

Introduced by: Mayor
Date: June 20, 1989
Hearing: July 18, 1989
Vote: Unanimous
Action: Defeated

KENAI PENINSULA BOROUGH

ORDINANCE 89-34

AUTHORIZING FORMATION OF A NEW "ANCHOR POINT WATER SERVICE AREA" TO OVERSEE MAINTENANCE AND OPERATION OF A PUBLIC WATER SUPPLY TO THE ANCHOR POINT AREA SUFFERING FROM BENZENE POLLUTION OF GROUNDWATER SUPPLIES.

WHEREAS, the Alaska Department of Environmental Conservation (ADEC) through its Village Safe Water Program has identified a groundwater pollution problem in the Anchor Point area whereby certain groundwater supplies are contaminated with benzene; and

WHEREAS, the Alaska Legislature has appropriated \$45,000 for construction of a public water supply under the Village Safe Water Program to provide an alternative water source to those affected properties; and

WHEREAS, an uncontaminated well has been dug on the property of Bob Klutts, an Anchor Point resident, which has been offered for a water source for the public water supply; and

WHEREAS, the State of Alaska will not expend State funds to construct an improvement such as the water system without first insuring that a public or quasi-public entity agrees to own and operate the system; and

WHEREAS, Mr. Klutts has expressed general agreement with the proposal for a long-term Borough lease of that portion of his property containing the well, proposed water system, and public access such that Kenai Peninsula Borough could accept ownership and operating responsibility from the State; and

WHEREAS, the cost and administration of this project should be contained within the local community since the benefits are limited to an identifiable portion of that local community; and

WHEREAS, in accordance with Alaska Statutes Chapter 29.35 and KPB Chapter 16.04 the Borough Assembly may by ordinance establish a service area, provided that the particular governmental power for which the service area has been established is approved by a majority of the voters residing within its boundaries;

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

Section 1. That the following proposition shall be placed before the voters residing in the proposed boundaries of the

Anchor Point Water Service Area at a special election to be held on or about July 25, 1989:

DO YOU APPROVE OF THE EXERCISE OF PUBLIC WATER SERVICE POWERS WITHIN THE BOUNDARIES OF THE ANCHOR POINT WATER SERVICE AREA, WHICH IS DESCRIBED AS: NORTHEAST ONE-QUARTER (NE1/4), SECTION 4, TOWNSHIP 5 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, ALASKA, AS PROVIDED BY KENAI PENINSULA BOROUGH ORDINANCE 89-_____?

_____ YES

_____ NO

Section 2. That the Assembly accepts and approves the establishment of the Anchor Point Water Service Area, for the purpose of providing clean potable water to area residents, subject to voter approval of the ballot proposition in Section 1, above.

Section 3. That a new Chapter 16.70 is enacted to read as follows:

CHAPTER 16.70

ANCHOR POINT WATER SERVICE AREA

16.70.010 Established boundaries. There is established a service area within the Borough designated the "Anchor Point Water Service Area" in that portion of the Borough described as follows:

Northeast One-quarter (NE1/4), Section 4, Township 5 South, Range 15 West, Seward Meridian, Alaska.

16.70.020 Authorized functions. The Anchor Point Water Service Area is authorized to maintain and operate a public water system constructed under the Village Safe Water Program of the Alaska Department of Environmental Conservation for provision of clean potable water for area residents.

16.70.030 Fiscal procedures. A. All contracts for capital improvements and maintenance performed in connection with the service area shall be bid and administered by the borough department of Public Works in accordance with the department's normal procedure for letting of contracts.

B. The purchasing agent for the service area is the borough director of Finance. All purchases of

supplies, materials, and equipment shall be made in accordance with the rules and regulations adopted by the borough assembly.

C. The Public Works Director shall arrange for the preparation of a budget and capital program which shall be submitted to the mayor and assembly for approval. The budget and capital expenditure proposals shall be subject to the procedures for adopting the borough budget and capital expenditures program and for consideration of such items by the borough assembly.

D. The service area shall abide by fiscal policies and procedures applicable to the borough general government budget.

E. All accounting functions of the service area shall be performed under the supervision of the borough director of Finance, who shall provide rules and regulations and procedures governing the issuance of vouchers, the payment of vouchers, the issuance of checks, the payment of checks, the use of the central treasury of the borough, and the manner in which all bonds, contracts, leases or other obligations requiring payment of funds for the appropriations of the service area budget shall be processed and administered.

F. The service area shall not hire any personnel without the approval of the borough assembly. Unless otherwise provided, the borough personnel system in Title 3 of the borough code of ordinances shall be applied to any person employed in connection with the service area, excluding independent contractors.

Section 4. That Sections 2 and 3 of this ordinance shall take effect August 2, 1989, subject to the approval of the ballot proposition in Section 1, above, by service area voters. Section 1 of this ordinance shall take effect immediately upon enactment.

DEFEATED
~~=ENACTED~~ = BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 18th DAY OF July, 1989.

ATTEST:

Jonathan W. Sewall, President

Borough Clerk