

Introduced by:	Mayor
Date:	07/06/04
Hearing:	08/03/04
Action:	Postponed until 08/17/04
Action:	Failed
Vote:	3 Yes, 5 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2004-26**

**AN ORDINANCE AMENDING KPB 17.10.040 TO AUTHORIZE THE ACQUISITION  
OF INTERESTS IN LANDS AND RESOURCES COSTING \$15,000 OR LESS  
WITHOUT ASSEMBLY APPROVAL**

**WHEREAS,** KPB 17.10.040 requires assembly approval for the acquisition of lands or interests in lands or resources upon receipt of a planning commission recommendation; and

**WHEREAS,** by analogy, the purchasing code authorizes the borough administration to purchase goods and services costing \$15,000 or less using the informal bidding process and does not require assembly approval; and

**WHEREAS,** requiring assembly approval for such acquisitions consumes assembly time and delays finalization of such contracts; and

**WHEREAS,** to date most such acquisitions have been for the rental of extremely small offices such as the offices in Seward and Homer; and

**WHEREAS,** the planning commission, at its meeting of July 19, 2004, recommended enactment by unanimous consent;

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

**SECTION 1.** KPB 17.10.040 is hereby amended as follows:

**17.10.040. Acquisition of lands and resources—Resolution contents.**

A. Assembly approval of the acquisition of lands or interests in lands or resources shall be by resolution upon receipt of a planning commission recommendation except as provided below in subparagraph C.

B. A resolution placing the question of the acquisition of lands or interests in lands or resources before the assembly shall set forth:

1. The purpose of the acquisition;
2. The proposed land classification;
3. A description of the lands or interests in lands or resources concerned;

4. The terms, conditions, valuation or consideration for the proposed acquisition.

C. The mayor is authorized to approve the acquisition of lands or interests in lands or resources costing \$15,000 or less per year. All such acquisitions shall be reported to the assembly upon their completion.

D. Subsection B(4) of this section may be waived when the acquisition is in compromise or settlement of claims, and the borough attorney asserts that the public disclosure or those facts would not be in the best interests of the borough. Upon such assertion, any assembly member may call for an executive session for the sole purpose of receiving a report by the borough attorney of the facts or reasons upon which the assertion was made.

**SECTION 2.** That this ordinance shall take 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