

Introduced by:

Mayor

Date:

05/04/04

Shortened Hearing:

05/18/04

Action:

Withdrawn by Sponsor

Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2003-19-49**

**AN ORDINANCE AMENDING ORDINANCE 2001-19-35 BY AUTHORIZING THE USE  
OF SPRUCE BARK BEETLE FUNDS FOR UTILITY RIGHT-OF-WAY CLEARING IN  
THE AREA SOUTH OF THE KENAI RIVER**

**WHEREAS,** in Ordinance 2001-19-35, the Kenai Peninsula Borough Assembly appropriated \$300,000 in interest income earned by the Spruce Bark Beetle Program to fund utility right-of-way clearing in the area north of the Kenai River; and

**WHEREAS,** since then, the Homer Electric Association ("HEA") has spent approximately \$110,000 of these funds clearing rights-of-way north of the Kenai River but has determined that the spruce bark beetle infestation is not as severe in the area north of the Kenai River as the area south of the Kenai River; and

**WHEREAS,** HEA has requested authorization to use the remaining funds to finish clearing in the area south of the Kenai River and east of the Sterling Highway in the Funny River area with Gaswell Road and Northern Kalifornsky Beach Road as their first priority; and

**WHEREAS,** the assembly finds that amending the Ordinance 2001-19-35 to allow these monies to fund the spruce bark beetle utility right-of-way clearing program south of the Kenai River is in the best interests of the borough;

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

**SECTION 1.** That Section 1 of Ordinance 2001-19-35 is hereby amended as follows:

That \$300,000 in interest income earned by the Spruce Bark Beetle program is appropriated from the Environmental Protection Fund Balance to account 262.21320.INBTL.43011 to fund utility right-of-way clearing in the areas north and south of the Kenai River.

**SECTION 2.** That Section 2 of Ordinance 2001-19-35 is hereby amended as follows:

That the Mayor is authorized to enter into a cooperative agreement with HEA for additional right-of way clearing in the areas north and south of the Kenai River.

**SECTION 3.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \*  
DAY OF \* 2004.**

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Pete Sprague, Assembly President

ATTEST:

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Linda S. Murphy, Borough Clerk