

Introduced	Mayor
Date:	12/17/96
Hearing:	1/07/97
Action:	Enacted
Vote:	Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 96-55**

**AN ORDINANCE AMENDING KP.B 5.04.110 TO EXEMPT FROM THE VOTER
APPROVAL REQUIREMENT CAPITAL IMPROVEMENT PROJECTS
LIMITED TO REPAIRING OR REPLACING DAMAGED PROPERTY
AND FUNDED WITH PROPERTY INSURANCE PROCEEDS**

WHEREAS, the Ninilchik school, a borough-owned facility, was recently severely damaged by fire resulting in a partial closure of the school and relocation of some students and faculty to temporary facilities; and

WHEREAS, borough property insurance will pay to repair and replace the damaged portion of the building subject to borough payment of a \$100,000 deductible; and

WHEREAS, if the school is to be reopened in August, 1997 design and construction must commence immediately;

WHEREAS, KP.B 5.04.110 requires all borough major capital improvement projects costing more than \$1,000,000 to be approved by the voters; and

WHEREAS, the cost of this project may exceed \$1,000,000; and

WHEREAS, the assembly intends that KP.B 5.04.110 should not be construed to require voter approval for reconstruction of an insured borough facility severely damaged by fire, where the reconstruction is limited to repair and replacement of the damaged facility, subject to fire code and other legal requirements, and where borough funds other than insurance proceeds will not exceed \$1,000,000;

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

SECTION 1. That KP.B 5.04.110 be amended as follows:

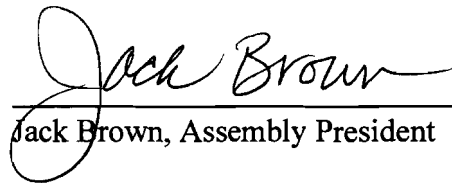
5.04.110. Major capital improvement projects - Referendum required.

- A. All major capital improvement projects to be constructed by the borough must be approved by the voters of the borough at a regular or special election. For the purpose of this section, a major capital improvement project is one whose total

project cost is more than \$1,000,000, including architectural, engineering, inspection, design, administration and other costs. This section applies to all proposed capital improvement projects to be financed with borough funds which are not the proceeds of a bond issue approved by voters, except that federal or state grants for capital improvement projects are not subject to this section. This section does not apply to insurance proceeds covering the repair or replacement of damaged borough capital improvements, including modifications to the capital improvement required by code or statute.

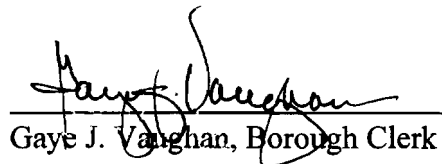
SECTION 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7th DAY OF JANUARY, 1997.



Jack Brown, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk