

Kenai Peninsula Borough
Legal Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor CP

FROM: Colette Thompson, Borough Attorney CT

DATE: September 15, 2020

RE: Ordinance 2020-40, Exempting the Kenai Peninsula Borough Cares Act Coronavirus Relief Fund Grant Programs from KPB 19.30.020 – 19.30.070, Relating to Economic Development (Mayor)

In Chapter 19.30 the borough code includes provisions establishing procedures and guidelines for the borough's exercise of economic development power. These are intended to limit the exercise of this power to certain types of large proposals to qualify for borough support. For example, they require a bank ready business plan and that the project is planned to provide either a \$10 million increase in the borough property tax base or a minimum of 25 permanent full-time jobs in the area of the borough outside the cities.

Response to and recovery from a pandemic using federal and state grant funds was not anticipated when these provisions were approved in 1999. This ordinance would exempt the CARES Act and Coronavirus Relief Fund (CRF) Grant Programs from the requirements of this chapter. As the first borough CARES Act and CRF grant programs were approved by the assembly in resolution 2020-047 effective June 16, 2020 we recommend that this ordinance be retroactively effective on that date.

Your consideration of this ordinance would be appreciated.