



KENAI PENINSULA BOROUGH

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DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *DB* Dale Bagley, Mayor
Ron Long, Assembly Member

FROM: *CT* Colette Thompson, Borough Attorney

DATE: August 5, 2003

SUBJECT: Ordinance 2003-30, establishing the Seward-Bear Creek Flood Service Area

During two meetings of the Seward City Council attended by borough administration members and Assembly Member Long regarding the proposed flood service area ordinance, several concerns were raised. First, a number of people expressed concern that the board should be structured so that it requires members from both inside the City of Seward and members from outside the City of Seward so that neither area is underrepresented. Based upon the 2000 census population numbers, equal representation of the two areas would best be ensured by having one district in the City of Seward represented by four board members and three board members representing the area outside the City of Seward. Because it is too late to provide public notice to candidates of this change, if this amendment is adopted the first board should be appointed. The following amendment is proposed to Ordinance 2003-30 to accomplish this.

Amend Section 1, KPB 16.50.030, board of directors, as follows:

16.50.030. Board of directors.

There is established a board of directors for oversight of the operations of the Seward-Bear Creek Flood Service Area composed of seven members who shall be elected by the qualified voters of the service area in the manner provided in the borough election code and KPB 16.04.065 as now enacted or may be hereinafter amended. Board seats to be filled at the first election of board members shall be staggered as follows: Seats A and D for one year; seats B and E for two years; and seats C, F, and G for three years. Seats A, B, C, and F shall be filled by residents of the City of Seward, and Seats D, E, and G shall be filled by residents of the area outside the city limits of the City of Seward and inside the service area boundaries. Notwithstanding the

Additionally, concerns were raised regarding the impact the service area may have on flood response actions and existing or future contracts and actions by the City of Seward regarding water projects and floods. The following amendment is proposed to address these concerns:

Amend Section 1, KPB 16.50.090, board powers and duties, as follows:

16.50.90. 16.50.090. Board—Powers and duties.

Pursuant to the provisions of AS 29.35.460 the board of directors of the service area, subject to KPB 16.04.001, assembly approval and appropriation of funds, shall have the power to provide flood protection, planning and mitigation, response, and recovery services. Additionally, subject to assembly approval, the board shall be responsible for developing, implementing, and updating a development plan for furnishing flood protection, response, and recovery services, and for determining the level of such services to be provided by the service area. Services shall only be provided that primarily address service area wide flood issues and that reflect fair use of the tax levy for watershed-wide benefit. Nothing in this ordinance shall be construed to usurp or otherwise affect the City of Seward's authority regarding any stormwater or surface water projects that primarily impact the City of Seward, and existing flood control projects or contracts with the U. S. Corps of Engineers or other agencies. The board shall develop criteria for determining service area involvement in future flood control projects, and shall coordinate with the City of Seward to ensure there is no duplication or contradiction in flood control projects or services provided. The board shall promptly provide accurate and complete copies of minutes of all board meetings, all board resolutions or other actions taken by the board to the mayor and assembly.

Amend the proposition in Section 2 of the ordinance to read as follows:

PROPOSITION:

"Shall the Kenai Peninsula Borough be authorized to exercise powers to provide flood planning, protection, response, and recovery planning and mitigation services in the Kenai Peninsula Borough Seward-Bear Creek Flood Service Area within the service area boundaries defined by Ordinance 2003-30?"

YES _____ NO _____

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