

Introduced by:	Mayor
Date:	08/09/22
Hearing:	09/06/22
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-35**

**AN ORDINANCE AMENDING KPB 14.31, SPECIAL ASSESSMENTS – ROAD
IMPROVEMENTS, TO ADJUST APPLICABLE DEADLINES REGARDING
APPLICATION AND REVIEW OF A ROAD IMPROVEMENT ASSESSMENT
DISTRICT**

WHEREAS, in accordance with state law, KPB 14.31 sets forth the Kenai Peninsula Borough’s (Borough) process for initiating and assessing a Road Improvement Assessment District (RIAD); and

WHEREAS, currently, RIAD applications must be submitted by July 1 of each year, for construction in the following year; and

WHEREAS, RIAD projects have been managed by the special assessment coordinator, who is employed in the Borough’s Assessing Department; and

WHEREAS, in 2019, departmental duties for RIAD projects, including the public bidding process and awarding of contracts transferred from the Borough’s Roads Service Area to the Purchasing and Contracting Department; and

WHEREAS, the Borough’s Assessing Department, Road Service Area, and Purchasing and Contracting Department, have determined that additional time is necessary to complete an approved RIAD and to ensure construction is completed the year following application; and

WHEREAS, the Borough’s best interest would be served by amending these sections of code to change the RIAD application deadline to May 1, and the deadline for the Road Service Area Board to review all RIAD applications by July 1;

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

SECTION 1. That KPB 14.31.040 is hereby amended as follows:

14.31.040. - Initiation of special assessment district.

To initiate a petition for the formation of a special assessment district, the sponsor of the proposed district submits an application and a map or detailed description of the proposed geographic area subject to inclusion in the special assessment district to the borough assessor or assessor's designee. Applications to form a road improvement assessment district (RIAD) and participate in the RIAD match program shall be received no later than [JULY] May 1 of each year.

SECTION 2. That KPB 14.31.050(E) is hereby amended as follows:

14.31.050. – Review of petition application.

...

E. *RSA Board—Approval to proceed with engineer's estimate.* The RSA board shall review the staff reports for all RIAD applications timely submitted under KPB 14.31.040 no later than [SEPTEMBER] July 1 of each year, for construction in the following year. The road service area board shall consider the following factors in evaluating petition applications and determining whether to approve an order for an engineer's estimate:

1. Whether the road is currently on the maintenance system;
2. The number of petitions for projects received that year;
3. The funds available in the RIAD engineer's estimate fund established under KPB 5.20.160; and
4. Whether an application for district formation has been previously filed and whether conditions have changed that make the project more feasible than in past application years.

...

SECTION 3. That KPB 14.31.055(C) is hereby amended as follows:

14.31.055. Road service area match program.

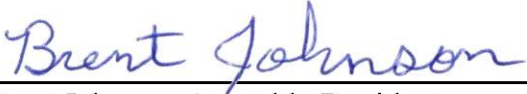
...

C. The annual deadline application for the match program is [JULY] May 1 of each year, and must be submitted with the application to form a proposed district.

...

SECTION 4. That this ordinance shall be effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF SEPTEMBER, 2022.

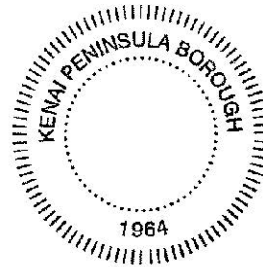


Brent Johnson, Assembly President

ATTEST:



John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson
No: None
Absent: None