

Introduced by:	Navarre
Date:	08/01/00
Hearing:	08/15/00, 09/12/00
Action:	Failed as Amended
Vote:	4 Yes, 4 No, 1 Absent
Action:	Notice of Reconsideration Filed by Brown
Action:	Reconsideration Passed
Action:	Ordinance Enacted as Amended
Date:	09/26/00
Vote:	5 Yes, 3 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2000-19-06**

**AN ORDINANCE ENACTING KPB CHAPTER 13.10, TRANSPORTATION,
ADOPTING TRANSPORTATION FUNDING POWERS AND APPROPRIATING
\$50,000 TO CENTRAL AREA RURAL TRANSIT SYSTEM, INC. FOR
TRANSPORTATION PLANNING, DEVELOPMENT, AND IMPLEMENTATION**

WHEREAS, in September 1998 some concerned citizens of the central Kenai Peninsula area formed the Central Kenai Peninsula Public Transportation Task Force to prepare a strategic plan for developing public transportation for the central Kenai Peninsula; and

WHEREAS, the task force has completed significant research and planning efforts towards developing public transportation systems in the central Kenai Peninsula area, and in January 2000 formed Central Area Rural Transit System, Inc. (“CARTS”), a nonprofit corporation, for the purpose of developing a transportation plan, implementing it, and operating the public transportation system as proposed; and

WHEREAS, the initial proposal is to start small by coordinating existing agency vehicles and allowing public demand to dictate the growth of this system; and

WHEREAS, funds are needed to develop and implement this system; and

WHEREAS, the Kenai Peninsula Borough Assembly approves the CARTS program and objectives, and finds the borough’s best interests would be served by providing financial support to CARTS; and

WHEREAS, Alaska Statute 29.35.210 authorizes a second-class borough to provide transportation systems by ordinance on either a nonareawide or areawide basis; and;

WHEREAS, the assembly finds the borough's best interests would be served by adopting the power to fund transportation systems on an areawide basis, provided that cities should not be precluded from similarly exercising such power;

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

SECTION 1. That KPB Chapter 13.10 be enacted to read as follows:

13.10.010. Adoption of the power to fund transportation systems.

The Kenai Peninsula Borough may provide, on an areawide basis, funding for public transportation systems within the borough pursuant to AS 29.35.210(b)(1), in accordance with the provisions of this chapter.

13.10.020. Methods of exercise – funding.

Funding provided under this chapter will be subject to annual appropriation and authorization by the assembly. Funds may be provided through contracts with organizations established to provide transportation systems or to other entities that can meet the needs of the borough for public transportation. The administration of all programs and contracts shall be through the borough mayor or his designee subject to assembly approval of participation by the borough and appropriation of funds.

13.10.030. Funding Restrictions.

No money may be utilized for the provision of programs outside the borough.

13.10.040. Grants and Contracts.

The assembly may approve criteria for award of grants or contracts by resolution. All applications shall be submitted in writing to the mayor by February 15 of each year for consideration and for inclusion in the next fiscal year budget. The application shall specify the amount sought and describe the proposed use of the funds. All grant awards shall be approved by the assembly by resolution. In its legislative capacity the assembly reserves the right to disapprove requested fund awards notwithstanding the applicants' satisfaction of approved criteria.

13.10.050. Agreement by organization.

Any organization receiving funds must sign an agreement that its use of the funds will be in accordance with the provisions of this ordinance and that it will be responsible to refund any monies used for purposes not authorized by this ordinance. 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.

13.10.060. City transportation funding authorized.

Pursuant to Alaska Statute 29.35.250(b), notwithstanding the adoption of this areawide power, cities within the borough may also exercise the power to fund transportation systems in accordance with applicable laws. Nothing in this ordinance shall be construed to cause the borough to succeed to any rights, powers, and duties of any city within the borough currently exercising this power.

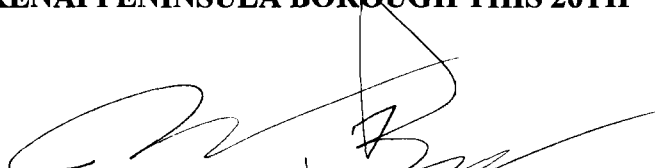
SECTION 2. That \$50,000 is appropriated from the general fund to account 100.94910.01BUS.49999 to provide a grant to CARTS for planning, development and, to the extent feasible, implementation of public transportation systems.

SECTION 3. That the mayor is authorized to negotiate and enter into a contract with CARTS for the provision of planning and development of transportation systems with these funds.

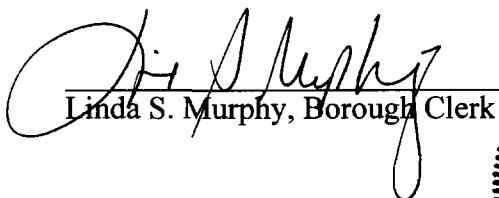
SECTION 4. That Section 1 of this ordinance shall automatically expire on September 12, 2001, unless extended by ordinance, provided that Section 1 shall continue in full force and effect until June 30, 2002 as to any grants or contracts awarded pursuant to Section 1 before the above expiration date.

SECTION 5. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 26TH DAY OF SEPTEMBER, 2000.


William Popp, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

