use of these funds. AS 43.52.230(b) requires that "a city or borough that receives a payment under this subsection shall use the funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels." Seward's planned use of these 'ports-of-call' funds will entirely meet these requirements. We have identified the following projects for utilization of CPV funds, including: 1) harbor dredging (\$550K); 2) bus transportation for cruise passengers and crew (\$200K); 3) ambulance services (\$10K); 4) harbor restroom repairs and upgrades (\$100K); 5) cruise ship dock maintenance and repairs (\$220K); 6) cruise ship berth enhancements (\$1.31 million), as well as other port and harbor infrastructure needs.

We appreciate your support of our request, and look forward to working with you to enhance facilities for the cruise ship industry in our region.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hunt", is written over the word "Sincerely,".

James Hunt, City Manager

Introduced by: Mayor
Date: 03/13/12
Shortened Hearing: 04/03/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-80**

**AN ORDINANCE APPROPRIATING \$1,400,000 FROM THE ROAD SERVICE
AREA OPERATING FUND BALANCE FOR ADDITIONAL SNOW REMOVAL**

1 **WHEREAS**, due to higher than normal snow fall during FY2012, the Road Service Area
2 (RSA) has expended all of the FY2012 funds allocated for maintenance, including
3 snow removal; and

4 **WHEREAS**, the RSA budgeted approximately \$2,300,000 for snow removal in FY2012; and

5 **WHEREAS**, based upon current estimates, an additional \$1,400,000 is needed to supplement
6 the amount previously budgeted in FY2012 for maintenance including snow
7 removal; and

8 **WHEREAS**, the Road Service Area board at its March 6, 2012, meeting recommended _____
9 _____;

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

12 **SECTION 1.** That \$1,400,000 is appropriated from the RSA operating fund, fund balance to
13 account 236.33950.00000.43952 for additional snow removal for FY2012.

14 **SECTION 2.** That this ordinance shall take effect immediately upon its enactment.

1 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
2 **DAY OF * 2012.**

Gary Knopp, Assembly President

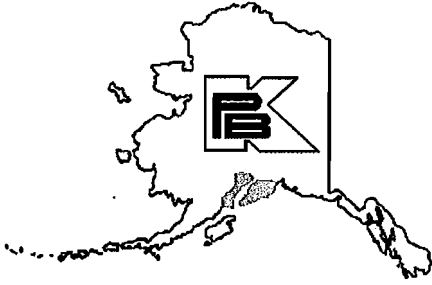
ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • FAX: (907) 262-1892
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *P.O. from M.N.*

FROM: Doug Schoessler, Roads Director *D. Schoessler*
Craig Chapman, Director of Finance *C. Chapman*

DATE: March 1, 2012

SUBJECT: Ordinance 2011-19-80, appropriating \$1,400,000 for additional road maintenance, including snow removal

The Kenai Peninsula Borough Road Service Area (RSA) has received higher than normal snow fall during FY2012. Due to the higher than normal snow fall, the RSA has expended all of its funds that have been budgeted for road maintenance including snow removal during FY2012. The Roads Director has estimated that an additional \$1,400,000 will be needed to supplement the current budget amount.

Shortened hearing is requested to meet the continuing road maintenance needs of the RSA in a timely manner.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>236.27910 FB</u>
Amount	<u>\$1,400,000</u>
By:	<u><i>C. Chapman</i></u> Date: <u>3/1/12</u>

Introduced by: Mayor
Date: 03/13/12
Hearing: 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-81**

AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$230,220 FROM THE STATE OF ALASKA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO COMPLETE A LOCAL HAZARD MITIGATION PLAN ANNEX IN THE SEWARD BEAR CREEK FLOOD SERVICE AREA

1 **WHEREAS,** the Hazard Mitigation Grant Program (HMGP) is a statewide competitive grant
2 program that makes federal pass-thru awards to eligible applicants for critical
3 mitigation projects that limit the loss to life and property in the event of future
4 disasters; and

5 **WHEREAS,** the HMGP application requirements for projects are intensive, including
6 submission of detailed and thorough scopes of work, comprehensive cost
7 estimates with supporting documentation, environmental/historic preservation
8 plans, and demonstration that the project is technically feasible and ready to
9 implement; and

10 **WHEREAS,** the borough applied for funds on behalf of the Seward Bear Creek Flood Service
11 Area (SBCFSA) to complete a local hazard mitigation plan annex; and

12 **WHEREAS,** upon completion the annex will provide a prioritization summary, recommending
13 mitigation projects to be completed among local, borough and state stakeholders;
14 and

15 **WHEREAS,** notice has been received from the Alaska Division of Homeland Security and
16 Emergency Management that a grant in the amount of \$230,220 has been awarded
17 to the borough on behalf of the service area for the annex plan;

1 **WHEREAS**, at its meeting on _____ the SBCFSA Board of Directors
2 recommended _____;

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

5 **SECTION 1.** That the mayor is authorized to accept, on behalf of the Seward Bear Creek Flood
6 Service Area, a Hazard Mitigation Grant from the Alaska Division of Homeland
7 Security and Emergency Management in the amount of \$230,220 for the Local
8 Hazard Mitigation Plan Annex, and is authorized to execute a grant agreement
9 and any other documents deemed necessary to accept and expend the grant and to
10 fulfill the intents and purposes of this ordinance.

11 **SECTION 2.** That funds in the amount of \$230,220 are appropriated to
12 271.21212.18432.49999, a project account.

13 **SECTION 3.** That due to the length and nature of this project, the appropriations established
14 through this ordinance shall not lapse at the end of any particular fiscal year.

15 **SECTION 4.** This ordinance shall become effective immediately upon its enactment.

16 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
17 **DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *P.O. for M.N.*
Eric Mohrmann, Emergency Management Director *EM*
John Mohorcich, River Center Director *John M*
Brenda Ahlberg, Community & Fiscal Projects Manager *B.A.*

FROM: Dan Mahalak, Water Resource Manager *DM*

DATE: March 1, 2012

SUBJECT: Ordinance 2011-19- 81, an ordinance accepting and appropriating a grant in the amount of \$230,220 from the State of Alaska Division of Homeland Security and Emergency Management to complete a Local Hazard Mitigation Plan Annex in the Seward Bear Creek Flood Service Area

The Seward Bear Creek Flood Service Area (SBCFSA) was established as a service area in 2003. The SBCFSA board completed a local flood hazard mitigation plan (FHMP) in July 2005, which was updated in 2007 and 2010. Mitigation efforts to date in the SBCFSA have focused primarily on debris removal from rivers and streams on an as-needed and emergency basis. However, an annex that identifies and prioritizes mitigation projects in the service area should be completed and added to the 2010 FHMP. Therefore, the borough applied for funds through the Hazard Mitigation Grant Program to complete such an annex, and award notification was recently received from the Alaska Department of Homeland Security & Emergency Management.

The proposed annex will follow a framework to be completed by a consulting firm. After acquiring and compiling the necessary data, a baseline flood risk assessment for SBCFSA will be performed. Future conditions, hazard identification and risk assessment will lead to the development and evaluation of adaptation options to be presented through a series of public meetings. The final annex will serve as: (1) a revision to the local Flood Hazard Mitigation Plan; (2) an addendum to the Kenai Peninsula Borough All Hazard Mitigation Plan; and (3) a prioritization summary of mitigation projects to be completed within the SBCFSA.

In closing, the consultant will be expected to work with the project manager and provide written progress reports and public presentations to SBCFSA board of directors and area residents.

Additionally, the consultant will present the final annex to the borough assembly for adoption consideration into the KPB All Hazard Mitigation Plan.

At a special board meeting held February 23, 2012, the service area board failed to pass a motion recommending acceptance of the grant. The vote was three in favor and one against and a minimum of four affirmative votes is required to pass a motion. The board chair is expected to provide additional information and the board may consider this again. The project performance period ends February 2013; however, a request extending the performance period will be submitted to the granting agency, allowing the final annex to be completed. Dan Mahalak, the borough's Water Resource Manager, shall provide grant oversight and project completion.

Attachments: award notification

FINANCE DEPARTMENT	
Acct #	FUNDS VERIFIED
Acct. No.	<u>211.21212.18432.49999</u>
Amount	<u>N/A</u>
By:	<u>C/BW</u> Date: <u>3/1/12</u>
	<u>C. Chopra</u>

STATE OF ALASKA

**DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS
DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT**

December 14, 2011

SEAN PARNELL, GOVERNOR

P.O. Box 5750
Ft. Richardson, AK 99505-5750
Phone: (907) 428-7000
Fax: (907) 428-7009
Toll Free: (800) 478-2337
www.ready.alaska.gov

Mike Navarre, Mayor
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

RE: Project Number HMGP-1843.0002
Kenai Peninsula Borough (KPB) and Seward Bear Creek Flood Service Area (SBCFSA), Local
Hazard Mitigation Plan (LHMP) Annex – SBCFSA Flood Risk Assessment LHMP Update

Dear Mayor Navarre:

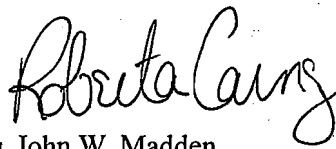
Enclosed is the Division of Homeland Security and Emergency Management (DHS&EM) Hazard Mitigation Grant Program (HMGP) Agreement for the Kenai Peninsula Borough (KPB) and Seward Bear Creek Flood Service Area (SBCFSA), Local Hazard Mitigation Plan (LHMP) Annex – SBCFSA Flood Risk Assessment LHMP Update Project.

The total award amount for this project is \$230,220.00. You will find the terms of the grant and procedures in the enclosed DHS&EM Sub-Grantee's Handbook and HMGP Grant Award Agreement.

Two copies of the agreements are enclosed; one is for your records, the other is for ours. Please return one of the original signed agreements to our office after signing the first and third page.

If you have any questions or require further information, please contact Brent A. Nichols at 907-428-7085 or by email at brent.nichols@alaska.gov.

Sincerely,


for John W. Madden
Governor's Authorized Representative

jwm:ban:lam

Enclosures: (2) DHS&EM HMGP Obligating Award Documents

Introduced by: Murphy
Date: 03/13/12
Hearings: 04/03/12 & 04/17/12
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-07**

**AN ORDINANCE AMENDING KPB TITLES
2—ADMINISTRATION, 4—ELECTIONS AND 16—SERVICE AREAS
TO PROVIDE THAT ALL KENAI PENINSULA BOROUGH SERVICE AREA BOARDS
ARE APPOINTED INSTEAD OF ELECTED**

1 **WHEREAS**, the Kenai Peninsula Borough currently has 14 service area boards of which 13 are
2 elected and one, the road service area board, is appointed; and

3 **WHEREAS**, the Kenai Peninsula Borough is one of the few, if not the only borough in the
4 State of Alaska with elected service area boards; and

5 **WHEREAS**, historically there have been numerous vacant seats for service area boards as well
6 as seats where only one person has filed to run; and

7 **WHEREAS**, appointed boards may increase public interest in service on a board as potential
8 board members would not have to run or otherwise comply with the election
9 process requirements; and

10 **WHEREAS**, changing from elected service area boards to appointed boards will significantly
11 reduce the time and expense involved in borough elections; and

12 **WHEREAS**, the Clerk's Office has indicated that thousands of dollars would be saved by
13 eliminating these seats from the election process as this would reduce printing
14 costs and time required of election judges and the Clerk's Office in reviewing and
15 verifying election ballots; and

1 **WHEREAS**, providing for an appointed board may alleviate voter confusion by reducing the
2 content of the voter pamphlet and the number of ballots as many service areas
3 bifurcate precincts requiring more than one ballot for each precinct; and

4 **WHEREAS**, the appointment process is likewise a public process in which the mayor would
5 appoint interested applicants and the assembly would confirm the appointment to
6 service area boards; and

7 **WHEREAS**, appointed boards have functioned well for the road service area and throughout
8 other service areas in the state;

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

11 **SECTION 1.** KPB 2.58.010(C) is amended as follows:

12 **2.58.010. Definitions.**

13 ...

14 C. 1. "Service area board members" means those persons[, WHETHER ELECTED
15 OR APPOINTED,] who serve upon boards of the various service areas as may
16 from time to time be established within the borough.

17 2. "Service area officers or employees" means an officer or employee of the
18 service area involved in the contractual relationship, but does not include
19 officers or employees of service areas other than the one with which a
20 contractual relationship is sought or entered.

21 ...

1 **SECTION 2.** KPB 2.58.035(B) is amended as follows:

2 **2.58.035. Contracts or sales not constituting substantial interest.**

3 ...

4 B. A contract in which the person has an interest if such contract was entered into
5 prior to the time he/she was [ELECTED OR] appointed as such service area
6 board member, service area officer or employee, but this exception shall in no
7 event authorize a renewal of any such contract;

8 ...

9 **SECTION 3.** KPB 4.10.070 is amended as follows:

10 **4.10.070. Votes required for election to office.**

11 A. Election to the office of borough mayor is by a majority of the votes cast. If
12 no candidate for the office of borough mayor receives a majority of the votes
13 cast for that office, a runoff election will be held between the 2 candidates
14 receiving the highest number of votes.

15 B. The candidate for an assembly or school board seat receiving the greatest
16 number of votes is elected.

17 [C. THE CANDIDATE FOR AN ELECTED SERVICE AREA BOARD SEAT RECEIVING THE
18 GREATEST NUMBER OF VOTES CAST FOR THAT SEAT IS ELECTED.]

19 **SECTION 4.** KPB 4.30.010 is amended as follows:

20 **4.30.010. Candidate qualifications.**

21 A. A candidate for borough mayor must be a qualified voter of the State of
22 Alaska and a resident of the Kenai Peninsula Borough for 180 days

1 immediately preceding filing for office. A person who has served as mayor for
2 two consecutive full terms may not be reelected to that office until 180 days
3 has intervened.

4 B. A candidate for borough assembly must be a qualified voter of the State of
5 Alaska and a resident of the district from which the candidate seeks election
6 for at least 180 days immediately preceding filing for office.

7 C. A candidate for school board must be a qualified voter of the State of Alaska
8 and a resident of the district from which the candidate seeks election for 180
9 days immediately preceding filing for office.

10 [D. A CANDIDATE FOR A SERVICE AREA BOARD MUST BE A QUALIFIED VOTER OF THE
11 STATE OF ALASKA AND A RESIDENT OF THE SERVICE AREA FOR AT LEAST 180
12 DAYS IMMEDIATELY PRECEDING FILING FOR OFFICE.]

13 **SECTION 5.** KPB 4.30.020(D) is amended as follows:

14 **4.30.020. Declaration of candidacy.**

15 ...

16 D. Filing for elective offices of mayor, assembly, and school board [AND SERVICE
17 AREA BOARDS] shall be made by filing a declaration of candidacy with the
18 borough clerk from August 1st through August 15th, 4:30 p.m. Should August
19 15 be a Saturday or Sunday, then candidates shall have until noon on the first
20 Monday following to file their declaration.

21 ...

1 **SECTION 6.** KPB 4.30.030(A) is amended as follows:

2 **4.30.030. Public official financial disclosure statements.**

3 A. Candidates for elective borough office and declared write-in candidates shall
4 file a public official financial disclosure statement with the borough clerk as
5 required by the provisions of AS 39.50 at the time of filing a declaration of
6 candidacy. The name of the candidate shall be placed on the ballot by the
7 borough clerk only after the candidate has complied with this requirement.
8 [THIS SUBSECTION DOES NOT APPLY TO CANDIDATES FOR SERVICE AREA
9 BOARDS.]

10 ...

11 **SECTION 7.** KPB 16.04.060 is amended as follows:

12 **16.04.060. Election to establish governmental powers required when.**

13 If the borough assembly shall by ordinance establish a service area, the
14 proposition whether or not to exercise the particular governmental power for
15 which the service area has been established shall be placed on the ballot at the
16 next general or a special election of the borough; except, however, an area that
17 has once been considered and rejected by the eligible voters at either a special or
18 general election shall thereafter be placed before the voters only at a subsequent
19 general election. [IF THE ORDINANCE ESTABLISHING THE SERVICE AREA HAS
20 PROVIDED FOR ELECTED BOARDS TO SUPERVISE THE FURNISHING OF SPECIAL
21 SERVICES IN THE SERVICE AREA, THEN THE CANDIDATES FOR ELECTION TO SUCH
22 BOARD SHALL BE PLACED ON THE BALLOT AT THE SAME ELECTION FOR ELECTION BY
23 THE QUALIFIED VOTERS RESIDING WITHIN THE SERVICE AREA.]

1 SECTION 8. KPB 16.04.065 is amended as follows:

2 **16.04.065. [ELECTION] Appointment of board members.**

3 Vacancies for service area boards [REQUIRING ELECTED BOARDS] shall be filled by
4 [THE CANDIDATE] applicants appointed by the mayor and confirmed by the
5 assembly.[RECEIVING THE HIGHEST NUMBER OF THE VOTES CAST FOR THAT SEAT].
6 IN THE EVENT THAT NO CANDIDATE FILES FOR ELECTION TO A SEAT WHICH IS TO BE
7 FILLED AT SAID ELECTION, THEN NO ELECTION SHALL BE CONDUCTED FOR THAT
8 PARTICULAR SEAT, AND THE SEAT SHALL BE FILLED BY A MAJORITY VOTE OF THE
9 REMAINING BOARD FOLLOWING CERTIFICATION OF THE ELECTION.]

10 SECTION 9. KPB 16.04.080 is amended as follows:

11 **16.04.080. Administrative employees—Appointment, qualifications, and**
12 **removal.**

13 A. *Service area directors.* Except as may otherwise be provided for a specific
14 service area, the director of a service area as determined necessary by the
15 assembly and as defined by KPB 3.04.070 shall be appointed by the mayor
16 from a list of recommended names from the service area board. [EXCEPT FOR
17 THE ROAD S]Service area directors shall serve at the pleasure of the mayor.
18 The service area board may independently make a recommendation to the
19 mayor regarding the suspension or discharge of the service area director,
20 however such suspension or discharge remains within the sole authority of the
21 mayor. [, WHOSE BOARD CONSISTS OF APPOINTED MEMBERS, AND AS OTHERWISE
22 PROVIDED BELOW, ALL OTHER SERVICE AREA DIRECTORS MAY BE REMOVED BY
23 THE MAYOR WITH A CONCURRENT RECOMMENDATION FROM THE APPLICABLE
24 BOARD. SUCH ACTION BY THE SERVICE AREA BOARD SHALL REQUIRE A
25 MAJORITY VOTE OF THE BOARD MEMBERSHIP. IN THE EVENT THAT THE SERVICE
26 AREA BOARD AND THE MAYOR ARE UNABLE TO AGREE WITHIN 30 DAYS OF THE

1 DATE THE ACTION IS RECOMMENDED, THEN THE MAYOR AND THE SERVICE AREA
2 BOARD SHALL COMMUNICATE TO ATTEMPT TO RESOLVE THE IMPASSE. SUCH
3 COMMUNICATION SHALL OCCUR NO MORE THAN 60 DAYS AFTER THE DATE OF
4 THE INITIAL RECOMMENDATION FOR REMOVAL. FOLLOWING SUCH
5 COMMUNICATION, THE MAYOR SHALL HAVE THE FINAL AUTHORITY TO
6 DETERMINE WHETHER OR NOT TO REMOVE THE DIRECTOR.]

7 B. *Other administrative employees.* Other administrative employees serve at the
8 pleasure of the mayor who may suspend or discharge such employees in his or
9 her sole discretion. The service area board may independently make a
10 recommendation to the mayor regarding the suspension or discharge of other
11 administrative employees; however, such suspension or discharge remains
12 within the sole discretion of the mayor.

13 **SECTION 10.** The following sections of **KPB Chapter 16.08 Central Kenai Peninsula**
14 **Hospital Service Area** are amended as follows:

15 ...

16 **16.08.020. Board—Established—[NOMINATION AND ELECTION]**

17 **Appointment.**

18 There is established a board of directors for the Central Kenai Peninsula
19 Hospital Service Area composed of 7 members who shall be appointed by the
20 borough mayor and confirmed by the borough assembly. [NOMINATED AND
21 ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN THE
22 BOROUGH ELECTIONS CODE AND KPB 16.04.065.]

23 ...

1 **16.08.040. Board—Election of officers.**

2 At the first regular meeting following the certification of the regular borough
3 election by the assembly, and annually thereafter, the board shall elect by
4 majority vote of the members and from the members a chairman who shall hold
5 office until a successor is elected.

6 **16.08.050. Board—Qualifications and terms of office.**

7 A. Membership. Members shall be qualified voters of the borough who are
8 residents of the service area. [MEMBERS SHALL BE ELECTED TO SEAT A FOR A
9 TERM OF 1 YEAR, AND SEATS B THROUGH G FOR A TERM OF 3 YEARS, EXCEPT
10 THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED TO SEATS B AND C
11 FOR INITIAL TERMS OF 1 YEAR AND TO SEATS D AND E FOR INITIAL TERMS OF 2
12 YEARS IN ORDER TO PROVIDE FOR STAGGERED TERMS.] Board of directors
13 members shall be appointed for a term of three years and shall serve
14 thereafter until a successor has been appointed, qualified and sworn to
15 assume the duties of office. Applicants shall file for appointment to Seats A
16 through G for staggered terms of three years.

17 B. Membership criteria. The following criteria shall be considered when
18 appointing board members.

19 1. Familiarity with the provision of medical care within the service area.

20 2. Financial and budgetary management capabilities.

21 **16.08.060. Board—Vacancies—Created when.**

22 Vacancies on the board are created under the following conditions and upon
23 declaration of vacancy by the board:

- 1 A. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat
2 which is to be filled [AT SAID ELECTION] or if a successful applicant
3 [CANDIDATE] fails to qualify or take office within 30 days after his or her
4 appointment [ELECTION];

- 5 B. If a member is physically absent from the service area for a 90-day period,
6 unless excused by the board;

- 7 C. If a member resigns and his or her resignation is accepted;

- 8 D. If a member is physically or mentally unable to perform the duties of office;

- 9 E. If a member is removed from office;

- 10 F. If a member misses 3 consecutive regular meetings unless excused; or

- 11 G. If a member is convicted of a felony or of an offense involving a violation of
12 his or her oath of office.

13 **16.08.070. Board—Vacancies—Filling.**

14 Vacancies on the board shall be filled by appointment by the mayor and
15 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD UNTIL
16 THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
17 SHALL BE ELECTED] The appointment shall be to fill the unexpired term or for a
18 full term if no unexpired term remains. The clerk shall provide at least twenty-
19 one days' advance public notice before [FILLING] the vacancy is filled. Public
20 notice may be provided by publication through print or broadcast media, posting
21 at the primary service area office or at the borough administration building, and
22 such other publication as [THE SERVICE AREA BOARD] deemed[s] appropriate.

...

1 **SECTION 11.** The following sections of **KPB Chapter 16.12 Nikiski Fire Service Area** are
2 amended as follows:

3 ...

4 **16.12.020. Board—Established—Appointment [ELECTION].**

5 There is established a board of directors for the Nikiski Fire Service Area
6 composed of seven (7) members who shall be appointed by the borough mayor
7 and confirmed by the borough assembly. [ELECTED BY THE QUALIFIED VOTERS
8 OF THE SERVICE AREA AS DESIGNATED IN THE BOROUGH ELECTIONS CODE.]

9 ...

10 **16.12.040. Board—Election of chair and officers.**

11 At the first regular meeting following certification of the regular borough
12 election by the assembly, and annually thereafter, the board shall elect by
13 majority vote of the board members and from the board members a chair and
14 such other officers as the board shall determine to be desirable who shall hold
15 office until successors are elected.

16 **16.12.050. Board—Qualifications and terms of office.**

17 A. Members of the board of directors shall be qualified voters of the borough
18 who are residents of the service area. Board of directors members shall be
19 appointed for a term of three years and shall serve thereafter until a
20 successor has been appointed, qualified and sworn to assume the duties of
21 office. Applicants shall file for appointment to Seats A through G for
22 staggered terms of three years. [CANDIDATES SHALL FILE FOR ELECTION TO
23 SEATS A THROUGH G FOR STAGGERED TERMS OF THREE YEARS.]

24 B. Membership criteria. The following criteria shall be considered when
25 appointing board members.

26 1. Familiarity with the provision of fire and emergency services.

27 2. Financial and budgetary management capabilities.

1 **16.12.060. Board—Vacancies—Created when.**

2 Vacancies on the board are created under the following conditions and upon
3 declaration of vacancy by the board:

4 A. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat
5 which is to be filled [AT SAID ELECTION], or if a successful applicant
6 [CANDIDATE] fails to qualify or take office within 30 days after his/her
7 [ELECTION OR] appointment;

8 B. If a member is physically absent from the service area for a 90-day period,
9 unless excused by the board;

10 C. If a member resigns and his/her resignation is accepted;

11 D. If a member is physically or mentally unable to perform the duties of his/her
12 office;

13 E. If a member is removed from office;

14 F. If a member misses 3 consecutive regular meetings unless excused; or

15 G. If a member is convicted of a felony or of an offense involving a violation of
16 his/her oath of office.

17 **16.12.070. Board vacancies—Filling.**

18 Vacancies on the board shall be filled by appointment by the mayor and
19 confirmation by the assembly [MAJORITY VOTE OF THE REMAINING BOARD UNTIL
20 THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
21 SHALL BE ELECTED]. The appointment shall be to fill the unexpired term or for a
22 3-year term if no unexpired term remains. The clerk shall provide at least

1 twenty-one days' advance public notice before [FILLING] the vacancy is filled.
2 Public notice may be provided by publication through print or broadcast media,
3 posting at the primary service area office or at the borough administration
4 building, and such other publication as [THE SERVICE AREA BOARD] deemed[S]
5 appropriate.

6 ...

7 **SECTION 12.** The following sections of **KPB Chapter 16.16 North Peninsula Recreation**
8 **Service Area** are amended as follows:

9 ...

10 **16.16.020. Board—Established—[NOMINATION AND ELECTION]**
11 **appointment of members.**

12 There is established a board of directors for the North Peninsula Recreation
13 Service Area composed of 5 members who shall be appointed by the borough
14 mayor and confirmed by the borough assembly [NOMINATED AND ELECTED BY
15 THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN SECTIONS
16 4.08.020 (D) AND 16.04.065 OF THIS CODE.] Board members shall be appointed
17 based on their familiarity with the functions of the service area and financial and
18 budgetary management capabilities.

19 ...

20 **16.16.040. Board—Election of officers.**

21 At the first regular meeting following certification of the regular borough
22 election by the assembly, and annually thereafter, the board shall elect by
23 majority vote of the board members and from the board members a chairman,
24 and such other officers as the board shall determine to be desirable who shall
25 hold office until successors are elected.

1 **16.16.050. Board—Term of office.**

2 A member of the board of directors shall be appointed [ELECTED] for a term of 3
3 years and shall serve thereafter until his successor has been appointed
4 [ELECTED], qualified, and sworn to assume the duties of the office. Applicants
5 shall file for appointment to Seats A through E for staggered terms of three
6 years. [, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR
7 LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION
8 TO PROVIDE FOR STAGGERED TERMS.]

9 **16.16.060. Board—Vacancies—Created when.**

10 Vacancies on the board are created under the following conditions and upon
11 declaration of vacancy by the board [IF A MEMBER]:

12 A. If no applicant files for appointment to a seat which is to be filled or if a
13 successful applicant fails to qualify or take office within 30 days after his
14 or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS
15 AFTER HIS ELECTION OR APPOINTMENT;]

16 B. If a member [I]is physically absent from the service area for a 90-day
17 period, unless excused by the board;

18 C. If a member [R]resigns and his resignation is accepted;

19 D. If a member [I]is physically or mentally unable to perform the duties of his
20 office;

21 E. If a member [I]is removed from office;

22 F. If a member [M]misses 3 consecutive regular meetings unless excused;

23 G. If a member [I]is convicted of a felony or of an offense involving a
24 violation of his oath of office.

1 **16.16.070. Board—Vacancies—Filling.**

2 Vacancies on the board shall be filled by appointment by the mayor and
3 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
4 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW
5 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
6 term or for a 3-year term if no unexpired term remains. The clerk shall provide
7 at least twenty-one days' advance public notice before [FILLING] the vacancy is
8 filled. Public notice may be provided by publication through print or broadcast
9 media, posting at the primary service area office or at the borough
10 administration building, and such other publication as [THE SERVICE AREA
11 BOARD] deemed[s] appropriate.

12 ...

13 **SECTION 13.** The following sections of **KPB Chapter 16.20 Kachemak Emergency Service**
14 **Area** are amended as follows:

15 ...

16 **16.20.030. Board of directors.**

17 There is established a board of directors for oversight of the operations of the
18 Kachemak Emergency Service Area composed of five members who[, EXCEPT
19 AS PROVIDED BELOW,] shall be appointed by the borough mayor and confirmed
20 by the borough assembly. [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE
21 AREA IN THE MANNER PROVIDED IN THE BOROUGH ELECTION CODE AND KPB
22 16.04.065 AS NOW ENACTED OR MAY BE HEREINAFTER AMENDED.
23 NOTWITHSTANDING THE PROVISIONS OF KPB 16.04.060, THE FIRST BOARD SHALL
24 BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY FOR ONE YEAR
25 TERMS.]

26 ...

1 **16.20.050. Board—Election of officers.**

2 At the first regular meeting following certification of the regular borough
3 election by the assembly, and annually thereafter, the board shall elect by
4 majority vote of the board members, and from the board members, a chairman
5 and such other officers as the board shall determine to be desirable who shall
6 hold office until successors are elected.

7 **16.20.060. Board—Terms of office.**

8 Each member of the board of directors shall be appointed [ELECTED] for a term
9 of three years and shall serve thereafter until his or her successor has been
10 appointed [ELECTED], qualified and sworn to assume the duties of the office [,
11 EXCEPT THAT THE FIRST ELECTED BOARD SHALL CONTAIN MEMBERS ELECTED FOR
12 LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION
13 TO PROVIDE FOR STAGGERED TERMS.] Applicants shall file for appointment to
14 Seats A through E for staggered terms of three years. Board members shall be
15 appointed based on their familiarity with the functions of the service area and
16 financial and budgetary management capabilities.

17 **16.20.070. Board—Vacancies—Created when.**

18 Vacancies on the board are created under the following conditions and upon
19 declaration of vacancy by the board [IF A MEMBER]:

- 20 A. If no applicant files for appointment to a seat which is to be filled or if a
21 successful applicant fails to qualify or take office within 30 days after his or
22 her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER
23 HIS OR HER ELECTION OR APPOINTMENT;]

- 1 B. If a member [I]is physically absent from the service area for a 90-day
 2 period, unless excused by the board;
- 3 C. If a member [C]changes his or her residency for a period longer than 60 days
 4 to a location outside of the jurisdiction from which the board is appointed
 5 [ELECTED];
- 6 D. If a member [R]resigns and his or her resignation is accepted;
- 7 E. If a member [I]is physically or mentally unable to perform the duties of his
 8 or her office;
- 9 F. If a member [M]misses three consecutive regular meetings unless excused;
 10 or
- 11 G. If a member [I]is convicted of a felony or of an offense involving a violation
 12 of his or her oath of office.

13 **16.20.080. Board—Vacancies—Filling.**

14 Vacancies on the board shall be filled by appointment by the mayor and
 15 confirmation by the assembly [MAJORITY VOTE OF THE REMAINING BOARD UNTIL
 16 THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
 17 SHALL BE ELECTED]. The appointment shall be to fill the unexpired term or for a
 18 3-year term if no unexpired term remains. The clerk shall provide at least
 19 twenty-one days' advance public notice before [FILLING] the vacancy is filled.
 20 Public notice may be provided by publication through print or broadcast media,
 21 posting at the primary service area office or at the borough administration
 22 building, and such other publication as [THE SERVICE AREA BOARD] deemed[S]
 23 appropriate.

24 ...

1 **SECTION 14.** The following sections of **KPB Chapter 16.24 South Kenai Hospital Service**
2 **Area** are amended as follows:

3 ...

4 **16.24.020. Board—Established— Appointment [NOMINATION AND**
5 **ELECTION].**

6
7 There is established a board of directors for the South Kenai Peninsula hospital
8 service area composed of 9 members who shall be appointed by the borough
9 mayor and confirmed by the borough assembly. [NOMINATED AND ELECTED BY
10 THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN SECTIONS
11 4.08.020(D) AND 16.04.065 OF THIS CODE.]

12 ...

13 **16.24.040. Board—Election of officers.**

14 At the first regular meeting following certification of the regular borough
15 election by the assembly, and annually thereafter, the board shall elect by
16 majority vote of the members and from the members a chairman who shall hold
17 office until a successor is elected.

18 **16.24.050. Board—Qualifications and terms of office.**

19 A. Members shall be qualified voters of the borough who are residents of the
20 service area. Board of directors members shall be appointed for a term of
21 three years and shall serve thereafter until a successor has been appointed,
22 qualified and sworn to assume the duties of office. Applicants shall file for
23 appointment to Seats A through I for staggered terms of three years.
24 [MEMBERS SHALL BE ELECTED TO SEATS A THROUGH I FOR A TERM OF 3
25 YEARS, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED
26 TO SEATS G, H, AND I FOR INITIAL TERMS OF 1 YEAR AND TO SEATS D, E, AND

1 F FOR INITIAL TERMS OF 2 YEARS IN ORDER TO PROVIDE FOR STAGGERED
2 TERMS.]

3 B. Membership criteria. The following criteria shall be considered when
4 appointing board members.

5 1. Familiarity with the provision of medical care within the service area.

6 2. Financial and budgetary management capabilities.

7 **16.24.060. Board—Vacancies—Created when.**

8 Vacancies on the board are created under the following conditions and upon
9 declaration of vacancy by the board:

10 A. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat
11 which is to be filled [AT SAID ELECTION] or if a successful applicant
12 [CANDIDATE] fails to qualify or take office within 30 days after his
13 [ELECTION OR] appointment;

14 B. If a member is physically absent from the service area for a 90-day period,
15 unless excused by the board;

16 C. If a member resigns and his resignation is accepted;

17 D. If a member is physically or mentally unable to perform the duties of his
18 office;

19 E. If a member is removed from office;

20 F. If a member misses 3 consecutive regular meetings unless excused; or

1 G. If a member is convicted of a felony or of an offense involving a violation of
2 his oath of office.

3 **16.24.070. Board—Vacancies—Filling.**

4 Vacancies on the board shall be filled by appointment by the mayor and
5 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
6 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW
7 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
8 term or for a 3-year term if no unexpired term remains. The clerk shall provide
9 at least twenty-one days' advance public notice before [FILLING] the vacancy is
10 filled. Public notice may be provided by publication through print or broadcast
11 media, posting at the primary service area office or at the borough
12 administration building, and such other publication as [THE SERVICE AREA
13 BOARD] deemed[S] appropriate.

14 ...

15 **SECTION 15.** The following sections of **KPB Chapter 16.28 Bear Creek Fire Service Area**
16 are amended as follows:

17 ...

18 **16.28.020. Board—Established—Appointment [NOMINATION AND**
19 **ELECTION] of members.**

20 There is established a board of directors for the Bear Creek Fire Service Area
21 composed of 5 members who shall be appointed by the borough mayor and
22 confirmed by the borough assembly. [NOMINATED AND ELECTED BY THE
23 QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN SECTIONS 4.08.020(D)
24 AND 16.04.065 OF THIS CODE.]

25 ...

1 **16.28.040. Board—Election of officers.**

2 At the first regular meeting following certification of the regular borough
3 election by the assembly, and annually thereafter, the board shall elect by
4 majority vote of the board members and from the board members a chairman
5 and such other officers as the board shall determine to be desirable who shall
6 hold office until successors are elected.

7 **16.28.050. Board—Terms of office.**

8 A member of the board of directors shall be appointed [ELECTED] for a term of 3
9 years and shall serve thereafter until his successor has been appointed
10 [ELECTED], qualified, and sworn to assume the duties of the office[, EXCEPT
11 THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS
12 AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR
13 STAGGERED TERMS]. Applicants shall file for appointment to Seats A through E
14 for staggered terms of three years. Board members shall be appointed based on
15 their familiarity with the functions of the service area and financial and
16 budgetary management capabilities.

17 **16.28.060. Board—Vacancies—Created when.**

18 Vacancies on the board are created under the following conditions and upon
19 declaration of vacancy by the board [IF A MEMBER]:

- 20 A. If no applicant files for appointment to a seat which is to be filled or if a
21 successful applicant fails to qualify or take office within 30 days after his or
22 her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER
23 HIS ELECTION OR APPOINTMENT;]

- 1 B. If a member [I]is physically absent from the service area for a 90 day period,
2 unless excused by the board;
- 3 C. If a member [R]resigns and his resignation is accepted;
- 4 D. If a member [I]is physically or mentally unable to perform the duties of his
5 office;
- 6 E. If a member [I]is removed from office;
- 7 F. If a member [M]misses 3 consecutive regular meetings unless excused; or
- 8 G. If a member [I]is convicted of a felony or of an offense involving a violation
9 of his oath of office.

10 **16.28.070. Board—Vacancies—Filling.**

11 Vacancies on the board shall be filled by appointment by the mayor and
12 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
13 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW
14 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
15 term or for a 3-year term if no unexpired term remains. The clerk shall provide
16 at least twenty-one days' advance public notice before [FILLING] the vacancy is
17 filled. Public notice may be provided by publication through print or broadcast
18 media, posting at the primary service area office or at the borough
19 administration building, and such other publication as [THE SERVICE AREA
20 BOARD] deemed[S] appropriate.

21 ...

1 **SECTION 16.** The following sections of **KPB Chapter 16.30 Central Emergency Service**
2 **Area** are amended as follows:

3 ...

4 **16.30.030. Joint operations board.**

5 There is established a joint operations board of directors for oversight of the
6 joint operations of the Central Emergency Service Area with the Central
7 Peninsula Emergency Medical Service Area, to be composed of five members
8 who shall be appointed by the borough mayor and confirmed by the borough
9 assembly. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS RESIDING
10 WITHIN THE TWO SERVICE AREAS AS PROVIDED IN SECS. 4.10.020(C) AND
11 16.04.065 OF THIS CODE.]

12 ...

13 **16.30.050. Board—Election of officers.**

14 At the first regular meeting following certification of the regular borough
15 election by the Assembly, and annually thereafter, the board shall elect by
16 majority vote of the board members and from the board members a chairman
17 and such other officers as the board shall determine to be desirable who shall
18 hold office until successors are elected.

19 **16.30.060. Board—Terms of office.**

20 A member of the board of directors shall be appointed [ELECTED] for a term of
21 three years and shall serve thereafter until his successor has been appointed
22 [ELECTED], qualified and sworn to assume the duties of the office[, EXCEPT THAT
23 THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS AS
24 DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR
25 STAGGERED TERMS]. Applicants shall file for appointment to Seats A through E

1 for staggered terms of three years. Board members shall be appointed based on
2 their familiarity with the functions of the service area and financial and
3 budgetary management capabilities.

4 **16.30.070. Board—Vacancies—Created when.**

5 Vacancies on the board are created under the following conditions and upon
6 declaration of vacancy by the board [IF A MEMBERS]:

7 A. If no applicant files for appointment to a seat which is to be filled or if a
8 successful applicant fails to qualify or take office within 30 days after his or
9 her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER
10 HIS OR HER ELECTION OR APPOINTMENT;]

11 B. If a member [I]is physically absent from the service area for a 90-day
12 period, unless excused by the board;

13 C. If a member [C]changes his or her residency for a period longer than 60 days
14 to a location outside of the jurisdiction from which the board is appointed
15 [ELECTED];

16 D. If a member [R]resigns and his or her resignation is accepted;

17 E. If a member [I]is physically or mentally unable to perform the duties of his
18 or her office;

19 F. If a member [M]misses three consecutive regular meetings unless excused;
20 or

21 G. If a member [I]is convicted of a felony or of an offense involving a violation
22 of his or her oath of office.

1 **16.30.080. Board—Vacancies—Filling.**

2 Vacancies on the board shall be filled by appointment by the mayor and
3 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
4 UNTIL THE NEXT ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
5 SHALL BE ELECTED]. The appointment shall be to fill the unexpired term or for a
6 3-year term if no unexpired term remains. The clerk shall provide at least
7 twenty-one days' advance public notice before [FILLING] the vacancy is filled.
8 Public notice may be provided by publication through print or broadcast media,
9 posting at the primary service area office or at the borough administration
10 building, and such other publication as [THE SERVICE AREA BOARD] deemed[S]
11 appropriate.

12 ...

13 **SECTION 17.** The following section of **KPB Chapter 16.40 Central Peninsula Emergency**
14 **Medical Service Area** are amended as follows:

15 ...

16 **16.40.030. Joint operations board.**

17 There is established a joint operations board of directors for oversight of the
18 joint operations of the Central Emergency Service Area with the Central
19 Peninsula Emergency Medical Service, to be composed of five members who
20 shall be appointed by the borough mayor and confirmed by the borough
21 assembly. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE TWO
22 SERVICE AREAS AS PROVIDED IN SECS. 4.10.020(C) AND 16.04.065 OF THIS CODE.]
23 All procedures and authorities of the joint operations board are set out through
24 the express terms and conditions of KPB Chapter 16.30.

25 ...

1 **SECTION 18.** The following sections of **KPB Chapter 16.50 Seward Bear Creek Flood**
2 **Service Area** are amended as follows:

3 ...

4 **16.50.030. Board of directors.**

5 There is established a board of directors for oversight of the operations of the
6 Seward-Bear Creek Flood Service Area composed of seven members who shall
7 be appointed by the borough mayor and confirmed by the borough assembly
8 [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA IN THE MANNER
9 PROVIDED IN THE BOROUGH ELECTION CODE AND KPB 16.04.065 AS NOW
10 ENACTED OR MAY BE HEREINAFTER AMENDED. BOARD SEATS TO BE FILLED AT
11 THE FIRST ELECTION OF BOARD MEMBERS SHALL BE STAGGERED AS FOLLOWS:
12 SEATS A AND D FOR ONE YEAR; SEATS B AND E FOR TWO YEARS; AND SEATS C, F,
13 AND G FOR THREE YEARS.] Seats A, B, C, and F shall be filled by residents of the
14 City of Seward, and Seats D, E, and G shall be filled by residents of the area
15 outside the city limits of the City of Seward and inside the service area
16 boundaries. [NOTWITHSTANDING PROVISIONS OF KPB 16.04.060, THE FIRST
17 BOARD SHALL BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY
18 FOR ONE-YEAR TERMS.]

19 ...

20 **16.50.050. Board—Election of officers.**

21 At the first regular meeting following certification of the regular borough
22 election by the assembly, and annually thereafter, the board shall elect by
23 majority vote of the board members, and from the board members, a chairman
24 and such other officers as the board shall determine to be desirable who shall
25 hold office until successors are elected.

1 **16.50.060. Board—Terms of office.**

2 Each member of the board of directors shall be appointed [ELECTED] for a term
3 of three years and shall serve thereafter until his or her successor has been
4 appointed [ELECTED], qualified and sworn to assume the duties of the office[,
5 EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER
6 PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO
7 PROVIDE FOR STAGGERED TERMS AND AS PROVIDED IN KP.B 16.50.030].
8 Applicants shall file for appointment to Seats A through G for staggered terms
9 of three years. Board members shall be appointed based on their familiarity with
10 the functions of the service area and financial and budgetary management
11 capabilities.

12 **16.50.070. Board—Vacancies—Created when.**

13 Vacancies on the board are created under the following conditions and upon
14 declaration of vacancy by the board [IF A MEMBER]:

15 A. If no applicant files for appointment to a seat which is to be filled or if a
16 successful applicant fails to qualify or take office within 30 days after his or
17 her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER
18 HIS OR HER ELECTION OR APPOINTMENT;]

19 B. If a member [I]is physically absent from the service area for a 90-day
20 period, unless excused by the board;

21 C. If a member [C]changes his or her residency for a period longer than 60 days
22 to a location outside of the jurisdiction from which the board is appointed
23 [ELECTED];

24 D. If a member [R]resigns and his or her resignation is accepted;

1 E. If a member [I]is physically or mentally unable to perform the duties of his
2 or her office;

3 F. If a member [M]misses three consecutive regular meetings unless excused;
4 or

5 G. If a member [I]is convicted of a felony or of an offense involving a violation
6 of his or her oath of office.

7 H. If a member [I]is removed from office pursuant to a recall election.

8 **16.50.080. Board—Vacancies—Filling.**

9 Vacancies on the board shall be filled by appointment by the mayor and
10 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD UNTIL
11 THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER
12 SHALL BE ELECTED]. The appointment shall be to fill the unexpired term or for a
13 3-year term if no unexpired term remains. The clerk shall provide at least
14 twenty-one days' advance public notice before [FILLING] the vacancy is filled.
15 Public notice may be provided by publication through print or broadcast media,
16 posting at the primary service area office or at the borough administration
17 building, and such other publication as [THE SERVICE AREA BOARD] deemed[S]
18 appropriate.

19 ...

20 **SECTION 19.** The following sections **KPB Chapter 16.55 Seldovia Recreational Service**
21 **Area** are amended as follows:

22 ...

23 **16.55.030. Board of directors.**

1 There is established a board of directors for oversight of the operations of the
2 Seldovia Recreational Service Area composed of five members who, except as
3 provided below, shall be appointed by the borough mayor and confirmed by the
4 borough assembly. [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA IN
5 THE MANNER PROVIDED IN THE BOROUGH ELECTION CODE AND KPB 16.04.065 AS
6 NOW ENACTED OR MAY BE HEREINAFTER AMENDED.] Notwithstanding the
7 provisions of KPB 16.04.060, the first board shall be appointed by the mayor
8 and confirmed by the assembly for terms expiring upon certification of the
9 regular election held in October 2012. Board seats to be filled at the first
10 appointment [ELECTION] of board members shall be staggered as follows: Seats
11 A and D for one year; seats B and E for two years; and seat C for three years.

12 ...

13 **16.55.050. Board—Election of officers.**

14 At the first regular meeting following certification of the regular borough
15 election by the assembly, and annually thereafter, the board shall elect by
16 majority vote of the board members, and from the board members, a
17 chairperson and such other officers as the board shall determine to be desirable
18 who shall hold office until successors are elected.

19 **16.55.060. Board—Terms of office.**

20 Each member of the board of directors shall be appointed [ELECTED] for a term
21 of three years and shall serve thereafter until his or her successor has been
22 appointed [ELECTED], qualified and sworn to assume the duties of the office,
23 except that the first appointed [ELECTED] board shall contain members
24 appointed [ELECTED] for lesser periods described in KPB 16.55.030. Thereafter,
25 applicants shall file for appointment to Seats A through E for staggered terms of
26 three years. Board members shall be appointed based on their familiarity with

1 the functions of the service area and financial and budgetary management
2 capabilities.

3 **16.55.070. Board—Vacancies—Created when.**

4 Vacancies on the board are created under the following conditions and upon
5 declaration of vacancy by the board if a member:

6 (a) If no candidate files for appointment to a seat which is to be filled or if a
7 successful applicant fails to qualify or take office within 30 days after his
8 or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS
9 AFTER HIS OR HER ELECTION OR APPOINTMENT;]

10 (b) If a member [I]is physically absent from the service area for a 90-day
11 period, unless excused by the board;

12 (c) If a member [C]changes his or her residency for a period longer than 60
13 days to a location outside of the jurisdiction from which the board is
14 appointed [ELECTED];

15 (d) If a member [R]resigns and his or her resignation is accepted;

16 (e) If a member [I]is physically or mentally unable to perform the duties of
17 his or her office;

18 (f) If a member [M]misses three consecutive regular meetings unless excused;
19 or

20 (g) If a member [I]is convicted of a felony or of an offense involving a
21 violation of his or her oath of office.

1 **16.55.080. Board—Vacancies—Filling.**

2 Vacancies on the board shall be filled by appointment by the mayor and
3 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
4 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW
5 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
6 term or for a 3-year term if no unexpired term remains. The clerk shall provide
7 at least twenty-one days' advance public notice before [FILLING] the vacancy is
8 filled. Public notice may be provided by publication through print or broadcast
9 media, posting at the primary service area office or at the borough
10 administration building, and such other publication as [THE SERVICE AREA
11 BOARD] deemed[s] appropriate.

12 ...

13 **SECTION 20.** The following sections in **KPB Chapter 16.60 Anchor Point Fire and**
14 **Emergency Service Area** are amended as follows:

15 ...

16 **16.60.020. Board of directors.**

17 (a) There is established a board of directors for the Anchor Point Fire and
18 Emergency Medical Service Area composed of 5 members who shall be
19 appointed by the borough mayor and confirmed by the borough assembly.

20 [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA
21 IN THE MANNER PROVIDED FOR CANDIDATES FOR THE ASSEMBLY IN THIS
22 CODE, EXCEPT THAT M]Members of the board shall be residents of the
23 borough within the service area.

24 (b) The board shall meet periodically at regular and special meetings called by
25 the board. All meetings shall be open to the public as provided by law.

26

1 **16.60.030. Terms and qualifications.**

2 Board of directors members shall be appointed for a term of three years and
3 shall serve thereafter until a successor has been appointed, qualified and sworn
4 to assume the duties of office. Applicants shall file for appointment to Seats A
5 through E for staggered terms of three years. Board members shall be appointed
6 based on their familiarity with the functions of the service area and financial and
7 budgetary management capabilities. [A MEMBER OF THE BOARD OF DIRECTORS
8 SHALL BE ELECTED FOR A TERM OF 3 YEARS, AND SHALL SERVE UNTIL HIS
9 SUCCESSOR HAS BEEN ELECTED AND SWORN TO ASSUME THE DUTIES OF THE
10 OFFICE, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN STAGGERED TERMS AS
11 DESIGNATED IN THE RESOLUTION PROVIDING FOR THE ELECTION.]

12 ...

13 **16.60.050. Board—Election of officers and quorum.**

14
15 A. Three [3] members of the board shall constitute a quorum; however, any
16 action shall require the affirmative vote of three [3] board members.

17 B. At the first regular meeting following certification of the regular borough
18 election by the assembly, and annually thereafter, the board shall elect by
19 majority vote of the board members, and from the board members, a chair
20 and such other officers as the board deems to be desirable. These officers
21 shall hold office until their successors are elected.

22 **16.60.060. Board—Vacancies.**

23 A. Vacancies on the board are created under the following conditions and
24 upon a declaration of vacancy by the board [IF A MEMBER]:

1. If no applicant files for appointment to a seat which is to be filled or if a successful applicant [F] fails to qualify or to take office within 30 days after appointment;
2. If a member [I] is physically absent from the service area for a 90-day period unless excused by the board;
3. If a member [R] resigns;
4. If a member [I] is physically or mentally unable to perform the duties of his office, as determined by a majority vote of the board;
5. If a member [I] is removed from office;
6. If a member [M] misses 3 consecutive regular meetings unless excused by the board;
7. If a member [I] is convicted of a felony or an offense involving a violation of his oath of office.

B. Vacancies on the board shall be filled by appointment by the mayor and confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired term or for a 3-year term if no unexpired term remains. The clerk shall provide at least twenty-one days' advance public notice before [FILLING] the vacancy is filled. 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] deemed[S] appropriate.

...

1 **SECTION 21.** The following sections of **KPB Chapter 16.70 Nikiski Senior Service Area**
2 are amended as follows:

3 ...

4 **16.70.030. Board—Established—Membership.**

5 There is established a board of directors for the Nikiski Senior Service Area
6 composed of five members who are appointed by the borough mayor and
7 confirmed by the borough assembly. [ELECTED BY THE VOTERS IN THE SERVICE
8 AREA IN THE MANNER SET OUT IN THE BOROUGH ELECTIONS CODE.] Board
9 members shall be qualified voters of the borough and residents of the Nikiski
10 Senior Service Area.

11 ...

12 **16.70.050. Board—Election of officers.**

13 At the first regular meeting following certification of the regular borough
14 election by the assembly, and annually thereafter, the board shall elect by
15 majority vote of the board members a chair and such other officers as the board
16 shall determine to be desirable who shall hold office until successors are
17 elected.

18 **16.70.060. Board—Term of office.**

19 Board of directors members shall be appointed [ELECTED] for a term of three
20 years and shall serve thereafter until a successor has been appointed [ELECTED],
21 qualified and sworn to assume the duties of office[; EXCEPT THAT THE FIRST
22 BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESS PERIODS TO PROVIDE FOR
23 STAGGERED TERMS. CANDIDATES] Applicants shall file for appointment
24 [ELECTION] to Seats A through E for staggered terms of three years. Board

1 members shall be appointed based on their familiarity with the functions of the
2 service area and financial and budgetary management capabilities.

3 **16.70.070. Board—Vacancies created when—Filling vacancies.**

4 A. Vacancies on the board are created under the following conditions and upon
5 declaration of vacancy by the board:

- 6 1. If no applicant [CANDIDATE] files for appointment [ELECTION] to a seat
7 which is to be filled [AT SAID ELECTION]; or if a successful applicant
8 [CANDIDATE] fails to qualify or take office within 30 days after his/her
9 [ELECTION OR] appointment;
- 10 2. If a member is physically absent from the service area for a 90-day period,
11 unless excused by the board;
- 12 3. If a member changes his or her residency for a period longer than 60 days
13 to a location outside the service area;
- 14 4. If a member resigns, and his/her resignation is accepted;
- 15 5. If a member is physically or mentally unable to perform the duties of
16 office;
- 17 6. If a member misses three consecutive regular meetings unless excused; or
- 18 7. If a member is convicted of a felony or of an offense involving a violation
19 of his or her oath of office.

1 B. Vacancies on the board shall be filled by appointment by the mayor and
2 confirmation by the assembly. [MAJORITY VOTE OF THE REMAINING BOARD
3 UNTIL THE NEXT REGULAR ELECTION OF THE BOROUGH AT WHICH TIME A NEW
4 MEMBER SHALL BE ELECTED]. The appointment shall be to fill the unexpired
5 term or for a 3-year term if no unexpired term remains. The clerk shall
6 provide at least twenty-one days' advance public notice before [FILLING] the
7 vacancy is filled. Public notice may be provided by publication through print
8 or broadcast media, posting at the primary service area office or at the
9 borough administration building, and such other publication as [THE SERVICE
10 AREA BOARD] deemed[s] appropriate.
11 ...

12 **SECTION 22.** That this ordinance takes effect immediately upon its enactment.

13 **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ***
14 **DAY OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Gary Knopp, Assembly President
Charlie Pierce, Vice President

MEMORANDUM

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Linda Murphy, Assembly Member *LB for L.M.*

DATE: March 13, 2012

RE: Ordinance 2012-07, Amending KPB Titles 2-Administration, 4-Elections and 16-Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected

This ordinance is intended to save money and time, reduce voter confusion during the election process and encourage public participation in serving on service area boards by changing service area boards from elected to appointed positions. Thousands of dollars will be saved annually by eliminating service area board seats from the elections process through reduced printing costs and time required of election judges and the Clerk's office. The borough has one of the most complicated election processes in the state which this action will help to simplify. Providing for appointed service area boards is intended to reduce voter confusion as the content of the voter pamphlet and number of ballots would be reduced as many service areas bifurcate precincts requiring more than one ballot for each. Historically there have been numerous vacant seats as well as seats where only one person has filed to run for a service area board. This ordinance is intended to encourage public interest in these seats by eliminating the need to run for office and otherwise comply with the election process requirements.

An appointed board has worked well for the Road Service Area and the borough is one of, if not the only municipality in the state, with elected service area boards. Further, the process is designed to maintain the integrity of the system as appointed board members will be required to meet certain service area specific criteria and must be confirmed by the assembly.

Your consideration is appreciated.

KENAI PENINSULA BOROUGH

Office of the Borough Clerk

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Johni Blankenship, MMC
Borough Clerk

MEMORANDUM

To: Assembly President Gary Knopp
Members of the Assembly

Thru: Johni Blankenship, Borough Clerk *JB*

From: Katie Ring, Borough Clerk Secretary *KR*

Date: March 13, 2012

Re: Protest of Liquor License Renewals Due to Unpaid Taxes

In accordance with KPB 7.10.020, the Borough Assembly shall cause protest to be filed with the State Alcohol Beverage Control Board on any type of application submitted for the sale of alcoholic beverages, when Borough records indicate the applicant is in violation of Borough tax ordinances and regulations. The KPB Finance Department has reviewed the tax accounts listed below and found them to be in arrears as follows:

< Starvin Marvin's Inc. dba Starvin Marvin's Pizza	Due	\$	5589.04
< Wesley J. & Linda M. Sherrill dba Moose Pass Inn	Due	\$	1074.20
< Paul & Angela Warner dba AK Supperclub.com	Due	\$	1711.28

RECOMMENDATION: That the Assembly protest the renewal of the above listed liquor licenses as for unpaid taxes due to the Borough.

cc: Above - named applicants

Memorandum

To: Johni Blankenship, Borough Clerk
Thru: *C. Chapman* Craig Chapman, Finance Director
From: *L. Lingafelt* Lauri Lingafelt, Delinquent Accounts Specialist
Date: March 1, 2012
Subject: Liquor License Renewal

The Finance Department has reviewed all relevant tax accounts related to the following businesses and found the licensees to be delinquent as follows:

License Location---City of Homer
License #3650 Restaurant /Eating Place
Starvin Marvin's Inc. dba Starvin Marvin's Pizza
1663-7 Homer Spit Rd (same for location)
Homer, AK 99603

Real Property Tax #18101035BW1 (premise)	\$2,151.28
<u>Sales Tax #027217</u>	<u>\$3,437.76</u>
Total Due	\$5,589.04

License Location—Kenai Peninsula Borough
License #752—Package Store
Wesley J. & Linda M. Sherrill dba Moose Pass Inn
35585 Seward Hwy (Location: same)
Moose Pass, AK 99631

Real Property Tax #12536016 (Premise)	\$ 393.46
Real Property Tax # 12536013	\$ 147.46
Real Property Tax # 12536014	\$ 177.54
Real Property Tax #12536015	\$ 137.38
<u>Real Property Tax #12536016</u>	<u>\$ 218.36</u>
Total Due	\$1,074.20

License Location—Kenai Peninsula Borough
License #5014—Restaurant / Eating Place
Paul & Angela Warner dba AK Supperclub.com
PO Box 39856 (Location: 64316 Elizabeth St)
Ninilchik, AK 99639

<u>Real Property Tax #16525077</u>	<u>\$ 1,711.28</u>
Total Due	\$ 1,711.28

Please be advised that the Finance Department recommends that the assembly cause a protest to be filed with the State Alcohol Beverage Control Board on the renewal 2012-13 license years of the businesses listed due to unpaid taxes.

Please forward us a copy of the assembly approval/objection letter for our records. Thank you for your consideration in this matter.

Kenai Peninsula Borough Assembly Committees 2011 – 2012

ASSEMBLY COMMITTEES

- **Finance Committee**
Bill Smith, Chair
Ray Tauriainen, Vice Chair
Gary Knopp
- **Lands Committee**
Sue McClure, Chair
Brent Johnson, Vice Chair
Ray Tauriainen
- **Policies & Procedures Committee**
Mako Haggerty, Chair
Charlie Pierce, Vice Chair
Linda Murphy
- **Legislative Committee**
Hal Smalley, Chair
Linda Murphy, Vice Chair
All Assembly Members
- **President Pro Tem**
Bill Smith

OTHER BOROUGH & SCHOOL DISTRICT COMMITTEES

- **KPB Emergency Planning**
[VACANT]
Gary Knopp, Alternate
- **Planning Commission Representative**
Ray Tauriainen
Bill Smith, Alternate
- **School Board**
Charlie Pierce
Brent Johnson, Alternate
Ray Tauriainen, Alternate

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** - Mako Haggerty
- **Bear Creek Fire** - Sue McClure
- **CES/CPEMS** - Brent Johnson
- **Central Peninsula General Hospital**
Gary Knopp, Charlie Pierce, Linda Murphy
- **Kachemak Emergency Service Area**
Mako Haggerty
- **KPB Roads**
Gary Knopp, Charlie Pierce
- **Lowell Point Emergency SA** - Sue McClure
- **Nikiski Seniors** - Ray Tauriainen
- **Nikiski Fire** - Ray Tauriainen
- **North Peninsula Recreation** - Ray Tauriainen
- **Seward/Bear Creek Flood SA** - Sue McClure
- **South Peninsula Hospital** - Mako Haggerty,
Bill Smith

NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**
Brent Johnson
[VACANT], Alternate
- **Cook Inlet R.C.A.C.**
Grace Merkes, Term Expires March, 2014
- **Economic Development District**
Linda Murphy, Term Expires 12/31/13
Hal Smalley, Term Expires 12/31/14
- **Kenai Peninsula College Council**
Hal Smalley, Term Expires 06/30/14
- **Kenai River Special Management Area
Advisory Board**
Brent Johnson
[VACANT], Alternate
- **Prince William Sound R.C.A.C.**
Blake Johnson, Term Expires May, 2013