

Kenai Peninsula Borough

*144 North Binkley Street
Soldotna, AK 99669*



Meeting Agenda

Tuesday, October 8, 2019

6:00 PM

Betty J. Glick Assembly Chambers

Assembly

Wayne Ogle, President

Dale Bagley, Vice President

Norm Blakeley

Kenn Carpenter

Kelly Cooper

Willy Dunne

Paul Fischer

Brent Hibbert

Hal Smalley



Assembly Meeting Schedule

TUESDAY, OCTOBER 8, 2019

- 3:45 PM** **Finance Committee**
- 4:00 PM** **Lands Committee**
- 4:30 PM** **Policies and Procedures Committee**
- 6:00 PM** **Regular Assembly Meeting**

Above listed meetings will be held in:

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula Borough Administration Building
144 North Binkley Street, Soldotna, Alaska



Finance Committee

October 8, 2019

3:45 PM

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Kelly Cooper, Chair

Paul Fischer, Vice Chair

Willy Dunne

AGENDA

NEW BUSINESS

2. Ordinances for Introduction

- *a. Ordinance 2019-19-12: Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Community Purposes under the State's 2019/2020 Community Assistance Program (Mayor) (Hearing on 10/22/19) 54
- *b. Ordinance 2019-19-13: Accepting Self-Contained Breathing Apparatus Equipment from the City of Kenai through the Assistance to Firefighters Grant Program and Appropriating Matching Funds for the Nikiski Fire Service Area and Central Emergency Service Area Participation (Mayor) (Hearing on 10/22/19) 57

*Consent Agenda Items



Lands Committee

October 8, 2019

4:00 PM

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Kenn Carpenter, Chair

Norm Blakeley, Vice Chair

Brent Hibbert

AGENDA

PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2019-24: Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) 21

NEW BUSINESS

2. Ordinances for Introduction
 - *c. Ordinance 2019-27: Repealing Ordinance 2019-12 and Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose, and Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-12 (Mayor) (Hearing on 10/22/19) 85
 - *d. Ordinance 2019-28: Correcting Ordinance 2019-13 by Re-Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Thereby Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-13 (Mayor) (Hearing on 10/22/19) 92
 - *e. Ordinance 2019-25: Amending KPB 2.56.006 and KPB 2.56.007, Adopting the 2019 Kenai Peninsula Borough Comprehensive Plan (Mayor) (Hearing on 11/05/19) 103

*Consent Agenda Items



Policies and Procedures Committee

October 8, 2019

4:30 PM

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Hal Smalley, Chair

Brent Hibbert, Vice Chair

Kenn Carpenter

AGENDA

PUBLIC HEARINGS ON ORDINANCES

- 2. Ordinance 2019-23: Amending KPB Titles 2, 4, and 16 regarding Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Dunne, Hibbert) 37

NEW BUSINESS

- 1. Resolutions
 - *a. Resolution 2019-051: Certifying the Results of the October 1, 2019 Regular Borough Election (Ogle at the Request of the Borough Clerk) **LAYDOWN**
- 2. Ordinances for Introduction
 - *f. Ordinance 2019-26: Amending KPB 2.60.027 to Modify the Designation of Demarcation Points for Delivery of 911 Calls by Carriers (Mayor) (Hearing on 11/05/19) 107
 - *g. Ordinance 2019-29: Establishing the Appeal Procedure before the Borough Assembly for the Appeal Filed by Echo Trading Company, LLC of a Planning Commission Decision (Mayor) (Hearing on 11/05/19) 111
- 3. Other
 - *a. Confirming Appointments to the Kenai Peninsula Borough Service Area Boards (Mayor) 114

Anchor Point Fire & Emergency Service Area

Robert Craig

Seat B

Term Expires 10/2022

Bear Creek Fire Service Area

Jena Peterson Seat E Term Expires 10/2022

Eastern Peninsula Highway Emergency Service Area

Riley Shurtleff Seat B Term Expires 10/2022

Sean Carrington Seat C Term Expires 10/2022

Kachemak Emergency Service Area

Donald F. Cotogno Seat D Term Expires 10/2022

Matthew Schneyer Seat E Term Expires 10/2022

MAYOR'S REPORT..... 134

- 1. Assembly Requests/Responses - None
- 2. Agreements and Contracts - None
- 3. Other
 - a. Revenue – Expenditure Report – August 2019 135
 - b. Budget Revisions – August 2019..... 138

*Consent Agenda Items



Assembly Agenda

October 8, 2019 - 6:00 PM

Regular Meeting

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

Wayne Ogle
Assembly President
Seat 3 - Nikiski
Term Expires 2019

Dale Bagley
Assembly Vice
President
Seat 4 - Soldotna
Term Expires 2019

Norm Blakeley
Seat 5-Sterling/Funny
River
Term Expires 2020

Kenn Carpenter
Assembly Member
Seat 6 – East Peninsula
Term Expires 2021

Kelly Cooper
Assembly Member
Seat 8 – Homer
Term Expires 2020

Willy Dunne
Assembly Member
Seat 9 - South
Peninsula
Term Expires 2021

Paul Fischer
Assembly Member
Seat 7 – Central
Term Expires 2019

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2021

Harold "Hal" Smalley
Assembly Member
Seat 2 - Kenai
Term Expires 2020

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Any invocation that may be offered at the beginning of the assembly meeting shall be a voluntary offering of a private person, to and for the benefit of the assembly. No member of the community is required to attend or participate in the invocation.

[Clerk's Note: The invocation will be offered by Angela Roland.]

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

(All items listed with an asterisk (*) are considered to be routine and non-controversial by the Assembly and will be approved by one motion. Public testimony will be taken. There will be no separate discussion of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)

VACANCY, DESIGNATION OR SEATING MEMBERS

1. Swear-In Newly Elected Assembly Members

APPROVAL OF MINUTES

- *1. September 17, 2019 Regular Assembly Meeting Minutes 1

COMMENDING RESOLUTIONS AND PROCLAMATIONS

- *1. A Resolution Commending the Emergency Responders and Volunteers for Mitigating and Suppressing the Wildfires on the Kenai Peninsula During the 2019 Fire Season (Mayor) 7

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

- 1. Magen James, E.D., Alaska Coalition for Veterans & Military Families (10 Minutes) 9

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 Minutes aggregate)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES (Testimony limited to 3 minutes per speaker)

- 1. Ordinance 2019-24: Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor) (Referred to Lands Committee) 21
- 2. Ordinance 2019-23: Amending KPB Titles 2, 4, and 16 Regarding Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Dunne, Hibbert) (Referred to Policies and Procedures Committee) 37

UNFINISHED BUSINESS

NEW BUSINESS

- 1. Resolutions
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- 2. Ordinances for Introduction
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	Assistance Program (Mayor) (Hearing on 10/22/19) (Referred to Finance Committee)	54
*b.	<u>Ordinance 2019-19-13</u> : Accepting Self-Contained Breathing Apparatus Equipment from the City of Kenai through the Assistance to Firefighters Grant Program and Appropriating Matching Funds for Nikiski Fire Service Area and Central Emergency Service Area Participation (Mayor) (Hearing on 10/22/19) (Referred to Finance Committee)	57
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*d.	<u>Ordinance 2019-28</u> : Correcting Ordinance 2019-13 by Re-Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Thereby Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-13 (Mayor) (Hearing on 10/22/19) (Referred to Lands Committee)	92
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PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

ASSEMBLY COMMENTS

PENDING LEGISLATION (This item lists legislation which will be addressed at a later date as noted.)

1. Ordinance 2019-05: Authorizing a Memorandum of Agreement and Cooperative Sale and Exchange of Interests in Lands with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads (Mayor) [Tabled on 04/02/19]

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. October 22, 2019
6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Soldotna, Alaska

ADJOURNMENT

This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula), K201AO(KSKA)-FM 88.1 (East Peninsula).

Copies of agenda items are available at the Borough Clerk's Office and in the Meeting Room just prior to the meeting. For further information, please call the Clerk's Office at 714-2160 or toll free within the Borough at 1-800-478-4441, Ext. 2160. Visit our website at www.kpb.us for copies of the agenda, meeting summaries, ordinances and resolutions.



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Wayne Ogle, President
Dale Bagley, Vice President
Norm Blakeley
Kenn Carpenter
Kelly Cooper
Willy Dunne
Paul Fischer
Brent Hibbert
Hal Smalley

Tuesday, September 17, 2019

6:00 PM

Homer City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Barrett Fletcher.]

ROLL CALL

*[Clerk's Note: Assembly Members Fischer and Smalley participated by phone.
Mr. Smalley joined the meeting at 6:28 p.m.]*

Present: 9 - Paul Fischer, Dale Bagley, Brent Hibbert, Kenn Carpenter, Norm Blakeley, Kelly Cooper, Hal Smalley, Wayne Ogle, and Willy Dunne

Also present were:

Charlie Pierce, Borough Mayor
James Baisden, Chief of Staff
Colette Thompson, Borough Attorney
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

Assembly Member Cooper stated the Finance Committee met and discussed its agenda items.

Assembly Member Hibbert stated the Policies and Procedures Committee met and discussed its agenda items.

Assembly President Ogle stated the assembly participated in a progressive dinner and

tour of South Peninsula Hospital.

APPROVAL OF AGENDA AND CONSENT AGENDA

Copies have been made available to the public, Borough Clerk Johni Blankenship noted by title only the resolutions and ordinances on the consent agenda.

[KPB-2291](#) September 3, 2019 Regular Assembly Meeting Minutes
approved.

The following public hearing items met the required conditions of KPB 22.40.110 and were added to the consent agenda:

[2019-19-08](#) An Ordinance Appropriating \$10,650 to Fund Additional Part Time and Seasonal Labor Costs to Provide Custodial Services to the Emergency Operations Center and Kenai River Center Buildings for FY2020 (Mayor)

This Budget Ordinance was enacted.

[2019-19-09](#) An Ordinance Appropriating Funds to Upgrade the Payroll and Human Resources Modules in the Borough's Enterprise Resource Planning Software (Mayor)

This Budget Ordinance was enacted.

[2019-19-10](#) An Ordinance Appropriating \$75,000 from the Seward Bear Creek Flood Service Area Fund Balance to Complete Sediment Management in Kwechak Creek (Mayor)

This Budget Ordinance was enacted.

New Business

[2019-050](#) A Resolution Approving the Design, Purchase and Installation of a CT Scanner for South Peninsula Hospital to be Purchased from the South Peninsula Hospital Capital Project Fund (Mayor)

This Resolution was adopted.

[KPB-2294](#) Approval of the Precinct Boards, Canvass Board and Absentee Voting Officials for the October 1, 2019 Regular Municipal Election
approved.

[KPB-2293](#) Confirming the Appointment to the Anchor Point Fire and Emergency

Medical Service Area Board (Mayor)

approved.

Approval of the Agenda and Consent Agenda

President Ogle called for public comment with none being offered.

The motion to approve the agenda and consent agenda as amended carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-2295](#) Mayor's Proclamation Declaring August 31, 2019 as "Loren Leman Day"

[Clerk's Note: Mayor Pierce presented the proclamation to Mr. Leman.]

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-2290](#) South Peninsula Hospital Quarterly Report (10 Minutes)

[Clerk's Note: Ryan Smith, CEO of South Peninsula Hospital provided the assembly with a quarterly report.]

2. [KPB-2292](#) Pebble Project, Mike Heatwole (10 Minutes)

[Clerk's Note: Mike Heatwole, VP Public Affairs and James Fueg, VP Permitting from the Pebble Partnership gave the assembly a project update.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Ogle called for public comment.

Paul Raymond, Homer addressed the assembly regarding his relationship

Donna Adherhold, Homer addressed the assembly regarding the efforts of the Election Stakeholders Group.

The following people spoke in opposition to the Pebble Mine project:

Amy Christenson, Homer

Thora Monroe, Homer

Jeff Middleton, Fritz Creek

Sara Braund, Homer

Megan Gervais, Kachemak City

Assembly Member Cooper moved to suspend the rules and extend the public

comment period time by 15-minutes without objection.

The following people also spoke in opposition to the Pebble Mine project:

Drew Hamilton, Homer
Tim Gervais, Kachemak City
Steve Albert, Homer
Richard Gustafson, Homer

Roberta Highland, Homer spoke in opposition to the Pebble Mine project as well as Ordinance 2019-23.

Mark Marette, East End Road spoke in support of increasing the sales tax cap (Proposition No. 2) and spoke in opposition to the Kachemak-Selo bond for a new school.

There being no one else who wished to speak, the public comment period was closed.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

None.

UNFINISHED BUSINESS

1. Postponed Item

[2019-045](#) A Resolution Supporting the Kenai Peninsula Coordinated Public Transit-Human Services Transportation Plan to be Submitted to the State of Alaska Department of Transportation and Public Facilities (Mayor)

[Clerk's Note: The motion to adopt was on the floor from the August 20, 2019 meeting.]

President Ogle called for public comment with none being offered.

The motion to adopt Resolution 2019-045 as amended carried by the following vote:

Yes: 9 - Fischer, Bagley, Hibbert, Carpenter, Blakeley, Cooper, Smalley, Ogle, and Dunne

MAYOR'S REPORT

1. Assembly Requests/Responses - None
2. Agreements and Contracts

- a. [KPB-2284](#) Authorization to Award a Contract for ITB20-006 Rustic Avenue RIAD, Project No. RUSTC to Foster Construction, LLC., Soldotna, AK
 - b. [KPB-2285](#) Proctor Sales, Inc., Sole Source
 - c. [KPB-2286](#) Heartland Water Technology, Inc., Sole Source
 - d. [KPB-2287](#) PDC Engineers, Sole Source
 - e. [KPB-2288](#) Authorization to Award a Contract for RFP20-004 Funny River Transfer Site Redesign to McLane Consulting, Inc., Soldotna, AK
3. Other
- a. [KPB-2289](#) Certification of the 2019 Personal Property Supplemental Assessment Roll

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Ogle called for public comment.

The following spoke in opposition to the Pebble Mine project:

Lawrence Radcliff, Homer

Joan Loftgren, Diamond Ridge

Bob Shavelson, Homer

Tyson Cox, Soldotna reminded everyone of the upcoming candidate forums.

Brent Johnson, Claim Gulch thanked Mayor Pierce for proclaiming August 31, 2019 as "Loren Leman Day".

Debbie Cary, Ninilchik encouraged everyone to vote and spoke in support of Proposition No. 2 (increasing the sales tax cap).

Mark Marett, East End Road addressed the assembly regarding trails and roads within the borough.

There being no one else who wished to speak, the public comment period was closed.

ASSEMBLY COMMENTS

Assembly Member Smalley voiced his concerns with Mayor Pierce's approach to

supporting candidates.

Assembly Member Hibbert thanked the City of Homer and South Peninsula Hospital for their hospitality.

Assembly Member Dunne thanked everyone for their testimony and stated how much he appreciated the community. He spoke in opposition to the Pebble Mine project and the politicising of the permitting process.

Assembly Member Cooper thanked the City of Homer and the elected officials for hosting the assembly. She stated it was good to see former Assembly Member Bill Smith.

Assembly Member Blakeley spoke in support of the sales tax cap and thanked Ryan Smith for his return to the peninsula.

Assembly Member Bagley stated the tour of South Peninsula Hospital was great and they served great food. He shared recent statistics for the Soldotna High School Football team.

President Ogle stated it was the 225th anniversary of the U.S. Constitution. He provided an update regarding public comment meeting FERC recently held in Nikski regarding the LNG project and also gave a brief update on the permitting process.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

October 8, 2019 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers, Soldotna, Alaska

ADJOURNMENT

With no further business to come before the assembly, President Ogle adjourned the meeting at 8:33 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 17, 2019.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

Introduced by: Mayor
Date: 10/08/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
COMMENDING RESOLUTION**

**A RESOLUTION COMMENDING THE EMERGENCY RESPONDERS AND
VOLUNTEERS FOR MITIGATING AND SUPPRESSING THE WILDFIRES ON THE
KENAI PENINSULA DURING THE 2019 FIRE SEASON**

- WHEREAS,** the Swan Lake Fire began on June 5, 2019 and grew to a size of over 163,000 acres due to unprecedented hot and dry weather conditions throughout the summer resulting in the communities of Sterling and Cooper Landing being placed on notice for possible evacuations; and
- WHEREAS,** the North Fork Fire was reported on August 18, 2019 near the communities of Homer and Anchor Point, and the Caribou Lake Fire started August 19, 2019, both fires resulted in potential threats to structures; and
- WHEREAS,** the State of Alaska, Department of Natural Resources, Division of Forestry is responsible for wildfire suppression on the Kenai Peninsula in collaboration with the Alaska Interagency Coordination Center (AICC) and cooperating agencies, and they coordinated resources and deployed incident management teams from Alaska and across the country; and
- WHEREAS,** the Kenai Peninsula Borough represented the interests of the residents of the borough by working with all agencies and incident management teams, conducting planning and preparation for evacuations, and staffing an extensive public information system including traditional media, social media, and a call center for the public, mobilizing borough employees and community volunteers; and
- WHEREAS,** hundreds of firefighters, law enforcement and support crews responded to these three major fires as well as 68 other fires that occurred within the Kenai Peninsula during the 2019 wildfire season, including local firefighters from Anchor Point Fire & Emergency Services, Bear Creek Fire Department, Central Emergency Services, Cooper Landing Emergency Services, Kachemak Emergency Services, Kenai Fire Department, Moose Pass Fire Department, Nikiski Fire Department, Ninilchik Emergency Services, Alaska State Troopers, and the Division of Forestry Kenai/Kodiak Area Unit, and resources from throughout the country; and
- WHEREAS,** the wildfires caused disruptions in transportation through the Sterling Highway corridor and threatened public and private structures, utility infrastructure, and the Sterling Highway but resulted in no loss of life or residential structures;

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

SECTION 1. The Kenai Peninsula Borough Assembly commends the work of fire managers, incident management teams, support personnel, and all of the volunteers that contributed towards the successful suppression and containment of fires throughout the Kenai Peninsula.

SECTION 2. The Kenai Peninsula Borough Assembly makes special recognition of all of the firefighters, both locally and from other regions, that were on the front line working in extreme conditions to keep the residents of the Kenai Peninsula safe.

SECTION 3. That a copy of this resolution shall be sent to all responding agencies that served the Kenai Peninsula during this season.

SECTION 4. That this resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OCTOBER, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

ALASKA COALITION FOR VETERANS & MILITARY FAMILIES



Alaska Coalition for Veterans & Military Families

VISION

Alaska's Service members, Veterans and Families (SMVFs) will be supported and cared for within their communities.

MISSION

Better serving Service members, Veterans and their Families in the communities in which they live.

ADVOCATE. EDUCATE. REFER.

Coalition Goals

- Establish AKCVMF as the leading coalition on issues concerning SMVFs
- Expand resource sharing and services for SMVFs in rural Alaska
- Institute training opportunities for service providers in all focus areas to better serve SMVFs
- Improve collaboration efforts in an effort to share information, reduce redundancies and increase participation from service providers

Key Partners

- Alaska Legal Services Corporation
- Alaska Department of Military & Veterans Affairs
 - *Alaska National Guard, Family Programs*
- Anchorage Veterans Treatment Court
- Employer Support of the Guard & Reserve
- North Star Behavioral Health Hospital
- US Department of Labor Veterans Employment & Training Services
- VA Healthcare System
- VFW

Behavioral Health Alliance

- Quarterly in-person training opportunities for service providers
- Free online trainings provided by partners
 - *PsychArmor*

Employment Alliance

- Employment Fairs
 - *Organizational and marketing support*
- Transition Assistance Programs
 - *Members present and share information*
- Career Counseling
 - *Assist Veterans and spouses looking for employment: resume writing, employment referrals*
- Resource & Referral
- Spouse Employment
 - *Advocates for transparency and ease of employment transitions for spouses*

Legal Alliance

- Legal clinics in Anchorage and Mat-Su
 - 200+ Veterans served since January 2016
- Wills clinics provided quarterly since March 2016
 - Anchorage, Fairbanks, Bethel, Kenai/Soldotna
- Network of 20+ pro bono attorneys to assist in civil legal matters
- Advocates for additional Veteran Treatment Courts
- Resource and referral for current Veteran Treatment Courts

Other Activities

- Inventory faith organizations and their services
 - *Provides Active Duty Clergy and Guard/Reserve Clergy options for referrals*
 - *Allows service providers to make referrals based on the needs of the SMVF*
- Family Nights provided by Alaska National Guard
- Information and referral services
- Redeveloping relationships with school districts
- Developing Military-specific training program for educators

Outcomes & Key Learnings

- Alaska Coalition for Veterans & Military Families recognized nationally as the convening organization for SMVF issues in Alaska
- Adoption of the “no wrong door” policy
- Increased free continuing education opportunities for service providers at all levels
 - 1,000+ CEUs on Military specific topics provided to service providers throughout Alaska since 2011
- Significant increase in sharing of information and participation in trainings and events among service providers
- Veteran unemployment consistently lower than nonveteran unemployment rates
- Declining homeless Veteran population since 2011

Upcoming Projects

- Partnering with America's Warrior Partnership and Combined Arms to develop better referral tracking
 - *DMVA and VA are also partnering on this initiative*
- Fairbanks area service provider training summit
 - *In partnership with the VA (15 AUG 2019)*
- Social media campaign: #BuddyUpAK
 - *Encourages Veterans to connect with their battle buddies to reduce feelings of isolation*

Contact Information

- AKCVMF.org
 - Resources
 - *Calendar of Events*
 - *Online directory*
- <https://www.facebook.com/Alaskaforgetmenot/>

Contact information

Magen James

Executive Director

Alaska Coalition for Veterans & Military Families

Magen.james2@Alaska.gov

admin@forgetmenotcoalition.org



Introduced by: Mayor
Date: 09/03/19
Hearing: 10/08/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-24**

**AN ORDINANCE ADOPTING KPB 20.80, SUBDIVISION PRIVATE STREETS
AND GATED SUBDIVISIONS**

WHEREAS, privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions; and

WHEREAS, Goal 6.5 of the 2005 Comprehensive Plan is to maintain the freedom of property owners in the rural areas of the borough to make decisions and control use of their private land; and

WHEREAS, private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access; and

WHEREAS, there is a need for designated standards and requirements and establishment of procedures for creating gated communities; and

WHEREAS, designating standards, requirements and procedures for establishing private streets within subdivisions with gated access will address residents as well as the public's privacy, security, and access concerns; and

WHEREAS, the Kenai Peninsula Borough Road Service Area board at its meeting held on August 13, 2019, recommended unanimous approval of this ordinance; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its meeting held on August 26, 2019, recommended _____;

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

SECTION 1. That KPB Chapter 20.80, entitled "Private Streets and Gated Communities" is enacted as follows:

20.80.010. Purpose.

This chapter provides standards and requirements for the establishment of private streets in subdivisions in the borough. A subdivision with private streets and gated access may be created at the time of subdivision by the owner of the parcel being subdivided or, where streets have been previously dedicated to the public which access lots in different ownerships, by the owners of those parcels in accordance with the provisions of this chapter.

20.80.020. Requirements.

Private streets in subdivisions shall meet the following requirements:

- A. The general provisions of KPB Title 14 and 20 as they relate to development, streets and utilities shall apply, except as otherwise provided for in this chapter.
- B. Private streets shall conform to the same standards regulating the design and construction of streets, street naming and street addressing in KPB 14.06, 14.10, 14.20 and KPB 20.30.
- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit without having to backup.
- D. A homeowners' association (HOA) is required for approval of private streets within a subdivision. All property to be served by the private streets must be members in or part of the HOA. The HOA shall own and be responsible for the maintenance of the private streets and appurtenances.
- E. Private streets shall be contained within a separate lot owned by the HOA.
- F. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- G. The subdivision final plat and HOA documents shall note that borough maintenance shall not be provided on any private streets.
- H. Gated subdivisions and private streets may be approved, provided they meet the following criteria:
 - 1. Internal streets shall conform to the requirements of KPB 20.30, Subdivision Design Requirements, except as otherwise allowed in this section;
 - 2. Emergency services shall be provided access to deliver services within the private subdivision. Approval by the fire and emergency services provider with jurisdiction in the area of the gated subdivision is

required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision;

3. The requirements of KPB title 20 are met because alternate legal access to adjoining properties is available and that access is constructible in accordance with KPB 20.30, Subdivision Design Requirements and KPB 14.06, Road Standards;
4. There shall be a note on the plat that the streets are not public and are subject to private construction and maintenance;
5. The HOA shall execute a defense and indemnification agreement in favor of the borough in the following form: The HOA shall indemnify, defend, and hold and save the borough, its elected and appointed officers and officials, agents and employees, hereinafter collectively referred to as “agents,” harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys’ fees. The HOA shall be responsible under this clause for any and all legal actions or claims of any character arising from the HOA or the HOA’s acts or omissions related to its private streets and gates in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.
6. The HOA and all of the HOA’s subcontractors, if any, shall be responsible for the purchase and maintenance of all insurance required by law and any other insurance the HOA deems necessary or appropriate.

20.80.030. Gates

If a gate is installed to prevent public access to a subdivision with private streets the gate shall conform to the following requirements:

- A. Each gate must be approved prior to installation by the fire and emergency services provider that serves the proposed gated subdivision. The entrances to all private streets shall be marked with a sign stating that it is a private street.
- B. Gates, approach and departure areas shall be designed by a licensed professional civil engineer.
- C. In order to allow access for the provision of emergency services, each security gate designed and installed shall be equipped so that access is by a radio operated controller or keypad. The fire and emergency services provider serving the gated subdivision, borough assessing department, borough planning department, and law enforcement shall be provided either radio controlled or keypad access to the subdivision.

- D. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
- E. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The HOA must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation. A proper power supply shall be provided and maintained to all electrical components at all times. Each electrical vehicular gate must be provided with a fail-open device to open during power failures and be equipped for emergency access.
- F. A public vehicular turn around shall be provided to allow vehicles that have been denied entry the ability to exit without having to backup.
- G. No part of the gate system shall be placed in a public right-of-way.
- H. The HOA is responsible for the gate, its signage and its costs, and shall be responsible for any violations of this section.

20.80.040. Converting to gated subdivision.

- A. A subdivision HOA may seek to convert a subdivision to a gated community with private street(s) and restrict public access by filing a replat and vacation petition with the planning director, which shall be considered a request to vacate public street(s) and/or right-of-way(s), as well as replat the subdivision. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.
- B. Upon determination by the planning director that the replat application is complete, the request shall be subject to review and approval by the borough planning commission regarding whether the gated subdivision requirements and procedures have been met, as set out in this chapter. The borough planning commission decision is subject to appeal to the hearing officer pursuant to KP.B 21.20.
- C. Converting public street to private street – standards.
 - 1. Vacation of the public right-of-way shall be in accordance with the criteria set forth in KP.B 20.70.
 - 2. The proposed gated subdivision shall not cause discontinuity in the existing or proposed public street system or distribute an unacceptable amount of traffic through an existing neighborhood than would otherwise result if public streets were used. Converted

private streets may not unduly impair access to public facilities, including schools, parks and libraries. Utilities proposed for vacation must not provide service to customers outside the proposed gated subdivision boundary.

3. The proposed gated subdivision must not cause discontinuity in the existing or proposed road system to any property owner in the proposed gated subdivision with frontage on the public right-of-way that is to be vacated.
4. Prior to recording the final plat the property owners abutting the vacated public street shall file with the borough fully executed deeds conveying their interest in the vacated street to the HOA.
5. Prior to recording the HOA shall accept the road “as-is” in its present condition and shall agree to indemnify, hold harmless, and defend the borough against any claims arising from the HOA’s ownership, maintenance and control of the converted street.
6. HOA shall execute a defense and indemnification agreement in favor of the borough in the following form: The HOA shall indemnify, defend, and hold and save the borough, its elected and appointed officers, officials, agents and employees, hereinafter collectively referred to as “agents”, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys’ fees. The HOA shall be responsible under this clause for any and all legal actions or claims of any character arising from the HOA or the HOA’s acts or omissions related to its private streets and gates in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.

20.80.050. Converting private streets to public streets in gated subdivision.

- A. The owners of a private street may petition to dedicate the private street through the platting process. The street must meet the design criteria set forth in KPB 20.30 and KPB 14.06.
- B. A civil engineer at the HOA’s expense shall determine whether the private streets meet KPB Title 14 and Title 20 standards for street design and construction. If the streets do not meet borough standards the dedication shall be denied.

- C. The borough may also require, at the HOA's expense, the removal of any improvements, access control devices, gates, landscaping or other aesthetic amenities associated with the private street.

20.80.060. Enforcement.

Violations of this chapter shall be in accordance with KPB 20.10.030 and KPB 21.050.

SECTION 2. That KPB Chapter 20.90, entitled "Definitions is amended as follows:

20.90.010. Definitions generally.

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply.

...

"Gated subdivision" means a residential subdivision consisting of five (5) or more parcels of land where vehicular and/or pedestrian access by the general public from a public street and street(s) within the gated community and/or public right-of-way(s) is restricted as a result of a barrier that may include, but is limited to gates, security personnel, fences or walls. This definition does not include gates or other barriers limiting access to an individual parcel or lot.

...

"Private street" is defined as a vehicular access way shared by and serving two or more lots, which is not publicly maintained, but maintained by a homeowners' association. The term "private street" shall be inclusive of alleys. The term "street" also includes the term "street" as used in KPB title 14.

SECTION 3. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk


Yes:


No:

Absent:

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Mayor 

FROM: Max Best, Planning Director 

DATE: September 26, 2019

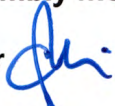
RE: Request to Postpone Hearing on Ordinance 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)


The administration requests that the assembly postpone the hearing on ordinance 2019-24 to November 5, 2019 to allow more time for the Planning Commission and the cities in the borough to consider and comment on this ordinance. On September 23, 2019 the Planning Commission postponed its consideration of this ordinance until October 14, 2019, to give the cities more time to review it and to give staff more time to talk with the cities and answer their questions about it. Additionally, staff has submitted a number of amendments to the Planning Commission.

Your favorable consideration of this request would be appreciated.

MEMORANDUM

TO: Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor 

FROM: Max J. Best, Planning Director 

DATE: September 26, 2019

RE: Ordinance 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled August 26, 2019 and September 23, 2019 meetings.

A motion passed by unanimous consent to postpone until borough back by staff.

The Planning Commission felt that comments from the Cities should be received before action is taken.

If the Assembly approves the Ordinance, please make the following amendment to the last WHEREAS statement:

WHEREAS, the Kenai Peninsula Borough Planning Commission at its meeting held on September 23, 2019, made no recommendations.

Attached are the unapproved minutes of the subject portion of the meeting.

Commissioner Venuti wanted to know if Ms. Wade had the opportunity to read the letter from the Kachemak Bay Conservation Society. Ms. Wade read it briefly right before the meeting. Commissioner Venuti wanted to know what she thought of the recommendations and if they were feasible to add into the plan. Ms. Wade felt that they could and did not see anything that contradicted the values that have been shared through this process.

Commissioner Ecklund wanted to discuss the process for the plan. She wanted to know if it could be brought back after some of the suggestions are made so they can review it. She felt they did not need the whole plan again but would like to see the changes. She also wanted to know if they had to make motions for each recommendation or if some could be grouped. Mr. Wall said that they could instruct staff to make some changes and bring it back and then they will have a new draft to review and adopt.

Chairman Martin said that he would like it to be time specific on when to review the plan.

Commissioner Ruffner wanted to try to summarize the wishes of the Commission for Ms. Wade. Update the census tables for the agriculture data from 2012 to 2017; incorporate the five recommendations from the Kachemak Bay Conservation Society, and a specific timeline for review instead of periodic update.

Chairman Martin noted from his agriculture perspective that the cannabis statistics are significant even if the benefits are not local relatively speaking. Commissioner Carluccio noted that we do get sales tax. Mr. Wall said the sales tax does go to the Borough.

Commissioner Ruffner wanted to know if staff needed more information. Mr. Wall felt that what was given was sufficient direction. He does have concerns about item one on the Kachemak Bay Conservation Society list. It deals directly with the Hazard Mitigation Plan. That is something that the Commission has already forwarded to the Assembly. He would recommend items two through five on the list.

Commissioner Ecklund noted that Kachemak Bay Conservation Society amendments do not get specific enough for alternative energy or the solar and wind farmland use. She would like to see more about alternative energy.

Ms. Wade said there were two things she did not hear Commissioner Ruffner cover in his summary and the alternative energy was one. The other was related to it, the educational and training opportunities tied to growth industries. Tying it back to those alternative energy and others discussed. Commissioner Ruffner wanted to clarify that those suggestions would also be looked at. Ms. Wade confirmed.

Commissioner Ruffner asked if staff wanted to the postponement to be date certain or brought back by staff. Mr. Best asked what Ms. Wade's ability would be to have the changes made. Ms. Wade said she would like to have the changes made within the next two weeks. After hearing the public input and with it already being a two-year process, she felt sooner was better. Mr. Best said that brought back by staff would be best.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Ecklund, to postpone the review of the Comprehensive Plan until brought back by staff.

MOTION PASSED: seeing and hearing no objection or discussion, the motion passed by unanimous consent.

AGENDA ITEM F. PUBLIC HEARINGS

- 2. Ordinance 2019-___; Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions.

Staff Report Given by Max Best

PC Meeting: 8/26/19

This ordinance is to allow people to have gated or private subdivisions within the Borough. If all of the requirements of the Borough Platting code are met, a road can be vacated and made into a tract of land creating a gated private community.

Some requirements are that Title 14 and 20, as they relate to development, would need to apply. Utility requirements, road width, etc. would have to apply in case the tract is dedicated as a public right-of-way and ceases being private.

There are requirements to get to and through the gates. There must be a turnaround before the gate and adequate access. All of the requirements go through fire and emergency services to determine that they could access the subdivision if needed. They would have a clicker or code that would allow them access to the subdivision.

This was created by staff to address those subdivisions that may potentially want private roads. This can be difficult but doable. There are situations where "to and through" the subdivision is not needed. Example would be a small cul-de-sac that accesses land that does not require streets to go around or through the subdivision. It would work in that situation.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the Commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Carluccio, to forward to the Assembly a recommendation to approve Ordinance 2019-___; an ordinance adopting KPB 20.80, Subdivision private streets and gated subdivisions.

Commissioner Whitney wanted to know if an existing subdivision could do this if the ordinance is adopted. Mr. Best said they could but the right-of-way would have to be vacated. One hundred percent of the property owners that abut the right-of-way would have to be a part of the process. It will take everyone in the area to agree to it.

Commissioner Ecklund noted that this is a brand new section of Borough Code. She did not think there was anything existing about gated communities or private streets in the code. Mr. Best said this is new. It can be done under existing code but it requires numerous exceptions to the code. Commissioner Ecklund wanted to know if there was a specific instance that had caused this to be drafted. Mr. Best said perhaps.

Commissioner Carluccio wanted to know if staff looked at other Boroughs or States that have gated communities to see how it worked for them. Mr. Best said they did a lot of research on how it worked in other municipalities. There are a lot of them in California, etc. The biggest concern was providing emergency services to people and making sure there is a way to adequately respond to people. It cannot just be a trail that emergency vehicles cannot use. Commissioner Carluccio followed up by asking if it would all have to be privately owned land, that there would be no easements or trails. Mr. Best said it would be a tract of land that is owned by all the abutting landowners. If it is done at the time of subdivision, it would be a tract owned by the Home Owners Association and the Association would own, operate, and maintain the road. Utility easements would be associated with it and building setbacks in case the Borough takes over the right-of-way. It has to meet all of title 14 and 20 for the Borough to take it. Non-conforming structures or things in the right-of-way would not allow the Borough to take the road. It must be built to Borough standards and met all the requirements the Borough has in place. Commissioner Carluccio asked if the best way to do this is to start with a tract of land and then subdivide to build the gated community. Mr. Best said this is generally for that situation. It will be difficult but possible for existing subdivisions to become a gated community.

Commissioner Venuti wanted to know if a local option zone could be a gated community and about emergency vehicle access. Mr. Best said that he did not know any reasons why a local option zone could not be a gated community. The Borough would have access anytime staff needed. Gates would have to

be approved by emergency service providers. There would be a code, a lock that can be cut, and a way to access the subdivision if needed even if the power is out. Emergency services would have free access and this ordinance reserves access for the Planning Department. Widths and heights of gates will be worked out with Emergency Services. Commissioner Venuti wanted to know if a how property rights will be handled. Mr. Best said that an HOA would have to own it and the Borough would not have property rights associated with the roadway. The HOA would also maintain the road.

Commissioner Ecklund is concerned about not having building setbacks incorporated into the ordinance due to safety standards for fires, etc. Mr. Best noted that building set backs are a provision of Chapter 20 so it would have to be in place.

Commissioner Whitney wanted to know if the Borough would be compensated for giving up a right-of-way in established subdivisions that form a gated community and turn the road into a private road. Mr. Best responded that if a municipality purchased land for a right-of-way they could be compensated during the vacation process. The Borough gets the right-of-ways mostly through dedicated fee land with no cost. Commissioner Whitney noted that the Borough may have been improving it and have money invested into the road. Mr. Best thought that the Roads Department would be willing to give up the maintenance on the road over what it costs to continue maintenance and improvements. Mr. Best noted that it was a good question that was not fully considered.

Commissioner Ruffner noted that when reading the proposal it is generally following all the subdivision requirements and Title 14 for road construction. That seems reasonable in the sense that it could wind up coming back to the Borough and it needs to be safe. The issue he sees is once a certain sized parcel is turned into a gated community the through traffic to get to future development seems to be a challenge. He wanted to know if there was any thought put into size limitations. There are block length requirements, but he wanted to know if there was something in this ordinance that talks about size. Mr. Best said that it must meet Chapter 20 requirements including the "to and through". It is not for every piece of property. There is no size requirement because many larger parcels require "to and through" easements or right-of-way dedications. Commissioner Ruffner noted that the exception to block length is given generously and he could see that becoming an issue.

Chairman Martin wanted to know if there would be any legal complications if the Borough owns a parcel inside a gated community after tax foreclosure. Mr. Best said that was discussed and it was determined that the borough would not be obligated to pay Home Owner fees for tax foreclosed properties. The Borough currently does not have those obligations for property acquired during tax foreclosure.

Commissioner Whitney wanted to know if the property owners in the gated community would still have to pay the road service mill rate. Mr. Best said they would. Commissioner Whitney said the owners would be doubling their cost because they would also pay the maintenance through the Home Owners Association. Mr. Best said that was correct.

Chairman Martin noted he likes to encourage more parks and open space within subdivisions. Currently there is no economic incentive for a developer to do that and the Borough does not want to own those parks. He wanted to know if this would help encourage that. Mr. Best said the developer or owners could designate a lot within the subdivision as an open space and the Home Owners Association can own it and utilize it as a park. This could possibly advance that type of situation. Chairman Martin noted they would still have to pay property tax on it. Mr. Best said they would.

Commissioner Ruffner said he did not have any issues if a developer wants to develop a gated community if it does not interfere with future development of the larger lands that are still out there. The Borough is still entitled to some State lands and the State is still entitled to some Federal lands. This is a big piece of code to introduce and vote on in the same meeting. He does not know if the public knows that this is out there. Everything he has heard sounds reasonable but is reluctant to vote on it.

Commissioner Ecklund wanted some clarification about section line easements that go through a parcel that wants to be a gated community. She wanted to know if the gate would go on the far side of the section

line easement so that public access is not blocked. Mr. Huff said that public access easements would have to stay open from point A to point B. The easement could pass through a subdivision but the public would not have the right to get onto the private access road. Commissioner Ecklund wanted to know if the property was to be gated if a pedestrian gate would have to be allowed on either side to allow people to walk through the section line easement. Mr. Huff stated that a legally a pedestrian or section line easement cannot be blocked. The gate would be on the road and the public could continue to use the section line easement to pass through the subdivision. Commissioner Ecklund followed up by stating that the owners could not put up a fence around the whole property from both sides of the gate and block the whole subdivision off if there is a section line easement through it. Mr. Huff said a fence could be put up on their property but the section line easement cannot be blocked.

Commissioner Whitney felt that many questions of had been raised and many answers were not available right now. He felt that there needed to be more research and clarification on what the parameters, rules and regulations would be for somebody to do this. Mr. Best asked Commissioner Whitney what specific questions he would like answered. Commissioner Whitney wanted to know what would happen to the street in an already formed subdivision. If that road has been built and maintained by the Borough who will pay for that investment.

Commissioner Fikes asked if there were any gated communities in the Borough at this time. Mr. Best said there are some. Commissioner Fikes asked how they are operated. Mr. Best said it is similar to this ordinance. Kenai River Keys is one and the emergency service providers have clickers to get access and a gate that can be clipped and opened at any time. It has been a private subdivision with private roads since about 1972.

Commissioner Ruffner he would like some more thought on size limitations and tie it to block length. Maybe two time the block length or something similar would be a limitation. It can get more complicated than that when looking at the surrounding lands. A block length could be met but forcing the only other access into a wetland that cannot be developed. He would like to see some rules that limit size and feasibility for construction around the subdivision. Mr. Best said that they could look into it more. The ordinance is being introduced to the Assembly on September 3 and will be heard on October 8. The Planning Commission will have a meeting between those dated so more information can be given to the Commission before they vote.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Carluccio to postpone until brought back by staff.

Commissioner Ecklund wanted to ask about the management of the new ordinance. She wanted to know the Planning Commissioner or Assembly will be making the decisions on private subdivisions. Mr. Best said it would be the Planning Commission and their decision would not be forwarded to the Assembly.

Commissioner Fikes said if this were coming back, she would like to see or hear some feedback from Emergency Services if there have been any complaints or issues. In addition, if the utility companies have had problems with access, or complaints from people that live in a current gated community regarding services. Mr. Best said that there have been no complaints that the Borough is aware of because they make the subdivision must be access available. Kenai Keys has had a special assessment done and had gas put into the community. During a flood event, the gate is locked open so that people can come and go to escape any flood issues. Commissioner Fikes was concerned about seasonal people or those that are on the slope. If an emergency arises when they are not there, where would the protection and responsibility lie, with the Borough or Home Owners Association?

Commissioner Ecklund said this brings to mind when a staff report says that the different groups say no comment or no objection. She wanted to know if that could be included in a staff report for this item. It may be helpful to know that others have reviewed it.

MOTION PASSED: Seeing and hearing no objection or discussion, the motion passed by unanimous consent.

AGENDA ITEM E. UNFINISHED BUSINESS

2. Ordinance 2019-24; Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions.
Postponed from the August 26, 2019 Planning Commission meeting.

Staff Report Given by Scott Huff

PC Meeting: 09/23/2019

At the August 26, 2019 Planning Commission meeting there was a motion to forward to the Assembly a recommendation to approve Ordinance 2019-24 to adopt KPB 20.80. At that meeting, the Planning Commission asked staff to get more information. The Ordinance was sent to the KPB Roads Director, Emergency Management providers as well as title officers. There were no responses received back except for some conversations Mr. Best had with Chief Browning. Late this evening the Roads Director commented that the RSA Board had already approved the Ordinance.

There has been contact with the cities of Kenai, Soldotna, Homer and Seward. Staff will be meeting with the City of Homer on September 23, 2019 and the City of Soldotna on October 2, 2019 to review the ordinance and hear their concerns.

Since the August 26, 2019 meeting, staff has come up with nine revisions. Most of them are general housekeeping items. A few items were mentioned in the code two or three times. There are no major changes being proposed.

Mr. Huff offered to review the changes one by one if requested. He noted that the Planning Commission could approve in one motion or review and act on each one separately. The Commission could also choose to not amend and pass the ordinance onto the Assembly as presented.

END OF STAFF REPORT

MOTION ON FLOOR: to forward to the Assembly a recommendation to approve Ordinance 2019-___; an ordinance adopting KPB 20.80, Subdivision private streets and gated subdivisions.

Mr. Best summarized his conversation with Chief Browning about access through gates onto private streets. Chief Browning indicated that most jurisdictions have a box with a coded universal key. There is a time stamp for when the key is used and by whom. It is up to the emergency service providers in the area to determine what they would require such as a padlock or combination lock. The ordinance already contains that the approval of the emergency responders would be required. That includes the construction of the gate. The height, width, the access and the availability to get an apparatus through will go through the emergency responders.

Mr. Best also had a discussion with the roads director, Mr. Uhlin. Commissioner Whitney had previously asked about public money being put into a public road and then turning it into a private road. Mr. Uhlin's felt that it would be given up because the maintenance cost over time would be more than what invested into the road. Less roads will be maintained by the borough, which will cost less money.

Mr. Best noted that after discussion and review with staff the question of how the ordinance will work within the cities arose. It is not mentioned in the ordinance. Currently the code says that at the time of final review an installation agreement with the city is needed. During the preliminary process staff has the plat go to the city for comments in relationship to the borough code because the borough is the platting authority. Staff wants to meet with the cities and talk about building setbacks and their zoning. They may require the roads to be constructed to a standard in the city because of obligations for water, sewer, utilities and the access required to maintain those services. The cities may be able to allow gates now because they have that authority but the concern is that they do not have anything in place to address the specifics laid out in this ordinance. The meetings with Soldotna and Homer are scheduled. The meeting with Kenai has not been scheduled but there have been conversations with them. Staff wants to give the cities a chance to see

how it would work with their code, if they want to prohibit it within their boundaries or agree with what is proposed.

Commissioner Whitney wondered if this should be postponed until the meetings with the cities are held to see if they need to propose any additional changes. The changes can be done at one time so it does not have to come back for more changes. Mr. Huff let the Planning Commission know that the Assembly would hear this item on October 8, 2019. Mr. Best said that the managers for the cities of Soldotna and Kenai have requested that they be given more time. He does not have any indication from the Assembly if they will honor that request.

Commissioner Ecklund asked if there could be postponement on this item at the Assembly meeting. She wanted to know if the Assembly could be told there had been a request for postponement by two cities. Mr. Huff said the Assembly could postpone if they hear from the Planning Commission and the cities to postpone.

Commissioner Venuti wanted to know more about the meeting in Homer on September 23, 2019. Mr. Huff said it would be a phone call on September 24, 2019. Commissioner Venuti wanted to know whom staff was meeting with. Mr. Huff said it would be with Julie Engebretsen, Deputy City Planner, as well as Mr. Abboud, the City Planner. He was not sure what others would be taking part. Commissioner Venuti wanted to know if there were plans to meet with the City Council. Mr. Huff said that the upcoming meeting was a teleconference with city staff to answer questions. It is possible that a meeting with the City Council will be requested or needed but that will be determined after discussions are had with the city staff.

Commissioner Ruffner said he felt like he wanted to postpone. This is a big change in code and the public has not commented on this. He is not sure if this came from the public or how it originated. He felt that it was a little odd that there has not been anyone testifying on gated subdivisions.

Commissioner Ruffner wanted to make sure this is not used as a tool to block public access. He had thought about limiting the size and wanted to know if staff discussed it since there is not a size limitation. Mr. Huff said it was discussed but the very first item says it must comply with Chapter 20.30, which is design. It must meet the block length requirements and provide to and through rights-of-way. Access cannot be limited to unsubdivided lands beyond the subdivision.

Commissioner Ernst asked if it could limit access to public section line easements. Mr. Huff said possibly to get to the section line easement. If the right-of-way is to a section line easement for to and through access it could not be vacated. He does not think one could be vacated if the right-of-way connects to a section line easement.



MOTION FOR POSTPONEMENT: Commissioner Ruffner moved, seconded by Commissioner Bentz, to postpone until brought back by staff.


MOTION TO POSTPONE PASSED: Seeing and hearing no objection or discussion, the motion passed by unanimous consent.

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor 
Dil Uhlin, Roads Director 

FROM: Max Best, Planning Director 

DATE: August 22, 2019

RE: Ordinance 2019- 24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

Goal 6.5 of the 2005 Comprehensive Plan is to maintain the freedom of property owners in the rural areas of the borough to make decisions and control use of their private land. Privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions. Private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access.

There is a need for standardization, criteria, and establishment of procedures for creating both subdivisions with private streets and gated subdivisions. This ordinance codifies the requirements and procedures for creating these types of subdivisions.

This matter is scheduled to come before the KPB Road Service Area Board's at its August 13, 2019 meeting and the KPB Planning Commission at its August 26, 2019 meeting. The recommendations of both boards will be presented to the assembly prior to the final hearing on this ordinance.

Your consideration of this ordinance is appreciated.

Introduced by: Dunne, Hibbert
Date: 09/03/19
Hearing: 10/08/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-23**

**AN ORDINANCE AMENDING KPB TITLES 2, 4 AND 16 REGARDING SERVICE
AREAS TO PROVIDE THAT ALL KENAI PENINSULA BOROUGH SERVICE AREA
BOARDS ARE APPOINTED INSTEAD OF ELECTED**

WHEREAS, the Kenai Peninsula Borough (“borough”) currently has 12 service area boards of which seven are elected and five are appointed; and

WHEREAS, the borough is one of the few boroughs, if not the only, in the State of Alaska with elected service area boards; and

WHEREAS, historically there have been numerous vacant seats for service area boards as well as seats where only one person has filed to run; and

WHEREAS, in 2017 three service area boards successfully transitioned from elected boards to appointed boards; and

WHEREAS, the borough assembly established the Election Stakeholder Group (“ESG”) through the direction and adoption of Resolution 2019-006, which included community members and members from many local governments in the borough, researched ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity; and

WHEREAS, after holding many public meetings throughout 2019 the ESG issued a final report with six specific recommendations regarding potential changes to borough code and election processes which are intended to achieve guiding principles initially adopted by the ESG; and

WHEREAS, the ESG’s recommendation #5 is that the borough provides for appointed rather than elected service area boards; and

WHEREAS, appointed boards have proven to increase public interest in service on a board as potential board members would not have to run or otherwise comply with the election process requirements; and

WHEREAS, changing from elected service area boards to appointed boards will significantly reduce the time and expense involved in borough elections; and

WHEREAS, the clerk’s office has indicated that thousands of dollars would be saved by eliminating these seats from the election process as this would reduce printing costs and time required of election officials and the clerk’s office in reviewing and verifying election ballots; and

WHEREAS, providing for an appointed board may alleviate voter confusion by reducing the content of the voter pamphlet and the number of ballots as many service areas bifurcate precincts requiring more than one ballot for each precinct; and

WHEREAS, the appointment process will remain a public process in which the openings will be advertised, the mayor will appoint interested applicants and the assembly would confirm the appointment to service area boards; and

WHEREAS, appointed boards have functioned well for the other five service areas in the borough and throughout other service areas in the state;

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

SECTION 1. KPB 2.58.010(C) is amended as follows:

2.58.010. Definitions.

The following words shall have the following meanings:

- A. "Contract" or "contractual relationship" means any agreement or business relationship between the borough, division of the borough, or service area, whether such contract or agreement is expressed or implied. Sales of retail items or establishment as an approved source of supply of materials or goods are also included in the meaning of contract or contractual relationships.
- B. "Municipal officer" or "employee" means an officer or employee of the borough, whether paid or unpaid, and includes any members of any boards or commissions of the borough other than service area boards.
- C. 1. “Service area board members” means those persons [, WHETHER ELECTED OR APPOINTED,] who serve upon boards of the various service areas as may from time to time be established within the borough.
2. "Service area officers or employees" means an officer or employee of the service area involved in the contractual relationship, but does not include officers or employees of service areas other than the one with which a contractual relationship is sought or entered.

...

SECTION 2. KPB 2.58.035 is amended as follows:

2.58.035. Contracts or sales not constituting substantial interest.

- A. A contract with a person, firm, corporation or association in which the person has an interest solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract, and the duties of such employment do not directly involve the procurement, preparation or performance of any part thereof;
- B. A contract in which the person has an interest if such contract was entered into prior to the time he/she was [ELECTED OR] appointed as such service area board member, service area officer or employee, but this exception shall in no event authorize a renewal of any such contract;

...

SECTION 3. KPB 4.10.070 is amended as follows:

4.10.070. Votes required for election to office.

- A. Election to the office of borough mayor is by a majority of the votes cast. If no candidate for the office of borough mayor receives a majority of the votes cast for that office, a runoff election will be held between the 2 candidates receiving the highest number of votes.
- B. The candidate for an assembly or school board seat receiving the greatest number of votes is elected.
- [C. THE CANDIDATE FOR AN ELECTED SERVICE AREA BOARD SEAT RECEIVING THE GREATEST NUMBER OF VOTES CAST FOR THAT SEAT IS ELECTED.]

SECTION 4. KPB 4.30.010 is amended as follows:

4.30.010. Candidate qualifications.

- A. A candidate for borough mayor must be a qualified voter of the State of Alaska and a resident of the Kenai Peninsula Borough for 180 days immediately preceding filing for office. A person who has served as mayor for two consecutive full terms may not be reelected to that office until 180 days has intervened.
- B. A candidate for borough assembly must be a qualified voter of the State of Alaska and a resident of the district from which the candidate seeks election for at least 180 days immediately preceding filing for office.

- C. A candidate for school board must be a qualified voter of the State of Alaska and a resident of the district from which the candidate seeks election for 180 days immediately preceding filing for office.
- [D. A CANDIDATE FOR A SERVICE AREA BOARD MUST BE A QUALIFIED VOTER OF THE STATE OF ALASKA AND A RESIDENT OF THE SERVICE AREA FOR AT LEAST 180 DAYS IMMEDIATELY PRECEDING FILING FOR OFFICE.]

SECTION 5. KPB 4.30.020 is amended as follows:

4.30.020. - Declaration of candidacy.

- A. A candidate for municipal office is nominated by executing a declaration of candidacy under oath and filing it with the clerk in accordance with this section.
- B. A declaration of candidacy shall be in a form provided by the clerk and shall state the following:
 1. the full name of the candidate, and the manner in which he wishes his name to appear on the ballot;
 2. the full residence and mailing addresses of the candidate;
 3. the office for which the candidate declares;
 4. that the candidate is qualified for the office as provided by law;
 5. the date and notarized statement of the candidate;
 6. the candidate shall certify information contained in the declaration of candidacy is true and accurate;
 7. any other information that the clerk reasonably requires to determine whether the candidate is qualified for the office as provided by law.
- C. Declarations of candidacy shall be provided by the clerk.
- D. Filing for elective offices of mayor, assembly, and school board [AND SERVICE AREA BOARDS] shall be made by filing a declaration of candidacy with the borough clerk from August 1st through August 15th, 4:30 p.m. Should August 15 be a Saturday or Sunday, then candidates shall have until noon on the first Monday following to file their declaration.

...

SECTION 6. KPB 4.30.030(A) is amended as follows:

4.30.030. Public official financial disclosure statements.

- A. Candidates for elective borough office and declared write-in candidates shall file a public official financial disclosure statement with the borough clerk as required by the provisions of AS 39.50 at the time of filing a declaration of candidacy. The name of the candidate shall be placed on the ballot by the borough clerk only after the candidate has complied with this requirement. [THIS SUBSECTION DOES NOT APPLY TO CANDIDATES FOR SERVICE AREA BOARDS.]

...

SECTION 7. KPB 16.04.060 and 16.04.065 are amended as follows:

16.04.060. Election to establish governmental powers required when.

If the borough assembly shall by ordinance establish a service area requiring voter approval under AS 29.35.450 or AS 29.35.490, the proposition whether or not to exercise the particular governmental power for which the service area has been established shall be placed on the ballot at the next general or a special election of the borough; except, however, an area that has once been considered and rejected by the eligible voters at either a special or general election shall thereafter be placed before the voters only at a subsequent general election. [IF THE ORDINANCE ESTABLISHING THE SERVICE AREA HAS PROVIDED FOR ELECTED BOARDS TO SUPERVISE THE FURNISHING OF SPECIAL SERVICES IN THE SERVICE AREA, THEN THE CANDIDATES FOR ELECTION TO SUCH BOARD SHALL BE PLACED ON THE BALLOT AT THE SAME ELECTION FOR ELECTION BY THE QUALIFIED VOTERS RESIDING WITHIN THE SERVICE AREA.]

16.04.065. [ELECTION] Appointment of board members.

Vacancies for service area boards [REQUIRING ELECTED BOARDS] shall be filled by [THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF THE VOTES CAST FOR THAT SEAT. IN THE EVENT THAT NO CANDIDATE FILES FOR ELECTION TO A SEAT WHICH IS TO BE FILLED AT SAID ELECTION, THEN NO ELECTION SHALL BE CONDUCTED FOR THAT PARTICULAR SEAT, AND THE SEAT SHALL BE FILLED BY APPOINTMENT BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY FOLLOWING CERTIFICATION OF THE ELECTION AND IN ACCORDANCE WITH APPLICABLE PROVISIONS OF TITLE 16 GOVERNING FILLING VACANCIES] applicants appointed by the mayor and confirmed by the assembly.

SECTION 8. KPB 16.04.080(A) is amended as follows:

16.04.080. Administrative employees—Appointment, qualifications, and removal.

- A. *Service area directors.* Except as may otherwise be provided for a specific service area, the director of a service area, whether a paid employee or volunteer shall be appointed by the mayor from a list of recommended names from the service area board. [EXCEPT FOR THE ROAD SERVICE AREA DIRECTOR, WHOSE BOARD CONSISTS OF APPOINTED MEMBERS, AND AS OTHERWISE PROVIDED BELOW, ALL OTHER SERVICE AREA DIRECTORS MAY BE REMOVED BY THE MAYOR WITH A CONCURRENT RECOMMENDATION FROM THE APPLICABLE BOARD. SUCH ACTION BY THE SERVICE AREA BOARD SHALL REQUIRE A MAJORITY VOTE OF THE BOARD MEMBERSHIP. IN THE EVENT THAT THE SERVICE AREA BOARD AND THE MAYOR ARE UNABLE TO AGREE WITHIN 30 DAYS OF THE DATE THE ACTION IS RECOMMENDED, THEN THE MAYOR AND THE SERVICE AREA BOARD SHALL COMMUNICATE TO ATTEMPT TO RESOLVE THE IMPASSE. SUCH COMMUNICATION SHALL OCCUR NO MORE THAN 60 DAYS AFTER THE DATE OF THE INITIAL RECOMMENDATION FOR REMOVAL. FOLLOWING SUCH COMMUNICATION, THE MAYOR SHALL HAVE THE FINAL AUTHORITY TO DETERMINE WHETHER OR NOT TO REMOVE THE DIRECTOR.] Service area directors shall serve at the pleasure of the mayor. The service area board may independently make a recommendation to the mayor regarding the suspension or discharge of the service area director, however such suspension or discharge remains within the sole authority of the mayor.

...

SECTION 9. KPB 16.12.020, 16.12.040, 16.12.050 and 16.12.060 are amended as follows:

16.12.020. Board—Established— [ELECTION] Appointment.

There is established a board of directors for the Nikiski Fire Service Area composed of seven (7) members who shall be [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS DESIGNATED IN THE BOROUGH ELECTIONS CODE] appointed by the borough mayor and confirmed by the borough assembly].

16.12.040. - Board—Election of chair and officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members and from the board members a chair and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.12.050. Board—Qualifications and terms of office.

Members of the board of directors shall be qualified voters of the borough who are residents of the service area. [CANDIDATES] Board of director members shall [FILE FOR ELECTION] be appointed to Seats A through G for staggered terms of three years and may serve thereafter until a successor has been [ELECTED OR] appointed, qualified and sworn to assume the duties of office[, EXCEPT THAT THE FIRST ELECTED BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR STAGGERED TERMS]. Nothing in this section shall be construed to prohibit a member of the board from resigning or their seat from being vacated as provided in this chapter.

16.12.060. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board:

- A. If no [CANDIDATE] applicant files for [ELECTION] appointment to a seat which is to be filled [AT SAID ELECTION], or if a successful [CANDIDATE] applicant fails to qualify or take office within 30 days after his/her [ELECTION OR] appointment;

...

SECTION 10. KPB 16.16.020, 16.16.040, 16.16.050 and 16.16.060 are amended as follows:

16.16.020. Board—Established—[NOMINATION AND ELECTION OF] Appointment of members.

There is established a board of directors for the North Peninsula Recreation Service Area composed of [5] five members who shall be [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN SECTIONS 4.08.020 (D) AND 16.04.065 OF THIS CODE.] appointed by the borough mayor and confirmed by the borough assembly Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities.

16.16.040. Board—Election of officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members and from the board members a chair[MAN], and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.16.050. Board—Term of office.

A member of the board of directors shall be [ELECTED] appointed for a term of three years and may serve thereafter until a successor has been [ELECTED OR] appointed, qualified and sworn to assume the duties of the office [, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR STAGGERED TERMS]. Applicants shall file for appointment to Seats A through E for staggered terms of three years. Nothing in this section shall be construed to prohibit a member of the board from resigning or their seat from being vacated as provided in this chapter

16.16.060. - Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBER]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant fails to qualify or take office within 30 days after his or her appointment; [FAILS TO QUALIFY OR TAKE OFFICE WITHIN 30 DAYS AFTER HIS ELECTION OR APPOINTMENT;]
- B. If a member [I]is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member [R]resigns and his resignation is accepted;
- D. If a member [I]is physically or mentally unable to perform the duties of his office;
- E. If a member [I]is removed from office;
- F. If a member [M]misses [3] three consecutive regular meetings unless excused;
- G. If a member [I]is convicted of a felony or of an offense involving a violation of his oath of office.

SECTION 11. KPB 16.20.070 is amended as follows:

16.20.070. - Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBER]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant [F]fails to qualify or take office within 30 days after his or her [ELECTION OR] appointment;

- B. If a member [I]is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member [R]resigns and his resignation is accepted;
- D. If a member [I]is physically or mentally unable to perform the duties of his office;
- E. If a member [I]is removed from office;
- F. If a member [M]misses [3] three consecutive regular meetings unless excused;
- G. If a member [I]is convicted of a felony or of an offense involving a violation of his oath of office.

SECTION 12. KPB 16.24.020, 16.24.040, 16.24.050 and 16.24.060(A) are amended as follows:

16.24.020. Board—Established— Appointment [NOMINATION AND ELECTION].

There is established a board of directors for the South Kenai Peninsula hospital service area composed of [9] nine members who shall be appointed by the borough mayor and confirmed by the borough assembly. [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA AS PROVIDED IN SECTIONS 4.08.020(D) AND 16.04.065 OF THIS CODE.]

16.24.040. Board—Election of officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the members and from the members a chair[MAN] who shall hold office until a successor is elected.

16.24.050. Board—Qualifications and terms of office.

Members shall be qualified voters of the borough who are residents of the service area. Each member of the board of directors shall be [ELECTED] appointed for a term of three years and may serve thereafter until a successor has been [ELECTED OR] appointed, qualified and sworn to assume the duties of office, except that the first board shall contain members elected to Seats G, H, and I for initial terms of 1 year and to Seats D, E, and F for initial terms of 2 years in order to provide for staggered terms. Nothing in this section shall be construed to prohibit a member of the board from resigning or their seat from being vacated as provided in this chapter.

16.24.060. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board:

- A. If no [CANDIDATE] applicant files for [ELECTION] appointment to a seat which is to be filled [AT SAID ELECTION] or if a successful [CANDIDATE] applicant fails to qualify or take office within 30 days after his [ELECTION OR] appointment;

...

SECTION 13. KPB 16.28.020, 16.28.040, 16.28.050 and 16.28.060 are amended as follows:

16.28.020. Board—Established—Appointment [NOMINATION AND ELECTION] of members.

There is established a board of directors for the Bear Creek Fire Service Area composed of [5] five members who shall be residents of the service area and [ELECTED BY THE QUALIFIED VOTERS OF THE SERVICE AREA] appointed by the borough mayor and confirmed by the borough assembly as provided in Sections 4.20.010(C) and 16.04.065 of this code. Up to one board member may also serve as a volunteer firefighter and/or emergency medical service provider for the service area without compensation except that which is ordinarily provided to such volunteers.

16.28.040. Board—Election of officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members and from the board members a chair[MAN] and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.28.050. Board—Terms of office.

A member of the board of directors shall be appointed [ELECTED] for a term of [3] three years and shall serve thereafter until a successor has been [ELECTED OR] appointed, qualified, and sworn to assume the duties of the office[, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR STAGGERED TERMS]. Applicants shall file for appointment to Seats A through E for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities. Nothing in this section shall be construed to prohibit a member of the board from resigning or their seat from being vacated as provided in this chapter.

16.28.060. - Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBER]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant [F] fails to qualify or take office within 30 days after his or her [ELECTION OR] appointment;
- B. If a member [I] is physically absent from the service area for a 90 day period, unless excused by the board;
- C. If a member [R] resigns and his resignation is accepted;
- D. If a member [I] is physically or mentally unable to perform the duties of his office;
- E. If a member [I] is removed from office;
- F. If a member [M] misses [3] three consecutive regular meetings unless excused; or
- G. If a member [I] is convicted of a felony or of an offense involving a violation of his oath of office.

SECTION 14. KPB 16.30.030, 16.30.050, 16.30.060 and 16.30.070 are amended as follows:

16.30.030. Joint operations board.

There is established a joint operations board of directors for oversight of the joint operations of the Central Emergency Service Area with the Central Peninsula Emergency Medical Service Area, to be composed of five members who shall be [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS RESIDING WITHIN THE TWO SERVICE AREAS AS PROVIDED IN SECS. 4.10.020(C) AND 16.04.065 OF THIS CODE] appointed by the borough mayor and confirmed by the borough assembly.

16.30.050. Board—Election of officers.

At the first regular meeting following certification of the regular borough election by the Assembly, and annually thereafter, the board shall elect by majority vote of the board members and from the board members a chair[MAN] and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.30.060. Board—Terms of office.

A member of the board of directors shall be [ELECTED] appointed for a term of three years and may serve thereafter until a successor has been [ELECTED OR] appointed, qualified and sworn to assume the duties of the office [, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR STAGGERED TERMS]. Applicants shall file for appointment to Seats A through E for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities. Nothing in this section shall be construed to prohibit a member of the board from resigning or their seat from being vacated as provided in this chapter.

16.30.070. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBERS]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant [F]fails to qualify or take office within 30 days after his or her [ELECTION OR] appointment;
- B. If a member [I]is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member [C]changes his or her residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is [ELECTED] appointed;
- D. If a member [R]resigns and his or her resignation is accepted;
- E. If a member [I]is physically or mentally unable to perform the duties of his or her office;
- F. If a member [M]misses three consecutive regular meetings unless excused; or
- G. If a member [I]is convicted of a felony or of an offense involving a violation of his or her oath of office.

SECTION 15. KPB 16.40.030 is amended as follows:

16.40.030. - Joint operations board.

There is established a joint operations board of directors for oversight of the joint operations of the Central Emergency Service Area with the Central Peninsula

Emergency Medical Service, to be composed of five members who shall be [NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE TWO SERVICE AREAS AS PROVIDED IN SECS. 4.10.020(C) AND 16.04.065 OF THIS CODE] appointed by the borough mayor and confirmed by the borough assembly. All procedures and authorities of the joint operations board are set out through the express terms and conditions of KPB Chapter 16.30.

SECTION 16. KPB 16.50.030, 16.50.050, 16.50.060 and 16.50.070 are amended 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] appointed by the borough mayor and confirmed by the borough assembly. 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.

16.50.050. Board—Election of officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members, and from the board members, a chair[MAN] and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.50.060. Board—Terms of office.

Each member of the board of directors shall be [ELECTED] appointed for a term of three years and may serve thereafter until a successor has been [ELECTED OR] appointed, qualified and sworn to assume the duties of the office [, EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESSER PERIODS AS DESIGNATED IN THE DOCUMENTS SETTING UP THE ELECTION TO PROVIDE FOR STAGGERED TERMS AND AS PROVIDED IN KPB 16.50.030]. Applicants shall file for appointment to Seats A through G for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities. Nothing in this section shall be construed to prohibit a member of the board from resigning or their seat from being vacated as provided in this chapter

16.50.070. Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBER]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant [F] fails to qualify or take office within 30 days after his or her [ELECTION OR] appointment;
- B. If a member [I] is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member [C] changes his or her residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is [ELECTED] appointed;
- D. If a member [R] resigns and his or her resignation is accepted;
- E. If a member [I] is physically or mentally unable to perform the duties of his or her office;
- F. If a member [M] misses three consecutive regular meetings unless excused; or
- G. If a member [I] is convicted of a felony or of an offense involving a violation of his or her oath of office.
- H. If a member [I] is removed from office pursuant to a recall election.

SECTION 17. KPB 16.55.070 is amended as follows:

16.55.070. - Board—Vacancies—Created when.

Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board [IF A MEMBER]:

- A. If no applicant files for appointment to a seat which is to be filled or if a successful applicant [F] fails to qualify or take office within 30 days after his or her [ELECTION OR] appointment;
- B. If a member [I] is physically absent from the service area for a 90-day period, unless excused by the board;
- C. If a member [C] changes his or her residency for a period longer than 60 days to a location outside of the jurisdiction from which the board is [ELECTED] appointed;
- D. If a member [R] resigns and his or her resignation is accepted;
- E. If a member [I] is physically or mentally unable to perform the duties of his or her office;

- F. If a member [M]misses three consecutive regular meetings unless excused; or
- G. If a member [I]is convicted of a felony or of an offense involving a violation of his or her oath of office.
- H. If a member [I]is removed from office pursuant to a recall election.

SECTION 18. The following sections in KPB Chapter 16.70 Nikiski Senior Service Area are amended as follows:

16.70.030. Board—Established—Membership.

There is established a board of directors for the Nikiski Senior Service Area composed of five members who are [ELECTED BY THE VOTERS IN THE SERVICE AREA IN THE MANNER SET OUT IN THE BOROUGH ELECTIONS CODE] appointed by the borough mayor and confirmed by the borough assembly. Board members shall be qualified voters of the borough and residents of the Nikiski Senior Service Area.

16.70.050. Board—Election of officers.

At the first regular meeting following certification of the regular borough election by the assembly, and annually thereafter, the board shall elect by majority vote of the board members a chair and such other officers as the board shall determine to be desirable who shall hold office until successors are elected.

16.70.060. Board—Term of office.

Board of directors members shall be [ELECTED]appointed for a term of three years and may serve thereafter until a successor has been [ELECTED] appointed, qualified and sworn to assume the duties of office[; EXCEPT THAT THE FIRST BOARD SHALL CONTAIN MEMBERS ELECTED FOR LESS PERIODS TO PROVIDE FOR STAGGERED TERMS. CANDIDATES] Applicants shall file for [ELECTION] appointment to Seats A through E for staggered terms of three years. Board members shall be appointed based on their familiarity with the functions of the service area and financial and budgetary management capabilities. Nothing in this section shall be construed to prohibit a member of the board from resigning or their seat from being vacated as provided in this chapter.

16.70.070. Board—Vacancies created when—Filling vacancies.

- A. Vacancies on the board are created under the following conditions and upon declaration of vacancy by the board:
 - 1. If no [CANDIDATE] applicant files for [ELECTION] appointment to a seat which is to be filled [AT SAID ELECTION]; or if a successful [CANDIDATE]

applicant fails to qualify or take office within 30 days after his/her [ELECTION OR] appointment;

2. If a member is physically absent from the service area for a 90-day period, unless excused by the board;
3. If a member changes his or her residency for a period longer than 60 days to a location outside the service area;
4. If a member resigns, and his/her resignation is accepted;
5. If a member is physically or mentally unable to perform the duties of office;
6. If a member misses three consecutive regular meetings unless excused; or
7. If a member is convicted of a felony or of an offense involving a violation of his or her oath of office.

...

SECTION 19. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2019.

Wayne Ogle, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Willy Dunne, Assembly Member (WD)
Brent Hibbert, Assembly Member (BH)

DATE: August 22, 2019

RE: Ordinance 2019-23, Amending KPB Titles 2, 4, and 16 regarding Service Areas to Provide that All Kenai Peninsula Borough Service Area Boards are Appointed Instead of Elected (Dunne, Hibbert)

The Kenai Peninsula Borough (borough) currently has 12 service area boards. Seven of the boards are elected positions and five of the boards are appointed positions. The borough is one of the few boroughs, if not the only, in the State of Alaska with elected service area boards. Historically, it has been difficult to find qualified candidates willing to run in an election to fill all the service area board seats.

In 2017, three service area boards successfully transitioned from elected boards to appointed boards. In 2019, the borough assembly established the Election Stakeholder Group (ESG) through the direction and adoption of Resolution 2019-006, which included community members and members from many local governments in the borough. The ESG researched ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity. After holding many public meetings throughout 2019, the ESG issued a final report with six specific recommendations regarding potential changes to borough code and election processes which are intended to achieve guiding principles initially adopted by the ESG.

The ESG's recommendation #5 is that the borough provides for appointed rather than elected service area boards. Appointed boards have proven to increase public interest in service on a board as potential board members would not have to run or otherwise comply with the election process requirements.

Changing from elected service area boards to appointed boards will significantly reduce the time and expense involved in borough elections. The clerk's office has indicated that thousands of dollars would be saved by eliminating these seats from the election process as this would reduce printing costs and time required of election officials and the clerk's office in reviewing and verifying election ballots. The appointment process will remain a public process in which the mayor will appoint interested applicants and the assembly would confirm the appointment to service area boards. Appointed boards have functioned well for the other five service areas in the borough and throughout other service areas in the state.

Kenai Peninsula Borough
Election Stakeholders Group
Final Report and Recommendations
(Unanimously Approved July 26, 2019)



Committee Members: Donna Aderhold, Brenda Ahlberg, Teri Birchfield, Cassidi Cameron, John Coleberg, Tyson Cox, Sammy Crawford, Linda Cusack, Willy Dunne, Joyanna Geisler, Brent Hibbert, Sue McClure, Scott Meszaros, Paul Ostrander, Robert Peterkin, and Stephanie Queen

Alternate Members: Brian Gabriel, Vivian Rojas, and Kaitlin Vadla

Subject Matter Experts: Brenda Ballou, Johni Blankenship, Heidi Geagel, Erica Fitzpatrick, Ben Hanson, Jamie Heinz, Melissa Jacobsen, Sean Kelley, Bobbi Lay, Holly Montague, and Shellie Saner

Support Staff: Michele Turner

Kenai Peninsula Borough
Election Stakeholders Group
Final Report and Recommendations
(Unanimously Approved July 26, 2019)

Table of Contents

PURPOSE	3
GUIDING PRINCIPLES.....	4
1.) Maximize Accessibility and Inclusivity	4
2.) Efficiency and Conservation of Public Resources	4
3.) Voter Satisfaction and Confidence	4
4.) Longevity in the Solution	4
5.) Coordination and Collaboration	5
6.) Security and Integrity	5
7.) Voter Outreach	5
8.) Continuity of Operations / Contingency Disaster Plan.....	5
RECOMMENDATIONS.....	6
Recommendation #1 – Vote by Mail Hybrid:	6
Recommendation #2 – Education and Outreach Campaign	7
Recommendation #3 – Alaska State Statute Title 29 Amendment	8
Recommendation #4 – Voter Pamphlet	9
Recommendation #5 – Appointed Service Area Boards.....	9
Recommendation #6 – Statements Advocating for Approval or Rejection of Propositions.....	10
Additional Recommendations	10

PURPOSE

The Election Stakeholders Group was established to research ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity while conserving public resources.

Voting is the foundation of our democracy. Active participation in the electoral process is necessary for high functioning governance.

The Election Stakeholders Group (ESG) was established on January 8, 2019 by KPB Resolution 2019-006 and tasked with researching ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity while conserving public resources. In addition, the ESG was directed to explore all aspects of administering borough and city elections including the traditional polling site model and the vote by mail hybrid model.

The ESG was encouraged to keep in mind the directives of the conciliation agreement between the borough and the Human Rights Commission. Specifically, Section C which states, “Respondent Kenai Peninsula Borough (KPB) will establish and direct the stakeholder group to explore options for providing assistive technology to visually impaired voters, including the option of distributing ballots to all voters by mail and establishing voting centers with accessible voting equipment open two weeks prior to each election. Respondent will direct the stakeholder group to advance options for its consideration that will allow visually impaired voters to vote privately and independently.”

The KPB is at a critical impasse regarding the administration of elections for two reasons:

1. The Human Rights Commission has declared our current accommodations and equipment for voters with disabilities, specifically those that may be visually impaired, as significantly discriminatory;
2. The hardware that is currently being used by the KPB is owned by the State of Alaska and is at its end of life. Further, that equipment does not comply with Americans with Disabilities Act (ADA) requirements and therefore is not an option for the KPB moving forward.

The ESG was comprised of assembly members, city council members, city managers, borough mayor's office and community members interested in the electoral process. The group was staffed by the Borough Clerk's Office and assisted by subject matter experts from within the borough and cities within the borough.

The first ESG meeting was held on February 15, 2019 and subsequent meetings were held every two weeks after that for a total of 12 meetings. The meetings were advertised in accordance with the Open Meetings Act and the public was encouraged to attend; however, there was no public participation aside from 2 emails. A small subcommittee of the group did participate in a local radio show and had an opportunity to respond to questions for the listening audience.

In conducting its work and arriving at recommendations, the ESG adopted the following guiding principles:

GUIDING PRINCIPLES

1.) Maximize Accessibility and Inclusivity

Provide disability-related accommodations and other facilitative measures to enable residents experiencing a disability their equal right to vote privately and independently.

Promote participation in the electoral process for all borough voters.

2.) Efficiency and Conservation of Public Resources

Use public resources efficiently and conservatively by evaluating election-related factors such as cost per vote cast, cost per election, cost sharing with cities within the borough, appointed vs. elected advisory boards, and indirect costs.

3.) Voter Satisfaction and Confidence

Increase voter satisfaction and confidence in borough elections by maintaining voter privacy, providing options for ballot tracking and voter flexibility, and collaborating with the Alaska Division of Elections to maintain accurate voter rolls.

4.) Longevity in the Solution

Maximize the longevity of the election solution and the borough's ability to adapt to advances in technology, changes in the election workforce, engaging new voters, voter preferences, and conditions in regulatory frameworks.

5.) Coordination and Collaboration

Promote collaboration with all election stakeholders, including the public, Alaska Division of Elections, cities within the borough, candidates, media, local community groups, and voting organizations.

6.) Security and Integrity

Ensure security of the voting system, including hardware, software, accountability procedures, and the voter registration database.

Maintain integrity in the system by adopting internal controls such as signature verification, requiring acceptable identifiers, providing extensive election worker training, and giving voters the ability to cure errors to ensure all valid votes are counted.

7.) Voter Outreach

Encourage higher voter turnout by implementing a voter communication and education campaign that promotes the value of civic engagement.

Develop educational materials which explain the new processes to the public, utilizing multiple resources and methods of outreach and communication, to ensure there is a clear public understanding of and support for the new solution.

8.) Continuity of Operations / Contingency Disaster Plan

Adopt a contingency and communication disaster plan to ensure a coordinated and strategic response to any disruptive event and provide for continuity of election operations.

The ESG received presentations from the Borough and City Clerks, representatives from the State of Alaska Division of Elections, the Municipality of Anchorage, the United States Post Office (USPS), and the KPB's current ballot printer and by mail service provider. The ESG received demonstrations from two software/hardware providers. Their presentations were for both polling place and vote by mail structures. Both vendors had ADA compliant equipment for both scenarios. Finally, a subcommittee of the group participated in a field trip to Anchorage to see its "Vote by Mail Election Central" in action.

The ESG spent many hours discussing voter engagement, cost, collaboration and efficiencies. Based on the knowledge gained and through presentations and questions the ESG makes the following recommendations:

RECOMMENDATIONS

Recommendation #1 – Vote by Mail Hybrid:

Recommendation #1 is consistent with and reinforced by all of the guiding principles adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends the Assembly transition the election process from the current polling site structure to a vote by mail hybrid structure (VBMS). The VBMS is a proven methodology that the KPB has been using for over 20 years in six (Cooper Landing, Hope, Fox River, Moose Pass, Seldovia/Kachemak Bay and Tyonek) of its 28 precincts. The group reviewed the current and VBMS structures and ranked the pros and cons. The pros of the VBMS far outweighed the pros of the existing structure and aligned with the group's adopted guiding principles.

The VBMS has proven to be a more efficient and effective process for the administration of elections. In this process every registered voter will be mailed a ballot package 2-3 weeks prior to election day, giving more voters an opportunity to exercise their right to vote at a time and place that meets their schedule and convenience.

Accessible Vote Centers (AVC) will be established 2 weeks prior to election day in at least 5 locations throughout the borough. AVCs can be utilized to drop off voted ballots or to satisfy the desire to vote in person. The vote centers will be equipped with ADA compliant hardware, allowing all voters to vote privately and independently. The VBMS allows for all voters to vote in the way that suits them best.

Ballot drop boxes will need to be purchased as part of the structure and distributed throughout the borough. Voters can choose to drop their voted ballots in a drop box, at an AVC or in the mail by using the prepaid postage.

The VBMS is a long term solution for the borough and the cities within the borough as it is not subject to the changing technology of the current structure. It uses off-the-shelf scanners to count the ballots and printers for on-demand ballot printing which allows for greater accessibility, upgrades and cost effective repairs.

The VBMS has been demonstrated by the Municipality of Anchorage to engage all voter demographics and therefore translates into higher voter participation and higher voter satisfaction.

The initial capital cost of the VBMS hardware and software is less than that of the traditional structure. There will be other costs to consider; for example, ballot drop

boxes and an initial voter outreach and education campaign. The costs could be shared by the cities within the borough.

The VBMS will add to voter security and confidentiality as well as offer voters an opportunity to cure any issues that may occur with their voted ballots (e.g. no signature provided, no identifier provided, other). The group recommends the implementation of signature verification software and a signature review board. It further recommends to require at least one identifier be provided by the voter (an identifier would include voter registration number, driver's license number, or social security number). The borough should work toward a technical solution which will allow voters to track their voted ballot ensuring its receipt and review.

The VBMS further allows for the review board to adjudicate each ballot to ensure voter intent is correctly determined based on standardized methods and training.

In summary, the ESG supports and recommends the VBM structure for the administration of elections in the KPB.

The ESG received proposals from Dominion Voting software and ADA compatible hardware for both the traditional polling site structure and the vote by mail structure. The vote by mail proposal was \$213,106.60 less than the traditional polling site proposal. The vote by mail structure would require the purchase of ballot drop boxes which, according to the Municipality of Anchorage, cost around \$3,300 apiece to fabricate. The Municipality of Anchorage has 16 drop boxes distributed throughout its jurisdiction. The Municipality of Anchorage also does not prepay the postage for the return of voted ballots. The ESG recommends that the KPB deploy drop boxes as needed on the road system and encourages voters in more remote areas to use USPS. Based on information provided by the Municipality of Anchorage, the ESG is encouraged that the VBMS will increase voter turnout and that the administrative costs will decrease over time.

Recommendation #2 – Education and Outreach Campaign

Recommendation #2 is consistent with and reinforced by guiding principles, 1.) Maximize Accessibility and Inclusivity; 3.) Voter Satisfaction and Confidence; 4.) Longevity in the Solution; 5.) Coordination and Collaboration and 7.) Voter Outreach, adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends the Assembly appropriate funds for an extensive education and outreach campaign. The voter turnout in the KPB and the cities within it has been historically low. The turnout tends to trend higher or lower depending on what is on the ballot.

One of the focuses of the outreach campaign would be specifically to encourage voter participation no matter what is on the ballot through a

communication plan which promotes civic engagement and targeted marketing regarding the importance of the election process.

Another primary focus would be to educate the voters on the new VBMS.

The group recommends the use of social media, print media, and broadcast media, as well as outreach through the participation of existing community groups (chambers of commerce, rotary, etc.).

The group further recommends the KPB consider contracting with an outside resource to develop and implement a plan specifically regarding the education and notification of the voters of the new vote by mail hybrid structure.

Recommendation #3 – Alaska State Statute Title 29 Amendment

Recommendation #3 is consistent with and reinforced by guiding principles, 1.) Maximize Accessibility and Inclusivity; 2.) Efficiency and Conservation of Public Resources and 3.) Voter Satisfaction and Confidence, adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends the Assembly adopt a resolution requesting the Alaska State Legislature introduce and support a bill allowing for ranked choice voting. The bill would amend AS 29.26.060(c) to read as follows:

Sec. 29.26.060. Runoff elections.

(a) Unless otherwise provided by ordinance, a runoff election shall be held if no candidate receives over 40 percent of the votes cast for the office of

(1) mayor; or

(2) member of the governing body or school board if candidates run for a designated seat.

(b) Unless otherwise provided by ordinance, if candidates for the governing body or school board run at large, a runoff election for a seat shall be held if no candidate receives a number of votes greater than 40 percent of the total votes cast for all candidates divided by the number of seats to be filled.

(c) Unless otherwise provided by ordinance, a runoff election shall be held within three weeks after the date of certification of the election for which a runoff is required, and notice of the runoff election shall be published at least five days before the election date. Unless otherwise provided by ordinance t[T]he runoff election shall be

between the two candidates receiving the greatest number of votes for the seat.

This amendment would allow municipalities the flexibility to conduct runoff elections according to local preference.

The ESG recommends the KPB Assembly further research and explore the solution of Ranked Choice Voting for the election of the Borough Mayor rather than continuing to conduct separate runoff elections which are costly and typically receive lower voter turnout than the regular election. Ranked Choice Voting would allow for an immediate runoff to select the prevailing candidate.

Recommendation #4 – Voter Pamphlet

Recommendation #4 is consistent with and reinforced by guiding principles, 2.) Efficiency and Conservation of Public Resources and 3.) Voter Satisfaction and Confidence, adopted by the Election Stakeholders Group.

The Election Stakeholder Group recommends including information in each ballot package which directs the voter to a website with voter information, candidate profiles and proposition summaries. The information provided would also specify locations at which hard copies of the voter pamphlet could be obtained. In addition, hard copies of the voter pamphlet could be mailed directly to a voter upon request.

Paper copies of the voter pamphlet should include candidate profiles, proposition summaries and additional voter information and be made available at each of the AVCs. AVC employees would be educated and prepared to assist voters in the navigation of the election website.

Recommendation #5 – Appointed Service Area Boards

Recommendation #5 is consistent with and reinforced by guiding principle, 2.) Efficiency and Conservation of Public Resources, adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends amending KPB Titles 2, 4 and 16 – Service Areas to provide that all KPB service area boards are appointed instead of elected (draft ordinance attached for consideration).

It is rare for a service area board race to be contested at an election. In addition, there have been many years when no candidate files for the seat at all and ultimately the seat is filled by appointment after the election is certified.

Recommendation #6 – Statements Advocating for Approval or Rejection of Propositions

Recommendation #6 is consistent with and reinforced by guiding principles, 2.) Efficiency and Conservation of Public Resources and 3.) Voter Satisfaction and Confidence, adopted by the Election Stakeholders Group.

The Election Stakeholders Group recommends the Assembly amend KPB 4.10.110 by deleting Section B which provides for the inclusion of statements advocating voter approval or rejection of propositions in the voter pamphlet. Recommendation #4 suggests streamlining the voter pamphlet to reduce waste and cost. Amending this section of code would further support that reduction. Additionally, the current inclusion of the statements may be contributing to voter confusion.

The information provided and disseminated by the borough should be that of a factual nature. Public funds should not be used to further the message of an outside group, and the official voter information pamphlet is an inappropriate place to allow members of the public to advocate for or against a proposition. In today's technical environment there are multiple ways to effectively and efficiently spread a message without cost to the tax payers of the borough.

Additionally, the administration of this code provision has proven to be difficult and identifying possible authors of statements has proven to be problematic. Historically, statements have been submitted for inclusion in the voter pamphlet and those statements are not vetted or verified by the borough and therefore may include misleading information.

This provision of code was enacted in 2007 and has only been utilized a handful of times and typically only when there is a voter initiative or referendum proposition on the ballot.

Additional Recommendations

The ESG recommends the KPB seek support from and partners with the cities within the borough to conduct all local elections by mail. Further, we recommend cost sharing with the cities within the borough for election equipment, an extensive and comprehensive communication/education plan and administration of all future elections. The ESG promotes the collaboration between the KPB and the cities within the KPB to develop legislation and administrative practices for the administration of local elections.

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-12**

**AN ORDINANCE ACCEPTING AND APPROPRIATING FUNDING FROM THE
STATE OF ALASKA IN THE AMOUNT OF \$426,303 FOR COMMUNITY PURPOSES
UNDER THE STATE’S 2019/2020 COMMUNITY ASSISTANCE PROGRAM**

WHEREAS, the Alaska State Legislature has provided funding to municipalities and unincorporated communities through the Community Assistance Program (“CAP”); and

WHEREAS, AS 29.60.865 requires the assembly of a borough or unified municipality to adopt a resolution identifying those unincorporated communities located within their municipal boundaries that the assembly determines meet the CAP program eligibility criteria established under AS 29.60.865; and

WHEREAS, through enactment of KPB Resolution 2019-019, the borough assembly certified that 27 unincorporated communities within the Kenai Peninsula Borough are eligible for participation in the state’s CAP program; and

WHEREAS, funds in the amount of \$426,303 have been received from the Alaska Department of Commerce, Community and Economic Development for the benefit of the 27 unincorporated communities; and

WHEREAS, pursuant to KPB Resolution 2013-022, a fee of 2.0 percent of the grant amount will be charged against the grant to cover general administrative costs; and

WHEREAS, the \$426,303, less administrative costs, is to be distributed evenly among the 27 unincorporated communities within the borough, or may be expended by the borough on behalf of the community; and

WHEREAS, the CAP program allows funds to be used for any public purpose at the discretion of the local governing body and as allowed by state statutes and borough code; and

WHEREAS, it is in the best interest of the borough and the 27 unincorporated communities to accept these state funds to help defray costs of providing services and programs to their residents;

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

SECTION 1. That the mayor is authorized to accept \$426,303 from the State of Alaska for distribution to eligible communities or for expenditure by the borough on the community's behalf.

SECTION 2. That the mayor is authorized to execute any documents deemed necessary to accept and expend the Community Assistance Program funds and to fulfill the intents and purposes of this ordinance.

SECTION 3. That state funds in the amount of \$426,303 are appropriated to account 271.94910.20CAP.49999 contract services.

SECTION 4. Acceptance of the above grant by a community is subject to the requirement that prior to the distribution of grant funds, the recipient(s) and proposed project(s) shall be approved by the assembly through adoption of a resolution.

SECTION 5. That due to the length and nature of this project, a community shall forfeit any remaining grant distribution at the end of two consecutive fiscal years if the community has not fulfilled the intents and purposes of its grant agreement to be reappropriated by the assembly.

SECTION 6. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members of the Kenai Peninsula Assembly

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance Director *BH*

FROM: Brenda Ahlberg, Community & Fiscal Projects Manager *BA*

DATE: September 26, 2019

SUBJECT: Ordinance 2019-19-12, Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Community Purposes under the State's 2019/2020 Community Assistance Program (Mayor)

The assembly's enactment of this ordinance will authorize the borough to accept and appropriate \$426,303 from the State of Alaska Department of Commerce, Community and Economic Development (DCCED) to distribute funding to qualified nonprofit or tribal entities within each of the 27 unincorporated communities that are eligible to receive Community Assistance Program (CAP) funds.

The program shall provide each community \$15,479.41 to support services and/or projects for a public purpose (\$15,789 less 2.0 percent administrative costs pursuant to KPB Resolution 2013-022). DCCED has indicated that funds may be used for public purposes at the discretion of the local governing body and as allowed by state law and borough code.

The FY20 CAP program will commence with adequate public notice and scheduled community meetings. Residents will provide recommendations on which entities and the amounts that should be distributed for projects to be completed within their individual communities. These recommendations will come before the assembly by way of resolution for final approval. The Community & Fiscal Projects Manager shall oversee the program.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271.94910.20CAP.49999</u>
Amount	<u>N/A</u>
By: <u>BA</u>	Date: <u>9/25/19</u>

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-13**

**AN ORDINANCE ACCEPTING SELF-CONTAINED BREATHING APPARATUS
EQUIPMENT FROM THE CITY OF KENAI THROUGH THE ASSISTANCE TO
FIREFIGHTERS GRANT PROGRAM AND APPROPRIATING MATCHING FUNDS
FOR NIKISKI FIRE SERVICE AREA AND CENTRAL EMERGENCY SERVICE AREA
PARTICIPATION**

WHEREAS, the purpose of the U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant (AFG) program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

WHEREAS, the City of Kenai (City), Central Emergency Service Area (CES) and Nikiski Fire Service Area (NFSA) submitted a regional AFG grant application to purchase self-contained breathing apparatus (SCBA) equipment; and

WHEREAS, the City, CES and NFSA entered into a memorandum of agreement as authorized by borough resolutions R2018-044 and R2018-054, which defined each of the applicants' roles and responsibilities upon award of the AFG grant; and

WHEREAS, the City received an AFG award notification in the amount of \$994,909.09, which requires 10 percent non-federal match of \$99,490.91; and

WHEREAS, the City is responsible for purchasing 171 SCBA and distributing SCBA to the Kenai Fire Department, CES and NFSA; and

WHEREAS, the City is responsible for providing a 10 percent match in the amount of \$12,218.19 for the purchase of 21 SCBAs; and

WHEREAS, CES is responsible for providing a 10 percent match in the amount of \$68,654.54 to the City for the purchase of 118 SCBAs; and

WHEREAS, CES will accept 118 SCBAs valued at \$755,200 and provide the 0.5 percent borough administrative fee in the amount of \$3,776; and

WHEREAS, at its regular meeting of _____, the CES board recommended _____ to meet the match requirement and administrative fee; and

WHEREAS, NFSA is responsible for providing a 10 percent match in the amount of \$18,618.18 to the City for the purchase of 32 SCBAs; and

WHEREAS, NFSA will accept 32 SCBAs valued at \$204,800 and provide a 0.5 percent borough administrative fee in the amount of \$1,024.00; and

WHEREAS, at its regular meeting of _____, the NFSA board recommended _____ to meet the match requirement and administrative fee; and

WHEREAS, it is in the best interest of the borough to accept the SCBA equipment and to approve the match requirements;

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

SECTION 1. That the mayor is authorized to execute grant agreements and any other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

SECTION 2. That 118 SCBAs valued at \$755,200 are received on behalf of Central Emergency Service Area from the City of Kenai by way of federal grant program U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant #EMW-2018-FR-00456.

SECTION 3. That \$68,654.54 from the Central Emergency Service Area Capital Project Fund account 443-51610-19461-49999 will be utilized to pay the City of Kenai the 10 percent match requirement.

SECTION 4. That \$3,776.00 from the Central Emergency Service Area Capital Project Fund account 443-51610-19461-61990 will be utilized to pay the required 0.5 percent administrative service fee.

SECTION 5. That 32 SCBAs valued at \$204,800 are received on behalf of Nikiski Fire Service Area by way of federal grant program U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant #EMW-2018-FR-00456.

SECTION 6. That \$18,618.18 from the Nikiski Fire Service Area Capital Project Fund, fund balance is appropriated to account 441-51110-SCBA2-49999 to pay the City of Kenai the 10 percent match requirement.

SECTION 7. That \$1,024 from the Nikiski Fire Service Area Capital Project Fund, fund balance is appropriated to account 441-51110-SCBA2-61990 to pay the required 0.5 percent administrative service fee.

SECTION 8. That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF *, 2019.**

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:




Absent:


Kenai Peninsula Borough

Community & Fiscal Projects

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor 
Roy Browning, CES Chief 
Brian Crisp, NFSA Chief 
Brandi Harbaugh, Finance Director 

FROM: Brenda Ahlberg, Community & Fiscal Projects Manager 

DATE: September 25, 2019

RE: Ordinance 2019-19-13, Accepting Self-Contained Breathing Apparatus Equipment from the City of Kenai through the Assistance to Firefighters Grant Program and Appropriating Matching Funds for the Nikiski Fire Service Area and Central Emergency Service Area Participation (Mayor)

The purpose of the U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant (AFG) program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. The City of Kenai (City) Fire Department, Central Emergency Service Area (CES) and Nikiski Fire Service Area (NFSA) submitted a regional AFG grant application to purchase self-contained breathing apparatus (SCBA) equipment. The entities worked collaboratively to identify roles and responsibilities that were defined in a memorandum of agreement (MOA), in the event that an AFG grant was awarded.

The City received an AFG award notification totaling \$1,094,400 with a 90/10 allocation of \$994,909.09 federal funds and 10 percent non-federal match of \$99,490.91 that is divided among the three fire departments based upon the number of SCBAs. The City, as the named grantee, is responsible for all grant obligations including providing the total match to AFG, ordering the SCBAs and distributing the SCBAs as defined in the MOA. The service areas are responsible for providing their share of the 10 percent match totaling \$87,272.72 to the City.

The service areas are also responsible to train for and maintain the SCBA upon receipt of the equipment.

The chart below describes requirements by entity:

Entity	SCBAs	Amount	Value	Account
City 10% match	21	\$12,218.19	\$134,400	
CES 10% match	118	\$68,654.54	\$755,200	443-51610-19461-49999
CES .5% admin		\$3,776.00		443-51610-19461-61990
NFSA 10% match	32	\$18,618.18	\$204,800	441-00000-00000-27910
NFSA .5% admin		\$1,024.00		441-00000-00000-27910

Attachments:

KPB R2018-044

KPB R2018-054

2019 MOA City of Kenai and KPB on behalf of CES, NFSA

AFG #EMW-2018-FR-00456 Award Packet

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>443-51610-19461-49999</u>
Amount:	<u>\$ 72,430.54</u>
Acct. No.	<u>441-00000-00000-27910</u>
Amount:	<u>\$ 19,642.18</u>
By: <u>pp</u>	Date: <u>9/25/19</u>

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Jeff Tucker
KENAI, CITY OF
210 FIDALGO AVE.
KENAI, AK 99611



EMW-2018-FR-00456

Dear Jeff Tucker,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2018 Assistance to Firefighters Grant (AFG) funding opportunity has been approved in the amount of \$994,909.09 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.00 percent of the Federal funds awarded, or \$ 99,490.91 for a total approved budget of \$ 1,094,400.00 . Please see the FY 2018 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2018 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink that reads "Bridget Bean". The signature is fluid and cursive.

Bridget Bean
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2018 Assistance to Firefighters Grant

Recipient: KENAI, CITY OF

DUNS number: 002174159

Award number: EMW-2018-FR-00456

Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2018 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$1,094,400.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Federal	\$994,909.09
Non-Federal	\$99,490.91
Total	\$1,094,400.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2018 AFG NOFO.

Approved request details:

Personal Protective Equipment

SCBA: SCBA Unit includes: Harness/Backpack, Face Piece and 2 cylinders

DESCRIPTION

This grant item is to purchase Self-Contained Breathing Apparatus that meet the 2018 edition of NFPA 1981. The department will go out to bid for the sets of SCBAs including harness/backpack, face piece and 2 cylinders. A bid spec had been developed by the departments.

QUANTITY	UNIT PRICE	TOTAL
21	\$6,400.00	\$134,400.00

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

Unit price from \$7,100.00 to \$6,400.00

JUSTIFICATION

This reduction is because the cost you requested for SCBA exceeds the average price range calculated from market research and prior awards for the same item.

SCBA: SCBA Unit includes: Harness/Backpack, Face Piece and 2 cylinders

DESCRIPTION

This grant item is to purchase Self-Contained Breathing Apparatus that meet the 2018 edition of NFPA 1981. The department will go out to bid for the sets of SCBAs including harness/backpack, face piece and 2 cylinders. A bid spec had been developed by the departments.

QUANTITY	UNIT PRICE	TOTAL
32	\$6,400.00	\$204,800.00

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

Unit price from \$7,100.00 to \$6,400.00

JUSTIFICATION

This reduction is because the cost you requested for SCBA exceeds the average price range calculated from market research and prior awards for the same item.

SCBA: SCBA Unit includes: Harness/Backpack, Face Piece and 2 cylinders

DESCRIPTION

This grant item is to purchase Self-Contained Breathing Apparatus that meet the 2018 edition of NFPA 1981. The department will go out to bid for the sets of SCBAs including harness/backpack, face piece and 2 cylinders. A bid spec had been developed by the departments.

QUANTITY	UNIT PRICE	TOTAL
118	\$6,400.00	\$755,200.00

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

Unit price from **\$7,100.00** to **\$6,400.00**

JUSTIFICATION

This reduction is because the cost you requested for SCBA exceeds the average price range calculated from market research and prior awards for the same item.

Agreement Articles

Program: Fiscal Year 2018 Assistance to Firefighters Grant

Recipient: KENAI, CITY OF

DUNS number: 002174159

Award number: EMW-2018-FR-00456

Table of contents

Article 1	Assurances, Administrative Requirements, Cost Principles, Representations and Certifications
Article 2	DHS Specific Acknowledgements and Assurances
Article 3	Acknowledgement of Federal Funding from DHS
Article 4	Activities Conducted Abroad
Article 5	Age Discrimination Act of 1975
Article 6	Americans with Disabilities Act of 1990
Article 7	Best Practices for Collection and Use of Personally Identifiable Information (PII)
Article 8	Civil Rights Act of 1964 – Title VI
Article 9	Civil Rights Act of 1968
Article 10	Copyright
Article 11	Debarment and Suspension
Article 12	Drug-Free Workplace Regulations
Article 13	Duplication of Benefits
Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
Article 15	Energy Policy and Conservation Act
Article 16	False Claims Act and Program Fraud Civil Remedies
Article 17	Federal Debt Status
Article 18	Federal Leadership on Reducing Text Messaging while Driving
Article 19	Fly America Act of 1974
Article 20	Hotel and Motel Fire Safety Act of 1990
Article 21	Limited English Proficiency (Civil Rights Act of 1964, Title VI)
Article 22	Lobbying Prohibitions
Article 23	National Environmental Policy Act
Article 24	Nondiscrimination in Matters Pertaining to Faith-Based Organizations

Article	Non-supplanting Requirement
25	
Article	Notice of Funding Opportunity Requirements
26	
Article	Patents and Intellectual Property Rights
27	
Article	Procurement of Recovered Materials
28	
Article	Rehabilitation Act of 1973
29	
Article	Reporting of Matters Related to Recipient Integrity and Performance
30	
Article	Reporting Subawards and Executive Compensation
31	
Article	SAFECOM
32	
Article	Terrorist Financing
33	
Article	Trafficking Victims Protection Act of 2000
34	
Article	Universal Identifier and System of Award Management (SAM)
35	
Article	USA Patriot Act of 2001
36	
Article	Use of DHS Seal, Logo and Flags
37	
Article	Whistleblower Protection Act
38	
Article	Acceptance of Post Award Changes
39	
Article	Prior Approval for Modification of Approved Budget
40	
Article	Disposition of Equipment Acquired Under the Federal Award
41	
Article	Environmental Planning and Historic Preservation
42	

Article 1 Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

DHS financial assistance recipients must complete either the Office of Management and Budget(OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances -Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations(C.F.R) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article 2 DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

Article 3 Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

<p>Article 4</p>	<p>Activities Conducted Abroad Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.</p>
<p>Article 5</p>	<p>Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.</p>
<p>Article 6</p>	<p>Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.</p>
<p>Article 7</p>	<p>Best Practices for Collection and Use of Personally Identifiable Information (PII) Recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.</p>
<p>Article 8</p>	<p>Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.</p>

Article 9	<p>Civil Rights Act of 1968</p> <p>Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D)</p>
Article 10	<p>Copyright</p> <p>Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.</p>
Article 11	<p>Debarment and Suspension</p> <p>Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.</p>
Article 12	<p>Drug-Free Workplace Regulations</p> <p>Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101).</p>
Article 13	<p>Duplication of Benefits</p> <p>Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.</p>

Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
	Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
Article 15	Energy Policy and Conservation Act
	Recipients must comply with the requirements of The Energy Policy and Conservation Act Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 16	False Claims Act and Program Fraud Civil Remedies
	Recipients must comply with the requirements of The False Claims Act, 31 U.S.C. § 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.
Article 17	Federal Debt Status
	All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 18	Federal Leadership on Reducing Text Messaging while Driving
	Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
Article 19	Fly America Act of 1974
	Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
Article 20	Hotel and Motel Fire Safety Act of 1990
	In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, codified as amended at 15 U.S.C. § 2225.

Article 21	<p>Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance https://www.dhs.gov/guidancepublished-help-department-supported-organizations-provide-meaningfulaccess-people-limited and additional resources on http://www.lep.gov.</p>
Article 22	<p>Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.</p>
Article 23	<p>National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.</p>
Article 24	<p>Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.</p>
Article 25	<p>Non-supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.</p>
Article 26	<p>Notice of Funding Opportunity Requirements All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated hereby reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.</p>

Article 27 Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

Article 28 Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 29 Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 30 Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 31 Reporting Subawards and Executive Compensation

Recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 32 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 33	Terrorist Financing	Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 34	Trafficking Victims Protection Act of 2000	Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000, (TVPA) codified as amended by 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
Article 35	Universal Identifier and System of Award Management (SAM)	Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.
Article 36	USA Patriot Act of 2001	Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
Article 37	Use of DHS Seal, Logo and Flags	Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 38	Whistleblower Protection Act	Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.
Article 39	Acceptance of Post Award Changes	In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

Article 40 Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 41 Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article 42 Environmental Planning and Historic Preservation

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Obligating document

1. Agreement No. EMW-2018-FR-00456	2. Amendment No. N/A	3. Recipient No. 92-6001599	4. Type of Action AWARD	5. Control No. WX02674N2019T		
6. Recipient Name and Address KENAI, CITY OF 210 FIDALGO AVE KENAI, AK 99611		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Tony Prior		9a. Phone No. 907-283-7666	10. Name of FEMA Project Coordinator Assistance to Firefighters Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 08/27/2019	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 09/03/2019 to 09/02/2020 Budget Period 09/03/2019 to 09/02/2020		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
AFG	97.044	2019-F8-GB01 - P431-xxxx-4101-D	\$0.00	\$994,909.09	\$994,909.09	\$99,490.91
Totals			\$0.00	\$994,909.09	\$994,909.09	\$99,490.91
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
Bridget Bean, Acting Assistant Administrator Grant Programs Directorate	08/27/2019

**MEMORANDUM OF AGREEMENT BETWEEN
THE CITY OF KENAI ON BEHALF OF THE KENAI FIRE
DEPARTMENT AND THE KENAI PENINSULA BOROUGH ON BEHALF
OF THE CENTRAL EMERGENCY SERVICE AREA AND THE NIKISKI
FIRE SERVICE AREA**

This Memorandum of Agreement (MOA) is by and between the City of Kenai, whose address is 210 Fidalgo Avenue, Kenai, AK 99611, hereinafter "City," on behalf of the Kenai Fire Department, hereinafter "Host," and the Kenai Peninsula Borough, whose address is 144 North Binkley Street, Soldotna, AK 99669, hereinafter "Borough," on behalf of the Central Emergency Service Area and on behalf of the Nikiski Fire Service Area, hereinafter "Participants." The purpose of this MOA is to specify the individual and mutual responsibilities of the Host and Participants as required under the U.S. Department of Homeland Security, Federal Emergency Management Agency, "Assistance to Firefighters Grant," Catalogue of Federal Domestic Assistance CFDA#97.044.

WHEREAS, the Kenai Fire Department is an entity of the City of Kenai, Federal tax identification EIN#92-6001599; and

WHEREAS, the Central Emergency Service Area and the Nikiski Fire Service Area are entities of the Kenai Peninsula Borough, Federal tax identification EIN# 92-0030894; and

WHEREAS, the Kenai Fire Department, Central Emergency Service Area and Nikiski Fire Service Area are eligible applicants as defined by the Federal Emergency Management Agency, "Assistance to Firefighters Grant" (AFG); and

WHEREAS, the AFG program requires the Host and Participants to enter into an MOA in order to submit a regional grant application; and

WHEREAS, the Host and Participants intend to request grant funds to supplement the costs for personal protective gear or equipment as described in the AFG regional application; and

WHEREAS, the Host and Participants intend to meet the five percent cash match requirement as approved by respective governing bodies; and

NOW THEREFORE, the City and the Borough agree to adhere to the AFG grant requirements as described below.

- A. The City assumes all responsibility for submitting the online, regional grant application and entering into an agreement with the U.S. Department of Homeland Security, Federal Emergency Management Agency, "Assistance to Firefighters Grant," CFDA#97.044.
- B. The City assumes all responsibilities of grant management upon award, including but not limited to pre-award, post-award, close-out and retention requirements as governed by federal regulations 2 CFR 200.

- C. The City will order and distribute the total number of personal protective gear or equipment for the Host and Participants as approved by and reimbursed from AFG.
- D. The City will provide the five percent cash match for the Host and Participants' personal protective gear or equipment as approved by AFG.
- E. The Borough will provide to the City the five percent cash match and total costs for the Participants' personal protective gear or equipment as approved by AFG.
- F. The Borough will maintain the Participants' personal protective gear or equipment and provide annual reports to the City as required under 2 CFR 200 Subpart D (§§ 200.310 - 200.316).
- G. This MOA becomes effective upon the last date of signing, and shall continue from year to year for the purpose of applying for AFG Regional Grant Applications until terminated in writing by either party. This MOA may be amended by signed written agreement of the parties.
- H. This MOA may be executed in counterparts, and may be executed by way of facsimile or electronic signature in compliance with AS 09.80, and if so, shall be considered an original.

CITY OF KENAI

By: Paul Ostrander
Paul Ostrander, City Manager

CITY OF KENAI FIRE DEPARTMENT

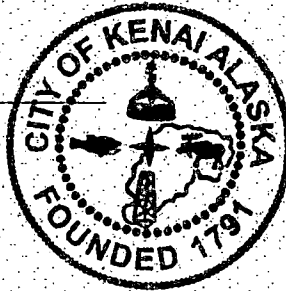
By: Jeff Tucker
Jeff Tucker, Fire Chief

Approved as to Form and Legal Sufficiency:

Scott Bloom
Scott Bloom, City Attorney

ATTEST:

Jamie Heinz
Jamie Heinz, City Clerk

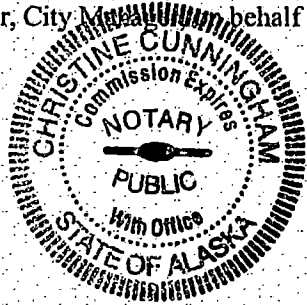


STATE OF ALASKA)

) ss.

THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 15th day of NOVEMBER, 2018, by Paul Ostrander, City Manager, on behalf of the City of Kenai, an Alaska municipal corporation.



Christine Cunningham
NOTARY PUBLIC for State of Alaska
My Commission Expires: W/OFFICE

KENAI PENINSULA BOROUGH

By: *CPI*
Charlie Pierce, Mayor

CENTRAL EMERGENCY SERVICE AREA

By: *Roy Browning*
Roy Browning, Fire Chief

NIKISKI FIRE SERVICE AREA

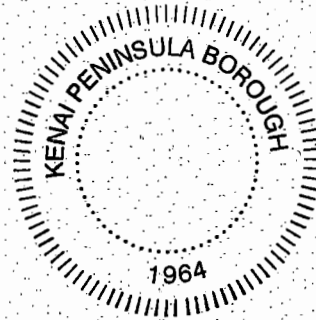
By: *James C Baisden*
James Baisden, Fire Chief

Approved as to Form and Legal Sufficiency:

S.K.
Sean Kelley, Assistant Borough Attorney

ATTEST:

John Blankenship
John Blankenship, Borough Clerk



STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 15th day of April, 2018,
by Charlie Pierce, Mayor, on behalf of the Kenai Peninsula Borough, an Alaska municipal
corporation.

PAMELA HIGHLEY
Notary Public
State of Alaska
My Commission Expires
April 11, 2021

Pamela Highley
NOTARY PUBLIC for State of Alaska
My Commission Expires: 4-11-2021

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-27**

AN ORDINANCE REPEALING ORDINANCE 2019-12 AND AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX FORECLOSURE PROCEEDINGS WHICH WAS PREVIOUSLY RETAINED FOR A PUBLIC PURPOSE, AND PROVIDING TIME TO CORRECT A NOTICE DEFICIENCY DISCOVERED AFTER ENACTMENT OF ORDINANCE 2019-12

WHEREAS, tax parcel 01409015 was deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

WHEREAS, the parcel was retained for a public purpose under ordinance 2013-25 as a substandard size lot; and

WHEREAS, the administration recommends reevaluating the retention of this parcel because a functional well and septic appear to exist on the property, and independent water and sanitation are primary concerns that lot size standards are intended to address; and

WHEREAS, it is an inefficient use of land management resources to manage developed parcels that serve no borough purpose; and

WHEREAS, the borough's practice and policy is to sell developed tax foreclosure parcels to purchasers with notice that it is the purchaser's responsibility to address issues raised by the development; and

WHEREAS, the administration recommends including this parcel in the next tax foreclosure auction; and

WHEREAS, notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the parcel subject to this ordinance per AS 29.45.460(c); and

WHEREAS, ordinance 2019-12, authorizing the sale of this parcel was unanimously recommended for approval by the Planning Commission on June 10, 2019 and unanimously enacted by the assembly on June 18, 2019; and

WHEREAS, notice of hearing on Ordinance 2019-12 was mistakenly not sent by certified mail to the former owners of record of this parcel as required by state statute; and

WHEREAS, this ordinance enables the administration to correct the notice deficiency by providing time for borough staff to send the notice of hearing of this ordinance to the former owners of record of the subject real property within five days of the first publication of this ordinance as required by AS 29.45.460(c); and

WHEREAS, the Planning Commission conducted a public hearing on October 14, 2019, and recommended _____;

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

SECTION 1. Ordinance 2019-12 is hereby repealed and replaced by this ordinance.

SECTION 2. It is hereby determined that a public need for the real property described below does not exist and it is hereby designated as a foreclosed parcel for sale and may be sold by outcry auction, pursuant to KPB 5.12.320.

Parcel	Legal Description	General Location	Acres	Last Record Owner
01409015	Lot 8, Block 6, Marion Subdivision Amended, as shown on Plat No. 74-108, Kenai Recording District	Nikiski	0.85	Tucker Lillian in Trust for Darrell Tucker

SECTION 3. That the mayor is hereby authorized to sell the real property designated as a foreclosed parcel for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. Real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

SECTION 4. That the assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and approves the public notice that was published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale and posted in at least three public places in the borough in accordance with code notice requirements.

SECTION 5. That the mayor will execute and deliver to the buyer of the sale parcel a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in the property to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any

of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw the parcel listed for sale.

SECTION 6. The land management division will retain proof that is available upon request that notice of hearing of this ordinance was sent by certified mail to the former owners of record of the real property subject to this ordinance in compliance with AS 29.45.460(c).

SECTION 7. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor *ch*
Brandi Harbaugh, Finance Director *BH*
Max Best, Planning Director *mb*

FROM: Marcus Mueller, Land Management Officer *M.M.*

DATE: September 26, 2019

RE: Ordinance 2019- 27, Repealing Ordinance 2019-12 and Authorizing the Sale of Certain Real Property Obtained by the Kenai Peninsula Borough Through Tax Foreclosure Proceedings which was Previously Retained for a Public Purpose, and Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-12 (Mayor)

The attached ordinance repeals and replaces Ordinance 2019-12. The content of this ordinance is essentially the same as Ordinance 2019-12 which was unanimously enacted by the assembly on June 18, 2019. However, notice of the hearing on that ordinance was not sent by certified mail to the prior record owner as required by state statute. By repealing and replacing the prior ordinance, staff will be able to send the notice of the hearing by certified mail in compliance with state statute.

The subject parcel is scheduled for auction sale on October 26, 2019.

Your consideration of this ordinance is appreciated.

Introduced by: Mayor
Date: 06/04/19
Hearing: 06/18/19
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-12**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY
OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX
FORECLOSURE PROCEEDINGS WHICH WAS PREVIOUSLY RETAINED FOR A
PUBLIC PURPOSE**

- WHEREAS,** tax parcel 01409015 was deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and
- WHEREAS,** the parcel was retained for a public purpose under ordinance 2013-25 as a substandard size lot; and
- WHEREAS,** the administration recommends reevaluating the retention of this parcel because a functional well and septic appear to exist on the property, and independent water and sanitation are primary concerns that lot size standards are intended to address; and
- WHEREAS,** it is an inefficient use of land management resources to manage developed parcels that serve no borough purpose; and
- WHEREAS,** the borough's practice and policy is to sell developed tax foreclosure parcels to purchasers with notice that it is the purchaser's responsibility to address issues raised by the development; and
- WHEREAS,** the administration recommends including this parcel in the next tax foreclosure auction; and
- WHEREAS,** notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the real properties which are subject to this ordinance per AS 29.45.460(c); and
- WHEREAS,** the Planning Commission conducted a public hearing on June 10, 2019, and recommended approval by unanimous consent;
- NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

SECTION 1. It is hereby determined that a public need for the real property described below does not exist and is hereby designated as a foreclosed parcel for sale and may be sold by outcry auction, pursuant to KP.B 5.12.320.

PARCEL	LEGAL DESCRIPTION	GENERAL LOCATION	ACRES	LAST RECORD OWNER
01409015	Lot 8, Block 6, Marion Subdivision Amended, as shown on Plat No. 74-108, Kenai Recoding District	Nikiski	0.85	Tucker Lillian in Trust for Darrell Tucker

SECTION 3. That the mayor is hereby authorized to sell the real property designated as a foreclosed parcel for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. Real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

SECTION 4. That the Assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale.

SECTION 5. That the mayor will execute and deliver to the buyer of the sale parcel a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in the property to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw the parcel listed for sale.

SECTION 6. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JUNE, 2019.

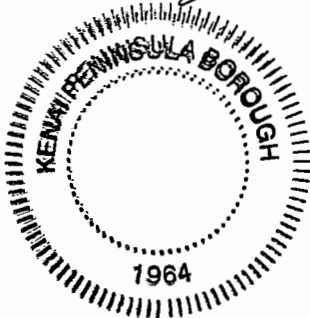
Wayne H. Ogle

Wayne H. Ogle, Assembly President

ATTEST:

John Blankenship

John Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: None

Introduced by: Mayor
Date: 10/08/19
Hearing: 10/22/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-28**

**AN ORDINANCE CORRECTING ORDINANCE 2019-13 BY RE-AUTHORIZING
RETENTION OR SALE OF CERTAIN REAL PROPERTY OBTAINED BY THE
KENAI PENINSULA BOROUGH THROUGH TAX FORECLOSURE PROCEEDINGS,
AND THEREBY PROVIDING TIME TO CORRECT A NOTICE DEFICIENCY
DISCOVERED AFTER ENACTMENT OF ORDINANCE 2019-13**

WHEREAS, certain real property has been deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

WHEREAS, these parcels have been reviewed by the Kenai Peninsula Borough School District, all Kenai Peninsula Borough administrative departments, service areas, cities, and the Kenai Peninsula Borough Planning Commission; and

WHEREAS, the administration recommends certain parcels be retained for the public purpose noted; and

WHEREAS, notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the real properties which are subject to this ordinance per AS 29.45.460(c); and

WHEREAS, it is the administration's intent to extend the right to purchase properties that are to be retained for a public purpose up to the date of auction similar to those foreclosed properties that are scheduled for sale, which can be accomplished by delaying the effective date of part of this ordinance; and

WHEREAS, ordinance 2019-13, authorizing the sale or retention of certain real property, was unanimously recommended for approval by the Planning Commission on June 10, 2019 and unanimously enacted by the assembly on June 18, 2019; and

WHEREAS, notice of hearing on Ordinance 2019-13 was not sent by certified mail to the former owners of record of this parcel as required by state statute; and

WHEREAS, this ordinance enables the administration to correct that notice deficiency by providing time for borough staff to timely send the notice by certified mail of hearing of this ordinance to the former owners of record of the subject real property within five days of the first publication of this ordinance as required by AS 29.45.460(c); and

WHEREAS, the Planning Commission conducted a public hearing on October 14, 2019, and recommended_____;

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

SECTION 1. That the real property as shown in EXHIBIT A is designated as foreclosed parcels retained for a public purpose with the listed recommended applicable classification, pursuant to KPB 5.12.310.

SECTION 2. It is hereby determined that a public need for the real properties listed in EXHIBIT B does not exist and they are hereby designated as foreclosed parcels for sale and may be sold by outcry auction, pursuant to KPB 5.12.320.

SECTION 3. That the mayor is hereby authorized to sell the real property designated as foreclosed parcels for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. All real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

SECTION 4. That the assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property listed in Exhibit B to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale and posted in at least three public places in the borough pursuant to code notice requirements.

SECTION 5. That the mayor will execute and deliver to the buyer of any of the sale parcels a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in any of the properties to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw any or all of the parcels listed for sale and that, pursuant to law, any or all of the real property listed for sale may be repurchased by the record owners, or their assigns or heirs, at any time before the sale.

SECTION 6. In the event that any of the parcels are sold for more than the amount of taxes, penalties, interest and other related costs, the borough Finance Director shall provide written notice to the former record owner of the real property advising of the amount of excess and the manner in which a claim for the balance of the

proceeds may be submitted. Notice is sufficient if mailed to the former record owner at his/her last address of record. Upon presentation of a proper claim, the borough shall remit the excess to the former owner of record. A claim for the excess which is filed after six (6) months of the date of the sale is forever barred.

SECTION 7. The land management division will retain proof, available upon request, that notice of hearing of this ordinance was sent by certified mail to the former owners of record of the real properties which are subject to this ordinance in compliance with AS 29.45.460(c).

SECTION 8. That Sections 2 through 9 of this ordinance shall take effect immediately upon enactment.

SECTION 9. That Section 1 of this ordinance shall take effect at 5pm on October 25, 2019.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *DAY OF *, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor *CP*
Brandi Harbaugh, Finance Director *BH*
Max Best, Planning Director *MB*

FROM: Marcus Mueller, Land Management Officer *MM*

DATE: September 26, 2019

RE: Ordinance 2019-28, Correcting Ordinance 2019-13 by Re-Authorizing Retention or Sale of Certain Real Property Obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings and Thereby Providing Time to Correct a Notice Deficiency Discovered After Enactment of Ordinance 2019-13 (Mayor)

This ordinance corrects a notice deficiency discovered after the enactment of Ordinance 2019-13. The material content of this ordinance is the same as Ordinance 2019-13 which was unanimously enacted by the assembly on June 18, 2019. However, notice of the hearing on that ordinance was not sent by certified mail to the prior record owners as required by state statute. Notice was sent by first-class mail but not certified mail. By correcting the prior ordinance and providing for a re-hearing of the sale in this ordinance, staff will be able to send the notice of the hearing by certified mail in compliance with state statute.

The subject parcels authorized for sale are scheduled for auction sale on October 26, 2019. The subject parcels to be retained can be paid off through close of business on October 25, 2019.

Your consideration is appreciated.

**EXHIBIT A
PROPERTIES TO BE RETAINED FOR A PUBLIC PURPOSE**

Parcel No.	Legal Description	General Location	Acres	Last Owner of Record	Reason for Retention	Recommended Applicable Classification
<u>03505020</u>	T 10N R 2W SEC 33 SEWARD MERIDIAN SW 0000012 HOPE TOWNSITE ALASKA SURVEY NO 1485 BLK 19	Hope	3.45	FOLINSBEE MARJORY C	Coastal inundation zone	Preservation
<u>06557012</u>	KN 0820081 THE GREAT ALASKA FISH CAMP LOT 12	Sterling	0.04	SIEWERT WARREN O ESTATE OF	Less than 40,000 sf	Government
<u>06557013</u>	KN 0820081 THE GREAT ALASKA FISH CAMP LOT 13	Sterling	0.04	SIEWERT WARREN O ESTATE OF	Less than 40,000 sf	Government
<u>15933001</u>	T 3S R 14W SEC 7 SEWARD MERIDIAN HM 0750065 HAPPY VALLEY VISTA SUB LOT 1	Happy Valley	0.29	KELLY WILLIAM & MARY ANN	Less than 40,000 sf	Government
<u>16511101</u>	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-B BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
<u>16511102</u>	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-A BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
<u>16511103</u>	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-C BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
<u>16511104</u>	HM 0750061 STINA CREEK SUB RESUB OF LOT 2 BLK 2 LOT 2-D BLK 2	Nikolaevsk	9.04	LAVENTHOL & HORWATH	Wetland	Preservation
<u>16527012</u>	T 4S R 14W SEC 26 SEWARD MERIDIAN HM 0740485 NORTH FORK ACRES SUB NO 2 TRACT 3	Anchor Point	9.13	MONAHAN HAROLD E & STELLA M & SAATHOFF DENNIS J & KAREN J	Wetland	Preservation
<u>19120020</u>	T 9S R 16W SEC 35 SEWARD MERIDIAN SL 0710062 US SURVEY NO 4901 ALASKA TOWNSITE OF ENGLISH BAY LOT 2 BLK 2 TRACT A	Nanwalek	0.25	TANAPE HERMAN	Teacher housing for KPB School District	Government

EXHIBIT B
PROPERTIES TO BE SOLD BY OUTCRY AUCTION

Parcel No.	Legal Description	General Location	Acres	Last Owner of Record
01205036	T 7N R 12W SEC 1 SEWARD MERIDIAN KN 0001510 AURORA HEIGHTS SUB BLOCKS 5 6 7 8 12 13 & 14 LOT 12 BLK 6	Nikiski	0.17	MASON DAVID
01309125	T 7N R 11W SEC 3 SEWARD MERIDIAN KN 0001524 LAKE VILLAGE SUB LOT 6 BLK 4	Nikiski	2.47	SCHMIDT RONALD R
01366010	T 7N R 11W SEC 17 SEWARD MERIDIAN KN 0820121 MARANATHA SUB NO 2 LOT 9 BLK 2	Nikiski	1.95	WIK JASON
01423030	T 7N R 12W SEC 14 SEWARD MERIDIAN KN 0850088 WOODED SHORES SUB NO 3 LOT 13 BLK 2	Nikiski	1.38	RAPP STEPHEN
01508009	T 7N R 12W SEC 26 SEWARD MERIDIAN KN 0001556 BARANOFF TERRACE SUB LOT 12 BLK 4	Nikiski	0.47	WEBB MARC D & MARIA R
01728005	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 5 BLK 1	Salamatof	0.43	LOFSTEDT KIMI & DALE HAROLD
01728006	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 6 BLK 1	Salamatof	0.43	LOFSTEDT KIMI & DALE HAROLD
01728019	T 6N R 12W SEC 11 SEWARD MERIDIAN KN 0001557 LAKE SALAMATOF CRESCENT SUB LOT 4 BLK 1 N1/2 THEREOF	Salamatof	0.22	LOFSTEDT KIMI & DALE HAROLD
02514413	T 6N R 10W SEC 32 SEWARD MERIDIAN KN 0850185 STRAWBERRY ACRES SUB TRACT 15	Strawberry Road	28.51	WILSON EMIL
02539020	T 9N R 9W SEC 11 SEWARD MERIDIAN KN 0820080 GRAY CLIFF SUB LOT 335	Point Possession	1.51	COX BARRY ALLEN JR
02543206	T 9N R 8W SEC 6 SEWARD MERIDIAN KN 0840065 MOOSE POINT SUB LOT 29	Point Possession	12.80	OLDHAM DONNA L
04905006	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001333 BEAVER BLUFF SUB LOT 1	Kenai	2.38	POOL BILLY D
04905011	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001333 BEAVER BLUFF SUB LOT 2 & 3	Kenai	4.44	POOL BILLY D
06301811	T 5N R 9W SEC 4 SEWARD MERIDIAN KN 0860050 INGLEBROOK SUB LOT 11 BLK 1	Sterling	0.93	MATTHEWS MARY ANN & DEL
06305003	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0000858 HANDLEY SUB NO 1 LOT 3	Sterling	0.52	ARONOLD WILLIAM P & SAMON
06329311	T 5N R 9W SEC 20 SEWARD MERIDIAN KN 0980047 LAKE VIEW TERRACE #3 PHASE 2 LOT 10	Sterling	0.92	BACKSTROM ROBERT RAYMOND
06345212	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0000935 STERLING HEIGHTS SUB LOT 13 BLK 6	Sterling	0.26	BACKSTROM DENNIS R & MARY A
06610211	T 5N R 8W SEC 19 SEWARD MERIDIAN KN 0760166 LAST FRONTIER ACRES SUB LOT 4	Funny River	8.60	LANKFORT KEITH
06644308	T 5N R 9W SEC 25 SEWARD MERIDIAN KN 0840296 LUPINE SUB NO 2 LOT 4B BLK A	Funny River	1.09	BATTERSHALL STEVEN ALLEN

Parcel No.	Legal Description	General Location	Acres	Last Owner of Record
13104532	T 4N R 11W SEC 12 SEWARD MERIDIAN KN 0860111 ALEXANDER W WILSON HOMESTEAD SUB WILSON HEIGHTS ADDN TRACT A1	Kalifornsky	7.87	CLARK GEOFFREY & KELLY & GATCHELL BEVERLY
13303238	T 3N R 11W SEC 4 SEWARD MERIDIAN KN 0760044 OROURKE SUB EAST 1/2 TRACT C	Kalifornsky	4.61	WEST LESLEY A
13303239	T 3N R 11W SEC 4 SEWARD MERIDIAN KN 0760044 OROURKE SUB TRACT D	Kalifornsky	8.82	WEST LESLEY A
13902005	T 1N R 12W SEC 6 SEWARD MERIDIAN HM 0770080 UDELHOVEN SUB TRACT 1	Clam Gulch	2.67	ODD DIANE
13916009	T 1N R 12W SEC 18 SEWARD MERIDIAN HM 0770038 WEDGEWOOD TERRACE SUB LOT 1 BLK 1	Ninilchik	2.27	OSMAR TIM D & OSMAR TAWNY L
14420034	T 1N R 1W SEC 23 SEWARD MERIDIAN SW 0000076 CAMELOT BY THE SEA SUB LOT 13 BLK 11	Seward / Bear Creek	0.53	SMITH WARREN E
15721002	T 1S R 13W SEC 5 SEWARD MERIDIAN HM 0770046 ILIAMNA MEADOWS SUB LOT 39	Ninilchik	2.84	TERRY PATRICIA
15916002	T 3S R 14W SEC 17 SEWARD MERIDIAN HM 0630666 HAPPY ACRE HOMESITES SUB TRACT 13	Happy Valley	2.50	ISGRIGG MARK
15920206	T 3S R 14W SEC 29 SEWARD MERIDIAN HM 2002057 STARISKI MEADOWS THREE TRACT 44-B	Happy Valley	5.32	LANGELL JAMES PAUL
15924045	T 3S R 14W SEC 21 SEWARD MERIDIAN HM 0620629 HAPPY VALLEY 5 ACRE HOMESITES TRACT 100	Happy Valley	5.00	FURBUSH DOROTHY B
16527017	T 4S R 14W SEC 26 SEWARD MERIDIAN HM 0740485 NORTH FORK ACRES SUB NO 2 TRACT 24	Anchor Point	8.55	SCHMITZ THEODORE R
17214007	T 5S R 12W SEC 27 SEWARD MERIDIAN HM 0721216 KACHEMAK WILDERNESS ACRES SUB TRACT 7	Fritz Creek	4.78	SCOTT BRANDI S
17316050	T 6S R 14W SEC 22 SEWARD MERIDIAN HM E1/2 GOVT LOT 1	Homer	5.80	GSC LLC
17909001	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0630311 SUBDIVISION OF LOT 27 & 28 SEC 14 T6S R13W LOT 27A	Homer	0.60	MEREDITH CANDIS
17909002	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0630311 SUBDIVISION OF LOT 27 & 28 SEC 14 T6S R13W LOT 27D	Homer	0.58	MEREDITH CANDIS
17931005	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0830019 MEADOW-WOOD PLACE SUB AMENDED LOT 10 BLK 1	Homer	0.22	WELDON ROBERT & EIDSON SHERRON FAY
18528014	T 2S R 13W SEC 6 SEWARD MERIDIAN HM 0760114 BRANDYWINE ACRES 1976 RESUB OF LTS 1 & 2 TRACT 1	Ninilchik	12.84	FRAZIER ELLIOT R & ANGELA R
18901515	T 3S R 4E SEC 1 SEWARD MERIDIAN SW 0890012 ALASKA STATE LAND SURVEY 85-65	Johnstone Bay	2.49	STEFANSKI JOHN P

Parcel No.	Legal Description	General Location	Acres	Last Owner of Record
19134007	T 8S R 14W SEC 22 SEWARD MERIDIAN SL 0790006 BARABARA HEIGHTS SUB LOT 1 BLK 14	Seldovia	3.14	TORGRAMSEN KARL, PAUL W, SIG SR, CHARLES, & KUNTZ EMMA

Introduced by: Mayor
Date: 06/04/19
Hearing: 06/18/19
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-13**

**AN ORDINANCE AUTHORIZING RETENTION OR SALE OF CERTAIN REAL
PROPERTY OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX
FORECLOSURE PROCEEDINGS**

WHEREAS, certain real property has been deeded to the borough through tax foreclosure proceedings pursuant to AS 29.45.290 et seq. for delinquent payment of taxes; and

WHEREAS, these parcels have been reviewed by the Kenai Peninsula Borough School District, all Kenai Peninsula Borough administrative departments, service areas, cities, and the Kenai Peninsula Borough Planning Commission; and

WHEREAS, the administration recommends certain parcels be retained for the public purpose noted; and

WHEREAS, notice of hearing of this ordinance has been sent by certified mail to the former owners of record of the real properties which are subject to this ordinance per AS 29.45.460(c); and

WHEREAS, it is the administration's intent to extend the right to purchase properties that are to be retained for a public purpose up to the date of auction similar to those foreclosed properties that are scheduled for sale, which can be accomplished by delaying the effective date of part of this ordinance; and

WHEREAS, the Planning Commission conducted a public hearing on June 10, 2019, and recommended approval by unanimous consent;

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

SECTION 1. That the following real property as shown in EXHIBIT A is designated as foreclosed parcels retained for a public purpose with a recommended applicable classification, pursuant to KP.B 5.12.310.

SECTION 2. It is hereby determined that a public need for the real properties listed in EXHIBIT B does not exist and they are hereby designated as foreclosed parcels for sale and may be sold by outcry auction, pursuant to KP.B 5.12.320

SECTION 3. That the mayor is hereby authorized to sell the real property designated as foreclosed parcels for sale for an amount not less than the judgment amount for taxes, plus penalties, interest and other related costs as certified by the finance department, for cash at a public outcry auction. All real property to be sold is subject to any and all restrictions of record, zoning ordinances, and any and all plat requirements and covenants.

SECTION 4. In the event that any of the parcels are sold for more than the amount of taxes, penalties, interest and other related costs, the borough Finance Director shall provide written notice to the former record owner of the real property advising of the amount of excess and the manner in which a claim for the balance of the proceeds may be submitted. Notice is sufficient if mailed to the former record owner at his/her last address of record. Upon presentation of a proper claim, the borough shall remit the excess to the former owner of record. A claim for the excess which is filed after six (6) months of the date of the sale is forever barred.

SECTION 5. That the Assembly authorizes the mayor to conduct an outcry auction of the tax foreclosed real property listed in Exhibit B to be held on October 26, 2019, in the Soldotna High School Auditorium, Soldotna, Alaska, and to cause a public notice to be published in a newspaper of general circulation in the borough not less than thirty (30) days before the date of the sale.

SECTION 6. That the mayor will execute and deliver to the buyer of any of the sale parcels a tax foreclosure deed without warranty or representation, which will convey any and all interest the borough might have in the real property. Prospective buyers shall be put on notice by this ordinance and by other means of publication in the public notice of the sale that the borough does not vouch for its rights, title or interest in any of the properties to be sold, and the prospective buyers are put on notice that the borough shall be held harmless from any and all claims regarding title or possession to any of the properties on the list of real property to be sold. The prospective buyers shall also be advised in the public notice that the borough reserves the right to withdraw any or all of the parcels listed for sale and that, pursuant to law, any or all of the real property listed for sale may be repurchased by the record owners, or their assigns or heirs, at any time before the sale.

SECTION 7. That Sections 2 through 6 of this ordinance shall take effect immediately upon enactment.

SECTION 8. That Section 1 of this ordinance shall take effect at 5pm on October 25, 2019.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JUNE, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle

No: None

Absent: None

Introduced by: Mayor
Date: 10/08/19
Hearing: 11/05/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-25**

**AN ORDINANCE AMENDING KPB 2.56.006 AND KPB 2.56.007, ADOPTING THE 2019
KENAI PENINSULA BOROUGH COMPREHENSIVE PLAN**

- WHEREAS,** the Kenai Peninsula Borough provides for planning on an areawide basis in accordance with AS 29.40.010; and
- WHEREAS,** Alaska Statute 29.40.020(b)(1) requires the planning commission to prepare and submit to the assembly a proposed comprehensive plan for the systematic and organized development of the borough; and
- WHEREAS,** the assembly is required by AS 29.40.030(b) to periodically undertake an overall review of the comprehensive plan and update the plan as necessary; and
- WHEREAS,** goal 1.1, objective 7, of the 2005 Kenai Peninsula Borough Comprehensive Plan is to regularly update the comprehensive plan to reflect changing conditions, trends, laws, regulations and policies; and
- WHEREAS,** the existing comprehensive plan was last updated in 2005; and
- WHEREAS,** the social, economic, and environmental conditions of the Kenai Peninsula Borough have changed over the past fourteen years; and
- WHEREAS,** in February of 2017 the Kenai Peninsula Borough contracted with the consulting firm of Agnew::Beck to facilitate a public process and update the existing comprehensive plan; and
- WHEREAS,** throughout 2017 over 2,000 residents of the borough shared their ideas with the project team, the team conducted more than 50 interviews and small group discussions with local organizations, they conducted a random sample telephone survey of 600 households within the borough, and the team had a booth or other presence at 20 public events throughout the borough; and
- WHEREAS,** the planning commission conducted a public hearing for the proposed 2019 comprehensive plan at its August 26, 2019 regular meeting; and
- WHEREAS,** the planning commission at its September 23, 2019 meeting, recommended enactment of the 2019 comprehensive plan;

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

SECTION 1. That KPB 2.56.006 is hereby amended as follows:

2.56.006. Kenai Peninsula Borough Comprehensive Plan adopted.

The document entitled “[2005] 2019 Kenai Peninsula Borough Comprehensive Plan” is adopted as the Comprehensive Plan of the Kenai Peninsula Borough.

SECTION 2. That KPB 2.56.007 is hereby amended as follows:

2.56.007. Borough plan amendments.

A. The following plans are incorporated as elements of the [2005] 2019 comprehensive plan, subject to the applicable goals, objectives, and [ACTIONS] strategies listed [IN CHAPTER 6 OF] within the [2005] 2019 Kenai Peninsula Borough Comprehensive Plan. The classification of borough land shall be consistent with the intent of the following land use plans, provided such classifications are consistent with the findings of fact required by KPB 17.10.080(I).

1. “Community Land Use Plan for Borough Lands in Hope, 1987.”
2. “Community Recommendations on a Land Use Plan for Borough Lands, Hope and Sunrise, 1992 Additions.”
3. “Community Land Use Plan for Borough Lands in Sunrise, 1988.”
4. “Community Recommendations on a Land Use Plan for Borough Lands at Cooper Landing, 1992”, as amended by Ordinance 2018-06.
5. “1996 Cooper Landing Land Use Plan Update.”

B. The document entitled "Comprehensive Plan for Moose Pass, 1993" with boundaries amended by the map dated July 1994 is incorporated as an element of the [2005] 2019 comprehensive plan, subject to the applicable goals, objections, and [ACTIONS LISTED IN CHAPTERS 1 AND 6] strategies within the 2019 comprehensive plan.

C. The document entitled "Kenai Peninsula Borough Trail Plan, 1998" is incorporated as an element of the [2005] 2019 comprehensive plan, subject to the applicable goals, objections, and strategies within the 2019 comprehensive plan.

D. The document entitled "Seward Highway Corridor Partnership Plan, A Strategy for Management, Economic Development, and Conservation 1998" is incorporated as an element of the [2005] 2019 comprehensive plan, subject to the applicable goals, objections, and strategies within the 2019 comprehensive plan.

- E. "Cooper Landing Walkable Community Project" dated March 2010 is hereby adopted as [APPENDIX K IN CHAPTER 5, TRANSPORTATION,] an element of the [2005] 2019 Kenai Peninsula Borough Comprehensive Plan, subject to the applicable goals, objections, and strategies within the 2019 comprehensive plan.

SECTION 3. That the comprehensive plan shall be reviewed periodically and updated to reflect changing conditions, trends, laws and policies of the borough.

SECTION 4. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2019.

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

A Copy of the Kenai Peninsula Borough
Comprehensive Plan is Available Online
at www.kpbcompplan.com

Introduced by: Mayor
Date: 10/08/19
Hearing: 11/05/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-26**

**AN ORDINANCE AMENDING KPB 2.60.027 TO MODIFY THE DESIGNATION OF
DEMARICATION POINTS FOR DELIVERY OF 911 CALLS BY CARRIERS**

WHEREAS, Ordinance 2008-21 previously designated two geographically separate demarcation points for telephone carriers to terminate their inbound Enhanced 911 circuits; and

WHEREAS, the demarcation points host telecommunications equipment, routers, and other hardware to effectively distribute emergency calls throughout the Kenai Peninsula Borough; and

WHEREAS, the current demarcation within the City of Kenai does not have a full air-conditioning system, environmental monitoring, or 24/7 on-site staffing; and

WHEREAS, the City of Kenai has established a facility with modern equipment and telecommunications options that will provide a superior environment for the networking equipment and has offered a portion of that space to the Kenai Peninsula Borough;

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

SECTION 1. That KPB 2.60.027 is hereby amended to read as follows:

2.60.027. Designation of selective router demarcation points.

The Borough hereby designates 253 Wilson Lane in Soldotna and [450 MARATHON ROAD] 107 South Willow Street in Kenai as the two 911 PSAP Selective Router Demarcation Points solely for the purposes of 911 call delivery by telecommunications carriers.

SECTION 2. This ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2019.**

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Wayne Ogle, KPB Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, KPB Mayor *cli*

FROM: Dan Nelson, OEM Manager *DN*
Brandi Harbaugh, Finance Director *BH*

DATE: December 21, 2018

RE: Ordinance 2018-19-26 Appropriating Funds from the General Fund for Earthquake Response Under the locally Declared Disaster Emergency Within the Kenai Peninsula Borough (Mayor)

On November 30, 2018 at 8:29 am a 7.0 earthquake shook from an epicenter five miles north of Anchorage which was felt across Southcentral Alaska. Tsunami warnings were issued for coastal communities, including Seward and the Kachemak Bay communities of Homer, Seldovia, Nanwalek and Port Graham.

Both the State of Alaska and federal government issued emergency declarations to assist the Municipality of Anchorage, Kenai Peninsula Borough and Matanuska-Susitna Borough on November 30, 2018.

The borough mayor issued a local emergency declaration for the entire Kenai Peninsula Borough on December 4, 2018, subsequently extended to June 7, 2019 by the assembly.

The borough continues to conduct repairs and damage assessments borough-wide. Work has been completed and continues for the following departments and service areas: Maintenance, Purchasing and Contracting, Roads, Office of Emergency Management, Solid Waste, North Peninsula Recreation, Nikiski Fire, Central Emergency Services, Kachemak Emergency Services, and Central Peninsula Hospital Service Area. These departments and service areas have financially supported the initial response, and therefore, we are requesting an appropriation to reimburse these operational funds as well as provide funds for expenditures through June 2019. The borough is currently and

will continue working with the State of Alaska and federal government to request reimbursement for this disaster.

It is expected that significant expenses will be incurred in responding to this event and repairing damages to facilities and public infrastructure caused by the earthquake. This ordinance appropriates funds in the amount of \$450,000 to enable the borough to continue repairs and assessments associated with the disaster. Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>(FB) 100.27910</u>
Amount:	<u>\$450,000.⁰⁰</u>
By: <u>BA</u>	Date: <u>12/20/18</u>

Introduced by: Mayor
Date: 10/08/19
Hearing: 11/05/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-29**

**AN ORDINANCE ESTABLISHING THE APPEAL PROCEDURE BEFORE THE
BOROUGH ASSEMBLY FOR THE APPEAL FILED BY ECHO TRADING
COMPANY, LLC OF A PLANNING COMMISSION DECISION**

WHEREAS, Echo Trading Company, LLC has filed an appeal of a planning commission decision vacating a utility (drainage) easement; and

WHEREAS, after the appeal was filed it was determined that borough code does not contain a specific procedure for appeals of a utility easement vacation decision; and

WHEREAS, in order to timely resolve the present appeal, it is necessary that the borough set a one-time procedure for this appeal; and

WHEREAS, KPB 21.20.230(B) states that the assembly shall consider vacation petitions approved by the planning commission in accordance with the procedures in KPB Chapter 20.70; and

WHEREAS, KPB Chapter 20.70 does not include procedures for the assembly to consider vacation petitions of utility easements approved by the planning commission pursuant to KPB 20.70.080; and

WHEREAS, this ordinance will establish that for the appeal filed by Echo Trading Company, LLC the full assembly will sit as the hearing officer for the appeal, with the assembly president serving as presiding officer, and the appeal will follow the same procedures as set forth in KPB Chapter 21.20;

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

SECTION 1. This is an uncodified ordinance.

SECTION 2. For purposes of complying with KPB 21.20.230(B) to address the appeal filed by Echo Trading Company, LLC, regarding the planning commission's vacation approval decision in KPB File NO. 2019-048V, the assembly will sit as the hearing officer and follow the appeal procedures set forth in KPB 21.20.210 through KPB 21.20.360.

SECTION 3. The assembly president will act as the presiding officer.

SECTION 4. For purposes of this appeal, the current landowner of the parcel encumbered by the easement and the appellant, Echo Trading Company, LLC, will both be considered a “party of record.”

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF *, 2019.**

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*

FROM: Max Best, Planning Director *MB*
Sean Kelley, Deputy Borough Attorney *SK by MB*

DATE: September 26, 2019

RE: Ordinance 2019- 29, Establishing the Appeal Procedure before the Borough Assembly for the Appeal Filed by Echo Trading Company, LLC of a Planning Commission Decision (Mayor)

KPB 21.20.230(B) states that the assembly shall consider vacation petitions approved by the planning commission in accordance with the procedures in KPB Chapter 20.70. Echo Trading Company, LLC has filed an appeal of a planning commission decision vacating a utility (drainage) easement. The appeal documents cite KPB 21.20.230(B) to require that the matter be heard by the full assembly. After the appeal was filed it was determined that borough code does not contain a specific procedure for appeals of a utility easement vacation decision. In order to resolve the present appeal in a timely manner it is recommended that the assembly enact this one-time procedure for this appeal.

This ordinance will establish that for the appeal filed by Echo Trading Company, LLC the full assembly will sit as the hearing officer for the appeal, with the assembly president serving as presiding officer, and the appeal will follow the same procedures as set forth in KPB 21.20.


Following resolution of this appeal it is anticipated that a code change ordinance will be presented to the assembly for consideration that will enact a code procedure for appeals of a planning commission decision approving an application to vacate a utility easement. Developing that procedure is expected to require more time than is appropriate for this pending appeal. Therefore, this ordinance is needed to set a one-time, uncodified, procedure for purposes of resolving the appeal filed by Echo Trading Company, LLC.

Your consideration of this ordinance is appreciated.

Kenai Peninsula Borough
Office of the Borough Mayor

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members of the Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor 

DATE: October 8, 2019

RE: KPB Service Area Board Re-appointments

Please find my recommendations for confirmation by the Assembly, of the following re-appointments to the following Service Area Boards. The applicants have been verified as registered voters and reside within the service area to be represented. Attached for your review is the request for appointment:

<u>Applicant</u>	<u>Board Seat</u>	<u>Term to Expire</u>
Robert Craig	Anchor Point Fire S.A. – Seat B	October, 2022
Jena Petersen	Bear Creek Fire S.A. – Seat E	October, 2022
Riley Shurtleff	Eastern Peninsula Hwy Emergency S.A. – Seat B	October, 2022
Sean Carrington	Eastern Peninsula Hwy Emergency S.A. – Seat C	October, 2022
Donald F. Cotogno	Kachemak Emergency S.A. – Seat D	October, 2022
Mathew Schneyer	Kachemak Emergency S.A. – Seat E	October, 2022

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Charlie Pierce, Mayor *ck*
THRU: Johni Blankenship, Borough Clerk *(JB)*
FROM: Tatyana Shassetz, Borough Clerk Secretary *(ds)*
DATE: September 16, 2019
RE: Verification of Service Area Board Candidates: Applications for Re-appointment

Pursuant to KPB 2.40.010 and 2.40.030, the applicants listed below have been verified as registered voter of the Borough and resides within their area to be represented.

<u>Applicant</u>	<u>Board Seat</u>	<u>Term to Expire</u>
Robert Craig	Anchor Point Fire S.A. – Seat B	October, 2022
Jena Petersen	Bear Creek Fire S.A. – Seat E	October, 2022
Riley Shurtleff	Eastern Peninsula Hwy Emergency S.A. – Seat B	October, 2022
Sean Carrington	Eastern Peninsula Hwy Emergency S.A. – Seat C	October, 2022
Donald F. Contogno	Kachemak Emergency S.A. – Seat D	October, 2022
Mathew Schneyer	Kachemak Emergency S.A. – Seat E	October, 2022

Shassetz, Tatyana

From: Shassetz, Tatyana
Sent: Monday, August 26, 2019 9:09 AM
To: Blankenship, Johni
Subject: RE: Service Area Appointment Application received

Printed to process and verify.

Thank you!

Respectfully,

From: Blankenship, Johni
Sent: Friday, August 23, 2019 10:28 AM
To: Shassetz, Tatyana <TShassetz@kpb.us>
Subject: FW: Service Area Appointment Application received

From: Kenai Peninsula Borough [<mailto:webmaster@borough.kenai.ak.us>]
Sent: Friday, August 23, 2019 10:27 AM
To: Blankenship, Johni <JBlankenship@kpb.us>
Cc: Turner, Michele <MicheleTurner@kpb.us>
Subject: Service Area Appointment Application received

Select One
Anchor Point Fire & Emergency Service Area Board

Select One
APFESA Seat B – Term to Expire 10/2022

Select One

Select One

Select One

{NPRSA_Seat_Choice:caption}
{NPRSA_Seat_Choice:value}

{SPH_Seat_Choice:caption}
{SPH_Seat_Choice:value}

Select One

Select One

Applicant Name

Robert Craig

Physical Residence Address

34039 North Fork Rd

City

Anchor Point

State

AK

Zip

99556

Mailing Address

City

State

Zip

Email

Craig67@excite.com

Daytime Phone

907-399-3371

Voter #

SS #

██████████

Date of Birth

██████████

I have been a Resident of the Kenai Peninsula Borough for:

Years

48

Months

0

I have been a Resident of the selected Service Area for:

Years

44

Months

3

If you would like to upload a copy of your resume, you may do that below.

Attachments **must** be in .PDF, .DOC or .DOCX format only.

Upload your Resume

APPLICANT CERTIFICATION: I certify that the information in this Application for Appointment is true and complete and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall meet the age requirements upon taking the oath of office, if appointed. I further acknowledge that by typing my initials below I intend to fully sign this document.

Type your initials to sign

RWC

Shassetz, Tatyana

From: Blankenship, Johni
Sent: Monday, September 16, 2019 3:48 PM
To: Shassetz, Tatyana
Subject: FW: Service Area Appointment Application received

From: Kenai Peninsula Borough [mailto:webmaster@borough.kenai.ak.us]
Sent: Monday, September 16, 2019 3:47 PM
To: Blankenship, Johni <JBlankenship@kpb.us>
Cc: Turner, Michele <MicheleTurner@kpb.us>
Subject: Service Area Appointment Application received

Select One
Bear Creek Fire Service Area Board

Select One

Select One
BCFSA Seat E – Term to Expire October, 2022

Select One

Select One

{NPRSA_Seat_Choice:caption}
{NPRSA_Seat_Choice:value}

{SPH_Seat_Choice:caption}
{SPH_Seat_Choice:value}

Select One

Select One

Applicant Name
Jena Petersen

Physical Residence Address
32277 Blying Sound Ct.

City
Seward

State
AK

Zip
99664

My Mailing Address is DIFFERENT from my Residence Address

Mailing Address
Box 2722

City
Seward

State
AK

Zip
99664

Email
jena@sewardrealestate.com

Daytime Phone
907-362-1741

Voter #

SS #

Date of Birth
12/09/1981

I have been a Resident of the Kenai Peninsula Borough for:

Years
23

Months
0

I have been a Resident of the selected Service Area for:

Years
19

Months
0

If you would like to upload a copy of your resume, you may do that below.

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Type your initials to sign

JP

Shassetz, Tatyana

From: Blankenship, Johni
Sent: Thursday, August 22, 2019 10:38 AM
To: Shassetz, Tatyana
Subject: FW: Service Area Appointment Application received

T, please process

From: Kenai Peninsula Borough [mailto:webmaster@borough.kenai.ak.us]
Sent: Thursday, August 22, 2019 10:30 AM
To: Blankenship, Johni <JBlankenship@kpb.us>
Cc: Turner, Michele <MicheleTurner@kpb.us>
Subject: Service Area Appointment Application received

Select One
Eastern Peninsula Highway Emergency Service Area Board

Select One

Select One

Select One
EPHESA Seat B – Term to Expire October, 2022

Select One

{NPRSA_Seat_Choice:caption}
{NPRSA_Seat_Choice:value}

Select One

Select One

Select One

Applicant Name
Riley Shurtleff

Physical Residence Address
414 Fifth Avenue

City
Seward

State
Alaska

Zip
99664

Mailing Address

City

State

Zip

Email

rileyshurtleff@gmail.com

Daytime Phone

9072244074

Voter #

SS #

Date of Birth

08/24/1994

I have been a Resident of the Kenai Peninsula Borough for:

Years

1

Months

6

I have been a Resident of the selected Service Area for:

Years

1

Months

6

If you would like to upload a copy of your resume, you may do that below.

Attachments **must** be in .PDF, .DOC or .DOCX format only.

Upload your Resume

APPLICANT CERTIFICATION: I certify that the information in this Application for Appointment is true and complete and that I meet the specific residency and citizenship requirements of this office. I further certify that I

shall meet the age requirements upon taking the oath of office, if appointed. I further acknowledge that by typing my initials below I intend to fully sign this document.

Type your initials to sign

RS

Shassetz, Tatyana

From: Blankenship, Johni
Sent: Thursday, August 22, 2019 12:57 PM
To: Shassetz, Tatyana
Subject: FW: Service Area Appointment Application received

From: Kenai Peninsula Borough [mailto:webmaster@borough.kenai.ak.us]
Sent: Thursday, August 22, 2019 12:49 PM
To: Blankenship, Johni <JBlankenship@kpb.us>
Cc: Turner, Michele <MicheleTurner@kpb.us>
Subject: Service Area Appointment Application received

Select One
Eastern Peninsula Highway Emergency Service Area Board

Select One

Select One

Select One
EPHESA Seat C – Term to Expire October, 2022

Select One

{NPRSA_Seat_Choice:caption}
{NPRSA_Seat_Choice:value}

Select One

Select One

Select One

Applicant Name
Sean Carrington

Physical Residence Address
33284 Forest Rd. Apt # 1

City
Seward

State
Alaska

Zip
99664

My Mailing Address is DIFFERENT from my Residence Address

Mailing Address
PO Box 2755

City
Seward

State
Alaska

Zip
99664

Email
sfdprevention@gmail.com

Daytime Phone
907-244-1579

Voter #

SS #

Date of Birth
07/16/41

I have been a Resident of the Kenai Peninsula Borough for:

Years
25

Months
0

I have been a Resident of the selected Service Area for:

Years
14

Months
0

If you would like to upload a copy of your resume, you may do that below.

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Upload your Resume

APPLICANT CERTIFICATION: I certify that the information in this Application for Appointment is true and complete and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall meet the age requirements upon taking the oath of office, if appointed. I further acknowledge that by typing my initials below I intend to fully sign this document.

Type your initials to sign
SPC

Shassetz, Tatyana

From: Blankenship, Johni
Sent: Thursday, August 22, 2019 1:28 PM
To: Shassetz, Tatyana
Subject: FW: Service Area Appointment Application received

From: Kenai Peninsula Borough [mailto:webmaster@borough.kenai.ak.us]
Sent: Thursday, August 22, 2019 1:27 PM
To: Blankenship, Johni <JBlankenship@kpb.us>
Cc: Turner, Michele <MicheleTurner@kpb.us>
Subject: Service Area Appointment Application received

Select One
Kachemak Emergency Service Area Board

Select One

Select One

Select One

Select One
KESA Seat D – Term to Expire 10/2022

{NPRSA_Seat_Choice:caption}
{NPRSA_Seat_Choice:value}

{SPH_Seat_Choice:caption}
{SPH_Seat_Choice:value}

Select One

Select One

Applicant Name
Donald F Cotogno

Physical Residence Address
51310 Timber Bay Court

City
Fritz Creek

State
AK

Zip
99603

My Mailing Address is DIFFERENT from my Residence Address

Mailing Address
P.O. Box 15244

City
Fritz Creek

State
AK

Zip
99603

Email
dcotogno@timber-bay.com

Daytime Phone
907-235-3785

Voter #
10086439

SS #

Date of Birth
05/22/1948

I have been a Resident of the Kenai Peninsula Borough for:

Years
15

Months
5

I have been a Resident of the selected Service Area for:

Years
15

Months
5

If you would like to upload a copy of your resume, you may do that below.

Attachments **must** be in .PDF, .DOC or .DOCX format only.

Upload your Resume

APPLICANT CERTIFICATION: I certify that the information in this Application for Appointment is true and complete and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall meet the age requirements upon taking the oath of office, if appointed. I further acknowledge that by typing my initials below I intend to fully sign this document.

Type your initials to sign
dfc

Shassetz, Tatyana

From: Blankenship, Johni
Sent: Thursday, August 22, 2019 10:39 AM
To: Shassetz, Tatyana
Subject: FW: Service Area Appointment Application received

T, please process

From: Kenai Peninsula Borough [mailto:webmaster@borough.kenai.ak.us]
Sent: Thursday, August 22, 2019 10:31 AM
To: Blankenship, Johni <JBlankenship@kpb.us>
Cc: Turner, Michele <MicheleTurner@kpb.us>
Subject: Service Area Appointment Application received

Select One
Kachemak Emergency Service Area Board

Select One

Select One

Select One

Select One
KESA Seat E – Term to Expire 10/2022

{NPRSA_Seat_Choice:caption}
{NPRSA_Seat_Choice:value}

Select One

Select One

Select One

Applicant Name
Matthew Schneyer

Physical Residence Address
53625 East Rd

City
Homer

State
Alaska

Zip
99603

My Mailing Address is DIFFERENT from my Residence Address

Mailing Address
PO 2515

City
Homer

State
Alaska

Zip
99603

Email
matt@xyz.net

Daytime Phone
9072357623

Voter #

SS #
104 40 7405

Date of Birth
2/23/1952

I have been a Resident of the Kenai Peninsula Borough for:

Years
40

Months
6

I have been a Resident of the selected Service Area for:

Years
40

Months
6

If you would like to upload a copy of your resume, you may do that below.

Attachments **must** be in .PDF, .DOC or .DOCX format only.

Upload your Resume

APPLICANT CERTIFICATION: I certify that the information in this Application for Appointment is true and complete and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall meet the age requirements upon taking the oath of office, if appointed. I further acknowledge that by typing my initials below I intend to fully sign this document.

Type your initials to sign
MES

MAYOR'S REPORT TO THE ASSEMBLY

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor

DATE: October 8, 2019



Assembly Request / Response

None

Agreements and Contracts

Other

- a. Revenue – Expenditure Report – August 2019
- b. Budget Revisions – August 2019

Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: September 11, 2019

RE: Revenue-Expenditure Report – August 2019

Attached is the Revenue-Expenditure Report of the General Fund for the month of August 2019. Please note that 16.67% of the year has elapsed, 28.19% of budgeted revenues have been collected, and 7.63% of budgeted expenditures have been made.

KENAI PENINSULA BOROUGH
Revenue Report
For the Period
August 1 through August 31, 2019

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 30,759,296	\$ 6,130,443	\$ 2,861,309	\$ (24,628,854)	19.93%
31200	Personal Property Tax	1,988,657	622,695	395,851	(1,365,962)	31.31%
31300	Oil Tax	7,347,971	7,342,988	987	(4,983)	99.93%
31400	Motor Vehicle Tax	712,000	-	-	(712,000)	0.00%
31510	Property Tax Penalty & Interest	499,969	20,312	11,738	(479,657)	4.06%
31610	Sales Tax	32,272,462	8,895,525	5,779,956	(23,376,937)	27.56%
33110	In Lieu Property Tax	3,600,000	-	-	(3,600,000)	0.00%
33117	Other Federal Revenue	140,000	-	-	(140,000)	0.00%
34110	School Debt Reimbursement	1,324,359	-	-	(1,324,359)	0.00%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	750,000	-	-	(750,000)	0.00%
34210	Revenue Sharing	843,079	-	-	(843,079)	0.00%
37350	Interest on Investments	936,944	178,281	61,736	(758,663)	19.03%
38000	Trans From Other Funds	175,000	-	-	(175,000)	0.00%
39000	Other Local Revenue	300,000	32,151	19,709	(267,849)	10.72%
290	Solid Waste	800,000	60,628	10,115	(739,372.30)	7.58%
Total Revenues		\$ 82,604,737	\$ 23,283,023	\$ 9,141,402	\$ (59,321,714)	28.19%

KENAI PENINSULA BOROUGH
Expenditure Report
For the Period
August 1 through August 31, 2019

DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
Assembly:						
Administration	\$ 482,667	\$ 100,052	\$ 54,191	\$ 124,960	\$ 257,655	20.73%
Clerk	555,004	63,081	36,572	24,835	467,088	11.37%
Elections	113,910	772	772	40,260	72,878	0.68%
Records Management	269,852	33,169	19,415	19,416	217,267	12.29%
Mayor Administration	817,059	99,652	56,105	1,347	716,060	12.20%
Purch/Contracting/Cap Proj	625,305	59,033	40,059	6,742	559,530	9.44%
Human Resources:						
Administration	676,140	92,338	49,651	12,869	570,933	13.66%
Print/Mail	161,071	13,720	8,516	40,321	107,030	8.52%
Custodial Maintenance	119,209	14,235	8,005	-	104,974	11.94%
Information Technology	2,002,096	290,347	172,574	17,759	1,693,990	14.50%
Emergency Management	822,869	83,822	52,752	90,013	649,033	10.19%
Legal Administration	980,391	89,641	54,665	85,986	804,763	9.14%
Finance:						
Administration	498,144	67,271	33,744	447	430,427	13.50%
Services	1,013,361	154,782	63,247	1,928	856,650	15.27%
Property Tax	1,144,048	235,827	66,015	62,560	845,661	20.61%
Sales Tax	700,683	124,614	45,848	605	575,464	17.78%
Assessing:						
Administration	1,426,441	255,152	90,520	36,819	1,134,470	17.89%
Appraisal	1,973,606	223,826	128,727	41,905	1,707,875	11.34%
Resource Planning:						
Administration	1,259,825	140,737	74,171	49,354	1,069,734	11.17%
GIS	596,596	119,551	40,642	4,843	472,202	20.04%
River Center	798,551	68,610	42,694	7,977	721,964	8.59%
Senior Citizens Grant Program	608,969	-	-	608,969	-	0.00%
School District Operations	58,965,977	3,552,189	938,975	-	55,413,788	6.02%
Solid Waste Operations	8,708,901	683,308	557,200	2,351,787	5,673,806	7.85%
Economic Development	275,000	-	-	-	275,000	0.00%
Non-Departmental	1,628,959	88,129	90,999	-	1,540,830	5.41%
Total Expenditures	\$ 87,224,634	\$ 6,653,858	\$ 2,726,057	\$ 3,631,704	\$ 76,939,072	7.63%

Kenai Peninsula Borough
Finance Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Borough Mayor *CP*

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: September 11, 2019

RE: Budget Revisions – August 2019

Attached is a budget revision listing for August 2019. The attached list contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay). Other minor transfers were processed between object codes within major expenditure categories.

AUGUST 2019

INCREASE DECREASE

ASSESSING - ADMINISTRATION

To purchase tablets for Mobile Assessor Project.

100-11510-00000-43019 (Software Licensing)		\$10,775.00
100-11510-00000-48710 (Minor Office Equipment)	\$10,775.00	

ASSESSING - APPRAISAL

To purchase laser measuring devices for Appraisal staff.

100-11520-00000-40110 (Regular Wages)		\$8,000.00
100-11520-00000-42410 (Small Tools and Minor Equipment)	\$8,000.00	

Kenai Peninsula Borough Assembly Committees 2018 – 2019

ASSEMBLY COMMITTEES

- **Finance Committee**
Kelly Cooper, Chair
Paul Fischer, Vice Chair
Willy Dunne
- **Lands Committee**
Kenn Carpenter, Chair
Norm Blakeley, Vice Chair
Brent Hibbert
- **Policies & Procedures Committee**
Hal Smalley, Chair
Brent Hibbert, Vice Chair
Kenn Carpenter
- **Legislative Committee**
Willy Dunne, Chair
Paul Fischer, Vice Chair
Norm Blakeley
- **President Pro Tem**
Kelly Cooper

OTHER BOROUGH COMMITTEES

- **School Board**
Wayne Ogle
Hal Smalley, Alternate

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** – Willy Dunne, Paul Fischer
- **Bear Creek Fire** – Kenn Carpenter
- **CES/CPEMS** – Norm Blakeley
- **Kachemak Emergency Service Area** -Willy Dunne
- **KPB Roads** – Wayne Ogle
- **Nikiski Seniors** – Wayne Ogle
- **Nikiski Fire** – Wayne Ogle
- **North Peninsula Recreation** – Wayne Ogle
- **Seldovia Recreational** – Willy Dunne
- **Seward/Bear Creek Flood** – Kenn Carpenter
- **South Kenai Peninsula Hospital** - Kelly Cooper, Willy Dunne

NON-BOROUGH COMMITTEES

- **Cook Inlet Aquaculture**
Dale Bagley, term expires with office
- **Cook Inlet R.C.A.C.**
Grace Merkes, term expires April 2020
- **Kenai Peninsula Economic Development District**
Hal Smalley, term expires with office
- **Kenai Peninsula College Council**
Wayne Ogle, term expires June 30, 2019
- **Kenai Peninsula Tourism and Marketing Council**
Brent Hibbert, term expires with office
- **Kenai River Special Management Area Advisory Board**
Brent Hibbert, term expires with office
- **Prince William Sound R.C.A.C.**
Mako Haggerty, term expires May 2019
- **Kachemak Bay Research Reserve Community Council**
Willy Dunne, term expires with office