

Introduced by: Superman, Mayor
Date: 06/17/08
Hearings: 07/08/08 & 08/05/08
Action: Amended by Ordinance 2008-17 (Superman, Mayor) Substitute
Vote: 7 Yes, 2 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-17**

**AN ORDINANCE AMENDING KPB 5.04.110 TO EXCLUDE GRANT FUNDS FROM
THE AMOUNTS CONSIDERED IN DETERMINING WHETHER A CAPITAL
IMPROVEMENT PROJECT COST IS MORE THAN \$1,000,000**

WHEREAS, KPB 5.04.110 was amended by an initiative election in 2005 to reduce the amount of capital improvement projects requiring voter approval from \$1.5 million to \$1 million in “borough funds;” and

WHEREAS, as a part of that initiative, state and federal grant funds are now included as “borough funds” in determining whether a project costs \$1 million and, therefore, must be approved by the voters; and

WHEREAS, more than two years have passed since that initiative was approved, and the assembly may therefore legally amend the code section; and

WHEREAS, requiring grant funds to be included in the \$1 million dollar amount can significantly delay grant-funded projects, and seriously impact the borough’s ability to raise grant funds for capital improvement projects;

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

SECTION 1. That KPB 5.04.110 is hereby amended as follows:

5.04.110. Major capital improvement projects—Referendum required.

- A. All capital improvement projects to be constructed or acquired by the Borough must be approved by the voters of the borough at a regular or special election, before the project is constructed or acquired if the total project cost is more than \$1,000,000.00, including architectural, engineering, inspection, design, administration or any other cost. 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. This section does not apply to either insurance covering the repair or replacement of damaged Borough capital improvements or to federal or state grants for capital improvement projects. A capital improvement project that is proposed to be built in phases shall include the projected cost of all phases as the total project cost for purposes of this ordinance.

B. When the total projected cost of a capital improvement project as defined in this section is more than \$1,000,000.00 it must receive an affirmative vote by no less than 60 percent of the affected voters at a Borough election for such a project to be approved.

SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2008.

Grace Merkes, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

VOTE ON MOTION TO AMEND BY SUBSTITUTE:

Yes: Gilman, Knopp, Long, Smith, Sprague, Superman, Merkes
No: Fischer, Martin
Absent: None