

Introduced by:
Date:
Hearing:
Action:
Vote:

Glick
07/08/03
08/06/03
Failed as Amended
4 Yes, 4 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-31**

**AN ORDINANCE PLACING AN ADVISORY PROPOSITION ON THE BALLOT ASKING THE
VOTERS WHETHER THE BOROUGH'S EXERCISE OF THE POWER TO PROVIDE
TRANSPORTATION SYSTEMS ON AN AREAWIDE BASIS WITHIN THE BOROUGH SHOULD
BE AFFIRMED**

WHEREAS, in KPB Chapter 13.10, the Kenai Peninsula Borough Assembly by ordinance adopted the authority to provide funding for public transportation systems within the borough pursuant to AS 29.35.210(b)(1) in accordance with procedures set out in that chapter; and

WHEREAS, while the exercise of transportation powers by ordinance is authorized in the Alaska Statutes, this is a potentially extremely expensive service upon which the voters should be provided an opportunity to express their opinion;

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

SECTION 1. That KPB Chapter 13.10 is hereby repealed.

SECTION 2. That the following advisory proposition shall be placed before the voters of the Kenai Peninsula Borough at the regular election to be held on October 7, 2003:

PROPOSITION

"Shall KPB Chapter 13.10, providing funding for transportation systems in the borough, be repealed?" This is an advisory proposition.

YES _____ NO _____

SECTION 3. That Section 1 of this ordinance shall take effect if the proposition in Section 2 above is approved by a majority of the qualified voters voting on the issue, provided that repeal of KPB Chapter 13.10 shall have no effect upon the use of funds appropriated for transportation purposes prior to approval of the proposition.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *
2003.**

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk

Introduced by:

Glick

Date:

08/05/03

Hearing:

Action:

Motion to set for public hearing failed

Vote:

4 Yes, 5 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-32**

**AN ORDINANCE PROVIDING FOR SUBMISSION TO THE VOTERS OF A
PROPOSITION AUTHORIZING AREA-WIDE AUTHORITY OF THE KENAI
PENINSULA BOROUGH TO FUND SERVICES PROVIDED BY THE ALASKA
CHALLENGER CENTER FOR SPACE SCIENCE TECHNOLOGY, INC.**

WHEREAS, the Alaska Challenger Center for Space Science Technology, Incorporated, a nonprofit 501(C)(3) corporation, was conceived to memorialize those Astronauts lost in the Challenger Space Shuttle Disaster and created by the United States Congress to advance technologic and scientific education of our children; and

WHEREAS, many people of the State of Alaska and the Kenai Peninsula Borough supported the construction and operation of this center for supplemental education of children and adults in the areas of math, science, technology, teacher training, and interpersonal communications; and

WHEREAS, more than \$9 million in federal, state, organizational, and individual funds have been spent on building and operating the facility in the past five years; and

WHEREAS, borough funding assistance would greatly help to maintain some assurance of continuing these programs that benefit the students, teachers, and general public within the Kenai Peninsula Borough; and

WHEREAS, voter approval is required for the borough to exercise the power to provide funding assistance to this organization; and

WHEREAS, the proposed mill rate for this program would not exceed 0.10 mill (one tenth of a mill) unless authorized by the assembly by ordinance;

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

SECTION 1. That KPB 5.23 is enacted as follows:

5.23.010. Authority to provide funding.

The borough may provide, on an areawide basis, funding to the Alaska Challenger Center for Space Science Technology, Inc., to use in providing technologic and scientific programs within the borough, in accordance with the provisions of this chapter.

5.23.020. Limitation of funding.

Funding provided under this chapter will be subject to annual appropriation and authorization by the assembly. The total of all funding may not exceed the amount that would be generated by an areawide tax levy of 0.1 mills.

5.23.030. Funding restricted to operations.

A. No funds provided by the borough to the Challenger Center for Space Science Technology, Inc. under this chapter may be used for capital improvements, or construction of facilities. Funds may only be used for the operational expenses used to provide technologic and science programs offered within the borough for public purposes.

B. No money may be utilized for programs outside the borough, except that this provision does not prohibit the use of funds to operate the portion of distance learning programs located in the borough.

C. Borough funds must only be used for purposes allowed by law, and may not directly benefit a private educational institution to the extent prohibited by the Constitution of Alaska.

5.23.040. Grant application.

In order to be eligible for receipt of funding under this chapter, the Alaska Challenger Center for Science and Technology must submit a grant application in writing to the mayor no later than February 15 of each year for consideration in the next fiscal year budget. The application shall specify the amount sought and describe the proposed use of the funds.

5.23.050. Agreement.

Prior to receiving funds, the Alaska Challenger Center for Science and Technology must sign an agreement that its use of the funds will be in accordance with the provisions of this ordinance for a public purpose and that it will be responsible to refund any monies used for purposes not authorized by this ordinance or prohibited by law. It must also agree to provide an accounting for the funds received and provide certification by its auditors that the funds were used in compliance with this ordinance.

SECTION 2. That a ballot proposition be placed before borough voters at the next regular election to read as follows:

PROPOSITION No. _____

Shall the Kenai Peninsula Borough have areawide authority to provide funds to the Alaska Challenger Center for Space Science Technology, Inc. to help pay operational expenses for technologic and science programs offered within the borough for public purposes? It is intended that the total annual funding may not exceed the amount that would be raised by the equivalent of an areawide tax levy of one-tenth (0.10) of a mill.

YES _____ NO _____

SECTION 3. Section 2 of this ordinance shall take effect immediately upon its enactment, and Section 1 this ordinance shall only take effect after certification of the October 2003 election and if the proposition in section 2 of this ordinance is approved by a majority of the voters voting on the proposition.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2003.**

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk