

NON-CODE ORDINANCE

**PENDING**

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Sponsored By:  
Introduced:  
Public Hearing:  
Adopted:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 16-098**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING A TEMPORARY TRANSFER OF POWER FROM THE CITY OF HOUSTON TO MANAGE AND ADMINISTER ALL FIRE AND RESCUE EMERGENCY RESPONSE WITH AN EXPIRATION DATE OF SEPTEMBER 1, 2016.

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WHEREAS, the City of Houston currently administers its own fire department and performs its own rescue functions; and

WHEREAS, the Houston Fire Chief has recently resigned on extremely short notice; and

WHEREAS, the City of Houston is in dire need of assistance from the Matanuska-Susitna Borough Emergency Services professionals to manage and administer the fire and rescue functions of the Houston Fire Department; and

WHEREAS, the Matanuska-Susitna Borough provides fire protection through service areas and rescue services on an areawide basis; and

WHEREAS, the Matanuska-Susitna Borough and the City of Houston have an agreement for automatic aid in responding to certain emergencies, but the agreement applies to specific events and does not cover management and administration on a daily basis; and

WHEREAS, AS 29.35.450(a)(1) and AS 29.35.310 allow a city to transfer a power to a borough by ordinance; and

WHEREAS, as per AS 29.35.310, the transfer of a power from a city to a borough is subject to the approval of the assembly; and

WHEREAS, upon passage of an ordinance by the City of Houston requesting and agreeing to a transfer of power, the provisions of AS 29.35.450(a)(1) and AS 29.35.310 are satisfied; and

WHEREAS, the Matanuska-Susitna Borough Assembly must pass an ordinance agreeing to accept and exercise the power transferred to it by the City of Houston; and

WHEREAS, the Matanuska-Susitna Borough is agreeing to accept the power to manage and administer all fire and rescue emergency response within the City of Houston until September 1, 2016; and

WHEREAS, the Matanuska-Susitna Borough Assembly is specifically accepting only a limited power to perform these functions for a limited period of time; and

WHEREAS, because of the limited and temporary nature of the transfer, the City of Houston and the Matanuska-Susitna Borough agree that the provisions of AS 29.35.340 do not apply; and

WHEREAS it is anticipated that Matanuska-Susitna Borough personnel will manage and administer fire and rescue emergency

response by performing the functions of the Fire Chief and direct the existing personnel of the Houston Fire Department during responses.

BE IT ENACTED:

Section 1. Classification. This Ordinance is a non-code ordinance.

Section 2. Acceptance of a limited transfer of power. The Matanuska-Susitna Borough Assembly hereby accepts a limited transfer of powers from the City of Houston and authorizes Matanuska-Susitna Borough personnel to manage and administer fire and rescue emergency response within the City of Houston.

Section 3. Assembly direction to Borough Administration. Borough administration is directed that the management and administration of fire and rescue emergency response by the Matanuska-Susitna Borough within the City of Houston will primarily be done using borough personnel to act as Fire Chief for the City of Houston to manage and administer the existing personnel of the Houston Fire Department in responding to events.

Section 4. Limitation. Nothing in this transfer of powers is intended to transfer liabilities to the Matanuska-Susitna Borough and this transfer of power does not limit or alter the provisions of the automatic aid agreement between the City of Houston and the Matanuska-Susitna Borough.

Section 5. Expiration. The Matanuska-Susitna Borough is agreeing to accept the power to manage and administer all fire and rescue emergency response within the City of Houston until September 1, 2016. After that date, the City of Houston will again be responsible for management and administration of fire and rescue response within the City.

Section 6. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this \_\_\_ day of \_\_\_\_\_, 2016.

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VERN HALTER, Borough Mayor

ATTEST:

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LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)