

Introduced by: Mayor  
Date: December 5, 1978  
Hearing: January 17, 1979  
Action:  
Vote:

KENAI PENINSULA BOROUGH

ORDINANCE 78-69

ESTABLISHING A WATER RESOURCE DEVELOPMENT SERVICE AREA  
IN THE BOROUGH.

WHEREAS, on September 12, 1978, the Borough Clerk received a petition to establish a water resource development service area in the Borough; and

WHEREAS, the proposed service area would encompass the precincts of Kalifonsky, Kenai 1, 2, 3, Nikiski 1, 2, Ridgeway, Sterling, Soldotna, and Tustumena; and

WHEREAS, the petition contains at least 15% of the number of voters who voted in the last regular election in these precincts; and

WHEREAS, the Borough Clerk has declared this petition sufficient under the requirements of the Borough Code of ordinances; and

WHEREAS, the Assembly or Mayor may set the time and place of a public hearing to consider the necessity for the proposed service area;

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

Section 1. Title 16 of the Borough Code of ordinances is amended to add a new Chapter to read:

Chapter 16.32. Water Resource Development Service Area.

Section 16.32.010. Boundaries. There is hereby established pursuant to Article 10, Section 5 of the Alaska Constitution and AS 29.63.090 a service area

within the Borough designated as "Water Resource Development Service Area", in that portion of the Borough described as follows:

As a Point of Beginning, begin at the Southeast Corner of Township 12 North, Range 9 West, (projected), Seward Meridian, State of Alaska, said corner being in Cook Inlet at longitude 150°46'37" W, latitude 61°04'49" N; thence northeasterly to the Northeast Corner of Township 12 North, Range 7 West (projected), said corner being in Cook Inlet at longitude 150°26'01" W, latitude 61°01'01" N; thence southeasterly to the Northeast Corner of Township 11 North, Range 6 West (projected), said corner being in Turnagain Arm at longitude 150°14'40" W, latitude 61°04'49" N; thence East to the Northeast Corner of Township 11 North, Range 5 West (projected), said corner being in Turnagain Arm at longitude 150°04'01" W, latitude 61°04'49" N; thence southeasterly to the common boundary of the Kenai National Moose Range and the Chugach National Forest and Chicaloon Bay; thence South along the common boundary of Kenai National Moose Range and the Chugach National Forest to the intersection of the boundary between Election Districts 9 and 10; thence southerly along the boundary line between Election Districts 9 and 10 to an intersection with the township line between Township 1 North and Township 2 North (projected); thence West along the township line between Township 1 North and Township 2 North to a point three (3) miles off shore in Cook Inlet; thence go up Cook Inlet in a northerly direction keeping three (3) miles off shore from the mean low water line of the easterly edge of Cook Inlet to an intersection with the township line between Range 8 West and Range 9 West (projected); thence North along the Range line between Range 8 West and Range 9 West to the Southeast Corner of Township 12 North, Range 9 West (projected), the Point of Beginning.

Section 16.32.020. Board of Directors. (a) There is hereby established a board of directors for the service area composed of an elected five (5) member board, the members of which shall be appointed by the Borough Mayor initially and thereafter elected to staggered five (5) year terms. The members of the board shall be nominated and elected by the

qualified voters of the service area in the manner provided for candidates for assemblymen in the Borough Code of ordinances, except that members of the board shall be residents of the Borough within the service area.

(b) The board shall meet periodically at regular and special meetings called by the board. All meetings shall be open to the public as provided by law.

Section 16.32.030. Powers and Duties. The board of directors of the service area, subject to Assembly approval, and appropriation of funds, shall supervise the services within the service area and shall advise the Mayor and the Assembly concerning the administration and operation of the service area. Subject to the limitations of the Alaska Constitution and the Alaska Statutes, the board of directors may be authorized and empowered to exercise all powers reasonably necessary to provide for water resource development and primary water distribution within the service area which may include the power:

To explore, survey and make studies related to water resources development within the service area district.

To develop water resources within the service area district.

To distribute water to municipal and private utilities in cooperation with municipalities, and subject to municipal powers to provide water facilities and services.

To adopt rules and regulations regarding the usage and sale of water controlled by the service area.

Section 16.32.040. Powers of Cities. This ordinance is contingent upon the transfer to the Borough, by the City of Kenai and the City of Soldotna, of their power to provide water resource development, subject to the further approval of the Borough Assembly of the transfer of the city powers.

Section 2. In the event that this ordinance becomes effective, and the service area is approved by the voters in

the service area, the Assembly shall enact an ordinance providing for the organization and the rules and regulations to govern the service area, unless otherwise provided by the Borough Code of ordinances.

Section 3. This ordinance is effective after enactment subject to its conditions, and upon approval by the voters of the service area at an election to be held as provided by resolution of the Assembly.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1978.

\_\_\_\_\_  
JoAnn Elson, Assembly President

ATTEST:

\_\_\_\_\_  
Borough Clerk

Kenai Peninsula Borough  
Ordinance 78-69  
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# PROPOSED WATER SOURCE DEVELOPMENT SERVICE AREA



