

MEMORANDUM

TO: Ron Long, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Ron Long, Assembly President, on behalf of the Seward-Bear Creek Flood Service Area Board

DATE: December 19, 2006

SUBJECT: Ordinance 2007-02, amending KPB Chapter 16.50 to increase the number of Seward-Bear Creek Flood Service Area Board Members from seven to nine.

The current Seward-Bear Creek Flood Service Area Board has seven members, four of whom are residents of the city of Seward and three of whom are residents of the service area outside the boundaries of the city of Seward. These numbers reflect the proportion of residents in the service area residing inside the city and those residing outside of the city.

During the October 2006 regular election, three new board members were elected, each of whom is either employed by or owns a company that will require the issuance of permits to do dirt work in the boundaries of the service area that may impact flood protection and mitigation services. One existing member is also employed by such a contractor. Permits for these operations are reviewed and commented on by the service area board. Similarly, the service area board plans to enter into contracts with contractors to provide flood protection and mitigation services. The new members and at least one of the existing members would therefore have a conflict of interest under KPB Chapter 2.58 and could not participate in or vote on actions before the board reviewing these permit applications or preparing and reviewing bids for service area contracts. The board would presently be unable to act on such matters, as the majority has a conflict.

Accordingly, the service area board has requested that the assembly authorize an increase in the total number of members to address this issue. Additionally, the service area board supported this increase in order to provide an opportunity for greater community input on the board.

The city seat is designated for a one-year initial elected term so that there will be three candidates in 2008, and the other seat is designated for a three-year term, so there will be three candidates in 2010.

Your consideration of this ordinance is appreciated.

