

Introduced by:	Assembly
Date:	06/19/01
Shortened Hearing:	07/10/01
Amended by Substitution	07/10/01
Action:	Enacted as
	Amended
Vote:	9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2001-23 (NAVARRE, POPP) SUBSTITUTE**

**AN ORDINANCE PLACING A BINDING PROPOSITION ON THE BALLOT
THAT, IF APPROVED BY THE VOTERS, WOULD AUTHORIZE THE KENAI
PENINSULA BOROUGH TO PARTICIPATE IN THE PROPOSED
CONSTRUCTION AND PRIVATE FOR-PROFIT OPERATION OF A PRISON IN
THE KENAI PENINSULA BOROUGH**

- WHEREAS,** in Ordinance 2000-59 the Kenai Peninsula Borough Assembly authorized the administration to solicit proposals for promotion, design, construction, and operation of a private prison facility in the Kenai Peninsula Borough; and
- WHEREAS,** the borough subsequently entered into a contract with Cornell Companies, Inc. for the planning and promotion and potentially the design, construction, and operation of a private prison facility in the Kenai Peninsula Borough to be funded through revenue bonds; and
- WHEREAS,** through the prior passage of House Bill 53 in 1998 and passage of House Bill 149 this year, the legislature has clearly demonstrated its strong preference for hiring private operators to operate new prison and correctional facilities in the State of Alaska, and the state administration has required the involvement of local government for the private operation of correctional facilities; and
- WHEREAS,** Alaska Statute 29.35.010(15) grants municipalities the power to contract for the operation of private prison facilities without voter approval; and
- WHEREAS,** the Kenai Peninsula Borough's efforts toward securing the 800- to 1000-bed medium security correctional facility in the borough are an exercise of that authority; and
- WHEREAS,** on the 12th day of June, 2001 the borough clerk certified an initiative petition application numbered Initiative Ordinance 2001-001 that would prohibit the operation of all private for-profit prison facilities in the Kenai Peninsula Borough; and
- WHEREAS,** if the petitioners obtain sufficient signatures and the petition is certified, it must be placed on the ballot not less than 45 days and no more than 75 days after the petition is certified, which may result in a special election; and
- WHEREAS,** under Alaska Statute 29.26.170(b), if the borough assembly adopts substantially the same measure as is on the initiative, the petition is void and may not be placed before the voters; and

WHEREAS, the assembly finds that the defeat of the proposition contained in Section 1 would have a substantially similar effect to the passage of Initiative Ordinance 2001-01 as it would effectively prevent the private for-profit operation of a prison or correctional institution through the Kenai Peninsula Borough for the next two years; and

WHEREAS, the assembly deems the borough's best interest would be served by placing the question before the voters during the regular election of October 2, 2001 rather than through a special election;

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

SECTION 1. That the following proposition shall be placed on the ballot for the regular October 2, 2001 election:

Proposition No. ____.

May the Kenai Peninsula Borough contract with the State of Alaska and one or more private for-profit firms for the operation of a prison or correctional institution containing a maximum of 1,000 beds in the Kenai Peninsula Borough?

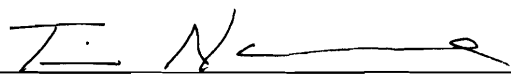
YES ____

NO ____

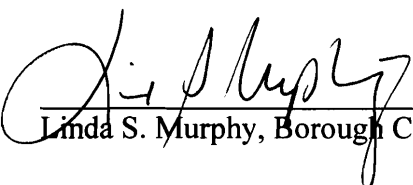
SECTION 2. That if the proposition contained in Section 1 is approved by a majority of the voters voting in the regular election of October 2, 2001, then the Kenai Peninsula Borough may proceed with all necessary steps, including reaching necessary agreements with the State of Alaska, to construct a prison facility in the Kenai Peninsula Borough to be operated by a private contractor. If the proposition contained in Section 1 is not approved by a majority of the voters voting in the regular election of October 2, 2001, then the Kenai Peninsula Borough may not proceed with the design and construction of a prison facility in the Kenai Peninsula Borough to be operated by a private contractor for a minimum period of two years from the date the election is certified.

SECTION 3. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 10TH DAY OF JULY, 2001.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

