

Introduced by: Mayor  
Date: 01/03/17  
Hearing: 01/17/17  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2016-19-18**

**AN ORDINANCE AUTHORIZING AN ADVANCE UP TO \$6,000,000 FROM THE  
GENERAL FUND AND APPROPRIATING FUNDS TO THE SOLID WASTE CAPITAL  
PROJECT FUND TO PROVIDE INTERIM FINANCING FOR IMPROVEMENTS AND  
EQUIPMENT AT KENAI PENINSULA BOROUGH SOLID WASTE DISPOSAL  
FACILITIES**

**WHEREAS**, at the October 4, 2016 borough elections, borough residents approved the issuance of \$10.6 million in general obligation bonds to finance costs of planning, designing, site preparation, constructing and equipping improvements at Borough Solid Waste Disposal Facilities (“the Project”); and

**WHEREAS**, Resolution 2016-068 authorized the issuance of up to \$6 million in general obligation bonds through the Alaska Municipal Bond Bank; and

**WHEREAS**, the planning and design of cell number three at Central Peninsula Landfill is substantially complete; and

**WHEREAS**, bond proceeds are not expected to be available until sometime this spring; and

**WHEREAS**, in order to allow for construction to start in late winter, the borough administration is requesting that advance funding up to \$6 million be provided and appropriated in the Solid Waste Capital Project Fund allowing for a request for proposal for construction of the project and an invitation to bid for the compactor to be issued and awarded prior to the date the bond proceeds would be available;

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

**SECTION 1.** That an advance up to \$6 million is provided to the Solid Waste Capital Project Fund and shall be accounted for in the General Fund, account 100.00000.00000.14121, and appropriated in the Solid Waste Capital Project Fund to account 411.32122.16CPL.49999

**SECTION 2.** Official Intent: This ordinance is adopted to satisfy the “official intent” requirements of Section 1.150-2 of the regulations adopted under the authority of the Internal Revenue Code of 1986, as amended, (the “Code”) with respect to the

Project, as described above. The borough reasonably expects to issue up to \$6 million principal amount of tax-exempt bonds in one or more series (the "Bonds") for costs of the Project. The borough intends to use all or a portion of the proceeds of the Bonds to finance costs of the Project, and certain other costs, which are eligible under the Code for financing with proceeds of tax-exempt bonds. Such costs incurred up to 60 days before the effective date of this ordinance will be eligible for reimbursement with proceeds of the Bonds. As of the date set forth below, the borough reasonably expects that it will issue the Bonds and use the proceeds of the Bonds as described in this section. That eligible costs incurred prior to the appropriation date will be charged to the Project.

**SECTION 3.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF JANUARY, 2017.**

  
\_\_\_\_\_  
Kelly Cooper, Assembly President

ATTEST:

  
\_\_\_\_\_  
John Blankenship, MMC, Borough Clerk



Yes: Bagley, Dunne, Fischer, Gilman, Hibbert, Holmdahl, Ogle, Welles, Cooper  
No: None  
Absent: None