



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President

Tyson Cox, Vice President

Kelly Cooper

Cindy Ecklund

Bill Elam

Brent Hibbert

Peter Ribbens

Ryan Tunseth

Mike Tupper

Tuesday, April 16, 2024

6:00 PM

Seward Community Library and Museum

239 6th Avenue, Seward

Meeting ID: 895 1103 3332 Passcode: 193069

[https://yourkpb.zoom.us/j/89511033332?](https://yourkpb.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

[pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1](https://yourkpb.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

Meeting ID: 895 1103 3332 Passcode: 193069

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.

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.)*

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

KPB-5909: April 2, 2024 Regular Assembly Meeting Minutes

Resolution 2024-017: Cooperative Fire Protection Agreement between DNR and KPB Emergency Service Areas

Ordinance 2023-19-45: \$627,435.60 to the Princess Lake Estates Utility Special Assessment District

Ordinance 2023-19-46: \$5,000 from South Kenai Peninsula Hospital Service Area Fund Balance to Provide for Bond Counsel Expenditures on Preliminary Bond Related Services

KPB-5927: Moose Pass Advisory Planning Commission Appointment

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2023-19-41: Commercial Passenger Vessel Tax Proceeds \$456,337.50 to the City of Seward

Ordinance 2023-19-42: \$32,410.82 Grant Funds for the 2024 Volunteer Fire Capacity Program

Ordinance 2023-19-43: \$89,000 for Woody Fuel Disposal Cooper Landing and Hope and Approving Entering an MOA

Ordinance 2023-19-44: Purchase of Snow Machines and a Snowbalance to the Ambulance Project

APPROVAL OF MINUTES

*1. [KPB-5909](#) April 2, 2024 Regular Assembly Meeting Minutes

Attachments: [April 2, 2024 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-5917](#) Mayor's Proclamation Declaring April 2024 as "Sexual Assault Awareness Month" (Mayor)

Attachments: [April 2024 Proclamation](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-5910](#) Kenai Public Health, Julie Bunch (10 minutes)

MAYOR'S REPORT

[KPB-5923](#) Mayor's Report Cover Memo

Attachments: [Mayor's Report Cover Memo](#)

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

- a. [KPB-5918](#) Authorization to Award a Contract for ITB24-033 Seward Bear Creek Flood Service Area Upper Salmon Creek Revetment
Attachments: [Auth to Award Contract ITB24-033](#)
- b. [KPB-5919](#) Authorization to Award a Contract for ITB24-034 Seward High School Track
Attachments: [Auth to Award Contract ITB24-034](#)
- c. [KPB-5920](#) Authorization to Award a Contract for ITB24-038 Gym & Pool Locker Replacement
Attachments: [Auth to Award Contract ITB24-038](#)
- d. [KPB-5921](#) Authorization to Award a Contract for RFP24-016 Spring Land Sale Marketing and Auction Services 2024
Attachments: [Auth to Award RFP24-016](#)

3. Other

- a. [KPB-5922](#) Presentation of Athletes' Certificates: Commending Resolution for Seward Boys' Wrestling Team State Championship (Adopted by the Assembly on 02/27/24)

ITEMS NOT COMPLETED FROM PRIOR AGENDA**PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

(3 minutes per speaker; 20 minutes aggregate)

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

1. [2023-19-41](#) An Ordinance Appropriating and Allocating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$456,337.50 to the City of Seward (Mayor)
Attachments: [Ordinance 2023-19-41](#)
[Memo](#)
[City of Seward Letter](#)
[DOR Email](#)
2. [2023-19-42](#) An Ordinance Accepting and Appropriating \$32,410.82 in Grant Funds

from the Alaska Department of Natural Resources for the 2024 Volunteer Fire Capacity Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area (Mayor)

Attachments: [Ordinances 2023-19-42](#)
[Memo](#)

3. [2023-19-43](#) An Ordinance Accepting and Appropriating \$89,000 in Federal Pass Through Grant Funds from the State of Alaska for Woody Fuel Disposal in the Communities of Cooper Landing and Hope and Approving Entering into a Memorandum of Agreement for the Administration of Funds and Operations (Mayor)

Attachments: [Ordinance 2023-19-43](#)
[Memo](#)
[MOA](#)

4. [2023-19-44](#) An Ordinance Deobligating and Appropriating Kachemak Emergency Service Area Capital Project Funds Previously Appropriated for the Purchase of Snow Machines and a Snowbulance to the Ambulance Project (Mayor)

Attachments: [Ordinance 2023-19-44](#)
[Memo](#)

Ordinances referred to Policies and Procedures Committee

5. [2024-06](#) An Ordinance Amending KPB Chapter 2.54 Relating to Access to Public Records and Response to Record Requests (Mayor, Johnson)

Attachments: [Ordinance 2024-06](#)
[Memo](#)

6. [2024-07](#) An Ordinance Amending KPB Code Relating to Civil Trespass and Issuing a Trespass Order (Mayor, Johnson) (Hearing on 04/16/24)

Attachments: [Ordinance 2024-07](#)
[Memo](#)
[Memo with Mayor's Signature](#)
[Public Comment 041624](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Policies and Procedures Committee

- *a. [2024-017](#) Approving an Intergovernmental Cooperative Agreement between the State of Alaska, Department of Natural Resources, Division of Forestry & Fire Protection, and the Kenai Peninsula Borough on behalf of Central Emergency Service Area, Nikiski Fire Service Area, Bear Creek Fire Service Area, Western Emergency Service Area, and Kachemak Emergency Service Area (Mayor)

Attachments: [Resolution 2024-017](#)
[Memo](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to Finance Committee

- *a. [2023-19-45](#) An Ordinance Appropriating \$627,435.60 to the Special Assessment Fund for the Princess Lake Estates Utility Special Assessment District (Mayor) (Hearing on 05/07/24)

Attachments: [Ordinance 2023-19-45](#)
[Memo](#)

- *b. [2023-19-46](#) An Ordinance Appropriating \$5,000 from South Kenai Peninsula Hospital Service Area Fund Balance to Provide for Bond Counsel Expenditures on Preliminary Bond Related Services (Mayor) (Hearing on 05/07/24)

Attachments: [Ordinance 2023-19-46](#)
[Memo](#)

3. Other

- *a. [KPB-5927](#) Confirming an Appointment to the Moose Pass Advisory Planning Commission (Mayor)

David E. Shafer, Seat C, Term Expires 09/30/2026

Attachments: [APC Appointment](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**ASSEMBLY COMMENTS**

PENDING LEGISLATION

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

1. [2023-19-36](#) An Ordinance Appropriating \$289,178.64 to the Rollins Way Road Improvement Assessment District (Mayor) (Referred to Finance Committee)

Attachments: [Ordinance 2023-19-36](#)
[Memo Request to Table](#)
[Memo](#)
[Public Comment 022724](#)
[Public Comment 031924](#)

2. [2023-005](#) A Resolution of Intent by the Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund) (Referred to Lands Committee) [Tabled on 10/24/23]

Attachments: [Resolution 2023-005](#)
[Memo](#)
[Ecklund Amendment](#)
[C-PACER Program Handbook](#)
[102423 Public Comments](#)
[010323 Public Comments](#)
[eComment](#)

INFORMATIONAL MATERIALS AND REPORTS**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. May 7, 2024 10:00 AM
Budget Work Session #2
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 895 1103 3332 Passcode: 193069

2. May 7, 2024 6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Remote participation available through Zoom
Meeting ID: 895 1103 3332 Passcode: 193069

ADJOURNMENT

This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula and KIBH FM 91.7 (East Peninsula).

The meeting will be held through Zoom, the Meeting ID: 895 1103 3332 Passcode: 193069 and in-person from the Seward Community Library and Museum, 239 6th Avenue, Seward, Alaska. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 895 1103 3332 Passcode: 193069. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at www.kpb.us: "Borough Assembly Meeting Agendas" "Assembly Meeting Calendar".

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 <https://kpb.legistar.com/Calendar.aspx> for copies of the agenda, meeting minutes, ordinances and resolutions.



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Draft

Assembly

Brent Johnson, President

Tyson Cox, Vice President

Kelly Cooper

Cindy Ecklund

Bill Elam

Brent Hibbert

Peter Ribbens

Ryan Tunseth

Mike Tupper

Tuesday, April 2, 2024

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 895 1103 3332 Passcode: 193069

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[pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1](https://yourkpb.zoom.us/j/89511033332?pwd=GThg6CA4QuaaPihm3rpMKljbZoy5ZG.1)

Meeting ID: 895 1103 3332 Passcode: 193069

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was given by Central Emergency Services Chaplain Frank Alioto.

ROLL CALL

[Clerk's Note: Assembly Member Cooper attended via Zoom.]

Present: 9 - Brent Hibbert, Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, Ryan Tunseth, Kelly Cooper, Peter Ribbens, and Bill Elam

Also present were:

Peter A. Micciche, Borough Mayor

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Michele Turner, Borough Clerk

Madeleine Quainton, Borough Clerk Assistant

COMMITTEE REPORTS

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

[9 Present: Cooper (via Zoom), Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

Assembly Member Ecklund stated the Lands Committee met and discussed its agenda items.

[9 Present: Cooper (via Zoom), Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

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

[9 Present: Cooper (via Zoom), Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

Assembly President stated the Committee of the Whole met and discussed its agenda items.

[9 Present: Cooper (via Zoom), Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson]

APPROVAL OF AGENDA AND CONSENT AGENDA

Cox moved to approve the agenda and consent agenda.

Copies have been made available to the public, Borough Clerk Michele Turner noted by title only the resolutions, ordinances and other new business items that were on the consent agenda.

[KPB-5885](#) March 19, 2024 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:

[2023-19-39](#) An Ordinance Deobligating Bond Proceeds in the Central Kenai Peninsula Hospital Service Area Capital Project Fund and Transferring the Remaining Bond Proceeds to Fund the Annual Debt Service for Central Kenai Peninsula Hospital Service Area Revenue Bonds (Mayor)

[Clerk's Note: Section 1 of Ordinance 2023-19-39 was amended to read, "That [\$8,858.12] 80,973.68 in bond proceeds are deobligated from account number 490.81110.14CPH.49999 in the Central Peninsula Hospital Service Area Capital Project Fund to be transferred to account number 360.81110.14CPH.44010 the Central Peninsula Hospital Service Area Debt Service Fund to support the 2024 debt service payment for the 2014 Central Peninsula Hospital Service Area Revenue Bonds."]

This Budget Ordinance was enacted as amended.

- [2023-19-40](#) An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for Purchase of a Toolcat at Central Peninsula Landfill to the Central Peninsula Landfill Baler Building Boiler Replacement (Mayor)
This Budget Ordinance was enacted.

New Business

- [2024-011](#) A Resolution Approving Twenty-Six Unincorporated Communities for Participation in the State's Fiscal Year 2025 Community Assistance Program (Mayor)
This Resolution was adopted.
- [2024-016](#) A Resolution Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Leases in Which CPGH, Inc. is the Sole Lessee and Authorizing an Amendment to the Operating Agreement
This Resolution was adopted.
- [2024-012](#) A Resolution Authorizing the Mayor to Execute an Amendment to the Service and Operating Agreement with Nikiski Senior Citizens, Inc. (Mayor)
This Resolution was adopted.
- [2024-013](#) A Resolution Authorizing a Standardization Policy for the Use of Trimble Inc. Survey Equipment, Software, and Services (Mayor)
This Resolution was adopted.
- [2024-015](#) A Resolution Supporting Homer Electric Association's Grant Application to Rebuild South Kachemak Bay Electric Facilities (Cooper, Tupper, Johnson, Mayor)
This Resolution was adopted.
- [2023-19-41](#) An Ordinance Appropriating and Allocating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$456,337.50 to the City of Seward (Mayor)
This Budget Ordinance was introduced and set for public hearing.
- [2023-19-42](#) An Ordinance Accepting and Appropriating \$32,410.82 in Grant Funds from the Alaska Department of Natural Resources for the 2024 Volunteer Fire Capacity Program on Behalf of Bear Creek Fire Service

Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2023-19-43](#) An Ordinance Accepting and Appropriating \$89,000 in Federal Pass Through Grant Funds from the State of Alaska for Woody Fuel Disposal in the Communities of Cooper Landing and Hope and Approving Entering into a Memorandum of Agreement for the Administration of Funds and Operations (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2023-19-44](#) An Ordinance Deobligating and Appropriating Kachemak Emergency Service Area Capital Project Funds Previously Appropriated for the Purchase of Snow Machines and a Snowblance to the Ambulance Project (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[KPB-5890](#) Authorizing the Issuance of a Letter of Non-Objection to the Alcohol and Marijuana Control Office Regarding the New Liquor License and Approving the Restaurant Designation Permit as Requested by China Bay LLC dba Odyssey Lodge, License Number 6193, Halibut Cove

approved.

[KPB-5895](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Retail Store Application for Fat Tops LLC, License No. 36739, Anchor Point, Subject to the Standard Conditions as Defined in KPB 7.30.020 (C)

approved.

[KPB-5891](#) Petition to Vacate the Approximate 184' of the End of the Cul-De-Sac of Shalom Lane Between Lots 4, 5,6 and Tract A of Immanuel Subdivision and Associated Utility Easement; KPB 2024-022V, Nikiski

[Clerk's Note: At its regularly scheduled meeting of March 25, 2024 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

approved.

Approval of the Agenda and Consent Agenda

President Johnson 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 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5886](#) Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent (10 minutes)

[Clerk's Note: Superintendent Holland gave a quarterly report to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Summer Lazenby, addressed concerns regarding spruce bark beetle trees and power outages in the borough.

Lindsay Bertoldo, addressed the assembly regarding spruce bark beetle trees and shared meeting dates for Dr. Douglas Frank meetings in the borough.

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

1. [KPB-5905](#) 04/02/24 Public Comment (written)

MAYOR'S REPORT

[KPB-5887](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None
2. Agreements and Contracts
 - a. [KPB-5888](#) Authorization to Award a Contract for ITB24-031 Homer Middle School Elevator Upgrades
 - b. [KPB-5889](#) Authorization to Award Contract - RFP24-013 Forestry Consultant for Prescriptions at KPB Public Facility Sites
3. Other - None

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2024-05](#) An Ordinance Amending Borough Code to Add a New Section of Code Relating to Public Notice Requirements and Amending Various Sections of Code to Provide for Alternative Methods of Public Notice (Mayor) (Hearing on 04/02/24)

Tupper moved to enact Ordinance 2024-05.

President Johnson called for public comment.

Lindsay Bertoldo, asked the Assembly keep the seniors in mind when considering Ordinance 2024-05.

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

The motion to enact Ordinance 2024-05 carried by the following vote:

Yes: 9 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

[2024-014](#) A Resolution Supporting a Demonstration Project to Study Possible Benefits of Using Heat Pumps in Remote Schools and Recommending that the Administration Pursue Potential Project Grant Funding (Ecklund)

Ribben moved to adopt Resolution 2023-014.

President Johnson called for public comment.

Scott Waterman, spoke in support of Resolution 2024-014.

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

Ecklund moved to amend Resolution 2024-014.

Amend the Title to read, "A RESOLUTION SUPPORTING A DEMONSTRATION PROJECT TO STUDY POSSIBLE BENEFITS OF USING HEAT PUMPS IN REMOTE SCHOOLS AND RECOMMENDING THAT THE

ADMINISTRATION PURSUE POTENTIAL PROJECT GRANT FUNDING [AND INCLUDE PROJECT FUNDING IN THE FY25 BUDGET]; and Section 1 to read, "That the Assembly supports projects at one or more remote KPBSD schools to understand and study possible benefits of using heat pumps in schools. The Assembly recommends the KPB Administration pursue potential grant funding opportunities for this project. [and to include project funding in the FY25 budget.]"

The motion to amend Resolution 2024-014 carried by the following vote:

Yes: 9 - Hibbert, Ecklund, Tupper, Johnson, Cox, Tunseth, Cooper, Ribbens, and Elam

The motion to enact Resolution 2024-014 as amended carried by the following vote:

Yes: 5 - Ecklund, Johnson, Cox, Cooper, and Ribbens

No: 4 - Hibbert, Tupper, Tunseth, and Elam

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment with none being offered.

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for a good meeting. He thanked Ms. Ecklund for bringing forward Resolution 2024-014 but stated was not able to support it. Mr. Elam wished everyone a good evening.

Assembly Member Tunseth stated the historical society scholarship application period was open until April 15, 2024 and encouraged students to apply. He reminded everyone to attend the job fair in the old Kenai Mall on April 6, 2024. Mr. Tunseth congratulated the Kenai High School Cheerleading squad who won the state championship for the fourth year in a row. He thanked the public for their comments regarding spruce bark beetle trees and power outages, as it has been a huge issue. He stated he also learned that Homer Electric Association has a program for the removal of trees that were not in the right of way and wished that was promoted more.

Assembly Member Cooper stated there was value to attending the meeting in person. She stated she appreciated the presentations and the job the Resilience and Security Advisory Commission was doing. Ms. Cooper reminded everyone of the Ninilchik Fair Fundraiser on April 6, 2024.

Assembly Member Tupper apologized for not supporting Resolution 2024-014 but stated he felt the administration should have been more involved in the process of submitting this legislation to the assembly for consideration.

Assembly Member Ecklund stated the Resilience and Security Advisory Commission presented their heat pump concept in a memo to Planning, the Mayor, the Clerk, and

maybe the Assembly, in November 2023 and since there was no further communication on it, the Resolution was brought forward. Ms. Ecklund stated she would await further instructions on how to bring these items forward.

Vice President Cox discussed the concept of having student council presentation period on the assembly agenda. He requested any feedback on this matter be sent through the Clerk. With the President's consent, Mr. Cox asked the Clerk to give a brief summary of the Voter Turnout Working Group report. Clerk Turner provided a brief summary of the working group's report and listed both the prioritized items and the discussion items that were not listed on the prioritized list.

Assembly President stated he received a lot of emails regarding the assessment process and explained how the borough had to adhere to state law. He stated the Kenai Peninsula Borough's senior exemption was the highest exemption in the State of Alaska.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. April 16, 2024 6:00 PM
Regular Assembly Meeting
Seward Community Library and Museum
239 6th Avenue, Seward, AK 99664
Remote participation available through Zoom
Meeting ID: 895 1103 3332 Passcode: 193069
2. May 7, 2024 6:00 PM
Regular Assembly Meeting
Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 895 1103 3332 Passcode: 193069

ADJOURNMENT

With no further business to come before the assembly, President Johnson adjourned the meeting at 8:04 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 2, 2024.

Michele Turner, CMC, Borough Clerk

Approved by the Assembly: _____

**Kenai Peninsula Borough
Alaska
Proclamation**

WHEREAS, sexual assault is an intolerable violent crime with public health implications for every person in the Kenai Peninsula Borough, and no one person, organization, agency or community alone can eliminate sexual assault; and

WHEREAS, sexual violence prevention in the Kenai Peninsula Borough can be better addressed through education, counseling, support of victims and survivors, and increased support for service agencies in collaboration with The LeeShore Center in Kenai and Haven House in Homer; and

WHEREAS, The LeeShore Center and the Haven House staff and volunteers work year-round to address sexual assault by providing 24-hour crisis services, offering support to those impacted by sexual assault, and providing prevention education and survivor empowerment information to schools, churches, and civic organizations as well as to medical, mental health, law enforcement, education and criminal justice personnel; and

WHEREAS, The LeeShore Center and Haven House continue to develop and improve the quality of service for those most profoundly and directly impacted by sexual violence;

NOW, THEREFORE, I, Peter A. Micciche, Mayor of the Kenai Peninsula Borough, do hereby proclaim April 2024 as:

Sexual Assault Awareness Month

on the Kenai Peninsula, and urge all citizens to support and assist The LeeShore Center and Haven House as they continue their efforts to provide hope and support, and to eliminate acts of sexual violence and exploitation within the Kenai Peninsula Borough.




Peter A. Micciche
Mayor

Kenai Peninsula Borough
Office of the Borough Mayor

MAYOR'S REPORT TO THE ASSEMBLY

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Peter A. Micciche, Kenai Peninsula Borough Mayor 

DATE: April 16, 2024

Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for ITB24-033 SBCFSA Upper Salmon Creek Revetment
- b. Authorization to Award a Contract for ITB24-034 Seward High School Track
- c. Authorization to Award a Contract for ITB24-038 Gym & Pool Locker Replacement
- d. Authorization to Award a Contract for RFP24-016 Spring Land Sale Marketing and Auction Services 2024

Other

- a. Presentation of Athletes' Certificates: Commending Resolution for Seward Boys' Wrestling Team State Championship

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

THRU: John Hedges, Purchasing & Contracting Director *JH*

FROM: Nick Chapman, Seward Bear Creek Flood Service Area, Program Manager *NC*

DATE: March 28, 2024

RE: Authorization to Award a Contract for ITB24-033 SBCFSA Upper Salmon Creek Revetment

The Purchasing and Contracting Office formally solicited and received bids for the ITB24-033 Upper Salmon Creek Revetment. Bid packets were released on March 8, 2024 and the Invitation to Bid was advertised in the Peninsula Clarion on March 9, 2024 and in the Anchorage Daily News on March 8, 2024.

The project consists of removing gravel at an even grade from beginning of project to end of project consisting of approximately 2,800 river feet.

On the due date of March 21, 2024, five (5) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$133,800.00 was submitted by Andrews and Sons, LLC, Seward, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 259-21212-00000-43011.

A. Micciche

 Peter A. Micciche, Borough Mayor

3/31/2024

 Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	259-21212-00000-43011
Amount	\$133,800.00
By: <i>CSJ BH</i>	Date: 3/29/2024

NOTES: NA

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB24-033 Upper Salmon Creek Revetment

CONTRACTOR	LOCATION	BASE BID
Andrews and Sons, LLC	Seward, Alaska	\$133,800.00
Metco Alaksa, LLC	Seward, Alaska	\$170,800.00
Great Northern Construction & Management	Soldotna, Alaska	\$246,560.00
BMGC, LLC	Kenai, Alaska	\$345,000.00
Granite Construction Company	Anchorage, Alaska	\$375,000.00

DUE DATE: March 21, 2024

KPB OFFICIAL: 
John Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

THRU: John Hedges, Purchasing & Contracting Director *JH*

FROM: Carmen Vick, Project Manager *CV*

DATE: March 15, 2024

RE: Authorization to Award a Contract for ITB24-034 Seward High School Track

The Purchasing and Contracting Office formally solicited and received bids for the ITB24-034 Seward High School Tract. Bid packets were released on February 2, 2024 and the Invitation to Bid was advertised in the Peninsula Clarion on February 3, 2024 and in the Anchorage Daily News on February 2, 2024.

The project consists of providing all labor and materials to remove / replace the existing Track and Field at Seward High School per contract documents.

On the due date of February 29, 2024, one (1) bid was received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$3,285,898.00 was submitted by Metco Alaska, Inc., Seward, Alaska 99669.

Your approval for this bid award is hereby requested. Funding for this project is in account number 401-78050-23S03-~~49011~~ 49101.

A Micciche

Peter A. Micciche, Borough Mayor

3/22/2024

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. _____	407-78050-23S03- 49011 49101
Amount _____	\$3,285,898.00
By: <i>CV</i> <i>JH</i>	Date: 3/15/2024

NOTES: 401-78050-23S03-49101

KENAI PENINSULA BOROUGH PURCHASING & CONTRACTING

BID TAB FOR: ITB24-034 Seward High School Track

CONTRACTOR	LOCATION	BASE BID
Metco Alaska, LLC	Seward, Alaska	\$3,285,898.00
Southcentral Construction, Inc	Anchorage, Alaska	\$3,563,692.00

DUE DATE: 02/29/2024

KPB OFFICIAL:  _____
John Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

THRU: John Hedges, Purchasing & Contracting Director *JH*

FROM: Thomas Nelson, Maintenance Director *TN*

DATE: March 27, 2024

RE: Authorization to Award a Contract for ITB24-038 Gym & Pool Locker Replacement

The Purchasing and Contracting Office formally solicited and received bids for the ITB24-038 Gym & Pool Locker Replacement. Bid packets were released on March 1, 2024 and the Invitation to Bid was advertised in the Peninsula Clarion on March 2, 2024 and in the Anchorage Daily News on March 1, 2024.

The project consists of supplying the Kenai Peninsula Borough with approximately 500 metal athletic lockers per material and sizes specified in bidding documents.

On the due date of March 13, 2024, four (4) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The bid of \$124,645.00 was submitted by Vibetech Specialties, LLC, Portland, Oregon.

Your approval for this bid award is hereby requested. Funding for this project is in account numbers 400-78050-23855-48630 & 400-78050-24855-48630.



Peter A. Micciche, Borough Mayor

3/27/2024

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>400-78050-23855-48630</u>	<u>\$81,568.94</u>
Acct. No. <u>400-78050-24855-48630</u>	<u>\$43,076.06</u>
By: <u><i>CJ BH</i></u>	Date: <u>3/27/2024</u>

NOTES: NA

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB24-038 Gym & Pool Locker Replacement

CONTRACTOR	LOCATION	BASE BID
Material Flow	Anchorage, Alaska	\$151,865.59
Northwest School Equipment	Portland, Oregon	\$126,889.00
Vibetech Specialties, LLC	Portland, Oregon	\$124,645.00
Tiger Supplies	Wayne, New Jersey	NON-RESPONSIVE

DUE DATE: March 13, 2024

KPB OFFICIAL: 
John Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

THRU: John D. Hedges, Purchasing & Contracting Director *JH*

FROM: Robert Ruffner, Planning Director *RR*

DATE: March 22, 2024

RE: Authorization to Award a Contract for RFP24-016 Spring Land Sale Marketing and Auction Services 2024

On March 8, 2024, the Kenai Peninsula Borough Purchasing & Contracting Department formally solicited proposals for RFP24-016 Spring Land Sale Marketing and Auction Services 2024. The request for proposals was advertised in the Peninsula Clarion on March 9, 2024 and in the Anchorage Daily News on March 8, 2024.

The project consists providing marketing and auction services required for the successful sale of approximately 28 (twenty-eight) parcels of Borough owned lands by live in person auction, simulcast online, and a subsequent online only auction for those parcels not sold as part of the initial live auction.

On the due date of March 19, 2024, one (1) proposal was received from Alaska Premier Auctions and Appraisals, LLC and was reviewed by the Kenai Peninsula Borough Land Management Division.

The proposal, which includes a cost factor, was submitted by Alaska Premier Auctions and Appraisals, LLC with a lump sum cost proposal of \$50,000. The Land Management Division recommends award of a contract to Alaska Premier Auctions and Appraisals, LLC, Anchorage, Alaska. Your approval for this award is hereby requested.

Funding of this contract will be charged to account numbers 250-21210-00000-43011.

P. Micciche

Peter A. Micciche, Borough Mayor

3/27/2024

Date

NOTES: NA

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>250-21210-00000-43011</u>	
Amount: <u>\$50,000.00</u>	
By: <u><i>CJ BH</i></u>	Date: <u>3/22/2024</u>

Introduced by: Mayor
Date: 04/02/24
Hearing: 04/16/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-41**

**AN ORDINANCE APPROPRIATING AND ALLOCATING COMMERCIAL
PASSENGER VESSEL TAX PROCEEDS RECEIVED FROM THE STATE OF ALASKA
IN THE AMOUNT OF \$456,337.50 TO THE CITY OF SEWARD**

WHEREAS, in the August 22, 2006 statewide election, the voters approved the initiative in Ballot Measure 2, enacting AS 43.52.200 – 43.52.295, which imposed a tax on travel aboard certain cruise ships travelling in Alaska waters; and

WHEREAS, the Alaska legislature has authorized the sharing of Commercial Passenger Vessel (“CPV”) excise tax collections with eligible ports of call in Alaska; and

WHEREAS, CPV excise tax collections are derived from taxes imposed on cruise ship passengers; and

WHEREAS, the City of Seward is an eligible port of call for receiving CPV funds; and

WHEREAS, when the eligible ports of call are cities located in a borough, the cities and the borough each receive \$2.50 for each passenger; and

WHEREAS, the total amount received by the Kenai Peninsula Borough from the State of Alaska for the 2023 calendar CPV programs was \$456,337.50; and

WHEREAS, the respective 2023 CPV allocations to the City of Seward must be used for port improvement projects; and

WHEREAS, the intended use of these funds by the City of Seward will comply with AS 43.52.230(b), federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels;

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 \$456,337.50 received from the State of Alaska for the commercial passenger vessel excise tax collection program be appropriated from the miscellaneous grant fund balance to account 271.94910.24CPV.43011, contract services, for payment to the City of Seward in the amount of \$456,337.50 to be used for port facilities, harbor infrastructure and other services provided to the commercial passenger vessels and their passengers.

SECTION 3. That appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

SECTION 4. This ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Grants Administration & Community Liaison

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PAM*
Brandi Harbaugh, Finance Director *BH*

FROM: Elizabeth Hardie, Grants Administrator & Community Liaison *EH*

DATE: March 21, 2024

RE: Ordinance 2023-19-41, Appropriating and Allocating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$456,337.50 to the City of Seward (Mayor)

In the August 22, 2006 election, Alaska voters approved the initiative in Ballot Measure No. 2, which imposed a tax on passengers travelling for at least 72 hours aboard a vessel with 250 or more berths, that anchors or moors in Alaska waters with the intent to allow passengers to disembark. The initiative enacted statutes AS 43.52.200 - AS 43.52.295 that provide for the levy and collection of this tax and the disposition of the proceeds.

The taxes are deposited into a state fund called the Commercial Passenger Vessel (“CPV”) tax account. A portion of the proceeds are disbursed to the first seven ports of call each year. If ports of call are located in a city within a borough, \$2.50 per passenger is distributed to the city and to the borough in which the city is located.

Since 2007, the tax proceeds collected for the Borough have been awarded to the City of Seward and City of Homer by way of grant agreements. This year the City of Seward has qualified for these funds, and the Borough has accordingly received proceeds from the CPV account. The City of Homer had no commercial vessel passengers in CY2023 pursuant to the State of Alaska Department of Revenue’s email dated 02/27/2024. Therefore, their allocation is \$0.00.

Qualifying cities must provide a request letter describing funding intent for eligible projects (see attached). The city must confirm that the use of funds will comply with State of Alaska Department of Commerce, Community & Economic Development, “Commercial Vessel Passenger Tax Program” as governed by AS 43.52.200 - 43.52.295; specifically, AS 43.52.230(b), “shall use the funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels.”

March 21, 2024
Re: O2023-19-41
Page 2

This ordinance will approve the 2023 calendar year appropriations to be allocated to the City of Seward which will be executed by way of a grant agreement. The Grants Administrator shall oversee the program.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271.94910.24CPV.49999</u>
Amount:	<u>\$456,337.50</u>
By:	<u></u>
Date:	<u>3/20/2024</u>

Attachments:
City of Seward Letter 02/28/2024
Email confirmation State of Alaska 02/27/2024

City of Seward
PO Box 167
Seward, Alaska 99664



City Manager's Office
Kat Sorensen, City Manager
Phone: 907-224-4012
Email: ksorensen@cityofseward.net

February 28, 2024

Mayor Peter A. Micciche
Kenai Peninsula Borough
144 N. Binkley
Soldotna, Alaska 99669

Re: CY23 Cruise Ship Passenger Tax Proceeds

Dear Mayor Micciche,

On behalf of the City of Seward, I would like to thank the Borough Assembly and Administration for allocating \$456,337.50 of the Commercial Passenger Vessel (CPV) excise tax to the City of Seward, based on our pro-rata share of cruise ship passengers visiting our port. These funds continue to be extremely critical for Seward's ability to provide improvements to our port infrastructure in support of cruise ships and their passengers.

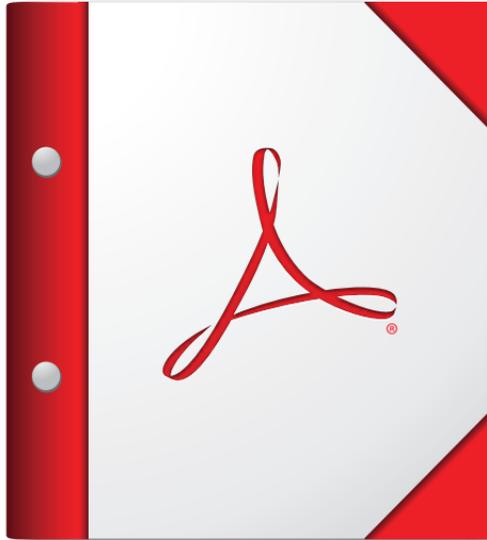
The City was asked to submit a letter requesting their allotment of 2023 cruise ship head tax proceeds, and to identify the intended use of these funds. AS 43.52.230(b) requires that "a city or borough that receives a payment under this subsection shall use the funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels." We have identified the following projects for possible use of the CPV funds, including: 1) bus transportation for cruise passengers and crew; 2) ambulance services; 3) passenger bus and rest benches and directional street signage; 4) cruise ship dock maintenance and repairs; 7) cruise ship berth enhancements and amenities such as signage, paving, and cruise-related pedestrian path awnings; 8) harbor repairs/replacement; and cruise-related pedestrian improvements to and from the cruise dock. In the past, the City has used CPV funds for projects such as construction of a security dock in the Small Boat Harbor to enhance U.S. Coast Guard, fire, and emergency response; Terminal signage and safety painting for vehicles, harbor, and port dredging; bus transportation; outboard replacement for the fire and rescue boats; ambulance services; breakwater repairs, etc.

We appreciate your support of our request and look forward to working with you to enhance facilities for the cruise ship industry in our region.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kat Sorensen', with a long horizontal flourish extending to the right.

Kat Sorensen
City Manager



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Acrobat X or Adobe Reader X, or later.**

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Introduced by: Mayor
Date: 04/02/24
Hearing: 04/16/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-42**

AN ORDINANCE ACCEPTING AND APPROPRIATING \$32,410.82 IN GRANT FUNDS FROM THE ALASKA DEPARTMENT OF NATURAL RESOURCES FOR THE 2024 VOLUNTEER FIRE CAPACITY PROGRAM ON BEHALF OF BEAR CREEK FIRE SERVICE AREA, CENTRAL EMERGENCY SERVICE AREA, KACHEMAK EMERGENCY SERVICE AREA, NIKISKI FIRE SERVICE AREA, AND WESTERN EMERGENCY SERVICE AREA

WHEREAS, Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area applied for individual grants under the 2024 Volunteer Fire Capacity (“VFC”) program, formerly known as the Volunteer Fire Assistance program administered by the Alaska Department of Natural Resources, Division of Forestry; and

WHEREAS, the Kenai Peninsula Borough (“KPB”) received an award notification dated March 15, 2024 that allows for expenditures from that date, which also allows the service areas to purchase wildland firefighting equipment; and

WHEREAS, the VFC program requires a 10 percent match of local expenditures toward the grant funds; and

WHEREAS, the service areas will meet the 10 percent match requirement and one percent administration fee through expenditures made from their approved FY24 operating budget if purchases are made prior to June 30, 2024 or, from their FY25 operating budget, if purchases are made between July 1 and December 1, 2024; and

WHEREAS, at its regular meeting held on January 9, 2024, the Bear Creek Fire Service Area board recommended approval by unanimous consent; and

WHEREAS, at its regular meeting held on January 18, 2024, the Central Emergency Service Area board recommended approval by unanimous consent; and

WHEREAS, at its regular meeting held on March 21, 2024, the Kachemak Emergency Service Area board recommended approval by unanimous consent; and

WHEREAS, at its regular meeting held on April 10, 2024, the Nikiski Fire Service Area board recommended _____; and

WHEREAS, at its regular meeting held on February 21, 2024, the Western Emergency Service Area board recommended approval by unanimous consent; and

WHEREAS, it is in the best interests of the KPB to accept the grant funds;

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

SECTION 1. That the Mayor is authorized to accept the 2024 VFC program grant funds from the Alaska Department of Natural Resource on behalf of the Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area, and is authorized execute a grant agreement and any other documents deemed necessary to expend the grant and to fulfill the intents and purposes of this ordinance.

SECTION 2. That the grant funds are appropriated to the service areas in accordance to the table below:

<u>Service Area</u>	<u>Account</u>	<u>Award</u>
Nikiski Fire	206.51110.25VF1.48760	\$5,808.60
Bear Creek Fire	207.51210.25VF2.48760	6,299.96
Western Emergency Services	209.51410.25VF3.48760	6,782.66
Central Emergency Services	211.51610.25VF4.48760	6,520.50
Kachemak Emergency	212.51810.25VF5.48760	6,999.10
		<u>\$32,410.82</u>

SECTION 3. That the appropriations made in this ordinance are of project length nature and as such do not lapse as the end of any particular fiscal year.

SECTION 4. This ordinance shall be effective retroactively to March 15, 2024.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Grants Administration

MEMORANDUM

TO: Brent Johnson, President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Brandi Harbaugh, Finance Director *BH*

FROM: Elizabeth Hardie, Grants Administrator & Community Liaison *EH*

COPY: Roy Browning, CES Fire Chief
Jon Marsh, WES Fire Chief
Bob Ciccarella, KESA Fire Chief
Trent Burnett, NFSA Fire Chief
Richard Brackin, BCFSa Fire Chief

DATE: March 21, 2024

RE: Ordinance 2023-19- 42 , Accepting and Appropriating \$32,410.82 in Grant Funds from the Alaska Department of Natural Resource for the Volunteer Fire Capacity Program on Behalf of Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area (Mayor)

The Bear Creek Fire Service Area, Central Emergency Service Area, Kachemak Emergency Service Area, Nikiski Fire Service Area, and Western Emergency Service Area all applied the Alaska Department of Natural Resources, Division of Forestry Volunteer Fire Capacity (“VFC”) grant program, formerly known as Volunteer Fire Assistance program. The VFC program may be used for both wildland and structure protection needs. The assistance is provided to increase firefighter safety, improve the firefighting capabilities of rural volunteer fire departments, and enhance protection in the urban-wildland interface.

All five service areas were notified of grant awards. The 2024 VFC awards have a required match amount. The amounts are allocated based on each service area’s individual application for the VFC program, and the notification from the program provides for which service area is to receive which amount.

The awards, grant request description by service area, admin service fee amounts, and match requirements, are listed as follows:

Page -2-

March 21, 2024

RE: Ordinance 2023-19- 42

Service Area	Award	Project Description	Account	Match	Admin Service Fee (1% Local Match)
BCFSA	\$ 6,299.96	Firefighting equipment	207.51210.48760	\$ 700.00	\$ 70.00
CES	\$ 6,520.50	Firefighting equipment and firefighter	211.51610.48760	\$ 724.50	\$ 72.45
KESA	\$ 6,999.10	Firefighting equipment and firefighter	212.51810.48760	\$ 777.68	\$ 77.77
NFSA	\$ 5,808.60	Firefighting equipment	206.51110.48760	\$ 645.40	\$ 64.54
WESA	\$ 6,782.66	Firefighter equipment	209.51410.48760	\$ 753.63	\$ 75.36
TOTAL	\$ 32,410.82			\$ 3,601.21	\$ 360.12

The VFC program requires 10 percent matching funds. Match funds, if in excess of 10 percent, are the funds needed to complete the program related to the project within the grant. Each service area will meet the match requirement, and the one percent KPB administrative fee through expenditures made from the approved FY24 operating budget if purchases are made prior to June 30, 2024; or, from the FY25 operating budget if purchases are made between July 1, 2024 and December 31, 2024. Each service area fire chief shall provide grant oversight and project completion.

Your consideration is appreciated.

FINANCE DEPARTMENT
FUNDS/ACCOUNT VERIFIED

Acct. No. 207.51210.48760 Amt \$770.00
 Acct. No. 211.51610.48760 Amt \$796.95
 Acct. No. 212.51810.48760 Amt \$855.45
 Acct. No. 206.51110.48760 Amt \$709.94
 Acct. No. 209.51410.48760 Amt \$828.99

Match +Admin fee

By:  Date: 3/21/2024

Introduced by: Mayor
Date: 4/02/24
Hearing: 4/16/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-43**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$89,000 IN FEDERAL PASS-
THROUGH GRANT FUNDS FROM THE STATE OF ALASKA FOR WOODY FUEL
DISPOSAL IN THE COMMUNITIES OF COOPER LANDING AND HOPE AND
APPROVING ENTERING INTO A MEMORANDUM OF AGREEMENT FOR THE
ADMINISTRATION OF FUNDS AND OPERATIONS**

WHEREAS, the Kenai Peninsula Borough ("KPB") provides woody fuel "slash" disposal sites to the public in the communities of Cooper Landing and Hope by way of material sites administered through the Planning Department Land Management Division; and

WHEREAS, the slash disposal sites serve landowners who need to remove hazardous fuels in an effort to promote firewise practices; and

WHEREAS, the State of Alaska Department of Natural Resources Division of Forestry and Fire Protection is able to provide resources to support operations of wildland fuel disposal sites through implementation of a US Forest Service grant; and

WHEREAS, a memorandum of agreement has been negotiated between the KPB and the State of Alaska, Department of Natural Resources, Division of Forestry and Fire Protection to provide for grant-funded management of the Hope and Cooper Landing collection sites for woody fuels for an amount not to exceed \$89,000 on a reimbursement basis with no match requirement; and

WHEREAS, the funding agreement will enable operational site improvements and debris management for these sites which have been traditionally ad-hoc and under-resourced, but highly important in the forested communities;

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

SECTION 1. That the Mayor is hereby authorized to execute a memorandum of agreement similar in form to what is attached with the State of Alaska Department of Natural Resources Division of Forestry and Fire Protection to expend Federal Pass Through Grant funds and to fulfill the intents and purposes of this ordinance.

SECTION 2. That the amount of Federal Pass-Through Grant Funds of \$89,000 be appropriated to account 250.21210.25SLS.49999 for woody debris site management in Hope and Cooper Landing under the grant-funded memorandum of agreement.

SECTION 3. That the appropriations made in this ordinance are of project length nature and as such do not lapse as the end of any particular fiscal year.

SECTION 4. That this ordinance shall take effect immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
Elizabeth Hardie, Community & Fiscal Projects Manager *EH*
Robert Ruffner, Planning Director *RR*

FROM: Marcus A. Mueller, Land Management Officer *mam*

DATE: March 21, 2024

RE: Ordinance 2023-19-43, Accepting and Appropriating \$89,000 in Federal Pass Through Grant Funds from the State of Alaska for Woody Fuel Disposal in the Communities of Cooper Landing and Hope and Approving Entering into a Memorandum of Agreement for the Administration of Funds and Operations (Mayor)

The Kenai Peninsula Borough (“KPB”) provides woody fuel disposal sites within material sites in both Hope and Cooper Landing. These sites are administered through the Land Management Division. The woody fuel, or “slash” disposal has been accommodated at these sites on an ad-hoc basis due to the importance of community firewise efforts.

The State of Alaska’s Department of Natural Resources Division of Forestry and Fire Protection (“DOF”) is implementing a federal grant to support efforts to collect woody fuels that would otherwise pose a hazard to communities, and in so doing is offering assistance to the Kenai Peninsula Borough to operationally resource these community slash disposal sites.

A memorandum of agreement (“MOA”) has been negotiated with DOF to provide for woody fuels disposal site operations and funding administration by reimbursement without match requirements. The MOA provides up to \$89,000 for reimbursable expenses associated with the Hope and Cooper Landing Slash Disposal sites. The source of funding is a US Forest Service grant to the State of Alaska, id 23-DG-11100106-807. The project would be managed by the Land Management Division.

The Ordinance would appropriate \$89,000 in federal pass through grant funds as well as authorize the Mayor to enter into the MOA with DOF.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account: <u>250.21210.25SLS.49999</u>	
Amount: <u>\$89,000</u>	
By <i>CJ</i>	Date: <u>3/21/2024</u>

MEMORANDUM OF AGREEMENT

BETWEEN

DEPARTMENT OF NATURAL RESOURCES, Division of Forestry and Fire Protection

AND

THE KENAI PENINSULA BOROUGH

TO SUPPORT WILDLAND FUEL DISPOSAL SITES

ARTICLE 1: PARTIES

The parties of this Agreement are the State of Alaska, Department of Natural Resources, (DNR) Division of Forestry and Fire Protection (DOF) and the Kenai Peninsula Borough (KPB).

ARTICLE 2: AUTHORITY and GENERAL INTENT

AUTHORITIES: Pursuant to AS 41.17.055(e), the State Forester can enter into cooperative agreements as specified under that chapter to complete tasks identified in this document. The Cooperator is a “government agency” that the State Forester can enter into a/this cooperative agreement with.

ARTICLE 3: PROJECT SCOPE AND RESPONSIBILITIES

PURPOSE: Kenai Peninsula Borough is tasked with establishing, managing, and maintaining two public disposal sites. The sites are to accept woody debris removed during small landowner fuels projects (defensible space) undertaken by the landowner, tenant, or other private parties not working for financial gain. The two sites will be located in the census-designated places (CDP) of Cooper Landing, AK and Hope, AK, and will accept the materials in a safe and effective manner. The intent of this contract is to reduce the potential for escaped debris burns, reduce the intensity of wildfires, and mitigate spread of the spruce beetle through hazard fuels reduction in accordance with the terms of this agreement.

THE ALASKA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY AND FIRE PROTECTION WILL:

1. Provide financial compensation for the entire duration of this Agreement, total funding not to exceed (NTE) of \$89,000.
2. The Division of Forestry will reimburse KPB for the wages of the personnel who assist with the prescribed hazardous fuels treatment, including for personnel to manage and secure the project sites. DOF will reimburse KPB for contractor expenses incurred in relation to the fuel treatment projects.

THE KENAI PENINSULA BOROUGH WILL:

1. Provide two collection sites for borough residents to drop off woody debris.
2. Provide management and security at the collection locations.
3. Chip, grind, mulch, or burn all woody debris that is received at the disposal locations.
4. Provide payment to employees and contractors if/when used on this project.
5. Develop a system to track amount of biomass received, a metric to determine estimated acres treated, and update the Division of Forestry quarterly.
6. Assist Division of Forestry with initial public outreach to inform residents of the project, inform the public of any available firewood, and provide updates for continued public information on the project.

ARTICLE 4: PROJECT SPECIFIC TERMS AND CONDITIONS

4.A—FUNDS

FEDERAL FUNDS

Funding for this agreement is provided by the US Forest Service federal Grant 23-DG-11100106-807 and is administrated by the Alaska Division of Forestry and Fire Protection. This award is federal financial assistance.

Prime and sub-recipients to this award are subject to the OMB guidance in subparts A through F of 2 CFR part 200 as adapted and supplemented by the USDA in 2 CFR Part 400. Adaption by the

USDA of the OMB guidance in 2 CFR 400 give regulatory effect to the OMB guidance in 2 CFR 200 where full text may be found.

Electronic copies of the CFRs can be obtained at the following internet site: www.ecfr.gov.

Funding under this agreement is not available for reimbursement of a receipt single item purchase or a piece of equipment over \$5,000.00.

4.B – FINANCIAL TERMS

The DOF will reimburse the Kenai Peninsula Borough on the following terms and not to exceed (NTE) amounts. The total reimbursement of this agreement is NTE \$89,000.00.

1. DOF will reimburse KPB for the wages of personnel who chipped, ground, or burned to dispose of the material.
2. DOF will reimburse KPB for the wages of personnel to manage and secure the locations.
3. DOF will reimburse KPB for contractor expenses incurred in relation to chipping, grinding, mulching, or burning the woody materials.
4. DOF will reimburse KPB for equipment that was used to chip, grind, mulch, or burn the material received from the public.

4.C – BILLING PROCESS

1. Request for payment shall be submitted on Kenai Peninsula Borough letterhead.
Requests shall have verification backup information attached linking to the scope of work outlined in Article 3.

Point of Contact for all pay items:

Ethan DeBauche

Coastal Region Fuels Specialist

101 Airport Rd Palmer, AK 99645

Ethan.debauche@alaska.gov

4.D – REPORTING

The Kenai Peninsula Borough will provide quarterly reports and a final project report to the Division of Forestry. Quarterly reports will include information on estimated acres treated, personnel assigned to the collection site(s), contractors used, photos that help illustrate the quarterly accomplishments, along with other pertinent information. DOF may use any photos in other reports and/or social media. A final report is due by June 1, 2025.

ARTICLE 5. POINTS OF CONTACT

Ethan DeBauche

Coastal Region Fuels Specialist

State of Alaska Division of Forestry and Fire Protection

101 Airport Rd Palmer, AK 99645

Ethan.debauche@alaska.gov

Marcus A Mueller

Land Management Officer

Kenai Peninsula Borough

144 N. Binkley Street Soldotna, AK 99669

Mmueller@kpp.us

ARTICLE 6: EFFECTIVE DATE AND PERIOD OF AGREEMENT

The KPB will provide quarterly reports and a final project report to the Division of Forestry. Reports will include information on estimated acres treated, personnel assigned to project site, and contractors used along with other pertinent information. DOF encourages the KPB to include photos that help illustrate the accomplishments and may use these photos in reports and/or social media. A final report is due by June 1, 2025.

ARTICLE 7: CHANGES AND AMENDMENTS

Changes and/or amendments to this Agreement shall be formalized by written amendment that will outline—in detail—the exact nature of the change, including any changes to funding sources, scope of work, location, etc. Any amendment to this Agreement will be executed in writing and signed by the authorized representative of each party. The parties signing this Agreement and any subsequent amendment(s) represent that each has the authority to execute the same on behalf of their respective organizations. No oral statement by any person shall be interpreted as amending or otherwise affecting the terms of this Agreement. Any party to this Agreement may request that it be amended, whereupon the parties will consult to consider such amendment.

This Agreement includes renewal options, to be exercised solely at the discretion of The Division of Forestry and Fire Protection. Renewal periods will not extend past one calendar year. If a renewal option is not exercised by DOF, the Agreement shall be considered expired on the expiration date noted in Article 6 and does not require notification of such by DOF. All exercised renewal options shall be executed via written amendment to the Agreement.

ARTICLE 8. TERMINATION

Either party may terminate this Agreement at any time prior to its expiration date, with or without cause, by giving the other party at least thirty days prior written notice of termination. The party initiating the written notice of termination will not incur any liability or obligation to the terminated party, other than payment of amounts due and owing and performance of obligations accrued, in each case on or prior to the termination date. The party receiving the written notice of termination will take immediate steps to stop the accrual of any additional obligations which might require payment. All funds due after termination will be established based on payments issued prior to termination and, as appropriate, a refund or bill will be issued.

ARTICLE 9: DISPUTES

Where possible, disputes will be resolved by informal discussion between the parties. In the event the parties are unable to resolve any dispute through good faith negotiations, the dispute will be resolved by alternative dispute resolution using a method to be agreed upon by the parties. The outcome of the alternative dispute resolution will be final.

ARTICLE 10. WORKPLACE CONDUCT

The State of Alaska is an equal opportunity employer and does not discriminate in employment on the basis of race, color, religion, sex, national origin, age, disability, marital status, changes in marital status, pregnancy, and parenthood. This includes behavior such as making threats, abusive language, slurs, unwelcome jokes, teasing and other such verbal or physical conduct. Creating a hostile work environment will not be condoned. This includes verbal or physical conduct of a sexual nature, making unwelcome sexual advances or requests for sexual favors, and unreasonably interfering with the work of others.

ARTICLE 11: PARTIES RESPONSIBLE FOR THEIR OWN ACTS

The Kenai Peninsula Borough and the State of Alaska, including but not limited to the Alaska Department of Natural Resources and/or the Alaska Division of Forestry and Fire Protection, each agree that they will be responsible for their own acts, omissions, or other culpable conduct and neither shall be responsible for the actions or inactions of the other. Each party agrees to defend itself individually from claims, demands, or liabilities arising out of any activities authorized by this Agreement or the performance thereof. In any claim arising out of the performance of this Agreement, whether sounding in tort, contract, or otherwise, and whether alleging sole liability, joint liability, vicarious liability, or otherwise, each party shall defend itself but may assert comparative fault, the sole liability of another, or any other defense, affirmative defense, or request for relief.

ARTICLE 12: LEGISLATIVE APPROPRIATIONS

The State is a government entity, and it is understood and agreed that the State's payments herein provided for may be paid from Alaska State Legislative appropriations; and approval or continuation of an agreement is contingent upon Legislative appropriation. The State reserves the right to terminate the agreement in whole or part if, in its sole judgment, the Legislature of the State of Alaska fails, neglects, or refuses to appropriate sufficient funds as may be required for the State to continue such payments; or if the Executive Branch mandates any cuts or holdbacks in spending, or if funds are not budgeted or otherwise available. Further, in the event of non-appropriation, the State shall not be liable for any penalty, expense, or liability; or for general, special, incidental, consequential, or other damages resulting therefrom.

ARTICLE 13: FORCE MAJEURE

The parties to this contract are not liable for the consequences of any failure to perform, or default in performing, any of their obligations under this Agreement, if that failure or default is caused by any unforeseeable Force Majeure, beyond the control of, and without the fault or negligence of, the respective party. For the purposes of this Agreement, Force Majeure will mean war (whether declared or not); revolution; invasion; insurrection; riot; civil commotion; sabotage; military or usurped power; lightning; explosion; fire; storm; drought; flood; earthquake; epidemic; quarantine; strikes; acts or restraints of governmental authorities affecting the project or directly or indirectly prohibiting or restricting the furnishing or use of materials or labor required; inability to secure materials, machinery, equipment or labor because of priority, allocation or other regulations of any governmental authorities.

ARTICLE 14: LAWS AND REGULATIONS

Nothing in this Agreement is intended to conflict with the Federal, State, or local laws or regulations. If there are conflicts, this Agreement will be amended to bring it into conformation with applicable laws and regulations.

ARTICLE 15: EXPENDITURE OF FUNDS

Nothing in this Agreement shall obligate any party in the expenditure of funds or future payments of money in excess of appropriations authorized by law.

Introduced by: Mayor
Date: 04/02/24
Hearing: 04/16/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-44**

**AN ORDINANCE DEOBLIGATING AND APPROPRIATING KACHEMAK
EMERGENCY SERVICE AREA CAPITAL PROJECT FUNDS PREVIOUSLY
APPROPRIATED FOR THE PURCHASE OF SNOW MACHINES AND A
SNOWBULANCE TO THE AMBULANCE PROJECT**

WHEREAS, during the FY2023 annual budgetary process, the Assembly appropriated \$30,000 for the purchase of two snow machines and a snowbulance for Kachemak Emergency Service Area (“KESA”); and

WHEREAS, through surplus purchasing, KESA was able to spend less than the amount that was anticipated for its purchase of the snow machines and snowbulance; and

WHEREAS, this ordinance will deobligate \$10,000 from the completed project to purchase snow machines and a snowbulance and appropriate those funds to cover a shortfall to complete the purchase of KESA's new ambulance;

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

SECTION 1. That \$10,000 is deobligated from the Kachemak Emergency Services Snowbulance Project account 446.51810.23486.49999 and appropriated to account 446.51810.23481.49999 to support the Kachemak Emergency Service Ambulance Project and related costs.

SECTION 2. That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.

SECTION 3. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Kachemak Emergency Service Area

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
John Hedges, Purchasing and Contracting Director *JH*

FROM: Bob Ciccarella, KESA Chief *RWC*

DATE: March 21, 2024

RE: Ordinance 2023-19- 44 , Deobligating and Appropriating Kachemak Emergency Service Area Capital Project Funds Previously Appropriated for the Purchase of Snow Machines and a Snowbulance to the Ambulance Project (Mayor)

Due to issues related to Kachemak Emergency Service Area (“KESA”) purchase and procurement of a new ambulance, there is a shortfall of \$9,409.00, plus the applicable admin fee, for this purchase. Recently, KESA accepted delivery of the Ambulance and at that time it was discovered that a change order, which was processed but inadvertently not added to the purchase order, has resulted in a deficit that is due and owing to the vendor.

Fortunately, KESA was able to save approximately \$25,000 on an FY24 capital project for the purchase of two snow machines and a snowbulance by acquiring surplus equipment from Nikiski Fire Service Area. The surplus purchase filled KESA's need at a significant savings and KESA is able to close out that project. The funds that were saved on the two snow machine and snowbulance purchases are now available to close out the ambulance purchase.

This ordinance will deobligate \$10,000 from the completed snow machine/snowbulance project and appropriated to the ambulance project for completion.

Your consideration is appreciated.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>446.51810.23486.49999</u>
Amount	<u>\$10,000</u>
By:	<i>CF</i> Date: <u>3/21/2024</u>

Introduced by: Mayor, Johnson
Date: 03/19/24
Hearing: 04/16/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2024-06**

**AMENDING KPB CHAPTER 2.54 RELATING TO ACCESS TO PUBLIC RECORDS
AND RESPONSE TO RECORD REQUESTS**

WHEREAS, the majority of the provisions of KPB Chapter 2.54, relating to public records, have not been updated since enactment in 1986; and

WHEREAS, during FY22, the KPB transitioned to an online, centralized public records request system; and

WHEREAS, these code amendments continue to reflect a policy of disclosure of public records, while at the same time balancing privacy rights, confidentiality, applicable exemptions, and the need to respond to requests in the orderly course of business; and

WHEREAS, pursuant to AS 40.25.110, AS 40.25.122, KPB 2.54.040, KPB 2.54.050 and KPB 2.54.070, relating to litigation exceptions and mandatory requirements under state law to charge a requestor if personnel time spent responding to a requestor exceeds five person-hours in a calendar month, it is reasonable to require requests be in writing and provide the legal name of the requestor; and

WHEREAS, these amendments clarify provisions relating to record request process, costs, and denial appeals;

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

SECTION 1. That KPB Chapter 2.54. – Access to Public Records, is hereby amended to read as follows:

CHAPTER 2.54. ACCESS TO PUBLIC RECORDS

2.54.010. Kenai Peninsula Borough policy.

It is the policy of the Kenai Peninsula Borough to provide reasonable and prompt public access to [NON-EXCEPTED OR NONCONFIDENTIAL] public records. The assembly recognizes the competing interests of personal privacy and the right of the public to have access to information concerning the conduct of the people's business and the borough will at all times endeavor to appropriately balance those interests in responding to record requests made pursuant to this chapter. This chapter [SHALL]will be construed to require disclosure of all public records in the possession or control of the borough except those specifically exempted under [SECTION]KPB 2.54.040 [OF THIS CHAPTER].

2.54.020. Definitions.

For purposes of this chapter:

"Borough clerk" includes any designee of the borough clerk.

"Borough attorney" includes any designee of the borough attorney.

"Critical infrastructure" means public buildings, telecommunications centers and computers systems, information systems, dams, bridges, road systems, ports, and similar key resources, and systems related to utility services (whether public or private), including water, sewer, fuel supply, energy, hazardous liquid, natural gas, or coal, whether physical or virtual, so vital to the borough that the incapacity or destruction of these systems would have a debilitating impact on security, economic security, public health or safety, or any combination of those matters.

"Record" means any existing recorded information as defined in KPB [SECTION] 2.52.020, and developed or received under law or in connection with the transaction of official business by the borough.

"Record request" includes a request to copy, inspect, produce, or view a record and includes a request to provide a record in electronic format.

"Mayor" is as defined in KPB 1.08.040 and includes any designee of the mayor.

2.54.025. Centralized public record request system

All record requests must be made in writing on a form provided by the borough clerk or through the borough's online record request platform. All requests will be routed through the borough's centralized record request system administered by the borough clerk. A record subject to a court order or court issued subpoena is not a public record and, at the discretion of the borough clerk this section need not be applied to a record subject to a court order or court issued subpoena.

2.54.030. Information available to the public.

[EXCEPT AS PROVIDED BY SECTION 2.54.040] Subject to the provisions of this chapter, or [BY] other provisions of borough ordinance, state or federal law, and subject to reasonable rules regulating the time, place and manner of inspection which may be adopted, all public records [SHALL BE] are open to inspection by the public during regular [BOROUGH BUSINESS] office hours [, SUBJECT TO THE PROVISIONS OF THIS CHAPTER]. In order to determine if a record is confidential, privileged, exempt from disclosure, litigation status pursuant to KPB 2.54.050, and to respond to the request pursuant to KPB 2.54.060, all record requests must be on a form prescribed by the borough clerk, adequately describe the record sought with reasonable certainty, and identify the requestor using the requestor's legal name. A view-only request, or inspection request, must be made by appointment through the clerk's office and will be subject to employee time fees as set forth in KPB 2.54.070.

2.54.040. Exemption for particular records.

This chapter shall not be construed to require disclosure of:

- A. Communications between any borough department board, assembly or commission and the borough attorney's office concerning pending or actual litigation;
- B. Files maintained by the borough attorney's office concerning pending or actual litigation, or any document prepared in the provision of legal services or legal advice to the borough or the assembly, or any of its departments, boards, commissions, subdivisions, officers or employees by the borough attorney's office; or any other attorney-client privilege or attorney work product relating to borough business;
- C. Personnel, payroll, medical files and other files which reveal the personal, financial or medical status of any specific individual other than gross pay, position title, name or unique identifier if, upon determination of the borough clerk in consultation with the borough attorney, the employee's privacy or safety or organizational security would be adversely impacted due to the release of the employee's full name, and average cost of benefits allocated in the budget [EXCEPT UPON THE SPECIFIC WRITTEN AUTHORIZATION OF THE INDIVIDUAL CONCERNED];
- D. The name, address, telephone number or other identifying information about complainants in actions to enforce borough ordinances;
- E. Records of engineering or other technical data which if released would provide a competitive advantage to any person or corporation engaged in similar or related activities;
- F. Proprietary information which a manufacturer, consultant or provider reasonably requires to be kept privileged or confidential to protect the property interests of persons providing the information or data;

- G. Information which municipal governments engaged in collective bargaining consider to be privileged or confidential for purposes of successful collective bargaining;
- H. Information obtained by and in the custody of insurance carriers insuring the borough, and their attorneys and agents, regarding possible and pending claims against the borough; and records maintained in the borough regarding such claims;
- I. Health, mental health, medical or juvenile information obtained or prepared by the borough with respect to any person for whom treatment or services were provided;
- J. Personal information given to the borough with the legitimate expectation of privacy in conjunction with borough services;
- K. Records disclosing individual reserve levels on claims against the borough, or records or documents pertaining to any claims against the borough or school district, including, but not limited to, risk management files under any insurance or self-insurance program;
- L. Any record, nondisclosure of which is authorized by a valid Alaska or federal statute or regulation, or by a privilege, exemption or principal recognized by the courts, or by a protective order authorized by law;
- M. Emergency 911 call information. Prior to release of audio or other information related to a 911 call, the home address, cell phone number, health information or other personally identifiable information of an individual may be redacted or withheld to protect the privacy interests of the individual.
- N. Deliberative process records. There is a judicially recognized public policy need to encourage open, frank deliberations among government officials about proposed or contemplated governmental action. Records containing deliberative process information are confidential and need not be disclosed. Notwithstanding, the mayor may disclose the requested records on appeal, pursuant to a determination that the interest of the public in having access to the records outweighs the need to assert the deliberative process privilege.
- O. Records or information pertaining to security and critical infrastructure in the borough.
 - 1. Records or information pertaining to a plan, program, or procedures for establishing, maintaining, or restoring security and critical infrastructure in the borough, or to a detailed description or evaluation of systems, facilities, or critical infrastructure in the borough, will be kept confidential, but only to the extent that the production of the records or information:
 - a. Could reasonably be expected to interfere with the implementation or enforcement of the security plan, program, critical infrastructure, or procedures;

- b. Would disclose confidential guidelines for investigations or enforcement and the disclosure could reasonably be expected to risk circumvention of the law; or
 - c. Could reasonably be expected to endanger the life or physical safety of an individual or to present a real and substantial risk to the public health and welfare.
2. Security system recordings of the interior of borough work areas, or other information, that could reasonably reveal private or confidential information of members of the public or of borough employees will be kept confidential.
 3. Nothing in this section may be construed to limit disclosure required for necessary construction, renovation, or remodeling work on a public building or other part of the critical infrastructure of the municipality. Disclosure for such purposes may be conditioned on the user signing a document to ensure confidentiality of such records. Disclosure under this subsection does not constitute public disclosure.

2.54.050. Disclosure to litigants or their agents.

If the person requesting to inspect borough records or the person's principal is in litigation with the borough in a judicial or administrative forum, disclosure of any borough records relevant to that litigation or reasonably likely to lead to the discovery of relevant evidence is governed by the rules or orders of that forum, and not by this chapter. Under such circumstances the requested records will not be provided to the requestor under the provisions of this chapter.

2.54.060. Response to requests for access to public records.

All borough officers and employees shall, consistent with the orderly conduct of borough business, make a good faith and diligent effort to provide a reasonable and prompt response to a record request [A RAPID AND INTELLIGIBLE RESPONSE TO REQUESTS FOR INSPECTION OF RECORDS] made pursuant to this chapter. Nothing in this chapter may be construed to require the borough to respond to a record request on the same day the request is received. To effectuate this policy, the following [GUIDELINES ARE ADOPTED] provisions apply:

- A. Request Referral[—RECORDS OR ACCESS TO BE PROVIDED.]
 1. The clerk's office will receive and route all record requests, including a request for record inspection appointment, to the department or service area director reasonably likely to be in possession of the requested record.
 2. The department or service area director, or designee, will promptly notify the clerk's office if it will take more than 10 business days to respond to the request.

3. The department or service area director, or designee, will also provide the clerk's office with actual or estimated employee time to search for, retrieve, or review the record and may request exempt status or privilege review as appropriate.
 - [1. ALL REQUESTS TO INSPECT OR COPY PUBLIC RECORDS SHALL BE REFERRED TO THE DIVISION OR DEPARTMENT HEAD WHO IS RESPONSIBLE FOR THOSE RECORDS.
 2. THE DIVISION OR DEPARTMENT HEAD, OR DELEGATE, SHALL PROMPTLY AND REASONABLY ATTEMPT TO PROVIDE THE RECORDS OR INFORMATION REQUESTED, OR ACCESS THERETO, UNLESS THE INFORMATION REQUESTED IS EXEMPT FROM DISCLOSURE, PRIVILEGED OR CONFIDENTIAL.]
- B. [REQUEST FOR RECORDS EXEMPT FROM DISCLOSURE]Exempt Records.
1. Where there is a question as to whether the information or records requested are exempt from disclosure, privileged or confidential, the request shall be referred to the borough attorney [OR DESIGNEE] for a legal recommendation as to whether the material is subject to disclosure. The [Borough Clerk shall] borough clerk will make the final determination regarding disclosure after considering the advice of the borough attorney [OR DESIGNEE].
 2. If the information requested is determined to be exempt from disclosure, the borough clerk, within 10 business days of receiving the request, will inform the requestor in writing and provide the legal authority for non-disclosure, withholding, or redaction of the record.[THE PERSON REQUESTING THE INFORMATION SHALL BE ADVISED IN WRITING, STATING THE APPLICABLE LAW OR RULE OF EXEMPTION, WITHIN 10 WORKING DAYS OF RECEIVING THE REQUEST; SUCH WRITING SHALL BE SIGNED BY THE BOROUGH CLERK OR DESIGNEE.]
- C. Requests Insufficient to Describe Record Sought. Requests must describe the record sought in sufficient detail for the borough to adequately identify and locate the record. If the request is vague or so broad as to make it difficult to determine or identify the records of information requested, the [EMPLOYEE SHALL] borough clerk must, within 10 business days of receiving the request, inform the requestor in writing [SO ADVISE THE REQUESTING PERSON WITHIN 10 WORKING DAYS OF RECEIVING THE REQUEST].
- D. Records Cannot Be Located. If the records cannot be located in time to make a response within 10 working days of the request, [THE REQUESTING PARTY SHALL BE PROMPTLY SO ADVISED] the borough clerk will inform the requestor in writing; if the requesting party still desires the information or records, and pays costs pursuant to KP.B 2.54.070, a reasonable and diligent search shall be made for them.

- E. Original Records. Original records or information [SHALL]may not leave the custody of the borough but may be viewed by a requestor in the presence of a person designated by the borough clerk. Personnel time involved with overseeing such a request will be included in the overall cost pursuant to KPB 2.54.070.

- G. Harassment Requests. A request may be denied if the borough clerk reasonably determines that a record request is for the purpose of harassment of borough employees or borough officials or to unduly interfere with the orderly conduct of borough business. Any denial under this subsection will be automatically reviewed by the mayor pursuant to KPB 2.54.080(A). For the purposes of this subsection, it is a rebuttal presumption, which may be rebutted by the requestor, that a requestor violates this subsection if: (1) the request covers the same topic the requestor has requested within the previously 3 months; (2) more than 10 hours of borough employee time has been spent responding to the requestor over a thirty-day period; or (3) more than 5 requests have been submitted by the same requestor in a calendar month.

2.54.070. Cost and expenses.

- A. The borough may require the requestor to prepay all costs and expenses associated with responding to a request for records, including reasonable personnel, administrative overhead and copying costs and expenses including but not limited custodial time and time spent to search for, retrieve, and review record. In any case, pursuant to AS 40.25.110, if the production of records for one requestor in a calendar month exceeds five person-hours, the public agency shall require the requestor to pay the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and production tasks. The requestor shall pay the fee before the records are disclosed, and the public agency may require payment in advance of the search.

- B. Nothing in this chapter requires the borough to organize, coordinate, collate, modify, create, interpret, program, translate, transcribe, decode or otherwise convert information and any request for public records in a form which requires the borough or any of its employees to do such acts may be granted only on a time available basis and only upon prepayment of all costs and expenses, including salary and administrative overhead, reasonably required to provide the records in the form requested.

- C. The mayor may waive imposition of costs under subsection (B) when in the best interests of the borough or when the cost is nominal and so long as any such waiver is uniformly applied among persons who are similarly situated.

2.54.080. Appeals.

- A. A record request denial may be appealed, through the clerk's office, without fee to the mayor by the person making the request. An appeal must be filed within 30 days after the request is denied in writing. A failure to timely appeal from a denial waives all rights of appeal. The mayor will consider and decide the appeal in writing within 30 days.

- B. A denial made pursuant to KPB 2.54.060(G) will automatically be reviewed by the mayor. The requestor will be provided notice and an opportunity to provide a statement in writing within 14 business days of the initial denial. The mayor then has 30 days to issue a decision in writing.

- C. An appeal from the decision of the mayor may be made to the Superior Court at Kenai, Alaska within 30 days after the mayor's decision is distributed to the requestor.

SECTION 2. That this ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2024.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Clerk's Office

MEMORANDUM

TO: Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Brent Johnson, Assembly President *BJ*

FROM: Michele Turner, Borough Clerk *(MT)*
Sean Kelley, Borough Attorney *SK*

DATE: March 7, 2024

RE: Ordinance 2024-06, Amending KPB Chapter 2.54 Relating to Access to Public Records and Response to Record Requests (Mayor, Johnson)

This code amendment updates sections of code relating to public records that have not been amended since enactment of KPB Chapter 2.54 in 1986.

This Ordinance amends code to identify the borough's centralized public records request system, clarify applicable processes and procedures, update exemption language, require requests be in writing and provide the legal name of the requestor. The amendments will also augment provisions related to costs and fees, and establishes a process to appeal record request denials.

This Ordinance adds subsections to KPB 2.54.040, related to exempt records, pertaining to 911 call information, deliberative process, and security or critical infrastructure records. Additionally, this Ordinance establishes a new subsection under KPB 2.54.060 relating to using the record request system for purposes of harassment or for the purposes of interfering with or disrupting the orderly conduct of business operations.

Your consideration is appreciated.

Introduced by: Mayor, Johnson
Date: 03/19/24
Hearing: 04/16/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2024-07**

**AN ORDINANCE AMENDING KPB CODE RELATING TO CIVIL TRESPASS AND
ISSUING A TRESPASS ORDER**

WHEREAS, a new section of code regarding civil trespass code is enacted pursuant to the Kenai Peninsula Borough’s (“KPB”) general powers to protect health, safety, and general welfare of KPB employees and members of the public using KPB services or facilities; and

WHEREAS, behavior or a course of conduct that reasonably places others in fear for their safety or security will not be tolerated; and

WHEREAS, such conduct is detrimental to workplace morale and employee turnover, and has a negative operational and financial impact; and

WHEREAS, behavior or a course of conduct that aims to inexcusably interfere with the orderly conduct of KPB business is similarly problematic and will not be tolerated due to the disruption of services and operational losses such conduct causes;

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

SECTION 1. That the KPB Code of Ordinances is hereby amended by adding a new section to be numbered KPB 1.08.165, which shall read as follows:

KPB 1.08.165. Civil trespass—Trespass order.

A. A person is prohibited from knowingly entering or remaining in, on, or across any real property, building or other facility or structure owned or controlled by the borough, after having been ordered by the mayor or employee or official having control over the facility not to enter or remain on such property, either by posting on the premises or upon receipt of a written or oral order.

- B. A written trespass order, not to exceed twenty-four months, may be issued by the mayor, or designee, based upon a reasonable belief that one or more of the following has occurred: a violation of this section; a violation of KPB 3.04.225 – Borough and School District employees protected against certain conduct; interference with orderly conduct of KPB services; a threat of violence; an act of violence; or, a reasonable belief that a crime has been committed against a borough employee or official as it relates to their capacity as a borough employee or official, or against a member of the public while within borough facilities.

- C. A trespass order to not enter or remain on borough property may be limited to certain times or certain facilities and issued upon a written finding by the mayor, or designee, that the order is necessary for the efficient conduct of borough business, for the protection or preservation of the public peace, health, safety, and well-being of borough employees and the public, or to avoid personal injury or property damage.

- D. An order of civil trespass under this section may be issued for a period not to exceed twenty-four months and must provide alternative options for the individual who is trespassed to engage with borough services.

- E. For purposes of this section a "threat of violence" means a statement, single act or course of conduct that a person reasonably perceives or understands to be a threat of physical injury or death. For purposes of this section, "interference with orderly conduct of KPB services" occurs when a person, with reckless disregard for the effect of that person's actions, acts or pursues a course of conduct that causes a significant interruption or impairment of the provision and delivery of services by borough personnel.

SECTION 2. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Legal Department

MEMORANDUM

TO: Members, KPB Assembly

THRU: Peter A. Micciche, Mayor
Brent Johnson, Assembly President BJ

FROM: Sean Kelley, Borough Attorney SK

DATE: March 19, 2024

RE: LAYDOWN Ordinance 2024- 07 , Amending KPB Code Relating to Civil Trespass and Issuing a Trespass Order (Mayor, Johnson)

This Ordinance will enact a new section of KPB code to provide for civil trespass and issuing a long-term trespass order

The new section, KPB 1.08.165, will provide a tool to address behavior or a course of conduct that doesn't currently exist under KPB code or state law. Such a tool is necessary to address behavior that is illegal, threatening, significantly disruptive of the orderly conduct of KPB business and/or places employees or members of the public in fear for their safety or personal security.

If enacted, a trespass order issued pursuant to section KPB 1.08.165 will contain a durational limitation not to exceed 24 months and may be limited to specific locations and times.

Your consideration is appreciated.

Kenai Peninsula Borough

Legal Department

MEMORANDUM

TO: Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Brent Johnson, Assembly President *BJ*

FROM: Sean Kelley, Borough Attorney *SK*

DATE: March 19, 2024

RE: LAYDOWN Ordinance 2024-07, Amending KPB Code Relating to Civil Trespass and Issuing a Trespass Order (Mayor, Johnson)

This Ordinance will enact a new section of KPB code to provide for civil trespass and issuing a long-term trespass order

The new section, KPB 1.08.165, will provide a tool to address behavior or a course of conduct that doesn't currently exist under KPB code or state law. Such a tool is necessary to address behavior that is illegal, threatening, significantly disruptive of the orderly conduct of KPB business and/or places employees or members of the public in fear for their safety or personal security.

If enacted, a trespass order issued pursuant to section KPB 1.08.165 will contain a durational limitation not to exceed 24 months and may be limited to specific locations and times.

Your consideration is appreciated.

Quinton, Madeleine

Subject: FW: <EXTERNAL-SENDER>Proposed Ordinance 2024-07

From: Charlie Franz <kachemakcharlie@gmail.com>

Sent: Tuesday, April 9, 2024 11:15 AM

To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>

Subject: <EXTERNAL-SENDER>Proposed Ordinance 2024-07

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Honorable Assembly Members,

I have reviewed the Mayor's proposed Ordinance 2024-07 regarding trespass and cannot understand the need for giving the Mayor or his designee such power. Alaska statutes provide adequate authority to issue a trespass order. I urge you not to approve this unnecessary piece of legislation.

Respectfully,
Charlie Franz

Introduced by:
Date:
Action:
Vote:

Mayor
04/16/24

**KENAI PENINSULA BOROUGH
RESOLUTION 2024-017**

A RESOLUTION APPROVING AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY & FIRE PROTECTION, AND THE KENAI PENINSULA BOROUGH ON BEHALF OF CENTRAL EMERGENCY SERVICE AREA, NIKISKI FIRE SERVICE AREA, BEAR CREEK FIRE SERVICE AREA, WESTERN EMERGENCY SERVICE AREA, AND KACHEMAK EMERGENCY SERVICE AREA

WHEREAS, pursuant to AS 41.15.010, *et seq.*, the State of Alaska is responsible for the protection of natural resources and watersheds on all state, private, and municipal lands; and

WHEREAS, pursuant to Title 16 of the Kenai Peninsula Borough Code of Ordinances, the KPB is responsible for fire protection within its fire service area boundaries; and

WHEREAS, an intergovernmental cooperative agreement has been negotiated between the KPB and the State of Alaska, Department of Natural Resources, Division of Forestry & Fire Protection, in order to provide more comprehensive fire protection from wildland fires to protect persons within the service areas; and

WHEREAS, Alaska Statute 18.70.150 provides that “A city, other incorporated entity, and other fire protection groups may organize a mutual-aid program by adopting an ordinance or resolution authorizing and permitting their fire department, fire company, emergency relief squad, fire police squad, or fire patrol to go to the aid of another city, incorporated entity, or fire protection group, or territory outside of it”; and

WHEREAS, at the special meeting held on _____ the Central Emergency Service Area board recommended _____ of this resolution; and

WHEREAS, at the regularly scheduled meeting held on April 10, 2024, the Nikiski Fire Service Area board recommended _____ of this resolution; and

WHEREAS, at the regularly scheduled meeting held on April 9, 2024, the Bear Creek Fire Service Area board recommended _____ of this resolution; and

WHEREAS, at the regularly scheduled meeting held on April 10, 2024, the Western Emergency Service Area board recommended _____ of this resolution; and

WHEREAS, at the regularly scheduled meeting held on March 21, 2024, the Kachemak Fire Service Area board recommended unanimous approval of this resolution; and

WHEREAS, the KPB administration has examined the proposed agreement and has concluded that it should be adopted by the assembly;

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

SECTION 1. That the 2024 Cooperative Fire Protection Agreements between the State of Alaska, Department of Natural Resources, Division of Forestry & Fire Protection, and the Kenai Peninsula Borough on behalf of itself and Central Emergency Service Area, Nikiski Fire Service Area, Bear Creek Fire Service Area, Western Emergency Service Area, and Kachemak Emergency Service Area are adopted, and the Mayor and Fire Chiefs are authorized to enter into this agreement.

SECTION 2. That the 2024 Operating Plan format is approved, and the Mayor and the Fire Chiefs of each applicable service area are authorized to execute future annual operating plans substantially in this format for each service area after considering recommendations by each applicable service area board.

SECTION 3. That this resolution shall take effect immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF APRIL, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Mayor's Office

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*

FROM: Roy Browning, CES Fire Chief *RB*
Trent Burnett, NFSA Fire Chief *TB*
Richard Brackin, BCFSA Fire Chief *RB*
Jon Marsh, WES Fire Chief *JM*
Bob Ciccirella, KESA Fire Chief *RWC*

DATE: April 4, 2024

SUBJECT: Resolution 2024- 017, Approving an Intergovernmental Cooperative Fire Protection Agreement between the State of Alaska, Department of Natural Resources, Division of Forestry & Fire Protection, and the Kenai Peninsula Borough on behalf of Central Emergency Service Area, Nikiski Fire Service Area, Bear Creek Fire Service Area, Western Emergency Service Area, and Kachemak Emergency Service Area (Mayor)

Alaska Statute 41.15.010 provides that it is the intent of AS 41.15.010-41.15.170 that the State of Alaska provides protection from wildland fire and other destructive agents, commensurate with the values at risk, on land that is owned privately, by the state, or by a municipality. It is also recognized by the Kenai Peninsula Borough (“KPB”) and its service areas that an obligation exists to provide protection to life and property from wildland fires within its areas of responsibility, subject to available resources, funding, and personnel. Therefore, it is to the mutual advantage of KPB, its service areas, and the state to coordinate efforts in the prevention, detection, and suppression of wildland fires. It is in the best interests of KPB, its fire service areas, and the state that wildland fires be suppressed quickly and efficiently to minimize the destruction of natural resources and the threat to life, property, and communities.

On June 20, 2017, the Assembly adopted Resolution 2017-045, approving an Intergovernmental Cooperative Agreement between KPB’s emergency service areas and the State of Alaska Department of Natural Resources. For 2024, this Agreement has been updated and revised with concurrence of KPB fire and emergency service areas and the state, and requires Assembly approval.

Your consideration is appreciated.

Introduced by: Mayor
Date: 04/16/24
Hearing: 05/07/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-45**

**AN ORDINANCE APPROPRIATING \$627,435.60 TO THE SPECIAL ASSESSMENT
FUND FOR THE PRINCESS LAKE ESTATES UTILITY SPECIAL ASSESSMENT
DISTRICT**

WHEREAS, KPB 5.35 provides authority for creating and financing utility special assessment districts for utility line extension; and

WHEREAS, a petition has been received requesting the formation of a special assessment district in the north Kenai area for construction of a natural gas mainline; and

WHEREAS, a resolution to form the Princess Lake Estates Utility Special Assessment District (“USAD”) and proceed with the improvement will be scheduled for Assembly consideration at its May 7, 2024 meeting; and

WHEREAS, financing is necessary to complete the administrative requirements under KPB Code; and

WHEREAS, pursuant to KPB 5.10.040(A)(13), KPB may invest in special assessment districts; and

WHEREAS, the estimated total cost of the project of \$627,435.60 is an investment appropriation from the General Fund which will be repaid with interest through assessments on the parcels within the USAD;

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

SECTION 1. That the amount of \$627,435.60 is authorized to be advanced to the assessment fund from the General Fund fund balance and appropriated into account 847.94912.PRNLK.49999 for the Princess Lake Estates Utility Natural Gas Line project.

SECTION 2. That the special assessment fund shall repay the full amount with interest to the General Fund through payments made on the special assessments levied.

SECTION 3. That the appropriations made in this ordinance are of project length nature and as

such do not lapse at the end of any particular fiscal year.

SECTION 4. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Finance Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
Adeena Wilcox, Assessing Director *aw*

FROM: Nolan Scarlett, Property Tax & Collections Manager *NS*

DATE: April 4, 2024

RE: Ordinance 2023-19-45, Appropriating \$627,435.60 to the Special Assessment Fund for the Princess Lake Estates Utility Special Assessment District (Mayor)

A petition has been received requesting the formation of a utility special assessment district (“USAD”) for installing a natural gas mainline improvement in the north Kenai area. The petition and subsequent resolution to form the USAD is the first step of the process. A resolution is scheduled to be heard at the May 7, 2024, Assembly meeting to authorize the formation of the Princess Lake Estates USAD.

The second step in the process is this Ordinance, appropriating the necessary funds should the Assembly approve the project with adoption of the resolution to form the USAD and proceed with the improvement. The third and final step of the process will be an ordinance of assessment following the completion of the project.

KPB 14.31.070(D) requires the petition to contain signatures of the owners of record of at least 60% of the total number of parcels subject to assessment and owners of record of at least 60% in value of the property to be benefited in order to be considered by the Assembly for formation. Owners of record of 69.70% of the parcels and owners of record of 74.39% in value of the property to be benefited within this proposed USAD have signed the petition.

The total cost of the Princess Lake Estates USAD is estimated to be \$627,435.60. The loan will be repaid through assessments levied on property located within the USAD which may be paid in ten annual installments. Billings will include an interest charge equal to the published prime rate in effect at the time of the loan plus 2.00%. The prime rate is currently 8.5%. If it remains unchanged through project completion, residents of the USAD will be charged an interest rate of 10.5% (8.5% + 2.00%). This is the same formula used to determine the rate of interest to finance the other USAD projects. Early payments can be made without penalty.

Page 2 of 2
April 4, 2024
Re: O2023-19- 45

If for any reason the USAD is not formed, the loan will not be made and the General Fund will absorb any administrative costs that exceed the \$1,000 filing fee received with the petition.

Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>100.27910</u>
Amount:	<u>\$627,435.60</u>
By	<u></u>
Date:	<u>4/2/2024</u>

Introduced by: Mayor
Date: 04/16/24
Hearing: 05/07/24
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-46**

**AN ORDINANCE APPROPRIATING \$5,000 FROM SOUTH KENAI PENINSULA
HOSPITAL SERVICE AREA FUND BALANCE TO PROVIDE FOR BOND COUNSEL
EXPENDITURES ON PRELIMINARY BOND RELATED SERVICES**

WHEREAS, the Kenai Peninsula Borough ("KPB") owns and provides for the operation of South Peninsula Hospital and other medical facilities ("SPH") through the South Kenai Peninsula Hospital Service Area, ("Service Area"); and

WHEREAS, the KPB has entered into an operating agreement with South Peninsula Hospital, Inc. ("SPHI") for the lease and operation of the Hospital and other medical facilities, to operate these medical facilities on a nonprofit basis in order to ensure the continued availability of the medical services to the service area residents and visitors; and

WHEREAS, the Service Area and SPHI have expressed interest in pursuing voter approval for a bond proposition on behalf of the service area; and

WHEREAS, therefore it is being requested that \$5,000 be appropriated from the Service Area Fund Balance for the purpose of funding preliminary bond counsel services associated with the issuance of debt and related legislation; and

WHEREAS, the South Peninsula Hospital Service Area Board, at its April 11, 2024 regular meeting, recommended _____;

NO, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That \$5,000 is appropriated from the South Kenai Peninsula Hospital Service Area fund balance to account 400.75020.24CON.49999, for preliminary bond counsel services and related expenditures.

SECTION 2. That the appropriations made in this ordinance are of project length nature and as such do not lapse at the end of any particular fiscal year.

SECTION 3. That this ordinance shall be effective retroactively to April 1, 2024.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Finance Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Peter A. Micciche, Mayor *PM*

FROM: Brandi Harbaugh, Finance Director *BH*
Sean Kelley, Borough Attorney *SK*

DATE: April 4, 2024

RE: Ordinance 2023-19-46, Appropriating \$5,000 from South Kenai Peninsula Hospital Service Area Fund Balance to Provide for Bond Counsel Expenditures on Preliminary Bond Related Services (Mayor)

The Kenai Peninsula Borough (“KPB”) has entered into an Operating Agreement with South Peninsula Hospital, Inc. (“SPHI”) for operation of the South Peninsula Hospital and other medical facilities, and to provide other healthcare programs and services, on a nonprofit basis in order to ensure the continued availability to the South Kenai Peninsula Hospital Service Area (the "Service Area") residents.

The Service Area and SPHI have expressed interest in voter approval for a bond proposition on behalf of the Service Area, and therefore it is being requested that \$5,000 be appropriated from the Service Area Fund Balance for the purpose of funding preliminary bond counsel services associated with the issuance of debt and related legislation.

Your consideration is appreciated.

FINANCE DEPARTMENT <u>FUNDS/ACCOUNT VERIFIED</u>	
Acct. No. <u>602.27910</u>	Amount: <u>\$5,000</u>
By: <u><i>CK</i></u>	Date: <u>4/2/2024</u>

Kenai Peninsula Borough
Office of the Borough Mayor

MEMORANDUM

TO: Brent Johnson, Assembly President
Members of the Borough Assembly

FROM: Peter A. Micciche, Borough Mayor 

DATE: April 16, 2024

RE: Appointment to Advisory Planning Commission

In accordance with KPB 21.02.060, the applicant listed below has been verified as a resident within the boundaries to be represented, as well as a registered voter within the precinct covered by the commission boundaries.

I hereby submit my recommendation for confirmation by the Assembly.

MOOSE PASS ADVISORY PLANNING COMMISSION

David E. Shafer

Seat C

Term Expires 09/30/2026

Thank you for your consideration.

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor *PAM*
THRU: Robert Ruffner, Planning Director *RR*
FROM: Michele Turner, Borough Clerk *(MT)*
DATE: April 4, 2024
RE: Advisory Planning Commission Applications for Appointment

The notice of vacancy for the Advisory Planning Commission Seats were advertised on August 7, 2023. The application period closed on September 6 2023. The seat has remained open until filled.

Pursuant to KPB 21.02.060, the following applicant has been verified as a resident within the advisory commission boundary in which they are applying, and are registered voters within the precincts covered by the commission boundaries.

MOOSE PASS ADVISORY PLANNING COMMISSION

Seat C

David E. Shafer

Thank you.

Kenai Peninsula Borough Planning Department

Advisory Planning Commission Application Submitted 2024-04-03 14:48:32

APC/Seat: Moose Pass – Seat C (Term Expires 09/30/2026)

Name	Mobile Phone
David E Shafer	907 362 1542
Home Phone	Work Phone
907 288 3605	N/A
Email	Date of Birth
hoper@arctic.net	██████████
SSN	Voter #
██████████	
Residence Address	Mailing Address
30519 Toklat Way Moose Pass, Alaska 99631	P0 BOX 41 Moose Pass, Alaska 99631
How long have you lived in the area served by this Advisory Planning Commission?	What knowledge, experience, or expertise will you bring to this board?
40 years	40 year resident. 26 yrs with the Alaska Rail road maintenance of way, 10 yrs. trail and fire suppression with the Chugach National Forest.

Introduced by: Mayor
Date: 02/27/24
Hearing: 03/19/24
Action: Tabled
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-19-36**

**AN ORDINANCE APPROPRIATING \$289,178.64 TO THE ROLLINS WAY ROAD
IMPROVEMENT ASSESSMENT DISTRICT**

- WHEREAS**, KPB Chapter 14.31 provides authority for creating and financing road improvement assessment districts for improvements to roads in public rights-of-way; and
- WHEREAS**, a petition has been received requesting the formation of a special assessment district for paving improvement for Rollins Way in Anchor Point; and
- WHEREAS**, the Assembly is considering a resolution on March 19, 2024 to form the Rollins Way Road Improvement Assessment District (“RIAD”) and proceed with the improvement; and
- WHEREAS**, KPB 14.31.070(D) requires signatures of the owners of record of more than 60 percent of the parcels within the proposed district sign the petition, and 61.11 percent have signed the petition; and
- WHEREAS**, KPB 14.31.070(D) requires signatures of the owners of record of at least 60 percent in value of the property to be benefited, and 68.41 percent have signed the petition; and
- WHEREAS**, on November 14, 2023, the Road Service Area Board adopted Resolution 2023-007 to fund a 50 percent match of \$144,589.32 from the RIAD Match Fund; and
- WHEREAS**, financing is necessary to complete the administrative requirements of the ordinance and regulations; and
- WHEREAS**, pursuant to KPB 5.10.040(A)(13) the KPB may invest in special assessment districts; and
- WHEREAS**, the estimated total cost of the project of \$289,178.64 less the 50 percent Road Service Area match of \$144,589.32 is to be provided as an investment by the General Fund of \$144,589.32 which will be repaid with interest by assessments on the parcels within the district;

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

SECTION 1. That the amount of \$144,589.32 is appropriated from the General Fund fund balance account number 100.27910 to be transferred to account number 845.94912.ROLWA.49999 for the Rollins Way Road Improvement Special Assessment.

SECTION 2. That the special assessment fund shall repay to the General Fund the full amount invested by the General Fund with interest though payments made on the special assessments levied.

SECTION 3. That the amount of \$144,589.32 is appropriated from the Road Service Area Operating Fund fund balance account number 236.27910 to be transferred to the Road Service Area RIAD Match Fund account 238.33950.ROLWA.50845 to be transferred to the Rollins Way Special Assessment Fund account number 845.94912.ROLWA.49999.

SECTION 4. That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

SECTION 5. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2024.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Finance Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
Adeena Wilcox, Borough Assessor *aw*

FROM: Nolan Scarlett, Property Tax & Collections Manager *NS*
Marie Payfer, Special Assessment Coordinator *MP*

DATE: March 7, 2024

RE: **Request to Table** Ordinance 2023-19-36, Appropriating \$289,178.64 to the Rollins Way Road Improvement Assessment District (Mayor)

KPB administration recommends and requests that Ordinance 2023-19-36 is tabled until brought back by the administration.

Pursuant to KPB 14.31.080, prepayment is required for this project. Prepayment must be received at least 15 days before the date the Assembly will act on the resolution to form the district. In order to correspond with the appropriation, a resolution to form the district was set to be heard during the Assembly's regular meeting on March 19, 2024. The resolution to form the district was pulled due to the fact that the KPB had not received any prepayments by the March 4th due date.

The sponsors of this RIAD are aware of the issue and apparently there was a misunderstanding regarding who is responsible for making sure prepayments are paid. The sponsors have been informed that the KPB does not bill each owner and that the sponsors are responsible for ensuring that prepayments are received by the deadline date. Therefore, this RIAD is on hold until the sponsors confirm they are ready to move forward.

Due to there not being a date certain to postpone this item to, the request is to table Ordinance 2023-19-36.

Your consideration is appreciated.

Kenai Peninsula Borough

Finance Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PAM*
Brandi Harbaugh, Finance Director *BH*

FROM: Nolan Scarlett, Property Tax & Collections Manager *NS*

DATE: February 15, 2024

RE: Ordinance 2023-19-36, Appropriating \$289,178.64 to the Rollins Way Road Improvement Assessment District (Mayor)

A petition has been received requesting the formation of a special assessment district for the Rollins Way Road Improvement Assessment District (RIAD), located in Anchor Point. The petition is the first step of the process. A resolution is scheduled to be heard at the March 19, 2024 assembly meeting to authorize the formation of the Rollins Way RIAD.

The second step in the process is this ordinance that will appropriate the necessary funds should the assembly approve the project with adoption of the resolution to form the RIAD and proceed with the improvement. The third and final step of the process will be an ordinance of assessment following the completion of the project.

KPB 14.31.070(D) requires the petition to contain signatures of the owners of record of at least 60% of the total number of parcels and owners of record of at least 60% in value of the property to be benefited within the proposed district in order to be considered by the assembly for formation. Owners of record of 61.11% of the parcels and owners of record of 68.41% in value of the property to be benefited within this proposed RIAD have signed the petition.

The total cost of the Rollins Way RIAD is estimated to be \$289,178.64. This ordinance appropriates \$289,178.64 to the assessment fund with 50% or \$144,589.32 provided as an interfund loan from the KPB General Fund and a 50% or \$144,589.32 match from the Road Service Area RIAD Match Fund.

On November 14, 2023, the Road Service Area board adopted Resolution 2023-007 to fund the 50% match. The loan will be repaid through assessments levied on property located within the RIAD which may be paid in ten annual installments. Billings will include an interest charge equal to the published prime rate in effect at the time of the loan plus 2%. The prime rate is currently 8.5%. If it remains unchanged through project completion, residents of the RIAD will be charged an interest rate of 10.5% (8.5% + 2%). This is the same formula used to determine the rate of interest on the interfund loans used to finance other USAD and RIAD projects. Early payments can be made without penalty.

February 15, 2024

Page -2-

Re: Ordinance 2023-19-

If for any reason the RIAD is not formed, the loan will not be made and the General Fund will absorb any administrative costs that exceed the \$1,000 filing fee received with the petition.

Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>100.27910</u>
Amount:	<u>\$144,589.32</u>
Acct. No.	<u>236.27910</u>
Amount	<u>\$144,589.32</u>
By:	 _____
Date:	<u>2/13/2024</u>

2/14/2024

RECEIVED
FEB 22 2024

OFFICE OF THE BOROUGH CLERK
KENAI PENINSULA BOROUGH

To whom it may concern,

I am writing to you concerning the RIAD for Rollins Way in Sterling Acres located in Anchor Point Ak.

I am opposed to this project for several reasons. One reason is this proposed project was never discussed with myself or brought to my attention until I received a notice in the mail that a meeting concerning this RIAD was to be held on Nov. 14 2023. I received the notice on Nov. 13 2024 much to late to comprehend the proposal and much to late to arrange a flight there to be at the meeting in person. I did attend the zoom meeting on Nov.14 2023 to voice my opposition. I do not believe this proposal is needed or warranted. As this project seems to be taking road frontage from those of us that own frontage on Rollins Way and we have to pay for that? Losing frontage and taxes go up to support it? I have been to my home there in January, February and March and I have not seen any major issues concerning Rollins Way. I also spend from May until September there as well and yes, the road has pot holes etc. but it is not in any way undriveable at all. There is a HOA in place for Sterling Acres that outlines upkeep of Rollins Way and yet again I personally have never been contacted about any of this and I have owned my property for 6 years now.

I believe this entire RIAD project has been presented wrong and could have been discussed with all affected neighbors with better information from the two sponsors of this RIAD before becoming reality and a huge financial burden to myself and others. More clear and open communication should have been presented from the beginning thoughts of this project and clearly there was not.

I urge the board to table this RIAD stick it on the wall until further information can be made available and shared to ALL the affected property owners concerning other options.

Respectfully

John Krisher



2/14/2024

PO Box 460

Putney Vermont

69675 Rollins Way Anchor Point Ak

john.krisher@gmail.com

802-380-8141

RECEIVED

FEB 28 2024
FEB 2 4 44 PM '24

OFFICE OF THE BOROUGH CLERK
PENINSULA BOROUGH
KENAI PENINSULA BOROUGH



2-18-24

Sir,

I just received notice of the Proposed road on Rollins way Rd. Hearing from a number of people that live there, they are opposed to the road and said so at your first meeting. Still you are having a second meeting in Soldatna, at a time you should know we can't be there. I am writing to say, I am Not in favor of this road, nor do I understand why we should pay for a public road.

Karen Floez

Parcel Number 320-43-059

Lot 10.3

Introduced by:	Ecklund
Date:	01/03/23
Action:	Tabled
Vote:	9 Yes, 0 No, 0 Absent
Date:	09/19/23
Action:	Removed from the Table
Vote:	9 Yes, 0 No, 0 Absent
Date:	09/19/23
Action:	Postponed to 10/24/23
Vote:	9 Yes, 0 No, 0 Absent
Date:	10/24/23
Action:	Tabled
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2023-005**

**A RESOLUTION OF INTENT BY THE KENAI PENINSULA BOROUGH ASSEMBLY
ESTABLISHING THAT FINANCING OF ENERGY AND RESILIENCE
IMPROVEMENT PROJECTS THROUGH ASSESSMENTS SERVES A VALID PUBLIC
PURPOSE AND RELATED MATTERS (PACER PROGRAM)**

WHEREAS, the Alaska State Legislature enacted the Municipal Property Assessed Clean Energy and Resilience Act ("PACER Act"), Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time-to-time, authorizing local governments to establish an energy and resilience improvement assessment program; and

WHEREAS, the PACER Act allows local governments to finance the installation or modification of permanent improvements, fixed to existing privately owned commercial or industrial property, to achieve reduced energy consumption or demand in areas designated by local governments; and

WHEREAS, installation or modification by property owners of energy and resilience improvement upgrades to commercial or industrial property in the Kenai Peninsula Borough will serve a public purpose by reducing energy costs, stimulating the economy, improving property valuation, reducing greenhouse gas emissions and creating jobs; and

WHEREAS, the Kenai Peninsula Borough, finds that it is convenient and advantageous to establish a program under the PACER Act and designate the geographic area on an areawide basis within the Kenai Peninsula Borough's jurisdiction as an area within which Kenai Peninsula Borough and the record owners of qualified real property may participate under a program established by the PACER Act and enter into financing arrangements in connection therewith;

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

SECTION 1. The recitals to this resolution are true and correct and are incorporated into this resolution for all purposes.

SECTION 2. For purposes of this resolution, “PACER assessment” shall mean those assessments authorized by the PACER Act.

SECTION 3. The Kenai Peninsula Borough hereby determines that establishing a property assessed clean energy and resilience program and financing energy and resilience improvement projects through PACER assessment serves a valid public purpose by reducing energy costs, stimulating the economy, improving property valuation, reducing greenhouse gas emissions, and creating jobs.

SECTION 4. The Kenai Peninsula Borough intends to allow privately owned commercial or industrial property owners to make contractual PACER assessment to repay financing for qualified energy and resilience improvement projects under, and pursuant to, the terms of a municipal property assessed clean energy and resilience program subject to, and pursuant to, the PACER Act (“PACER Program”).

SECTION 5. Qualified energy and resilience new construction or improvement projects under the PACER Program will include those projects which are fixed to new construction or existing privately owned commercial or industrial property and that (1) are energy improvement projects designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or (2) improve building resilience; resilience improvement projects include projects for seismic improvements, storm water management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, micro grids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, and any other improvement project approved by a municipality as a resilience improvement project.

PACER assessment may not be imposed to repay financing of facilities for undeveloped lots or lots undergoing development at the time of an assessment.

SECTION 6. To the extent permitted by law, the entire geographic area within Kenai Peninsula Borough’s jurisdiction may be available for energy and resilience improvement projects under the PACER Program.

SECTION 7. Financing for qualified energy and resilience new construction and improvement projects under the PACER Program will be provided by third-party capital providers under a written contract with property owners. The contracts will provide for capital providers to advance funds to property owners on such terms as are agreed between the capital providers and property owners for installation or modification of energy improvement projects, and service the debt secured by PACER assessment through the Kenai Peninsula Borough. The proposed arrangements for financing energy improvement projects may authorize property owners to (1) purchase directly the related equipment and materials for energy improvement and resilience projects; and (2) contract directly, including through lease, a power purchase agreement, or other service contract, for energy and resilience improvement projects.

The Kenai Peninsula Borough does not intend to finance or fund any loan under the PACER Program, rather, the Kenai Peninsula Borough intends to serve only as a Program sponsor to facilitate loan repayment by including PACER assessment on real property tax bills for the improved property, and shall incur no liability for the loan.

Benefited property owners will execute written contracts with the Kenai Peninsula Borough to impose a PACER Program assessment to repay financing of an energy improvement project located on such property. The contract between a property owner and the Kenai Peninsula Borough will authorize Kenai Peninsula Borough to service the debt by PACER assessment for the benefit of the capital provider and enforce the PACER assessment lien as provided in AS 29.45.320 - 29.45.470 for enforcement of property tax liens. In the case of third-party capital financing of energy improvement project(s), an agreement will be entered into by the Kenai Peninsula Borough and the third-party capital provider.

A person or entity that acquires property subject to an assessment under the PACER Program will assume the obligation to pay such PACER assessment.

SECTION 8. Subject to law, the Kenai Peninsula Borough shall collect, and enforce PACER assessments in the same manner as other property tax liens.

SECTION 9. The report on the proposed PACER Program, as required by AS 29.55.110, will be available for public inspection on the Internet website of www.kpb.us and in the Borough's Finance Department at 144 N. Binkley Street, Soldotna, AK 99669.

SECTION 10. The local official administering the PACER Program is the Borough Assessor, or designee, and the appropriate assigned assessor, who will collect the proposed PACE assessment with property taxes imposed on the assessed property.

SECTION 11. The Kenai Peninsula Borough will hold a public hearing on the proposed PACER Program and report.

SECTION 12. That this resolution takes effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF JANUARY 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

01/03/23 Vote on motion to table:

Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson

No: None

Absent: None

09/19/23 Vote on motion to remove from table:

Yes: Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson

No: None

Absent: None

09/19/23 Vote to postpone to 10/24/23:

Yes: Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson

No: None

Absent: None

10/24/23 Vote on motion to table:

Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson

No: None

Absent: None

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Cindy Ecklund, Assembly Member (NM) for CE

DATE: December 21, 2022

SUBJECT: Resolution 2023-005, Resolution of Intent by The Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (PACER Program) (Ecklund)

The Alaska State Legislature enacted the Municipal Property Assessed Clean Energy and Resilience Act, Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time to time ("PACER Act"), authorizing local governments to establish an energy and resilience improvement assessment program.

The PACER Act allows local governments to finance the installation or modification of permanent improvements, fixed to new construction or existing privately owned commercial or industrial property, to achieve reduced energy consumption or demand in areas designated by local governments.

Installation or modification by property owners of energy and resilience improvement upgrades to commercial or industrial property in the Kenai Peninsula Borough will serve a public purpose by reducing energy costs, stimulating the economy, improving property valuation, reducing greenhouse gas emissions and creating jobs.

The Resolution of Intent includes a finding by Kenai Peninsula Borough Assembly that it is convenient and advantageous to establish a program under the PACER Act and designate the geographic area on an areawide basis within the Kenai Peninsula Borough's jurisdiction as an area within which Kenai Peninsula Borough and the record owners of qualified real property may participate under a program established by the PACER Act and enter into financing arrangements in connection therewith.

Your consideration is appreciated.

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Cindy Ecklund, Assembly member

DATE: September 19, 2023

SUBJECT: LAYDOWN Ecklund Amendment to Resolution 2022-005, a Resolution of Intent by the Kenai Peninsula Borough Assembly Establishing that Financing of Energy and Resilience Improvement Projects through Assessments Serves a Valid Public Purpose and Related Matters (Ecklund)

These amendments account for updates in the law and date updates since this resolution was introduced.

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

➤ Amend the second WHEREAS clause to read as follows:

WHEREAS, the PACER Act allows local governments to finance the installation or modification of permanent improvements, fixed to privately [~~existing~~] owned commercial or industrial property, **designed** to achieve reduced energy consumption or demand or **to increase resilience** in areas designated by local governments; and

➤ Amend Section 5 to read as follows:

SECTION 5. Qualified energy and resilience new construction or improvement projects under the PACER Program will include those projects which are fixed to new construction or existing privately owned commercial or industrial property and that (1) are energy improvement projects designed to reduce energy consumption or demand, energy costs, or missions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or (2) improve building resilience; resilience improvement projects include projects for seismic improvements, storm water management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, micro grids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, and any other improvement project approved by a municipality as a resilience improvement project.

~~[PACER assessment may not be imposed to repay financing of facilities for undeveloped lots or lots undergoing development at the time of an assessment.]~~

➤ Amend Section 7 to read as follows:

SECTION 7. Financing for qualified energy and resilience new construction and improvement projects under the PACER Program will be provided by third-party capital providers under a written contract with property owners. The contracts will provide for capital providers to advance funds to property owners on such terms as are agreed between the capital providers and property owners for installation or modification of energy improvement projects, and service the debt secured by PACER assessment through the Kenai Peninsula Borough. The proposed arrangements for financing energy improvement projects may authorize property owners to (1) purchase directly the related equipment and materials for energy improvement and resilience projects; and (2) contract directly, including through lease, a power purchase agreement, or other service contract, for energy and resilience improvement projects.

The Kenai Peninsula Borough does not intend to finance or fund any loan under the PACER Program, rather, the Kenai Peninsula Borough intends to serve only as a Program sponsor to facilitate loan repayment by including PACER assessment on real property tax bills for the improved property, and shall incur no liability for the loan.

Benefited property owners will execute written contracts with the Kenai Peninsula Borough to impose a PACER ~~[Program]~~ assessment to repay financing of an energy and **resilience** improvement project located on such property. The contract between a property owner and the Kenai Peninsula Borough will authorize Kenai Peninsula Borough to service the debt by PACER assessment for the benefit of the capital provider and enforce the PACER assessment lien as provided in AS 29.45.320 - 29.45.470 for enforcement of property tax liens. In the case of third-party capital financing of energy improvement project(s), an agreement will be entered into by the Kenai Peninsula Borough and the third-party capital provider.

A person or entity that acquires property subject to an assessment under the PACER Program will assume the obligation to pay such PACER assessment.

Your consideration is appreciated.



PROGRAM HANDBOOK

Updated: July 2023

Definitions

AK C-PACER Program Handbook – the program handbook is adopted by local governments to explain to Property Owners the basic rules of the program and how to apply.

AK C-PACER Program Guide for Local Governments – this guide provides instruction to local governments looking to establish and administer a C-PACER program using the AK C-PACER program documents and administrative platform.

Alaska Building Energy Efficiency Standard – The Alaska Housing Finance Corporation’s Building Energy Efficiency Standard (BEES) was established by the State of Alaska to promote the construction of energy efficient buildings. More information can be found on [the AHFC website](#).

Alaska C-PACER (“AK C-PACER”) – an administrative platform, including all requisite template documents to establish and operate a C-PACE program, that any eligible local government choosing to establish a C-PACER program in Alaska can adopt.

C-PACER – commercial property assessed clean energy and resilience program.

C-PACER Act – HB 80 was signed into law August 2017 and amended by HB 227 in June 2022, codified at [AS 29.55.100 - .165](#). It allows local governments to establish and administer C-PACER programs.

C-PACER Assessment – an assessment imposed by a local government at the request of a Property Owner who obtains financing for an Eligible Improvement pursuant to the C-PACER Act.

C-PACER Lien – the C-PACER Assessment is a lien on the property as provided in the C-PACER Act which shall run with the improved property and is prior and paramount to all liens except municipal tax liens and special assessments

C-PACER Project – the construction, installation, or modification of Eligible Improvements financed pursuant to the C-PACER Act.

Capital Provider – a third-party provider of C-PACER financing.

Capital Provider Contract – the contract executed by the local government and the C-PACER capital provider that describes the servicing of the C-PACER assessment.

Eligible Improvement – an Energy and/or Resilience Improvement Project as described in the C-PACER Act.

Eligible Property – a property that may be considered for financing pursuant to the C-PACER Act and the applicable local government’s C-PACER Ordinance and Resolution.

Energy Improvement Project – a C-PACER Project designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature.

Independent Project Auditor – an independent third-party not otherwise engaged in the C-PACER Project who holds one of the professional certifications described in the “Technical Requirements.”

Notice of Contractual Assessment Lien – the document recorded in the land records of the jurisdiction where a C-PACER project is located that provides notice of the imposition of the C-PACER Assessment on the property receiving the Eligible Improvement.

Ordinance to Approve a C-PACER Program – the non-codified ordinance approving a Program Report setting forth the terms and conditions of a C-PACER Program.

Ordinance to Establish a C-PACER Program – codified ordinance incorporating the previously enacted Resolution and Intent and Ordinance to Approve a C-PACER Program, establishing the C-PACER program in a particular jurisdiction.

Owner Contract – executed by the local government and the owner of an Eligible Property that specifies the terms of the C-PACER Assessment and financing.

Program Report – publicly available report describing the terms of a C-PACER program, as specified in the C-PACER Act.

Renewable Energy has the meaning given in [AS 42.45.350\(5\)](#).

Resilience Improvement Project – a C-PACER Project to improve building resilience including but not limited to projects for seismic improvements, stormwater management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, microgrids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, or any other improvement project approved by a local government as a resilience improvement project.

Resolution of Intent – a legislative action taken pursuant to the C-PACER Act that establishes that the financing of Eligible Improvements through assessments serves a valid public purpose.

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I. Introduction

About C-PACER

The Alaska PACER statute (“PACER Act”) allows owners of eligible commercial property (“Property Owners”) to obtain long-term financing from qualified private capital providers (“Capital Providers”) for:

- a) energy projects (“EP”) designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or
- b) resilience projects (“RP”) that improve building resilience, including seismic improvements, stormwater management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, microgrids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems of the building, and any other improvement project approved by a local government as a resilience improvement project.

To obtain the funds for an EP or a RP, a Property Owner enters into a contract with the Local Government where the property is located to impose an assessment on the eligible property that receives the improvement to repay the financing.

Over 30 states and hundreds of local governments have adopted legislation like C-PACER. According to PACENation, through 2022, cumulative nationwide C-PACER financing exceeded \$4 billion in private investment across 2,900 projects, creating over 52,000 job-years.

This Program Handbook (Handbook) was developed as a guide for the AK C-PACER program platform. This Handbook contains information about:

- Eligibility requirements for properties and projects in Alaska.
- The process for applying for C-PACER project approval.

Local Governments administer a Commercial Property Assessed Clean Energy and Resilience financing program under Alaska Statutes 29.55.100 et seq. as amended by HB227 in 2022. The amendments renamed the program the “Municipal Property Assessed Clean Energy **and Resilience** Act.” Accordingly, this Handbook abbreviates the name as “C-PACER.”

References to sections of the Alaska Statutes (AS) are indicated by “AS [Title].[Chapter].[Section].”

II. Benefits of C-PACER Financing

C-PACER financing offers benefits to property owners, developers, capital providers, government entities, mortgage lien holders, and building professionals.

Benefits of C-PACER for Property Owners and Developers

C-PACER is an alternative source of financing to make cost- and energy-saving improvements to commercial buildings of all types, including retail, industrial, agricultural, and multifamily properties.

- **Smaller down payments.** One of the biggest barriers to installing clean energy and resilience upgrades is the sizeable down payment. C-PACER financing reduces the amount of the down payment. For retrofit projects, C-PACER financing typically covers 100% of the cost of the improvement. In new construction projects, C-PACER financing may cover qualified costs (described in the Handbook) up to 25% of the market value of the property.
- **Longer repayment periods.** C-PACER payments are made over the average useful life of the improvements, up to 30 years.
- **Lower interest rates.** The interest rate on C-PACER financing can be substantially lower than rate for subordinate debt or preferred equity. Note that interest rates are at the discretion of the capital provider based on their underwriting process.
- **Cash flow benefits.** Smaller down payments, longer repayment periods, and lower interest rates all contribute to improved project cash flow.
- **Increased property value.** Installing eligible improvements can increase property value by reducing operating costs.
- **Transferable upon sale.** If a Property Owner sells the property before the C-PACER financing is repaid, the C-PACER lien and assessment transfer to the new Owner.
- **Commercial leases may allow the installment payments to be passed through to tenants.** Depending on the terms of a commercial net lease, C-PACER payments may be passed through to the tenant that benefits from the energy cost savings.

Benefits of C-PACER for Local Governments

C-PACER financing creates jobs by stimulating private investment. C-PACER financing comes entirely from the private sector, requiring no taxpayer funds. The financial risk is borne entirely by a private Capital Provider, and neither state nor local government is liable in the case of a payment default. By making it more affordable to improve commercial properties, the value of local building stock can increase. Energy and resilience upgrades create a more competitive environment for attracting new businesses by lowering energy costs and improving the structural soundness of buildings. Upgraded buildings may also generate higher property tax payments for the local government through higher property values. Finally, C-PACER programs can help local governments meet federal- or state-mandated energy standards as well as achieve local energy efficiency and resilience goals.

Benefits of C-PACER for Capital Providers

Capital providers see in C-PACER a highly reliable, long-term investment. Requisite capital for C-PACER projects routinely run into the hundreds of thousands to millions of dollars. Through the seniority of the

property assessment, capital providers are secured by the value of the real estate and are repaid through a known repayment stream.

Benefits of C-PACER for Existing Mortgage Holders

C-PACER financing requires the consent of all existing mortgage lien holders prior to closing. C-PACER projects boost net operating income by funding improvements that reduce a building's operating costs while charging a low annual repayment that is frequently less than the resulting energy savings. Increased cash flow improves debt service coverage and raises asset values. C-PACER financing offers lower interest rates than preferred equity or mezzanine debt, helping projects to fill gaps in the capital stack and achieve a lower overall blended cost of capital. Finally, in the unlikely event of default, C-PACER assessments are non-accelerating. Only delinquent installment payments are enforced through the C-PACER lien; the remaining future installments are paid by the Property Owner as they come due.

Benefits of C-PACER for Contractors, Architects, Building Engineers

C-PACER financing enables Property Owners to afford more substantial energy and/or resilience improvement projects. C-PACER finances most hard and soft costs associated with the eligible improvements. For contractors, C-PACER financing is a way to pitch clients on deeper energy and resilience projects that might otherwise be value-engineered out of a building project.

III. C-PACER Financing Program Rules

The Handbook establishes guidelines, eligibility, approval criteria, and an application checklist for the Local Government's C-PACER program ("Program"). The C-PACER Program enables financing for owners of commercial property ("Property Owners") for energy improvement projects and resilience improvement projects (each, an "Eligible Improvement") as described in the C-PACER Act and in this Handbook.

1. Establishment of a C-PACER Program

Through an Ordinance, Local Governments establish a C-PACER Program for commercial properties within the Local Government's boundaries. Check <https://akcpacer.org/available-c-pacer-programs/> for availability in your area.

2. Role of the Program Administrator

The Program Administrator will review the application (see Application Checklist in Exhibit A) for completeness, consistency, and possible errors. Several requirements require input and certification from qualified experts. The Program Administrator will confirm that the expert is appropriately credentialed and that their work satisfies the application requirements. The Program Administrator is not expected to independently re-calculate or re-do the work of the expert.

As part of Program operation, the Program Administrator will:

- Accept and review the Project Application to determine conformance with the Application Checklist (Exhibit A).
- Approve, conditionally approve, or disapprove the Project Application and communicate that decision to the applicant.

- If approved, execute (a) the Owner Contract, (b) the Capital Provider Contract, and (c) Notice of Contractual Assessment (“Notice of Contractual Assessment”) (Exhibit G).
- Record the Notice of Contractual Assessment.

3. Eligibility Requirements

All qualifying costs in a project application and approved by the Program Administrator constitute an “Eligible Project” (a “C-PACER Project” or “Project”). Property Owners may receive funding for their Eligible Improvements only from Capital Providers pursuant to a separate Financing Agreement negotiated between the Property Owner and Capital Provider (a “Financing Agreement”).

Property Owners must be the legal record holder of the property receiving the eligible improvement and must be current on mortgage and property taxes, and not insolvent or in bankruptcy proceedings. See AS 29.55.110. A Property Owner may be any type of business, corporation, individual, or non-profit organization. If the applicant will become the Owner of the Property when the C-PACER financing closes, the application must include evidence showing the anticipated transfer will occur, for example, a title insurance policy documenting the conditions of sale and conveyance of the Property.

A leasehold interest on qualifying commercial Property is eligible for C-PACER financing with the consent of the fee owner of the commercial Property. All owners of the fee simple title to the subject Property must sign the final application.

Eligible Properties are privately-owned commercial or industrial properties, including agricultural property, or a multi-family real property (as defined by the local government), within the boundaries established by the local government that enacted the C-PACER ordinance.

Eligible Projects include:

- The new construction, or installation or modification of an Eligible Improvement permanently affixed to an Eligible Property, including projects for the adaptive reuse or gut rehabilitation of an eligible Property.
- The refinancing of projects on existing properties that have had Eligible Improvements installed and completed for no more than two (2) years prior to the expected closing date of the C-PACER refinancing.

Eligible Improvements: C-PACER financing is available for the following uses.

- a) Energy Projects (“EP”) designed to reduce energy consumption or demand, energy costs, or emissions affecting local air quality, including a product, device, or interacting group of products or devices that use energy technology to generate electricity, provide thermal energy, or regulate temperature; or
- b) Resilience Projects (“RP”) that improve building resilience, including seismic improvements, stormwater management, flood mitigation and protection, fire hardening, fire or wind resistance, erosion management, snow load management, microgrids for energy storage and backup power generation, water or wastewater efficiency including reuse and energy recovery, electric vehicle charging stations, retrofitting that improves the envelope, structure, or systems

of the building, and any other improvement project approved by a local government as a resilience improvement project.

- c) Appliances that provide significant energy or other utility savings and are functionally attached to the Property for the full length of the assessment may be eligible.

Certain items that are not permanently affixed to a property and are ineligible include:

- Shading devices, furniture, fire extinguishers.
- Cosmetic improvements such as painting, new carpeting.
- Non-commercial / industrial appliances such as microwaves, non-affixed lighting, and other items not affixed to the Property.

4. Technical Requirements

The C-PACER Act requires the Property Owner on which a C-PACER assessment is imposed to obtain for each proposed energy improvement project or building resilience improvement project,

- (A) a review of the energy, emissions, or resilience baseline conditions, as applicable; and
- (B) the projected reduction in energy costs, energy consumption or demand, or emissions affecting local air quality, or increase in resilience, as applicable.

This requirement is met by a Certificate of Eligible Improvements from a qualified project auditor. Exhibit E lists the minimum acceptable qualifications of a project auditor, and the auditor must supply evidence of those qualifications.

The project auditor will determine if the Application meets the requirements of the C-PACER statute and this Program Handbook, and the auditor must supply work papers explaining the basis for their certifications that are sufficient to satisfy the Program Administrator that program requirements are met.

Exhibit E includes a description of the baseline conditions and necessary documentation for an energy improvement project and a building resilience improvement project for:

- Retrofit of an existing building;
- New construction of a building; and
- Refinancing of a retrofit or new construction.

Property owners, developers, and project auditors should read the baseline and documentation requirements carefully because they are essential to approval of a C-PACER project.

5. Financing Requirements

The term of C-PACER financing is capped at the lesser of 30 years or the weighted average useful life of the eligible improvements.

The C-PACER financing amount may not exceed 25% of the “market value” of the Property at the time of program application. Market Value means the assessed value of the current tax year or the current or prospective appraised market value as determined by an Alaska certified appraiser.

Existing mortgage lien holders must be given 30 days’ notice prior to the closing of the C-PACER financing, and all mortgage lien holders must consent in writing to the assessment for the project to close. See AS 29.55.115. Exhibit C provides an acceptable template for the notice and consent. A mortgage lien holder has complete discretion to approve or disapprove of C-PACER financing. A Property Owner should consult with their Capital Provider before approaching an existing mortgage lien holder, as many traditional lenders are not familiar with C-PACER financing and may misunderstand how it functions.

Qualifying Costs that can be paid for with C-PACER financing include:

- Materials and labor necessary for the eligible improvement project,
- Permit fees;
- Inspection fees;
- Financing and origination fees;
- Capitalized interest;
- Interest reserves;
- Program application and closing fees;
- Project development, architectural, and engineering fees;
- Escrow for prepaid property tax or insurance;
- Capitalized manufacturer’s warranty or maintenance agreement costs; and
- Any other fees or costs incurred by the Property Owner incident to the installation, modification, or improvement.¹

IV. Application Process

Property Owners should have a project in mind when they explore C-PACER financing. Property Owners may contact the Local Government or Program Administrator at any time with questions. Property Owners may also find it helpful to speak with a Capital Provider early in the design process for an estimate of the amount of financing available. Property Owners are free to work with any Capital Provider that will provide financing in accordance with the Program’s requirements.

After conferring with one or more Capital Providers, the Property Owner should define the Eligible Improvements. A Property Owner may engage an energy or resilience expert as a Project Auditor to advise during the design process. Each applicant will work with its own project development team to determine the final Project scope and qualifying costs.

The process of obtaining financing under the Program starts when a Property Owner approaches a Capital Provider. The Capital Provider will work with the Property Owner to collect various due diligence items. Once all the items have been received, reviewed, and approved by the Capital Provider, the parties will discuss financing terms.

A description of the C-PACER application process is as follows:

¹ Examples of qualifying costs are structural improvements necessary to allow the installation of a solar PV array and electrical upgrades necessary to install an efficient HVAC system or efficient lighting.

- (1) The Property Owner and the Capital Provider prepare the Project Application, consisting of the Project Application Checklist and the supporting documents (see Exhibit A). Applicants should review the Project Application Checklist to assure that the documentation needed by the Program Administrator to verify compliance with the C-PACER Act and C-PACER Ordinance is available.
- (2) The Program Administrator will have 10 business days to review and approve the Project Application. If the Office has received an unusually high number of applications or review is delayed because of a *force majeure* event, the Office will notify the Property Owner that the application review will be delayed by no more than 10 additional business days.
- (3) The purpose of the Local Government's application review process is to confirm that the Project Application is complete, that no errors or internal inconsistencies are evident on the face of the Application, and that all attachments conform to the C-PACER Act, the Local Government Ordinance and the Handbook. ***Local Government approval does not constitute endorsement of any representations that may be made regarding the operation and any savings associated with the Eligible Improvements.*** The Local Government may request additional supporting documentation from the applicant. Incomplete Project Applications will be returned to the applicant, and the Program Administrator will notify the applicant about which items were not provided or are insufficient or inaccurate. If the Project Application and supporting documents comply with the Project Application Checklist, the Project Application will be approved, and the approval communicated in writing to the applicant.
- (4) The Project Application may be *conditionally* approved if the application is complete, but the mortgage lienholder consent is not yet available. Conditional approval will be treated the same as an approval with exceptions noted below.
- (5) Upon receipt of application approval, the Capital Provider will draft the Owner Contract, the Capital Provider Contract, and the Notice of Contractual Assessment Lien (Exhibit G). See AS 29.55.110(a) (2)-(3). At or before closing, at the request of the applicant, the designated and authorized official will sign these documents.
- (6) If the Project Application receives conditional approval, the Closing Documents executed by the Local Government will not be released from escrow unless and until all the written consents from mortgage lienholders have been received and executed in accordance with the C-PACER Act and C-PACER Ordinance.
- (7) At closing, the Local Government will record the Owner Contract, the Capital Provider Contract, and the Notice of Contractual Assessment Lien in the Office of the Register of Deeds for the Local Government. See AS 29.55.130. At the election of the applicant, the Local Government may delegate the recording of the Closing Documents to the applicant or its designee(s).
- (8) Following closing of the C-PACER financing and receipt of the proof of recording of the Notice of Contractual Assessment Lien, the Property Owner and its agents may initiate construction of the C-PACER project or otherwise fund the C-PACER financing in accordance with the agreements with the Capital Provider.

Change Orders

All change orders that result in a substantial alteration of C-PACER funded improvements are required to be pre-approved by the local government or its Program Administrator to confirm that the changes are consistent with the Program. The Property Owner shall provide the following documentation:

- Narrative description of the change in project scope and the reason for such a change;
- Revised C-PACER project budget;
- A letter from a project auditor certifying that the revised improvements are eligible for C-PACER financing; and
- Written approval of the change order by the Capital Provider.

1. Application Documents

The Project Application must be submitted with the following documents (see accompanying file for Exhibits):

1. Project Application Checklist (Exhibit A)
2. Title Search.
3. Proof of Insurance, as required by See AS 29.55.110(15).
4. Certificate of Property's Financial Eligibility (Exhibit B).
5. Mortgage Lienholder(s) Consent (Exhibit C-1 and C-2).
6. Disclosure of Risks (Exhibit D).
7. Certificate of Eligible Improvements (Exhibit E).

2. Closing Documents

The following documents require the signature of the Local Government and shall be part of the closing of any C-PACER transaction. Each document must be similar in substance to the templates appended to this Handbook, although it is expected that Property Owners and Capital Providers will negotiate variations tailored to their specific projects.

- Owner Contract (Exhibit G)
- Capital Provider Contract (Exhibit G)
- Notice of Contractual Assessment Lien (Exhibit G)

3. Billing and Collection of Assessments

C-PACER Assessment payments are billed and collected by the local government in the same manner as property taxes. The local government, or its agent, will remit the payment to the Capital Provider (Exhibit G). See AS 29.55.110(a)(3).

4. Delinquency and Enforcement

Assessment liens will be enforced as provided in AS 29.45.320 - 29.45.470 for enforcement of property tax liens. Assessment liens run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien or a C-PACER lien. The Local Government will enforce the C-PACER Lien through the same mechanism that it uses to enforce the liens for ad valorem property taxes.

5. Program Fees

A local government may impose fees to offset the costs of administering a program. See AS 29.55.100(d). The Property Owner must pay this fee to the Local Government at the closing of the transaction between the Property Owner and the Capital Provider, and such payment is a condition precedent to recording. Visit each program's website for details.

Note: The administrative fees determined by Local Government and/or its Program Administrator cover the regular costs of the administration of the Program. These costs and expenses do not include any specialized or extraordinary professional services that may be necessary should the circumstances of a particular C-PACER project require them. The Property Owner for such C-PACER project shall be responsible for covering such expenses at cost.

6. Templates of Closing Documents

The Program has adopted template Closing Documents in Exhibit G, the Owner Contract, the Capital Provider Contract, and Notice of Contractual Assessment Lien. A Property Owner and Capital Provider may adapt the forms to the needs of their particular transaction but must not modify or omit any material substantive terms contained in the forms.

7. Local Government Has No Liability or Financial Responsibility

Neither the Local Government, its governing body, executives, or employees are personally liable as a result of exercising any rights or responsibilities granted under this Program. The Local Government shall not pledge, offer, or encumber its full faith and credit for any lien amount under the C-PACER program. No public funds may be used to repay any C-PACER financing obligation.

8. Post-Completion Items

For each completed C-PACER improvement project, the Property Owner must submit verification from an auditor that the Project was properly completed and is operating as intended (Exhibit F). See AS 29.55.120(2).

Upon written confirmation from the capital provider that the C-PACER Assessment has been repaid in full, the local government will release the Assessment from the Property.

9. Quality Assurance and Anti-Fraud Measures

The Local Government and its Program Administrator may audit a C-PACER application or closing documentation at any time. To the extent authorized by state and local law, the Local Government and its Program Administrator may request supplementary information from the Property Owner concerning eligibility for the C-PACER program, use of proceeds of C-PACER financing, and the performance of the C-PACER project for the purpose of quality assurance and anti-fraud.

Ward, Tamera

Subject: FW: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

From: Phil Kaluza <pkaluza@gmail.com>

Sent: Wednesday, October 18, 2023 4:23 PM

To: Turner, Michele <MicheleTurner@kpb.us>

Subject: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

To: KBS Assembly

I strongly urge you to adopt the proposed C-PACER resolution 2023-005.

In light of the diminishing availability of natural gas for space heating and the high cost of heating oil for everyone on the Kenai Peninsula, the C-PACER program will benefit everyone on the Peninsula at no cost to the taxpayer.

Phil Kaluza
Seward Resident

Dear Members of the Kenai Peninsula Borough Assembly,

I am writing to express my strong support for Resolution 2023-005, which establishes the Property Assessed Clean Energy and Resilience Program (PACER Program) in the Kenai Peninsula Borough. This ordinance, rooted in the Alaska State Legislature's PACER Act, presents a valuable opportunity to address important energy and resilience needs within our community.

The PACER Program's focus on reducing energy costs, stimulating economic growth, improving property valuation, reducing greenhouse gas emissions, and creating jobs aligns perfectly with the priorities of our borough. It is encouraging to see our local government taking proactive steps to facilitate this program, allowing property owners to make contractual PACER assessments to finance energy and resilience improvement projects.

By making these critical improvements more accessible, this ordinance will undoubtedly have a positive impact on our community's sustainability and resilience. I firmly believe that the PACER Program serves a valid public purpose, and I am excited to see it move forward.

I encourage all members of the Kenai Peninsula Borough Assembly to support Resolution 2023-005, as it is a significant step towards a more energy-efficient and resilient future for our borough.

Thank you for your dedication to this important initiative.

Sincerely,

Casie Warner

Seward AK



Samantha Allen
Executive Director

Board of Directors

Melissa Schutter
President

Robbie Huett
Vice-President

Geri Nipp
Treasurer

Jena Petersen
Secretary

Stephanie Millane

Hillary Bean

Greg Haas

Kirsten McNeil

Lyrissa Hammer

Matt Cope

Cliff Krug

October 19, 2023

To whom it may concern,

The Seward Chamber of Commerce is at the forefront of local business in our community. We recognize the availability of funding opportunities and the expense of year-round building operation as barriers to a thriving year-round economy in Seward. In the hopes of creating more opportunities for entrepreneurs to operate their business sustainably and economically, we are supporters of the C-PACER Legislation making its way to the Kenai Peninsula.

Energy efficiency is a hot topic in Seward and world-wide. The C-PACER Legislation will allow for new and existing services to have access to the grant funding they need to operate year-round. The C-PACER Legislation will have a trickle-down effect, promoting more critical services to operate on a year round schedule. This shift in our seasonally-dependent economy is crucial for the year-round citizens and business operators in Seward.

The Seward Chamber of Commerce supports the efforts of our Borough to make C-PACER Legislation attainable for all businesses on the Kenai Peninsula.

Please give this proposal your full consideration. If you have any questions please contact the Seward Chamber of Commerce at (907) 224-8951.

Best,

Samantha Allen
Executive Director

Ward, Tamera

Subject: FW: <EXTERNAL-SENDER>CPACER: Please Pass to Assembly Members

From: KellyAnn Cavaretta <kellyann.cavaretta@aksbdc.org>

Sent: Wednesday, October 25, 2023 2:44 PM

To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>; Cox, Tyson <tysoncox@kpb.us>; Mayor Peter Micciche <pmicciche@kpb.us>

Cc: Ecklund, Cindy <CEcklund@kpb.us>

Subject: <EXTERNAL-SENDER>CPACER: Please Pass to Assembly Members

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hello Mr. Micciche, Mr. Cox and assembly members

My name is KellyAnn Cavaretta. I am writing to you wearing many hats in support of passing the Property Assessed Clean Energy and Resilience - (CPACER) Program. I am really sorry I couldn't be there last night, but I am happy to see this vote has been postponed. I am commercial building owner outside Seward City limits, newly constructed Salted Roots Cabins, a commercial building owner inside city limits in Seward's downtown central business district, housing the both the Flamingo Lounge restaurant, 7 residential units, and 2 additional commercial units, and a transitioning property owner of a 4 plex and 3 additional cabins at Angels Rest on Resurrection Bay.

More importantly that this, I am a small business advisor on the eastern Kenai Peninsula for Alaska Small Business Development Center, and as a board member of Sustainable Seward, and I have been following the roll-out of CPACER program in Anchorage and eagerly awaiting this moment to, yet again, share my support for this program within our own borough. With the Anchorage borough's rollout as a model to learn from and grow with, I believe now is the time for us to think about the future of sustainable business in our communities. With an aging, historic downtown business district in Seward, I believe alternative and less conventional access to commercial capital can help sustain, boost, and thrive our economic environment. Available in the majority of lower 48 states, PACER programs streamline the partnership between commercial property owners, lending institutions and municipalities to finance energy efficiency upgrades.

Although I cannot answer questions in regards to the toll on the municipality administration, I wanted to share this informative webinar that answers a lot of your questions regarding debt service of these loans.

<https://www.youtube.com/watch?v=y9Yqm0OyrZ4>

A panel of building owners, banks, energy consultants and specialty lenders who have used or been involved with C-PACER funding talk about the *advantages* they've seen with this innovative type of financing for their commercial clean energy and new construction projects. Speakers: Jessica Lorentz, Sr. Energy Engineer & Principal, Bolder Energy Engineers Phil Reid, VP Commercial Loan Officer, Northrim Bank Sean Ribble, Senior Director Originations, Nuveen Stuart Ogilvie, Ogilvie Properties Inc

As a small business advisor and business owner of an aging commercial building myself, I know, first hand, that a lot of businesses are struggling to manage upkeep and improvements on older commercial buildings. This program would provide an avenue to improve infrastructure and provide an alternate loan process for businesses replacing windows,

adding heat pumps, solar panels, structural beams, LED lighting, and so forth. Oftentimes, it is the roadblock to capital that impedes business owners from making the necessary and expensive modifications on their real estate assets. This causes a generational dilemma, with young businesses inheriting older buildings at an inflated price, with no excess capital to bring its condition to the safety and production standards expected in 2023. CPACER loans are debt service based, rather than equity issues, so having them available makes it easier for motivated commercial building owners to access capital.

Between weatherization, air quality, and seismic issues, this would improve the safety, efficiency, real estate value, and curb appeal of our commercial districts. Additionally, as a borough, many of our businesses struggle around seasonality's cash flow issues. More efficient energy means lower energy bills, which equates to a business's ability to stay open longer and provide services to our community year round. If widely used in the Kenai Peninsula, PACER will ultimately reduce energy costs and carbon emissions across the borough, which is also in my favor as a Sustainable Seward board member.

Thank you for your time and consideration.

Best,

KellyAnn Cavaretta

Seward Small Business Advisor

Alaska SBDC Kenai Peninsula Center

W: aksbdc.org P: 907-224-5353 E: kellyann.cavaretta@aksbdc.org

In today's increasingly connected world, the protection of your business's digital assets is of paramount importance. October marks Cybersecurity Awareness Month, and Alaska SBDC can assist you in fortifying your business against increasingly sophisticated cyber threats. [Learn more to get started.](#)

Disclaimer: *This e-mail message may contain confidential, privileged information intended solely for the addressee. Please do not read, copy, or disseminate it unless you are the addressee. If you have received this message in error, we would appreciate you forwarding the message back to us and deleting it from your system.*

Warner, Avery

From: Cindy Ecklund
Sent: Tuesday, January 3, 2023 1:08 PM
To: Turner, Michele
Subject: Fwd: <EXTERNAL-SENDER>CPACE legislation

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

----- Forwarded message -----

From: Willy Dunne <wdunne907@gmail.com>
Date: Wed, Dec 28, 2022 at 8:31 AM
Subject: <EXTERNAL-SENDER>CPACE legislation
To: Tupper, Mike <mtupper@kpb.us>, Lane Chesley <lchesley@kpb.us>, Ecklund, Cindy <cecklund@kpb.us>
CC: Johnson, Brent <bjohnson@kpb.us>, Scott Waterman <scottwaterman.rsac@gmail.com>, Navarre Mike <mnavarre@kpb.us>

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Assembly Members,

I am very glad to see the CPACE (aka PACER) program moving forward via KPB Resolution 2023-005. This program has proved beneficial in other Alaska municipalities as well as many states around the US. My participation in CPACE workshops over the past few years has convinced me that it is a valuable program worthy of being adopted here.

Thanks to Cindy Ecklund for sponsoring this and the RSAC for promoting the idea. It will benefit business owners and the Borough. I look forward to seeing enabling ordinances soon.

Willy Dunne

--

Cindy L. Ecklund
907-362-2276

Warner, Avery

From: Cindy Ecklund
Sent: Tuesday, January 3, 2023 1:07 PM
To: Turner, Michele
Subject: <EXTERNAL-SENDER>Fwd: PACER resolution of intent

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

----- Forwarded message -----

From: Peter Crimp <petercrimp@gmail.com>
Date: Sun, Jan 1, 2023 at 1:22 PM
Subject: Re: PACER resolution of intent
To: Cindy Ecklund <ecklundc@gmail.com>
CC: Hig Higman <hig314@gmail.com>, Lori Landstrom <lmlandstrom81@gmail.com>, Scott Waterman <scottwaterman.rsac@gmail.com>

Here's the comment that I just submitted to the KPB.
-Peter

Dear Assembly President Johnson,

As a 20-year energy professional and 40-year Alaska resident, I support the establishment of a program under the State PACER Act for the Kenai Peninsula Borough. At negligible cost to the Borough the program has the potential to save business owners money, improve Borough property values and market competitiveness, protect property from earthquakes and other hazards, and create construction and engineering jobs. I am impressed with the innovative program's approach--including reducing risk to lenders and extending the period for businesses to capture benefits--through attaching the debt for improvements to the property and repaying through property taxes. It has been my experience that properly planned energy projects usually realize savings above debt service starting at year one.

Thank you for your consideration.

Peter Crimp, Principal

Crimp Energy Consulting, Homer, AK

petercrimp@gmail.com :: ph 907-440-6709

On Dec 29, 2022, at 9:54 PM, Hig <hig314@gmail.com> wrote:

Thanks Cindy - sounds good.

-Hig

On Thu, Dec 29, 2022 at 9:06 PM Cindy Ecklund <ecklundc@gmail.com> wrote:

Hig,

The State Statute section the new legislation is under is Chapter 55 - Municipal Programs. The KPB resolution mirrors the Mat-Su Resolution of intent except where it uses the new term PACER. I think were good. Hopefully the rest of the Assembly thinks so too.

Cindy

On Thu, Dec 29, 2022 at 4:53 PM Hig <hig314@gmail.com> wrote:

What I'm seeing is this first Whereas:

"the Alaska State Legislature enacted the Municipal Property Assessed Clean Energy and Resilience Act ("PACER Act"), Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time-to-time, authorizing local governments to establish an energy and resilience improvement assessment program;"

specifically mentions municipal properties rather than commercial properties,

However, down lower there's this clause:

"The Kenai Peninsula Borough intends to allow privately owned commercial or industrial property owners to make contractual PACER assessment to repay financing for qualified energy and resilience improvement projects under, and pursuant to, the terms of a municipal property assessed clean energy and resilience program subject to, and pursuant to, the PACER Act ("PACER Program")."

I'm not totally sure what that means, but maybe this implies that the definition of "municipal" will be extended to include eligible commercial properties, thus PACER would be like C-PACE but with "resiliency" and also applying to what would conventionally be called municipal properties?

Or am I misreading "municipal" entirely? I generally think of that as publicly owned property, but maybe I've got that wrong?

-Hig

On Thu, Dec 29, 2022 at 12:18 PM Cindy Ecklund <ecklundc@gmail.com> wrote:

Hig,

The new state plan documents are not out yet but as I understand the amended State statute they included the word resilience into the statute and will call the program PACER now instead of C-PACE. I called the state a month ago and they don't expect the new documents to be out until January or February. In Washington the program is called C-PACER but for now PACER is what the state said on the phone.

Peter please correct me if you know of other info.

Cindy

On Thu, Dec 29, 2022 at 11:40 AM Hig <hig314@gmail.com> wrote:

Hi Cindy and Peter,

Looking at the PACER resolution ([here](#)) it looks like this is not C-PACE, and that PACER is a separate program that is similar but allows municipal properties rather than commercial

properties to apply for loans like this. Peter - are you up on how PACER and C-PACE relate?

I have someone in Homer (Nancy Hillstrand) who sounds pretty game to comment, but just realized I'm not clear on this detail, so I'd like to get it straightened out before I respond to her with more details.

-Hig

On Wed, Dec 28, 2022 at 8:16 PM Hig <hig314@gmail.com> wrote:
That's great Cindy,

I'll see if I can find someone else...

-Hig

On Wed, Dec 28, 2022 at 11:10 AM Lori Landstrom <ljlandstrom81@gmail.com> wrote:
Good news, I think I've found a Seward small business owner willing to speak on 1/3. Cindy has been apprised and is in contact with Kellyann.
let's do this.

Lori

"Diversity is being invited to the party. Inclusion is being asked to dance."

-Verna Myers

On Wed, Dec 28, 2022 at 9:39 AM Cindy Ecklund <ecklundc@gmail.com> wrote:
Peter,

It's been awhile since you presented to the Assembly. A short email in support that includes your experience in the area would be a good reminder.

Hopefully a business somewhere on KPB has been following the program and has some interest already. We can only try!

Thanks again,
Cindy L. Ecklund

On Wed, Dec 28, 2022 at 9:13 AM Peter Crimp <petercrimp@gmail.com> wrote:
Hi Cindy.

Looks great. I'm available to write a letter of support or help someone else do so. Since Hig and I spoke at the Assembly meeting earlier this year, would it be better for the message to come from someone else?

Agreed that it would be best for a commercial property owner to express interest, but it's a very short timeline. I'll check with a friend who owns a business in Homer and see if he would be willing.

Peter

On Dec 27, 2022, at 2:08 PM, Cindy Ecklund <ecklundc@gmail.com> wrote:

Hi,

This will be on the agenda 1/3/23. It would be helpful for some positive communication to the Assembly prior to that date. Even better would be finding someone who would be interested in applying for the program to communicate their interest.

Soon,
Cindy L. Ecklund

----- Forwarded message -----

From: **Kelley, Sean** <skelley@kpb.us>

Date: Tue, Dec 27, 2022 at 10:35 AM

Subject: PACER resolution of intent

To: Ecklund, Cindy <CEcklund@kpb.us>

CC: Turner, Michele <MicheleTurner@kpb.us>, Cindy Ecklund <ecklundc@gmail.com>

Hi Cindy,

Sorry to include both of your emails but this is a bit time sensitive. Michele is going to hold packet until we know if you want to go forward with the resolution of intent.

I have attached a PDF version of both the resolution and accompanying memo. If you approve, you can either click through the Docusign buttons to initial and complete OR you can respond to this email or call Michele and give her approval to initial for you. Whatever you prefer works for us.

Thank you,

Sean

--

Sean Kelley

Borough Attorney

Kenai Peninsula Borough

(907)714-2120

This message, and any attachments, is private and may contain information that is confidential and subject to the Attorney-Client privilege or protected as Attorney Work Product. If you are not the person for whom this message is intended, please delete it and notify me immediately. Please do not copy or send this message to anyone else. Any unauthorized use by others is prohibited. Thank you.

--

Cindy L. Ecklund

907-362-2276

<PACER Reso of Intent RESO & MEMO.pdf>

--

Cindy L. Ecklund

907-362-2276

--

Hig (Bretwood Higman, PhD)

hig314@gmail.com

907 290 6992

Ground Truth Alaska (www.groundtruthalaska.org)

Nuka Research (www.nukaresearch.com)

--

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--

Cindy L. Ecklund

907-362-2276

Ward, Tamera

Subject: FW: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

From: Phil Kaluza <pkaluza@gmail.com>

Sent: Wednesday, October 18, 2023 4:23 PM

To: Turner, Michele <MicheleTurner@kpb.us>

Subject: <EXTERNAL-SENDER>C-PACER Resolution 2023-005

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To: KBS Assembly

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In light of the diminishing availability of natural gas for space heating and the high cost of heating oil for everyone on the Kenai Peninsula, the C-PACER program will benefit everyone on the Peninsula at no cost to the taxpayer.

Phil Kaluza
Seward Resident

Dear Members of the Kenai Peninsula Borough Assembly,

I am writing to express my strong support for Resolution 2023-005, which establishes the Property Assessed Clean Energy and Resilience Program (PACER Program) in the Kenai Peninsula Borough. This ordinance, rooted in the Alaska State Legislature's PACER Act, presents a valuable opportunity to address important energy and resilience needs within our community.

The PACER Program's focus on reducing energy costs, stimulating economic growth, improving property valuation, reducing greenhouse gas emissions, and creating jobs aligns perfectly with the priorities of our borough. It is encouraging to see our local government taking proactive steps to facilitate this program, allowing property owners to make contractual PACER assessments to finance energy and resilience improvement projects.

By making these critical improvements more accessible, this ordinance will undoubtedly have a positive impact on our community's sustainability and resilience. I firmly believe that the PACER Program serves a valid public purpose, and I am excited to see it move forward.

I encourage all members of the Kenai Peninsula Borough Assembly to support Resolution 2023-005, as it is a significant step towards a more energy-efficient and resilient future for our borough.

Thank you for your dedication to this important initiative.

Sincerely,

Casie Warner

Seward AK



Samantha Allen
Executive Director

Board of Directors

Melissa Schutter
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October 19, 2023

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The Seward Chamber of Commerce supports the efforts of our Borough to make C-PACER Legislation attainable for all businesses on the Kenai Peninsula.

Please give this proposal your full consideration. If you have any questions please contact the Seward Chamber of Commerce at (907) 224-8951.

Best,

Samantha Allen
Executive Director

eComment
Resolution 2023-005

Melanie Lucas-Conwell

Location:

Submitted At: 9:48pm 10-24-23

I'm writing in support of Resolution 2023-005. I administer the C-PACER program for the Municipality of Anchorage and have worked with Alaska Energy Authority to create a statewide C-PACER platform. Since launching the Anchorage C-PACER program in April 2021 and working with other jurisdictions to start their program, we have received many inquiries from commercial property owners in our community looking to use this financial mechanism to finance the installation, operations, and maintenance of upgrades on their buildings that they wouldn't have been able to finance otherwise. Additionally, this program is at no cost to taxpayers, as the loans are made by private lenders. In addition to improving our building stock, these projects are creating local jobs to install, maintain and operate these upgrades. We have closed two C-PACER loans in downtown Anchorage, one for the RIM office building and the other for the Aviator Hotel, both in partnership with Northrim Bank and the support of Mayor Bronson. I'm excited to support and to continue working with the Kenai Peninsula Borough on a C-PACER program and bringing a new financing option for its commercial property owners. Thank you.

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

THRU: John D. Hedges, Purchasing & Contracting Director *JH*

FROM: Robert Ruffner, Planning Director *RR*

DATE: March 22, 2024

RE: Authorization to Award a Contract for RFP24-016 Spring Land Sale Marketing and Auction Services 2024

On March 8, 2024, the Kenai Peninsula Borough Purchasing & Contracting Department formally solicited proposals for RFP24-016 Spring Land Sale Marketing and Auction Services 2024. The request for proposals was advertised in the Peninsula Clarion on March 9, 2024 and in the Anchorage Daily News on March 8, 2024.

The project consists providing marketing and auction services required for the successful sale of approximately 28 (twenty-eight) parcels of Borough owned lands by live in person auction, simulcast online, and a subsequent online only auction for those parcels not sold as part of the initial live auction.

On the due date of March 19, 2024, one (1) proposal was received from Alaska Premier Auctions and Appraisals, LLC and was reviewed by the Kenai Peninsula Borough Land Management Division.

The proposal, which includes a cost factor, was submitted by Alaska Premier Auctions and Appraisals, LLC with a lump sum cost proposal of \$50,000. The Land Management Division recommends award of a contract to Alaska Premier Auctions and Appraisals, LLC, Anchorage, Alaska. Your approval for this award is hereby requested.

Funding of this contract will be charged to account numbers 250-21210-00000-43011.

P. Micciche

Peter A. Micciche, Borough Mayor

3/27/2024

Date

NOTES: NA

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>250-21210-00000-43011</u>	
Amount: <u>\$50,000.00</u>	
By: <u><i>CJ BH</i></u>	Date: <u>3/22/2024</u>

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

THRU: John Hedges, Purchasing & Contracting Director *JH*

FROM: Thomas Nelson, Maintenance Director *TN*

DATE: March 27, 2024

RE: Authorization to Award a Contract for ITB24-038 Gym & Pool Locker Replacement

The Purchasing and Contracting Office formally solicited and received bids for the ITB24-038 Gym & Pool Locker Replacement. Bid packets were released on March 1, 2024 and the Invitation to Bid was advertised in the Peninsula Clarion on March 2, 2024 and in the Anchorage Daily News on March 1, 2024.

The project consists of supplying the Kenai Peninsula Borough with approximately 500 metal athletic lockers per material and sizes specified in bidding documents.

On the due date of March 13, 2024, four (4) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The bid of \$124,645.00 was submitted by Vibetech Specialties, LLC, Portland, Oregon.

Your approval for this bid award is hereby requested. Funding for this project is in account numbers 400-78050-23855-48630 & 400-78050-24855-48630.



Peter A. Micciche, Borough Mayor

3/27/2024

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No. <u>400-78050-23855-48630</u>	<u>\$81,568.94</u>
Acct. No. <u>400-78050-24855-48630</u>	<u>\$43,076.06</u>
By: <u><i>CJ BH</i></u>	Date: <u>3/27/2024</u>

NOTES: NA

KENAI PENINSULA BOROUGH PURCHASING & CONTRACTING

BID TAB FOR: ITB24-038 Gym & Pool Locker Replacement

CONTRACTOR	LOCATION	BASE BID
Material Flow	Anchorage, Alaska	\$151,865.59
Northwest School Equipment	Portland, Oregon	\$126,889.00
Vibetech Specialties, LLC	Portland, Oregon	\$124,645.00
Tiger Supplies	Wayne, New Jersey	NON-RESPONSIVE

DUE DATE: March 13, 2024

KPB OFFICIAL: 
John Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor

THRU: John Hedges, Purchasing & Contracting Director *JH*

FROM: Carmen Vick, Project Manager *CV*

DATE: March 15, 2024

RE: Authorization to Award a Contract for ITB24-034 Seward High School Track

The Purchasing and Contracting Office formally solicited and received bids for the ITB24-034 Seward High School Tract. Bid packets were released on February 2, 2024 and the Invitation to Bid was advertised in the Peninsula Clarion on February 3, 2024 and in the Anchorage Daily News on February 2, 2024.

The project consists of providing all labor and materials to remove / replace the existing Track and Field at Seward High School per contract documents.

On the due date of February 29, 2024, one (1) bid was received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$3,285,898.00 was submitted by Metco Alaska, Inc., Seward, Alaska 99669.

Your approval for this bid award is hereby requested. Funding for this project is in account number 401-78050-23S03-~~49011~~ 49101.

A Micciche

Peter A. Micciche, Borough Mayor

3/22/2024

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	407-78050-23S03- 49011 49101
Amount	\$3,285,898.00
By: <i>CV JH</i>	Date: 3/15/2024

NOTES: 401-78050-23S03-49101

KENAI PENINSULA BOROUGH PURCHASING & CONTRACTING

BID TAB FOR: ITB24-034 Seward High School Track

CONTRACTOR	LOCATION	BASE BID
Metco Alaska, LLC	Seward, Alaska	\$3,285,898.00
Southcentral Construction, Inc	Anchorage, Alaska	\$3,563,692.00

DUE DATE: 02/29/2024

KPB OFFICIAL: 
John Hedges, Purchasing & Contracting Director

Kenai Peninsula Borough Purchasing & Contracting

MEMORANDUM

TO: Peter A. Micciche, Borough Mayor
THRU: John Hedges, Purchasing & Contracting Director *JH*
FROM: Nick Chapman, Seward Bear Creek Flood Service Area, Program Manager *NC*
DATE: March 28, 2024
RE: Authorization to Award a Contract for ITB24-033 SBCFSA Upper Salmon Creek Revetment

The Purchasing and Contracting Office formally solicited and received bids for the ITB24-033 Upper Salmon Creek Revetment. Bid packets were released on March 8, 2024 and the Invitation to Bid was advertised in the Peninsula Clarion on March 9, 2024 and in the Anchorage Daily News on March 8, 2024.

The project consists of removing gravel at an even grade from beginning of project to end of project consisting of approximately 2,800 river feet.

On the due date of March 21, 2024, five (5) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$133,800.00 was submitted by Andrews and Sons, LLC, Seward, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 259-21212-00000-43011.



Peter A. Micciche, Borough Mayor

3/31/2024

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	259-21212-00000-43011
Amount	\$133,800.00
By: <i>CSJ BH</i>	Date: 3/29/2024

NOTES: NA

KENAI PENINSULA BOROUGH PURCHASING & CONTRACTING

BID TAB FOR: ITB24-033 Upper Salmon Creek Revetment

CONTRACTOR	LOCATION	BASE BID
Andrews and Sons, LLC	Seward, Alaska	\$133,800.00
Metco Alaksa, LLC	Seward, Alaska	\$170,800.00
Great Northern Construction & Management	Soldotna, Alaska	\$246,560.00
BMGC, LLC	Kenai, Alaska	\$345,000.00
Granite Construction Company	Anchorage, Alaska	\$375,000.00

DUE DATE: March 21, 2024

KPB OFFICIAL: 
John Hedges, Purchasing & Contracting Director