

Kenai Peninsula Borough

*144 North Binkley Street
Soldotna, AK 99669*



Meeting Agenda

Tuesday, June 2, 2020

6:00 PM

**The meeting will be held through Zoom - Meeting ID: 128 871 931, from
the Betty J. Glick Assembly Chambers**

Assembly

Kelly Cooper, President

Hal Smalley, Vice President

Norm Blakeley

Jesse Bjorkman

Kenn Carpenter

Tyson Cox

Willy Dunne

Brent Hibbert

Brent Johnson



Assembly Meeting Schedule

TUESDAY, JUNE 2, 2020

- | | |
|----------------|--|
| 1:00 PM | Finance Committee
Land Trust Investment Fund, Investment Review
(20 Minutes) |
| 2:30 PM | Lands Committee |
| 3:15 PM | Policies and Procedures Committee
Agnew::Beck Presentation Regarding the
Communication Strategy and Implementation Plan
(15 Minutes) |
| 4:00 PM | Legislative Committee |
| 6:00 PM | Regular Assembly Meeting |

Above listed meetings will be held in:

Zoom Meeting ID: 128 871 931
From the Betty J. Glick Assembly Chambers



Finance Committee

June 2, 2020

1:00 PM

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

Brent Hibbert, Chair

Tyson Cox, Vice Chair

Brent Johnson

AGENDA

ITEMS NOT APPEARING ON THE REGULAR MEETING AGENDA

1. Kenai Peninsula Borough Land Trust Investment Fund, Investment Review (20 Minutes)

PUBLIC HEARINGS ON ORDINANCES

1. Ordinance 2019-19-40: An Emergency Ordinance Appropriating Funds from the Central Peninsula Hospital Plant Replacement Fund to Purchase a High Capacity Molecular Testing Platform in Order to Better Ensure Testing Resources Necessary to Protect the Borough Residents and Businesses from the Novel Coronavirus Disease During and After Reopening the Borough, and Authorizing a Proprietary Procurement (Mayor) 8
2. Ordinance 2020-19: Appropriating Funds for Fiscal Year 2021 (Mayor) 16
3. Ordinance 2020-26: Providing for an Exception to the Operating Agreement Between the Kenai Peninsula Borough and Central Peninsula General Hospital, Inc. to Allow Cash in Excess of 90 Days to be Retained by Central Peninsula General Hospital, Inc. as of June 30, 2020 Due to the COVID-19 Pandemic (Mayor) 21

NEW BUSINESS

1. Resolutions
 - *a. Resolution 2020-036: Accepting Medical Equipment from the Southern Region Emergency Medical Services Council, Inc., on Behalf of Bear Creek Fire Service Area (Mayor) 115

b.	<u>Resolution 2020-037</u> : Setting the Rate of Levy for Real and Personal Property Taxes for the Kenai Peninsula Borough and for Service Areas Within the Borough for Fiscal Year 2021, Tax Year 2020 (Mayor)	119
*c.	<u>Resolution 2020-040</u> : Authorizing the Mayor to Execute the Fiscal Year 2021 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)	123
2.	Ordinances for Introduction	
*a.	<u>Ordinance 2019-19-38</u> : Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor) (Hearing on 06/16/20)	141
*b.	<u>Ordinance 2019-19-39</u> : Accepting and Appropriating Funding from the State of Alaska in the Amount of \$37,458,449.47 for a Federal Pass-Through Award Under the U.S. Department of the Treasury, Coronavirus Relief Fund (Mayor) (Hearing on 06/16/20)	148
*c.	<u>Ordinance 2020-27</u> : Authorizing the Director of Finance to Accept the FY2021 Late-Filed Senior Citizen Grant Application for the Seldovia Senior Citizen Program (Mayor) (Hearing on 06/16/20)	151
*d.	<u>Ordinance 2020-28</u> : Authorizing the Assessor to Accept Three Late Filed-Senior Exemption Applications for 2020 Filed After March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor) (Hearing on 06/16/20)	158
3.	Other	
*a.	Approving a Letter of Non-Objection Regarding the Transfer of Ownership of a Restaurant/Eating Place License and the Restaurant Designation Permit for Two Brothers Roadhouse Liquor License #5012	212

*Consent Agenda Items



Lands Committee

June 2, 2020

2:30 PM

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

Brent Johnson, Chair

Kenn Carpenter, Vice Chair

Norm Blakeley

AGENDA

NEW BUSINESS

2. Ordinances for Introduction

- *e. Ordinance 2020-30: Authorizing Cooperative Leases of Space at the Kenai River Center Building with the State of Alaska, Department of Fish and Game and Department of Natural Resources (Mayor) (Hearing on 06/16/20) 168

3. Other

- *b. Petition to Vacate a Portion of Fritz Creek Drive Right-of-way Adjacent to Tract E, Fritz Creek Acres Addition Tract D & E (HM 78-105) and Adjacent to Lot 2, Carl Baier Tract A Weber 1981 Subdivision (HM 82-10) as dedicated on Fritz Creek Acres (HM 78-105) and Fritz Creek Acres No.4 (HM 2007-122) and the 66-foot Wide Section Line Easement Located Within the Portion of Fritz Creek Valley Drive Right-of-way and Section Line Easement Being Vacated are Partially Developed and Located Within the NW1/4 SW1/4 of Section 28, and the NE1/4 SE1/4 of Section 28, and the NE1/4 SE1/4 of Section 29, Township 5 South, Range 12 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-035V. Petitioners Terri Bramel Trust of Anchorage, Alaska 237

[Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its May 11, 2020 meeting by unanimous consent.]

- *c. Petition to Vacate the West 5 Feet of the Existing 70-foot Wide Camelot Drive Right-of-way Along the East Boundary of Lots 6, 7 and 8, Block 2, as Dedicated on Camelot by the Sea Subdivision, Plat SW-76. The Right-of-way Being Vacated is Developed and Located within the NW1/4 SE1/4 of Section

23, Township 1 North, Range 1 West, Seward Meridian, Alaska,
Within the Kenai Peninsula Borough. KPB File 2020-032V.
Petitioners: J. Craig Turnbull and Catherine M. Turbull of
Seward, AK258

*[Clerk's Note: The Planning Commission approved the above
referenced petition to vacate at its May 11, 2020 meeting by
unanimous consent.]*

*Consent Agenda Items



Policies and Procedures Committee

June 2, 2020

3:15 PM

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

Willy Dunne, Chair

Hal Smalley, Vice Chair

Kenn Carpenter

AGENDA

PUBLIC HEARINGS ON ORDINANCES

4. Ordinance 2020-24: Amending KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between a Regular Election and a Run-Off Election, and to Remove Proposition Statements (Cox, Dunne, Hibbert, Smalley) 26

NEW BUSINESS

1. Resolutions
 - *d. Resolution 2020-038: Extending the Disaster Emergency Declaration for the Kenai Peninsula Borough Issued Due to the Current and Expected Imminent Impacts of the COVID-19 Pandemic for an Additional 90 Days (Mayor) 136
2. Ordinances for Introduction
 - *f. Ordinance 2020-31: Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson) (Hearing on 07/07/20) 192

MAYOR'S REPORT..... 277

1. Assembly Requests/Responses - None
2. Agreements and Contracts
 - a. Authorization to Award a Contract for ITB20-022 Central Peninsula Landfill (CPL) Brush Chipping Project 2020 to Evergreen Alaska, Inc., Kasilof, Alaska 278

3. Other

- a. Agnew::Beck Update Presentation on the Communication Strategy and Implementation Plan (15 Minutes)
- b. KPTMC Financial/Progress Report280
- c. Revenue-Expenditure Report-April 2020294
- d. Budget Revisions – April 2020297
- e. Investment Report Quarter Ended 03/31/2020301

*Consent Agenda Items



Legislative Committee

June 2, 2020

4:00 PM

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

Hal Smalley, Chair

Jesse Bjorkman, Vice Chair

Willy Dunne

AGENDA

NEW BUSINESS

2. Ordinances for Introduction

- *g. Ordinance 2020-29: Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter) (Hearing on 06/16/20)..... 208

*Consent Agenda Items



Assembly Agenda

June 2, 2020 - 6:00 PM

Regular Meeting

The meeting will be held through
Zoom Meeting ID: 128 871 931
From the Betty J. Glick Assembly Chambers

Kelly Cooper
Assembly President
Seat 8 – Homer
Term Expires 2020

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

Jesse Bjorkman
Assembly Member
Seat 3 - Nikiski
Term Expires 2022

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

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

Tyson Cox
Assembly Member
Seat 4 - Soldotna
Term Expires 2022

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

Brent Johnson
Assembly Member
Seat 7 – Central
Term Expires 2022

Brent Hibbert
Assembly Member
Seat 1 – Kalifornsky
Term Expires 2021

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

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

[Clerk's Note: The invocation will be offered by Debbie Hamilton.]

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

(Action 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

Resolution 2020-036
Resolution 2020-040
Resolution 2020-038
Ordinance 2019-19-38
Ordinance 2019-19-39
Ordinance 2020-27
Ordinance 2020-28
Ordinance 2020-30
Ordinance 2020-31
Ordinance 2020-29
Petition to Vacate – Fritz Creek Drive
Petition to Vacate – Camelot Drive
Two Brothers Liquor License

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA

APPROVAL OF MINUTES

- *1. May 19, 2020 Regular Assembly Meeting Minutes..... 1

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE (20 Minutes total)

1. Kenai Peninsula Borough School District Annual Report
(10 Minutes)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 minutes per speaker; 20 Minutes aggregate)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

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

1. Ordinance 2019-19-40: An Emergency Ordinance Appropriating Funds from the Central Peninsula Hospital Plant Replacement Fund to Purchase a High Capacity Molecular Testing Platform in Order to Better Ensure Testing Resources Necessary to Protect the Borough Residents and Businesses from the Novel Coronavirus Disease During and After Reopening the Borough, and Authorizing a Proprietary Procurement (Mayor) (Referred to Finance Committee) 8
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UNFINISHED BUSINESS

NEW BUSINESS

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Being Vacated are Partially Developed and Located Within the NW1/4 SW1/4 of Section 28, and the NE1/4 SE1/4 of Section 28, and the NE1/4 SE1/4 of Section 29, Township 5 South, Range 12 West, Seward Meridian, Alaska, Within the Kenai Peninsula Borough. KPB File 2020-035V. Petitioners Terri Bramel Trust of Anchorage, Alaska (Referred to Lands Committee)237

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MAYOR'S REPORT.....277

- 1. Assembly Requests/Responses
 - a. None.
- 2. Agreements and Contracts
 - a. Authorization to Award a Contract for ITB20-022 Central Peninsula Landfill (CPL) Brush Chipping Project 2020 to Evergreen Alaska, Inc., Kasilof, Alaska278
- 3. Other
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d.	Budget Revisions – April 2020	297
e.	Investment Report Quarter Ended 03/31/2020	301

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS (3 minutes per speaker)

ASSEMBLY COMMENTS

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

1. Ordinance 2020-25: Establishing the Resilience and Security Advisory Commission for the Kenai Peninsula Borough (Cooper, Cox, Smalley) (Hearing on 06/16/20) (Referred to Lands Committee)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

- | | | |
|----|--------------------------|--|
| 1. | June 16, 2020
6:00 PM | Regular Assembly Meeting
This meeting will be held through
Zoom: Meeting ID: 128 871 931
From the Betty J. Glick Assembly
Chambers |
|----|--------------------------|--|

ADJOURNMENT

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

The meeting will be held through Zoom, the Meeting ID: 128 871 931. To join the meeting from a computer, visit <https://zoom.us/j/128871931>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 128 871 931. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at kpb.us: "Meeting and Public Notices" "Current Assembly Agenda".

Copies of the agenda and ordinances to be considered can be viewed on the website referenced above or at the Public Bulletin Board located on the window right of the double doors in the back of the Borough Administration Building. For further information, please call the Clerk's Office at 714-2160 or toll free within the Borough at 1-800-478-4441, Ext. 2160. Visit our website at www.kpb.us for copies of the agenda, meeting summaries, ordinances and resolutions.



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes

Assembly

Kelly Cooper, President
Hal Smalley, Vice President
Norm Blakeley
Jesse Bjorkman
Kenn Carpenter
Tyson Cox
Willy Dunne
Brent Hibbert
Brent Johnson

Tuesday, May 19, 2020

6:00 PM

The meeting will be held through Zoom - Meeting ID:
128 871 931, from the Betty J. Glick Assembly
Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was offered by Meredith Harber.]

ROLL CALL

Present: 9 - Jesse Bjorkman, Norm Blakeley, Kenn Carpenter, Tyson Cox, Willy Dunne, Brent Hibbert, Brent Johnson, Hal Smalley, and Kelly Cooper

Also present were:

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

COMMITTEE REPORTS

Assembly Member Hibbert stated that the assembly participated in budget work sessions and the Finance Committee met and discussed its agenda items.

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

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

Smalley moved to increase the Clerk and Deputy Clerk's Annual Salary by Two Percent (2%), Effective July 1, 2020 Currently Budgeted for in the FY21 Budget Cycle. The motion carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

APPROVAL OF AGENDA AND CONSENT AGENDA

Smalley moved to approve the agenda and consent agenda.

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

[KPB-2620](#) May 5, 2020 Assembly Meeting Minutes

Approved.

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

[2019-19-36](#) An Ordinance Approving and Appropriating Grant Funds Totaling \$18,023.65 from the Alaska Department of Natural Resource for the Volunteer Fire Assistance Program on Behalf of Anchor Point Fire and Emergency Services, Kachemak Emergency Service Area, and Nikiski Fire Service Area (Mayor)

This Budget Ordinance was enacted.

[2019-19-37](#) An Ordinance Appropriating \$77,000 to the Office of Emergency Management to Cover Costs Associated with Mitigation for the COVID-19 Disaster Declaration (Mayor)

This Budget Ordinance was enacted.

[2020-22](#) An Ordinance Authorizing the Negotiated Lease of Rental Space at the Nikiski Community Recreation Center with the Kenaitze Indian Tribe (Mayor)

[Clerk's Note: The last Whereas clause of Ordinance 2020-22 was amended to read "Whereas, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of May 11, 2020 recommended approval by unanimous consent."]

This Ordinance was enacted as amended.

[2020-23](#) An Ordinance Authorizing a One-Time Extension of KPB 20.70.130 Which Sets a One-Year Deadline to Record a Final Plat Following

Vacation Approval (Mayor)

[Clerk's Note: The last Whereas clause of Ordinance 2020-23 was amended to read "Whereas, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of May 11, 2020 recommended approval by unanimous consent;

Section 2 of Ordinance 2020-23 was amended to read, "That the one-year vacation plat deadline established under KPB 20.70.130 is extended until the earlier of: (1) November 15, 2020; or (2) 30 days after the date the governor determines, pursuant to applicable law, that the Disaster Emergency no longer exists."]

This Ordinance was enacted as amended.

[2020-17](#)

An Ordinance Authorizing a Lease to New Cingular Wireless PCS LLC for Approximately 1,600 Square Feet of Borough Land in Kenai for a Communications Site (Mayor)

[Clerk's Note: Section 3 of Ordinance 2020-17 was deleted, ["THE MAYOR IS AUTHORIZED TO SIGN ANY DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE"] in its entirety.; and the Last Whereas Clause was amended to read "Whereas, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of May 11, 2020 recommended approval with certain amendments by majority vote."]

This Ordinance was enacted as amended.

[2020-26](#)

An Ordinance Providing for an Exception to the Operating Agreement Between the Kenai Peninsula Borough and Central Peninsula General Hospital, Inc. to Allow Cash in Excess of 90 Days to be Retained by Central Peninsula General Hospital, Inc. as of June 30, 2020 Due to the Covid-19 Pandemic (Mayor)

This Ordinance was introduced and set for public hearing.

Approval of the Consent Agenda

President Cooper 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 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

[KPB-2619](#) United States Senator Dan Sullivan CARES Act Presentation (10

Minutes)

[Clerk's Note: Senator Dan Sullivan Presented a Status Update of the CARES Act Funding.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Cooper called for public comment with none being offered.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

2020-19

An Ordinance Appropriating Funds for Fiscal Year 2021 (Mayor)

[Clerk's Note: Tyson Cox and Jesse Bjorkman declared a potential conflict at the introduction of the above referenced ordinance. President Cooper ruled that there was no conflict.]

Blakeley moved to overturn President Cooper's ruling that Assembly Members Cox and Bjorkman did not have a conflict.

Assembly Member Carpenter spoke in favor of overturning President Coopers ruling.

Assembly Members Smalley and Dunne spoke in opposition to the motion to overturn President Cooper's ruling.

The motion to overturn President Cooper's ruling failed by the following vote:

Yes: 2 - Blakeley, and Carpenter

No: 5 - Dunne, Hibbert, Johnson, Smalley, and Cooper

Abstain: 2 - Bjorkman, and Cox

Hibbert moved to enact Budget Ordinance 2020-19

President Cooper called for public comment.

The following people spoke in support of Kenai Peninsula College funding:

Michelle Wacławski, Homer

Kim Frost, Homer

Nancy Johnson, Homer

Christine Godfrey, Homer

Gary Turner, Soldotna

Reed Brewer, Homer

Zoe Kramer, Homer

Robin Dahlman, Soldotna

Linda Swarner, Kenai

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

Hibbert moved to postpone Budget Ordinance 2020-19 to the June 2, 2020 meeting.

The motion to postpone Budget Ordinance 2020-19 to the June 2, 2020 meeting carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

[2020-21](#)

An Ordinance Amending KPB 21.02.050 to Change the Kachemak Bay Advisory Planning Commission Membership by Removing the City of Homer Ex Officio Non-Voting Member (Dunne)

Dunned moved to enact Ordinance 2020-21.

President Cooper called for public comment with none being offered.

The motion to enact Ordinance 2020-21 carried by the following vote:

Yes: 9 - Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, and Cooper

UNFINISHED BUSINESS

NEW BUSINESS

MAYOR'S REPORT

[KPB-2613](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-2614](#) ProQA Licenses 5 Year Rate Lock Sole Source Waiver with Priority Dispatch
3. Other
 - a. [KPB-2615](#) Capital Project Reports - March 31, 2020
 - b. [KPB-2616](#) Litigation Status Report - Quarter Ending 03/31/2020
 - c. [KPB-2617](#) FY20-3Q Senior Center Grant Reports
 - d. [KPB-2618](#) FY20-3Q Economic Development Grant Reports

- e. [KPB-2621](#) LAYDOWN - Alaska Gasline Development Corporation Strategic Plan

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

Assembly Member Carpenter congratulated Seniors from Seward High School on their graduation.

Assembly Member Blakeley stated he appreciated the dialogue throughout the evening. He wished everyone a good night.

Assembly Member Johnson discussed benefits of a potential joint Ninilchik-Anchor Point Fire Service Area. He stated his condolences to Fred Sturman and Marg Wiley's families.

Vice President Smalley thanked everyone for their testimony. He thanked the borough staff for their hard work on the budget. Mr. Smalley congratulated 2020 graduates and wished everyone a good evening.

Assembly Member Hibbert stated his appreciation to the assembly for their hard work. He wished everyone a safe evening.

Assembly Member Cox thanked the borough employees for their hard work through the budget process. He stated that he enjoyed hearing the 2020 accomplishments for each department. He thanked Finance Director, Brandi Harbaugh for compiling the budget document. Mr. Cox congratulated 2020 graduates and stated that he watched SOHI's graduation over Facebook Live.

Assembly Member Dunne stated the budget process highlighted the importance of borough services. He congratulated Homer High School graduates.

Assembly Member Bjorkman thanked everyone for a good meeting. He thanked Assembly Member Hibbert for guiding the assembly through the budget process. He thanked borough employees for their hard work in preparing their budget presentations. Mr. Bjorkman sent his condolences to Fred Sturman's family. He congratulated Nikiski High School graduates and wished them well.

President Cooper thanked borough employees, the administration and service areas on their hard work during the budget work sessions. She thanked Mr. Hibbert for his guidance through the budget and thanked the Clerk's office for their hard work.

PENDING LEGISLATION

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

June 2, 2020 Regular Assembly Meeting

6:00 PM This meeting will be held through Zoom: Meeting ID: 128 871 931 From the Betty J. Glick Assembly Chambers.

ADJOURNMENT

With no further business to come before the assembly, President Cooper adjourned the meeting at 10:28 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of May 19, 2020.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

Introduced by:	Mayor
Date:	06/02/20
Hearing:	06/02/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
EMERGENCY ORDINANCE 2019-19-40**

**AN EMERGENCY ORDINANCE APPROPRIATING FUNDS FROM THE CENTRAL
PENINSULA HOSPITAL PLANT REPLACEMENT FUND TO PURCHASE A HIGH
CAPACITY MOLECULAR TESTING PLATFORM IN ORDER TO BETTER ENSURE
TESTING RESOURCES NECESSARY TO PROTECT THE BOROUGH RESIDENTS
AND BUSINESSES FROM THE NOVEL CORONAVIRUS DISEASE DURING AND
AFTER REOPENING THE BOROUGH, AND AUTHORIZING A PROPRIETARY
PROCUREMENT**

WHEREAS, on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency concerning the Novel Coronavirus Disease outbreak (COVID-19); and

WHEREAS, on March 11, 2020, the Governor of Alaska declared a Public Health Disaster Emergency concerning the Novel Coronavirus; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency concerning the Novel Coronavirus; and

WHEREAS, on March 16, 2020, the borough mayor issued a Disaster Emergency Declaration due to the current and imminent impacts of the COVID-19 Pandemic in the areas of the borough outside of the cities and the disaster is continuing to significantly impact the borough; and

WHEREAS, the assembly finds that an emergency exists based upon the ongoing widespread COVID-19 pandemic; and

WHEREAS, on March 29, 2020, the United States Congress passed H. R. 748, a \$2 trillion economic stimulus bill known as the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to provide aid and economic relief to individuals, businesses, healthcare facilities and state and local governments; and

WHEREAS, on May 20, 2020 the Alaska State Legislature passed House Bill 343 which ratified the governor and executive branch plan for expending \$1.25 billion of CARES Act funding received by the State of Alaska; and

WHEREAS, the Kenai Peninsula Borough has been awarded \$37,458,449.47, with a first installment of approximately \$21,325,715 in restricted CARES Act, Coronavirus

Relief Fund funding that will be distributed for eligible projects once the grant agreement has been fully executed and must be spent under the guidelines of Section 601(d) of the Social Security Act; and

WHEREAS, per the supporting CPGH resolution 2020-21, due to lack of a centrally located high capacity testing, less than 3 percent of the Kenai Peninsula Borough population has been tested for COVID-19; and

WHEREAS, discussions between the Kenai Peninsula Borough Mayor, Central Peninsula Hospital and South Peninsula Hospital administrations, have determined that COVID-19 testing for borough residents is neither rapid, reliable nor ubiquitous as necessary to protect our communities; and

WHEREAS, COVID-19 testing is widely recognized as a high priority test that will help limit the spread and impact of the disease by identifying cases, providing quick treatment and isolation to prevent spread, and to identify people who came into contact with infected people so they can be quickly treated as well; and

WHEREAS, Central Peninsula Hospital, South Peninsula Hospital (both borough-owned hospitals) and the Kenai Peninsula Borough Mayor have determined the purchase of a centralized high capacity rapid test system is necessary to protect borough residents and businesses under the multiple declared COVID-19 public health emergencies at the federal, state, and local levels as the pandemic continues to plague and disrupt our communities; and

WHEREAS, the high capacity molecular testing platform has a preliminary estimated cost not to exceed \$400,000 for equipment only, plus ongoing annual maintenance costs of \$45,000 with an initial expected delivery lead time of four to six months; and

WHEREAS, the medical testing unit will drive some space needs along with electrical and air handling improvements those details and estimated costs will be brought forward for a supplemental appropriation as soon as they are available; and

WHEREAS, the Department of Health and Human Services is also awarding grant funds to states, territories, and local jurisdictions to support testing for COVID-19; meant to ensure that they have the testing resources necessary to meet their testing goals as states, territories, and local jurisdictions reopen; and

WHEREAS, it is the intent of the borough administration to pursue additional grant opportunities through the CARES Act in pursuit of reimbursement for this need; and

WHEREAS, the administration has been in contact with Roche Diagnostics Corporation (Roche) which manufactures the cobas 6800 system which tests for COVID-19; and

WHEREAS, Roche has been experiencing a large demand for this platform with many units back-ordered; and

WHEREAS, the sooner CPGH, Inc. can place this order the quicker the borough will be able to obtain and install the testing equipment, which will enable people in the borough to obtain reliable COVID-19 test results much more rapidly than currently available; and

WHEREAS, at its regular meeting of May 28, 2020, the CPGH, Inc. board recommended _____; and

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

SECTION 1. Funds in the amount of \$400,000 are appropriated from the Central Peninsula Hospital Plant Replacement Fund to account number 490.81110.20D1R.49999 for the purchase of a molecular testing platform and associated costs.

SECTION 2. The mayor is authorized to submit grant applications related to the Coronavirus Aid, Relief, and Economic Security Act funding in pursuit of funds to support the unanticipated COVID-19 Pandemic response and associated expenditures to protect the borough residents and businesses.

SECTION 3. The Mayor is authorized to purchase a cobas 6800 system from Roche Diagnostics Corporation on a sole-source basis. The justification for sole source is to retain the same system used throughout the State of Alaska which is capable of addressing the large testing capacity as well as ensuring the reliability of resupplying testing medium.

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

SECTION 5. That this ordinance takes effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Purchasing and Contracting Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor CP

FROM: John Hedges, Purchasing and Contracting Director JH
Dan Nelson, OEM Senior Director DN
Brenda Ahlberg, Community and Fiscal Projects Manager BA
Brandi Harbaugh, Finance Director BH

DATE: May 21, 2020

RE: Emergency Ordinance 2019-19-40, Appropriating Funds from the Central Peninsula Hospital Plant Replacement Fund to Purchase a High Capacity Molecular Testing Platform in Order to Better Ensure Testing Resources Necessary to Protect the Borough Residents and Businesses from the Novel Coronavirus Disease During and After Reopening the Borough, and Authorizing a Proprietary Procurement (Mayor)

In response to the 2020 COVID-19 pandemic, discussions between the Kenai Peninsula Borough Mayor, Central Peninsula Hospital and South Peninsula Hospital administrations, have determined that COVID-19 testing for borough residents is neither rapid, reliable nor ubiquitous as necessary to protect our communities.

Due to lack of a centrally located high capacity testing, less than 3 percent of the population of the Kenai Peninsula Borough has been tested for COVID-19, therefore Central Peninsula Hospital, South Peninsula Hospital (both borough-owned hospitals) and the Kenai Peninsula Borough Mayor have determined the purchase of a centralized high capacity rapid test system is necessary to protect borough residents and businesses under the multiple declared COVID-19 public health emergencies at the federal, state, and local levels as the pandemic continues to plague and disrupt our communities.

This ordinance is an emergency ordinance due to the ongoing COVID-19 pandemic and the high priority need for prompt accurate testing to be available locally on the peninsula to help stem the spread of this virus.

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May 21, 2020

RE: Emergency O2019-19- 40

Additionally, it seeks authority to sole source the purchase of the platform from Roche Diagnostics Corporation which manufactures the cobas 6800 system. They are experiencing a large demand for this platform with many units back ordered. The sooner we can place this order the sooner we should receive the platform.

In review and discussion with CPH staff and the KPB Purchasing and Contracting Department regarding the cobis 6800 diagnostic unit it is apparent that this unit meets our testing needs. Other units on the market are intended for areas with much higher testing demands then what we would experience on the Kenai Peninsula. Smaller units on the market are drastically undersized for the needs and are not comparable to this platform. In discussion with CPH the cobis 6800 is the only unit on the market that meets this size and capacity for the testing needs of COVID-19.

The high capacity molecular testing platform has a preliminary estimated cost not to exceed for equipment only \$400,000, ongoing annual maintenance costs of \$45,000 with an initial expected delivery lead time of 4 to 6 months. The medical testing unit will drive some space needs along with electrical and air handling improvements. At this time, it is not clear what the details of those improvements are. KPB and CPH support service staff are actively working on bringing clarity to this scope. Those details will be brought forward as a supplemental appropriation request as soon as they are available.

It is also the intent of the Borough Administration to pursue additional grant opportunities through the CARES Act in pursuit of reimbursement for this need.

Your approval of this emergency ordinance would be appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>490.20602</u>
Amount	<u>\$400,000</u>
By: <u>PP</u>	Date: <u>5/22/2020</u>

RESOLUTION 2020-21

A RESOLUTION SUPPORTING THE PURCHASE FROM CARES ACT FUNDING RECEIVED BY THE KENAI PENINSULA BOROUGH FOR A HIGH CAPACITY MOLECULAR TESTING PLATFORM THAT WILL BE LOCATED AT CENTRAL PENINSULA HOSPITAL

1. **WHEREAS**, on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency concerning the Novel Coronavirus Disease outbreak (COVID-19); and
2. **WHEREAS**, on March 11, 2020, the Governor of Alaska declared a Public Health Disaster Emergency concerning the Novel Coronavirus; and
3. **WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency concerning the Novel Coronavirus; and
4. **WHEREAS**, on March 16, 2020, the Mayor of the Kenai Peninsula Borough declared a local Disaster Declaration concerning the Novel Coronavirus; and
5. **WHEREAS**, on March 29, 2020, the United States Congress passed H. R. 748, a \$2 trillion economic stimulus bill known as the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to provide aid and economic relief to individuals, businesses, healthcare facilities and state and local governments; and
6. **WHEREAS**, on May 20, 2020 the Alaska State Legislature passed House Bill 343 which ratified the governor and executive branch plan for expending \$1.25 billion of CARES Act funding received by the State of Alaska; and
7. **WHEREAS**, the Kenai Peninsula Borough is slated to receive a first installment of approximately \$21,325,715 in restricted CARES Act, Coronavirus Relief Fund funding that will be distributed for eligible projects that must be spent under the guidelines of Section 601(d) of the Social Security Act; and
8. **WHEREAS**, no reliable, high capacity testing platform exists on the Kenai Peninsula; and
9. **WHEREAS**, all specimens collected on the Kenai Peninsula must be sent via courier to Alaska or Fairbanks state labs, one Anchorage hospital lab, or several out of state commercial labs where it takes anywhere from two to six days to receive results; and
10. **WHEREAS**, due to lack of a centrally located high capacity testing, less than 3% of the population of the Kenai Peninsula Borough has been tested for COVID-19; and
11. **WHEREAS**, discussions with the Kenai Peninsula Borough Mayor and South Peninsula Hospital, have determined that COVID-19 testing for borough residents is neither rapid, reliable or ubiquitous as necessary to protect our communities; and

12. **WHEREAS**, Central Peninsula Hospital, South Peninsula Hospital (both borough-owned hospitals) and the Kenai Peninsula Borough Mayor have determined the purchase of a centralized high capacity rapid test system is necessary to protect borough residents and businesses under the multiple declared COVID-19 public health emergencies at the federal, state, and local levels as the pandemic continues to plague and disrupt our communities.

THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF CENTRAL PENINSULA GENERAL HOSPITAL, INC., A NOT-FOR-PROFIT ALASKA CORPORATION, THAT:

SECTION 1. The CPGH, Inc., Board of Directors supports the expenditure of Kenai Peninsula Borough Coronavirus Relief Funds received from the State of Alaska to purchase a high capacity molecular testing instrument and deems this purchase a necessary expenditure due to the Coronavirus Disease under Section 601(d) of the Social Security Act.

SECTION 2. The CPGH, Inc. Board of Directors supports the installation of this testing platform at Central Peninsula Hospital.

SECTION 3. This resolution takes effect immediately upon its adoption.

I certify that the above resolution was approved by vote of the Board of Directors of Central Peninsula General Hospital, Inc. on May 28, 2020.

Date May 28, 2020

Irv Carlisle, Secretary/Treasurer
CPGH, Inc. Board of Directors

Introduced by:	Mayor
Date:	05/05/20
Hearing:	05/19/20 and 06/02/20
Action:	Postponed to 06/02/20
Vote:	9 Yes, 0 No, 0 Absent
Date:	06/02/20
Action:	
Vote:	

KENAI PENINSULA BOROUGH ORDINANCE 2020-19

AN ORDINANCE APPROPRIATING FUNDS FOR FISCAL YEAR 2021

WHEREAS, Alaska Statute 29.35.100 and KPB 05.04.020 require that the mayor present a budget proposal to the assembly for the next fiscal year during or prior to the eighth week preceding the first day of the fiscal year; and

WHEREAS, the assembly is empowered with making appropriations for the General Fund, the Special Revenue Funds, the Debt Service Funds, the Capital Projects Funds, the Enterprise Funds, the Internal Service Funds of the borough and setting the fee schedule;

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

SECTION 1. That \$82,824,710 is appropriated in the General Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021 as follows:

General Government Operations	\$17,773,674
Transfer to School District for Operations and In-kind Services	50,000,000
Transfer to School Debt Service	3,754,255
Transfer to Special Revenue Funds:	
Solid Waste	7,962,312
Post-Secondary Education	849,848
911 Communications Fund	700,000
Eastern Peninsula Highway Emergency Service Area	284,621
Transfer to Capital Projects Funds:	
School Revenue	1,250,000
General Government	250,000

SECTION 2. The following is appropriated to the School Fund from local sources for operations purposes and in-kind services:

A. Local Effort	\$38,637,268
B. Maintenance	7,773,247
C. School District Utilities	90,000
D. School District Insurance	3,280,215

E. School District Audit	97,132
F. Custodial Services	<u>122,138</u>
Total Local Contribution per AS 14.17.410	<u>\$50,000,000</u>

SECTION 3. Disbursements from Section 2 item (A) shall be made monthly, and only as needed to supplement other revenues available and received by the school district to fund the operations portion of the school district budget. Any available balance remaining at the end of the fiscal year shall then be disbursed to the school district, provided that the total amount disbursed shall not exceed the amount allowed under AS 14.17.410 as determined after actual enrollment numbers are known.

SECTION 4. That \$148,694 is appropriated in the School Fund from fund balance for Maintenance for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 5. That the appropriations for the Special Revenue Funds for the fiscal year beginning July 1, 2020 and ending June 30, 2021 are as follows:

Nikiski Fire Service Area	\$5,343,057
Bear Creek Fire Service Area	712,649
Anchor Point Fire and Emergency Medical Service Area	1,218,012
Central Emergency Service Area	10,012,583
Central Peninsula Emergency Medical Service Area	7,512
Kachemak Emergency Service Area	1,293,954
Eastern Peninsula Highway Emergency Area	363,732
Seward Bear Creek Flood Service Area	388,688
911 Communications	2,820,854
Kenai Peninsula Borough Road Service Area	8,835,097
Engineer's Estimate Fund	12,000
North Peninsula Recreation Service Area	2,294,540
Seldovia Recreational Service Area	63,498
Post-Secondary Education	849,848
Land Trust	1,376,489
Nikiski Senior Service Area	345,219
Solid Waste	8,877,757
Central Kenai Peninsula Hospital Service Area	9,789,892
South Kenai Peninsula Hospital Service Area (Prior Debt Fund 601)	2,220,169
South Kenai Peninsula Hospital Service Area (Operations Fund 602)	3,467,815

SECTION 6. That \$3,999,969 is appropriated in the School Debt Service Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 7. That \$571,063 is appropriated in the Central Emergency Services Debt Service Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 8. That \$97,520 is appropriated in the Bear Creek Fire Service Area Debt Service Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 9. That \$9,475,980 is appropriated in the Central Kenai Peninsula Hospital Service Area Debt Service Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 10. That \$2,220,169 is appropriated in the South Kenai Peninsula Hospital Service Area Debt Service Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 11. That \$1,064,750 is appropriated in the Solid Waste Service Area Debt Service Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 12. That appropriations for the Capital Projects Funds for the fiscal year beginning July 1, 2020 and ending June 30, 2021 are as follows:

School Revenue	\$1,250,000
Solid Waste	279,000
Service Areas:	
Nikiski Fire	265,000
Bear Creek Fire	400,000
Anchor Point Fire & EMS	125,000
Central Emergency Services	110,000
Kachemak Emergency Service Area	190,000
North Peninsula Recreation	337,000
Road Service Area	2,347,400
South Kenai Peninsula Hospital	3,508,611

SECTION 13. That appropriations for the Internal Service Funds for the fiscal year beginning July 1, 2020 and ending June 30, 2021 are as follows:

Insurance and Litigation	\$4,683,959
Health Insurance Reserve	8,497,322
Equipment Replacement	650,000

SECTION 14. That the FY2021 budget of the Kenai Peninsula Borough, as submitted to the assembly on May 5, 2020, is incorporated as a part of this ordinance to establish the appropriations assigned to the various departments and accounts and the positions authorized therein.

SECTION 15. That funds reserved for outstanding encumbrances as of June 30, 2020 are reappropriated for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 16. That the fee schedule presented in the budget document is approved.

SECTION 17. That this ordinance takes effect at 12:01 a.m. on July 1, 2020.

ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 2ND DAY OF JUNE, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:


Absent:


Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

THRU: Charlie Pierce, Mayor 

FROM: Brandi Harbaugh, Finance Director 

DATE: April 23, 2020

RE: Ordinance 2020-19, Appropriating Funds for Fiscal Year 2021 (Mayor)

Ordinance 2020-19 appropriates the money necessary to fund the Kenai Peninsula Borough's annual budget for fiscal year July 1, 2020 to June 30, 2021 (FY2021.) The amounts included in the ordinance correspond with those appearing in the FY2021 Kenai Peninsula Borough Proposed Budget as presented to the assembly on May 5, 2020.

Public hearings are scheduled for May 19, 2020 and June 2, 2020.

Introduced by:	Mayor
Date:	05/19/20
Hearing:	06/02/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-26**

**AN ORDINANCE PROVIDING FOR AN EXCEPTION TO THE
OPERATING AGREEMENT BETWEEN THE KENAI PENINSULA BOROUGH
AND CENTRAL PENINSULA GENERAL HOSPITAL, INC. TO ALLOW CASH IN
EXCESS OF 90 DAYS TO BE RETAINED BY CENTRAL PENINSULA GENERAL
HOSPITAL, INC. AS OF JUNE 30, 2020 DUE TO THE COVID-19 PANDEMIC**

- WHEREAS,** the Borough Mayor issued a Disaster Emergency Declaration on March 16, 2020, due to the current and imminent impacts of the COVID-19 Pandemic in the areas of the borough outside of the cities; and
- WHEREAS,** the Assembly adopted Resolution 2020-026 on March 17, 2020 extending the disaster emergency for 90 days; and
- WHEREAS,** the COVID-19 Pandemic has resulted in seventeen mandates issued by the State of Alaska, some of which have severely restricted hospital operations, adversely impacting finances and cash flow for Central Peninsula General Hospital, Inc. (CPGH, Inc.); and
- WHEREAS,** CPGH, Inc. estimates it will have cash exceeding 90 days' cash on hand as of June 30, 2020 due to the receipt of Medicare payments from the Advance and Accelerated Payment Program administered by the Centers for Medicare and Medicare Services (CMS) in the amount of \$17,958,796; and
- WHEREAS,** the advanced payments received by CPGH, Inc. from CMS on April 20, 2020 are slated for repayment 120 days following disbursement which will begin in mid-August 2020; and
- WHEREAS,** when CMS begins withholding claims payments in August to repay the advanced payment CPGH, Inc. received, it will reduce cash flow to CPGH, Inc. and increase cash out flow; and
- WHEREAS,** the current operating agreement between the borough and CPGH, Inc., requires cash in excess of 90 days operating cash on hand be transferred to the borough for deposit into the Plant Replacement and Expansion Fund; and
- WHEREAS,** given the current COVID-19 situation the administration proposes that CPGH, Inc. be allowed to retain the cash in excess of 90 days operating cash on hand on

June 30, 2020 in order to sustain repayment to CMS and maintain cash for daily operations and that the Mayor may approve similar requests after thorough review while the Covid-19 Pandemic remains in effect;

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

SECTION 1. That CPGH, Inc. is authorized to retain 135 days' operating cash on hand on June 30, 2020 to fund the required repayment of advanced Medicare payments to CMS until CPGH, Inc. has repaid those funds to CMS.

SECTION 2. The Mayor may approve similar requests to allow CPGH, Inc. to retain cash in excess of 90 days operating cash, after thorough review while the Covid-19 Pandemic remains in effect.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Willy Dunne, Assembly Member

DATE: May 22, 2020

RE: Ordinance 2020-26: Providing for an Exception to the Operating Agreement Between the Kenai Peninsula Borough and Central Peninsula General Hospital, Inc. to Allow Cash in Excess of 90 Days to be Retained by Central Peninsula General Hospital, Inc. as of June 30, 2020 Due to the COVID-19 Pandemic (Mayor)

I am proposing an amendment to delete Section 2 in its entirety from the referenced ordinance.

[SECTION 2. THE MAYOR MAY APPROVE SIMILAR REQUESTS TO ALLOW CPGH, INC. TO RETAIN CASH IN EXCESS OF 90 DAYS OPERATING CASH, AFTER THOROUGH REVIEW WHILE THE COVID-19 PANDEMIC REMAINS IN EFFECT.]

Renumber the remaining Section.

Your consideration is greatly appreciated.

Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor

FROM: Brandi Harbaugh, Finance Director *BH*

DATE: May 7, 2020 *CH*

RE: Ordinance 2020 - _____, Providing for an Exception to the Operating Agreement Between the Kenai Peninsula Borough and Central Peninsula General Hospital, Inc. to Allow Cash in Excess of 90 Days to be Retained by Central Peninsula General Hospital, Inc. as of June 30, 2020 Due to the Covid-19 Pandemic (Mayor)

The Operating Agreement between Central Peninsula General Hospital, Inc. (CPGH) and the borough requires CPGH to transfer to the borough operating cash on hand in excess of 90 days for deposit into the CPGH Plant Replacement and Expansion Fund.

In response to the COVID-19 Pandemic Governor Michael Dunleavy issued mandates to help stop the spread of COVID-19. Some of these have restricted personal travel and hospital operations, adversely impacting finances and cash flow of CPGH. These negative impacts are expected to continue for the next several months as the COVID-19 Pandemic continues.

CPGH received Medicare payments from the Advance and Accelerated Payment Program administered by the Centers for Medicare and Medicare Services (CMS) in the amount of \$17,958,796 on April 20, 2020. To ensure CPGH makes the required repayments of those funds CMS will withhold claims payments to repay those advanced funds beginning in mid-August 2020. This will reduce cash flow to CPGH and increase its cash outflow. To help prevent operating cash shortages, this ordinance would allow CPGH to retain 135 days' operating cash on hand at June 30, 2020 to fund the required repayment of advanced Medicare payments to CMS until CPGH has repaid all such funds to CMS. Additionally, it would authorize the Mayor to approve similar requests after thorough review while the Covid-19 pandemic remains in effect.

Your support would be appreciated.

RESOLUTION 2020-14

**A RESOLUTION REQUESTING AN EXCEPTION TO THE OPERATING AGREEMENT
BETWEEN THE KENAI PENINSULA BOROUGH AND CENTRAL PENINSULA HOSPITAL,
INC. TO ALLOW CASH IN EXCESS OF 90 DAYS TO BE RETAINED BY CENTRAL PENINSULA
HOSPITAL, INC. AS OF JUNE 30, 2020**

1. **WHEREAS**, the current operating agreement requires cash in excess of 90 days operating cash on hand be transferred to the Borough for deposit into the Central Peninsula Hospital Plant Replacement and Expansion Fund; and,
2. **WHEREAS**, the COVID-19 Pandemic has resulted in several State of Alaska Mandates that have restricted hospital operations; thus, adversely impacting finances and cash flow of Central Peninsula Hospital; and
3. **WHEREAS**, Central Peninsula Hospital is anticipating continued negative impacts to the financials and cash flow over the next several months, as the COVID-10 Pandemic ensues; and,
4. **WHEREAS**, Central Peninsula Hospital would like to request an exception to the current Operating Agreement between the Kenai Peninsula Borough that would allow the hospital to maintain any cash in excess of 90 Days cash on hand as of June 30, 2020; and,

THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF CENTRAL PENINSULA GENERAL HOSPITAL, INC., A NOT-FOR-PROFIT ALASKA CORPORATION, THAT:


SECTION 1. The Executive Committee of the CPGH, Inc., Board of Directors authorizes this resolution requesting an exception to the Operating Agreement with the Kenai Peninsula Borough allowing the hospital to request that cash in excess of 90 days be retained by Central Peninsula Hospital as of June 30, 2020.

SECTION 2. Approval by the Kenai Peninsula Borough Assembly will be requested.

SECTION 3. This resolution takes effect immediately upon its adoption.

I certify that the above resolution was approved by vote of the Executive Committee of the Board of Directors of Central Peninsula General Hospital, Inc. at the April 30, 2020 meeting.

Date: April 30, 2020


Irv Caflisle, Secretary/Treasurer
CPGH, Inc. Board of Directors

Introduced by: Cox, Dunne, Hibbert, Smalley
Date: 05/05/20
Hearing: 06/02/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-24**

**AN ORDINANCE AMENDING KPB TITLE 4 REGARDING BOROUGH ELECTIONS
TO PROVIDE FOR VOTE BY MAIL ELECTIONS, FOR MORE TIME BETWEEN A
REGULAR ELECTION AND A RUN-OFF ELECTION, AND TO REMOVE
PROPOSITION STATEMENTS**

- WHEREAS**, state statutes provide that the local governing body establish the procedures governing local elections; and
- WHEREAS**, the remote nature of areas of the borough would make voting by mail more efficient, convenient, and less complicated; and
- WHEREAS**, jurisdictions that have instituted vote-by-mail have experienced increased voter participation; and
- WHEREAS**, recruiting, training and retaining election officials has been an ongoing challenge; and
- WHEREAS**, by mail elections can be conducted with fewer election officials than in person voting; and
- WHEREAS**, the Kenai Peninsula Borough entered into a conciliation agreement with the Alaska Human Rights Commission which specified that the borough would have an ADA compliant election process in place by the end of 2020; and
- WHEREAS**, the Kenai Peninsula Borough Assembly established the Election Stakeholders Group (“ESG”) through the direction and adoption of Resolution 2019-006, which included community members and members from many local governments in the borough, researched ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity; and
- WHEREAS**, after holding many public meetings throughout 2019 the ESG issued a final report with six specific recommendations regarding potential changes to borough code and election processes which are intended to achieve guiding principles initially adopted by the ESG; and

WHEREAS, recommendation number 1 of the ESG was for the borough assembly to transition the election process from the current polling site structure to a vote by mail hybrid structure (VBMS); and

WHEREAS, recommendation number 6 of the ESG is that the assembly amend KPB 4.10.110 by deleting Section B which provides for the inclusion of statements advocating voter approval or rejection of propositions in the voter pamphlet; and

WHEREAS, in the event of a run-off election, KPB 4.10.050 is amended to provide for an extra week between the regular election and the run-off election to allow more time for the clerk's office to get ballot packages out to ensure receipt by the voter and return receipt by the borough; and

WHEREAS, recent catastrophic events including disaster declarations related to local floods, fires and a global public health pandemic reinforce the need to implement a VBMS election process that would allow for greater flexibility and voter participating when events make it impractical or impossible to vote at a traditional polling site; and

WHEREAS, in response to the current statewide emergency disaster, Governor Dunleavy signed Senate Bill 241 in to law which, among other things, authorizes elections to be conducted by mail during the emergency disaster;

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

SECTION 1. That KPB 4.10.020 is hereby amended as follows:

4.10.020. Definitions.

In this title, unless the context otherwise requires:

[A.] "Borough election" means any election:

1. To fill a borough office;
2. Upon a proposition submitted to the voters under the ordinances of the borough; or
3. That the borough is required by law to administer.

[B.] "Borough office" means an elective office under the ordinances of the borough.

- [C.] "Clerk" means the clerk of the borough, any properly authorized assistant or designee.
- [D.] "Day" means a calendar day including Saturday, Sunday and holidays.
- [E.] "Election" includes a regular, special or run-off borough election.
- [F.] "Election official" means the [BOROUGH]clerk and members of all election boards.
- [G.] RESERVED.]
- [H.] "Election supervisor" means the [BOROUGH]clerk.
- [I.] "Oath" includes affirmation on penalty of perjury.
- [J.] "Precinct" means the geographical area for voting purposes that is defined by the Alaska State Legislature. [TERRITORY WITHIN WHICH RESIDENT VOTERS MAY CAST VOTES AT ONE POLLING PLACE].
- [K.] "Proposition" includes question.
- [L.] "Publication" means a newspaper of general circulation or posting in public places.
- [M.] "Qualified voter" means any person who has the qualifications required by this chapter and is not disqualified under Article V of the Alaska State Constitution.
- [N.] ["QUESTIONED VOTER" MEANS A VOTER WHOSE NAME DOES NOT APPEAR ON THE REGISTER IN THE PRECINCT WHERE HE ATTEMPTS TO VOTE, A VOTER WHO HAS RECEIVED AN ABSENTEE BALLOT AND DOES NOT TURN IT IN WHEN VOTING AT HIS PRECINCT ON ELECTION DAY, A VOTER WHO DOES NOT BEAR IDENTIFICATION OR IS NOT PERSONALLY KNOWN TO AN ELECTION OFFICIAL THOUGH HIS NAME APPEARS ON THE PRECINCT REGISTER, OR A VOTER WHO IS QUESTIONED FOR GOOD CAUSE AT THE POLLS IN WRITING.]
- [O.] "Regular election" means a general election to fill borough offices as required by Alaska Statutes.
- [P.] "Registration" or "registered" refers to the form of registration required by the state election code. For borough elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 days prior to the borough election.

- [Q.] "Signature" includes any mark intended as a signature or subscription.
- [R.] "Special election" means any election held at a time other than when a regular election is held.
- [S.] "Swear" includes "Affirm".
- [T.] "Total votes cast" means the total number of votes cast in each seat for candidates whose names are printed on the ballot plus votes properly cast for the same seat in the write-in position(s) of the ballot. Ballots which are counted as blank votes in a particular race and ballots which are counted as over votes in a particular race shall not be added into the total votes in determining the percentage of votes cast.
- "Vote center" means any location designated by the clerk for the purpose of providing voter assistance that is not solely for casting votes for a specific precinct.
- [U.] "Voter" means any person who presents himself for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

SECTION 2. That KPB 4.10.050(C) is hereby amended as follows:

4.10.050. Election times.

- C. Time of Run-off Election. When a run-off election is required by law, the election shall be held on the [third]fourth Tuesday following the regular election or within [2]3 weeks after certification of the results of the regular election. The run-off election shall not be considered a special election within the meaning of AS 29.71.800(21).

SECTION 3. That KPB 4.10.060 is hereby amended as follows:

4.10.060. Notice of elections.

- A. The election supervisor shall publish a notice of each election at least twice in one or more newspapers of general circulation in the borough. The election supervisor shall also post such a notice in two conspicuous places in each precinct. The first such publication, and the posting in each precinct, shall be accomplished at least 20 days prior to a regular election or at least 20 days before a special election.

- B. Each notice of election shall include:
1. The type of election, whether regular, special or run-off;
 2. The date of the election;
 3. The notice of election shall state that the election is to be conducted by mail and that there will be no precinct polling places open for the election on election day.
 - 4[3]. The hours the [POLLS] vote centers will be open and locations;
 - 5[4]. The offices to which candidates are to be elected;
 - 6[5]. The subjects of propositions to be voted upon;
 - 7[6]. Voter qualifications and instructions for registration;
 - 8[7]. Instructions for application for absentee voting;
 - [8. PRECINCT POLLING PLACES.]
- C. For run-off elections, the notice of the locations of the [PRECINCT POLLING PLACES] vote centers may be included or separate from the notice of the election and publication shall be made at least once, no later than 5 days prior to the run-off election. The notice of election shall be posted at 2 places within each precinct.

SECTION 4. That KPB 4.10.110 is hereby amended as follows:

4.10.110. Informational brochures for ballot propositions.

- A. 21 days prior to each regular or special election the [BOROUGH] clerk shall prepare [AND MAIL TO EVERY BOROUGH BOXHOLDER] a brochure containing information approved by the assembly of a strictly factual nature pertaining to each proposition on the ballot to be included in the ballot package. The clerk shall prepare instructions explaining to voters how to mark ballots, and how to obtain new ballots to replace those destroyed or spoiled, and how to return the ballots.[, EXCEPT AS PROVIDED BELOW IN THIS SECTION.]
- [B. NOTWITHSTANDING KPB 4.10.100, STATEMENTS ADVOCATING VOTER APPROVAL OR REJECTION OF PROPOSITIONS SHALL BE INCLUDED IN THE INFORMATIONAL BROCHURE IN ACCORDANCE WITH THIS SUBSECTION.

1. THE CLERK SHALL PROVIDE THE OPPORTUNITY FOR STATEMENTS ADVOCATING VOTER APPROVAL AND REJECTION OF PROPOSITIONS IN THE ELECTION PAMPHLET. THE CLERK SHALL OFFER AUTHORSHIP OF THE STATEMENT ADVOCATING VOTER APPROVAL OR REJECTION BY APPLYING THE FOLLOWING CRITERIA:
 - A) THE CLERK SHALL OFFER AUTHORSHIP OF THE STATEMENT ADVOCATING VOTER APPROVAL OF A PROPOSITION TO THE PRIME SPONSOR OF THE INITIATIVE, REFERENDUM, OR RECALL PETITION THAT SUCCESSFULLY FILED THE BALLOT PROPOSITION;
 - B) THE CLERK SHALL OFFER AUTHORSHIP OF THE STATEMENT ADVOCATING VOTER APPROVAL OF A PROPOSITION THAT HAS BEEN PLACED ON THE BALLOT THROUGH AN ASSEMBLY CRAFTED ORDINANCE OR RESOLUTION, AND NOT THROUGH THE INITIATIVE, REFERENDUM, OR RECALL PETITION PROCESS, TO AN INDIVIDUAL OR ORGANIZATION WITH A STATED INTEREST IN APPROVAL OF THE PROPOSITION;
 - C) THE CLERK SHALL OFFER AUTHORSHIP OF THE STATEMENT ADVOCATING VOTER REJECTION TO AN INDIVIDUAL OR ORGANIZATION WITH A STATED INTEREST IN REJECTION OF THE PROPOSITION.
2. THE CLERK SHALL ESTABLISH A DEADLINE FOR THE SUBMISSION OF A STATEMENT UNDER THIS SECTION. A STATEMENT ADVOCATING VOTER APPROVAL OR REJECTION MUST BE RECEIVED BY THE CLERK BY THE ESTABLISHED DEADLINE DATE.
3. A STATEMENT SUBMITTED UNDER THIS SECTION MAY NOT EXCEED 500 WORDS.
4. A STATEMENT SUBMITTED UNDER THIS SECTION MUST INCLUDE A SIGNER'S BLOC LOCATED AT THE BOTTOM OF THE STATEMENT. THE SIGNER'S BLOC MUST INCLUDE NO MORE THAN THREE SIGNERS. ANY SIGNERS MORE THAN THE ALLOTTED THREE WILL BE CONSIDERED ENDORSEMENTS AND COUNTED AGAINST THE 500-

WORD LIMIT. SIGNERS MUST INCLUDE THEIR FULL NAMES AND ORGANIZATIONS, IF ANY.

5. SIGNERS SHALL SIGN A FORM PREPARED BY THE CLERK INDICATING THAT THE SIGNERS PARTICIPATED IN THE DRAFTING OF THE STATEMENT.
6. THE CLERK SHALL ACCEPT STATEMENTS MEETING THE REQUIREMENTS OF KPB 4.10.110(B) AND WILL NOT RELEASE STATEMENTS SUBMITTED UNTIL THE DAY FOLLOWING THE DEADLINE DATE FOR SUBMITTAL.
7. THE CLERK MAY APPOINT A COORDINATOR FOR THE DRAFTING OF THE STATEMENTS UNDER THIS SECTION.
8. STATEMENTS ACCEPTED BY THE CLERK ADVOCATING EITHER VOTER APPROVAL OR REJECTION SHALL BE PUBLISHED. IF ONLY ONE STATEMENT IS RECEIVED BEFORE THE CLERK'S DEADLINE THEN IT SHALL BE PUBLISHED.
9. THE CLERK WILL ADD A DISCLAIMER TO EACH INITIATIVE, REFERENDUM OR RECALL NOTING THE TEXT OF THE BALLOT PROPOSITION IS PRESENTED AS SUBMITTED BY THE PETITION SPONSORS. THE CLERK WILL ADD A DISCLAIMER TO EACH STATEMENT NOTING THE INFORMATION IS THE OPINION OF THE AUTHOR(S) AND HAS BEEN REPRODUCED AS SUBMITTED, WITHOUT ANY CHANGES TO GRAMMAR, SPELLING OR PUNCTUATION.
10. THE ASSEMBLY SHALL PROVIDE THE CORRESPONDING FINANCIAL DATA REVEALING THE GROSS REVENUE STREAM AFFECTED BY AND RELEVANT TO ANY ESTIMATE OF REVENUE LOSS OR FINANCIAL DATA COST IN ALL OF ITS PROPOSITION SUMMARIES.
11. THE PRESENTATION ORDER FOR EACH PROPOSITION SHALL BE:
 - A) TEXT OF THE BALLOT PROPOSITION OR SAMPLE BALLOT;
 - B) PROPOSITION SUMMARY APPROVED BY THE ASSEMBLY OF A STRICTLY FACTUAL NATURE;

- C) A STATEMENT ADVOCATING VOTER APPROVAL;
- D) A STATEMENT ADVOCATING VOTER REJECTION.]

SECTION 5. That KPB 4.10.120 is hereby amended as follows:

4.10.120. Election supplies and equipment.

- [A. BEFORE THE OPENING OF THE POLLS THE CLERK SHALL FURNISH TO THE ELECTION BOARD OF EACH PRECINCT THE STATE VOTER REGISTRATION LIST FOR THAT PRECINCT AND SHALL EQUIP AND SUPPLY EACH POLLING PLACE WITH SUFFICIENT MATERIALS FOR THAT PRECINCT'S ELECTION, INCLUDING THOSE MATERIALS REQUIRED BY THIS SECTION.
- B. THE CLERK SHALL PREPARE INSTRUCTIONS EXPLAINING TO VOTERS HOW TO OBTAIN BALLOTS, HOW TO MARK THEM, AND HOW TO OBTAIN NEW BALLOTS TO REPLACE THOSE DESTROYED OR SPOILED. THESE INSTRUCTIONS SHALL BE PRINTED ON CARDS IN LARGE, CLEAR TYPE AND SHALL BE DISTRIBUTED TO THE ELECTION BOARDS TO BE PROMINENTLY DISPLAYED IN EACH POLLING PLACE. THE CLERK SHALL PROVIDE BOOTHS AT EACH POLLING PLACE WITH APPROPRIATE SUPPLIES AND CONVENIENCES TO ENABLE EACH VOTER TO MARK HIS BALLOT SCREENED FROM OBSERVATION. BALLOT BOXES SHALL BE PLACED OUTSIDE THE VOTING BOOTHS IN PLAIN VIEW OF THE ELECTION OFFICIALS, VOTERS AND OTHER PERSONS AT THE POLLING PLACE.
- C.] The clerk may contract for the provision of specialized election materials and supplies without obtaining competitive bids. These specialized materials and supplies shall include, but not be limited to, the official borough voter pamphlet, election envelopes for absentee and questioned voting, election signs, election software, computer equipment and voting booths

SECTION 6. That KPB 4.10.130 is hereby amended as follows:

4.10.130. Election expenses.

- A. The borough shall pay all necessary expenses relating to the conduct of each borough election except as provided below for service area special elections. Special elections held at the request of a service area and for the primary benefit of the residents of that service area shall be paid for by the service area requesting the special election. Necessary expenses shall include those associated with conducting the election. [SECURING

POLLING PLACES, AND SHALL PROVIDE BALLOT BOXES, BALLOTS, VOTING BOOTHS OR SCREENS, NATIONAL FLAGS, AND OTHER SUPPLIES AND ANY WAGES TO ELECTION OFFICIALS UNLESS OTHERWISE PROVIDED BY THIS CODE]

- B. The borough or the service area as applicable shall pay each election board member and canvass board member an hourly rate for time spent at his election duties, including the receiving of instructions and posting of notices. The election supervisor shall set the hourly compensation to be paid for time spent by election officials at a rate comparable to that paid by the state for state elections. The clerk shall retain a record for auditing and payment of election expenses, including the cost of giving notice, renting [POLLING PLACES] vote centers, paying election officials, securing ballot [BOXES] receiving sites, booths and other election necessities.

SECTION 7. That KPB 4.10.140 is hereby amended as follows:

4.10.140. Preservation of election ballots, papers and materials.

The clerk shall preserve all precinct election certificates, tallies, and registers, receipts for ballots, all voted ballots and declarations of candidacy filed [FOR ONE YEAR AFTER THE ELECTION] for one month after the election is certified, unless the election is contested. If the election is contested these records shall be preserved for one month after the election contest is resolved and the election is certified. These materials may be destroyed after their retention period has lapsed unless their destruction is stayed by an order of the court. Certificates of the canvass board are to be preserved as permanent records.

SECTION 8. That KPB 4.20.010 is hereby amended as follows:

4.20.010. Voter qualifications.

- A. A person is qualified to vote in borough-wide elections who:
1. is a citizen of the United States;
 2. [HAS PASSED HIS] is at least 18 years old [BIRTHDAY OR IS SUCH OTHER AGE AS PRESCRIBED BY LAW FOR VOTING IN STATE ELECTIONS];
 3. has been a resident of the borough and the precinct in which the voter is qualified to vote [HE VOTES] as provided by the state election code and this chapter;
 4. is registered to vote as required by the state election code in state elections at least 30 days before any election;

5. is registered to vote in state elections at a residence address within the borough at least 30 days before the borough election at which the person seeks to vote.
- B. A person [IS QUALIFIED TO VOTE IN ASSEMBLY ELECTIONS IF HE] that meets the requirements of Section 4.20.010(A) and has been a resident of the assembly district in which [he] the individual seeks to vote for at least 30 days immediately preceding the election is qualified to vote in assembly elections.
- C. A person [IS QUALIFIED TO VOTE IN A SERVICE AREA ELECTION IF HE] that meets the requirements of Section 4.20.010(A) and has [IN ADDITION] been a resident of the service area in which [HE] the individual seeks to vote for at least 30 days immediately preceding the election is qualified to vote in a service area election.

SECTION 9. That KPB 4.20.020 is hereby amended as follows:

4.20.020. Rules for determining residence of voter.

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- A. The residence of a person is that place in which habitation is fixed, and to which, whenever [HE IS] absent [, HE HAS] the person has an intention to return. If a person resides in one place but does business in another, the former is the person's place of residence. Temporary camps do not constitute a dwelling place.
- B. A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.
- C. A person does not gain or lose [HIS] residence solely by reason of [HIS] presence while employed in the service of the United States or of this state, or while a student of an institution or asylum at public expense, or while confined in a public prison or while residing upon an Indian or military reservation, or while residing at the Alaska Pioneers Home.
- D. No member of the armed forces of the United States, [HIS] or that individual's spouse or [HIS] a dependent, is a resident of this state solely by reason of being stationed in the state.
- E. A person does not lose [HIS] residence for purposes of this section if the individual travels [IF HE LEAVES HIS HOME AND GOES] to another country, state, or place within this state for temporary purposes only. [AND WITH THE INTENTION OF RETURNING.]

- F. A person does not gain [A] residence [IN A PLACE TO WHICH HE COMES] without a present intent to establish a permanent dwelling there.
- G. A person [LOSES HIS RESIDENCE IN THIS STATE IF HE] who votes in an election held in another state loses residence in this state, unless upon return that person reestablishes residence in this state[, AND HAS NOT UPON HIS RETURN REGAINED HIS RESIDENCE IN THIS STATE] under the provisions of this chapter and state law.
- H. The term of residence is computed by including the day on which the person's residence commences and by excluding the day of the election.

SECTION 10. That KPB 4.20.030 is hereby amended as follows:

4.20.030. Registration.

- [A.] [NO PERSON MAY VOTE IN AN ELECTION UNLESS HE IS]Only a qualified voter under the Alaska State Constitution and laws of Alaska, [AND H]as prescribed by this chapter, who [AND] has registered as required by the state election code and KPB 4.20.010 may vote in an election.
- [B. THE PRECINCT ELECTION OFFICIALS AT ANY ELECTION SHALL ALLOW A PERSON TO VOTE WHOSE NAME IS ON THE OFFICIAL REGISTRATION LIST FOR THAT PRECINCT AND WHO IS QUALIFIED UNDER THIS CHAPTER AND AS 15.05. A PERSON WHOSE NAME IS NOT ON THE OFFICIAL REGISTRATION LIST SHALL BE ALLOWED TO VOTE A QUESTIONED BALLOT.]

SECTION 11. That KPB 4.30.030 is hereby amended as follows:

4.30.030. Public official financial disclosure statements.

- A. Candidates for elective borough office [AND DECLARED WRITE-IN CANDIDATES] shall file a public official financial disclosure statement with the [BOROUGH]clerk as required by the provisions of AS 39.50 at the time of filing a declaration of candidacy. The name of the candidate shall be placed on the ballot by the [BOROUGH]clerk only after the candidate has complied with this requirement. This subsection does not apply to candidates for service area boards. Declared write-in candidates shall file a public official financial disclosure statement with the [BOROUGH] clerk as required by the provisions of AS 39.50 at the time of filing a declaration of candidacy.

- B. Each candidate also shall file the name and address of the campaign treasurer with the Alaska Public Offices Commission no later than 7 days after the date of filing for office. The name of the candidate shall be placed on the ballot by the [BOROUGH]clerk only after the candidate has complied with this requirement.

SECTION 12. That KPB 4.40.020 is hereby amended as follows:

4.40.020. Preparation and distribution.

- A. The clerk shall obtain the printing of all ballots for borough elections. The clerk shall possess the printed ballots at least [15]21 days before each regular election and at least 15[0] days before each special and run-off election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or by his authorized agent, and any discovered mistake shall be corrected immediately.
- B. The clerk may contract for the preparation and printing of the ballots without obtaining competitive bids.
- [C. THE CLERK SHALL ARRANGE FOR DELIVERY OF BALLOTS TO EACH ELECTION BOARD PRIOR TO OR ON THE DATE OF THE ELECTION BEFORE THE OPENING OF THE POLLS. THE BALLOTS SHALL BE DELIVERED IN SEPARATE CONTAINERS, WITH THE NUMBER OF BALLOTS ENCLOSED IN EACH CONTAINER CLEARLY MARKED ON THE OUTSIDE OF IT. A RECEIPT FOR EACH PACKAGE SHALL BE TAKEN FROM THE ELECTION BOARD TO WHICH IT IS DELIVERED.]

SECTION 13. That KPB 4.40.030 is hereby amended as follows:

4.40.030. Sample ballots

The clerk shall obtain the printing of sample ballots. Sample ballots shall be clearly labeled "Sample Ballot." [SAMPLE BALLOTS SHALL BE DELIVERED TO THE ELECTION BOARD IN EACH PRECINCT.] Sample ballots shall be made available at vote centers.

SECTION 14. That KPB 4.50 is hereby amended as follows:

CHAPTER 4.50. [OPERATION OF POLLS] ELECTIONS BY MAIL

4.50.010. Election officials.

- A. Before each election, the clerk, subject to approval by the assembly, shall appoint election officials. [AT LEAST 3 JUDGES IN EACH PRECINCT. THE CLERK SHALL DESIGNATE ONE ELECTION JUDGE FROM EACH PRECINCT AS THE CHAIRMAN, WHO SHALL BE PRIMARILY RESPONSIBLE FOR ADMINISTERING THE ELECTION IN THAT PRECINCT.]
- [B. THE BOROUGH CLERK MAY APPOINT CLERKS AND COUNTERS AT ANY POLLING PLACE WHERE THEY ARE NEEDED TO CONDUCT AN ORDERLY ELECTION AND TO RELIEVE THE ELECTION JUDGES OF UNDUE HARDSHIP.]
- B[C]. If any appointed election official is not able or refuses to serve [ON ELECTION DAY], the clerk may appoint a replacement for that official.
- [D. EACH ELECTION OFFICIAL SERVING AT A PRECINCT POLLING PLACE MUST BE A QUALIFIED VOTER AND, IF POSSIBLE, A RESIDENT WITHIN THE PRECINCT FOR WHICH HE IS APPOINTED.]
- C[E]. All election [JUDGES, CLERKS AND COUNTERS] officials before entering upon their duties must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the clerk.
- D[F]. Candidates shall not serve as election officials. Certain familial relationships may not exist between a candidate and [A PRECINCT ELECTION JUDGE]an election official[ELECTION CLERK, OR MEMBER OF A BALLOT COUNTING TEAM]in regular, run-off or special elections. Those familial relationships are:
1. Mother, mother-in-law, stepmother;
 2. Father, father-in-law, stepfather;
 3. Sister, sister-in-law, stepsister;
 4. Brother, brother-in-law, stepbrother;
 5. Spouse; or
 6. Person sharing the same living quarters.

E[G]. If the [ELECTION SUPERVISOR]clerk knows or learns that any of these relationships exist, the [PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF THE BALLOT COUNTING TEAM]election official shall be notified and replaced.

4.50.015. [ABSENTEE B] By-mail precincts.

A. All Precincts within the Kenai Peninsula Borough shall be designated as [WHERE THE VOTER TURNOUT WAS LESS THAN 200 VOTERS AT THE LAST REGULAR ELECTION MAY BE DESIGNATED AS "ABSENTEE] "by-mail" precincts [BY RESOLUTION OF THE ASSEMBLY. IN THOSE PRECINCTS, NO ELECTION WORKERS SHALL BE APPOINTED]. The procedures [OUTLINED IN CHAPTER 4.120 SHALL BE FOLLOWED WITH THE FOLLOWING EXCEPTIONS] shall be as follows:

1. that ballots shall be sent to each registered voter in the precinct on or before the [15th]21st day prior to the regular election and 15th day prior to a run-off election; and
2. that voted ballots must be postmarked on or before midnight of election day and received by the clerk no later than the Tuesday following the election.

B. Voters wishing to vote [ABSENTEE] in person may do so at any designated [ABSENTEE VOTING SITE] vote center.

[C. ANY PRECINCT DESIGNATED AS AN "ABSENTEE BY-MAIL" PRECINCT IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION A, ABOVE, WILL REMAIN AN "ABSENTEE BY-MAIL" PRECINCT UNTIL SUCH TIME AS THE "ABSENTEE BY-MAIL" STATUS IS REMOVED BY RESOLUTION OF THE ASSEMBLY.]

[4.50.020. OPENING OF POLLING PLACE.

A. ON THE DAY OF THE ELECTION, EACH ELECTION BOARD SHALL OPEN THE POLLS FOR VOTING AT 7:00 A.M., SHALL CLOSE THE POLLS FOR VOTING AT 8:00 P.M., AND SHALL KEEP THE POLLS CONTINUOUSLY OPEN DURING THE TIME BETWEEN THOSE HOURS. THE ELECTION BOARD SHALL REPORT TO THE POLLING PLACE BY 6:30 A.M. SO THAT VOTING WILL START PROMPTLY AT 7:00 A.M. THE CHAIRMAN OF THE ELECTION BOARD SHALL ROTATE TIMES AT WHICH ELECTION JUDGES, BOARD MEMBERS, AND CLERKS MAY BE RELIEVED FOR

BREAKS OR MEALS; PROVIDED, HOWEVER, THAT AT ALL TIMES AT LEAST 2 JUDGES FROM THE ELECTION BOARD ARE PRESENT AT THE POLLING PLACE.

- B. BEFORE ISSUING ANY BALLOTS, THE ELECTION BOARD MUST, IN THE PRESENCE OF ANY PERSONS ASSEMBLED AT THE POLLING PLACE, OPEN AND EXHIBIT THE BALLOT BOX TO BE USED AT THE POLLING PLACE. THE BALLOT BOX THEN SHALL BE CLOSED AND SHALL NOT BE OPENED AGAIN OR REMOVED FROM THE POLLING PLACE UNTIL THE POLLS HAVE CLOSED.]

4.50.025. Procedures for conducting elections by mail.

- A. The clerk shall mail by non-forwardable mail an official ballot package with a return identification envelope addressed to the Clerk's Office and a secrecy sleeve. The ballot, return envelope, and secrecy envelope shall be mailed no later than the 21st day before the date of a regular or special election and no later than the 15th day before the date of a runoff election. The ballot shall be sent to the address stated on the official registration list unless
1. the voter has notified the clerk in writing of a different address to which the ballot should be sent; or
 2. the address on the official registration list has been identified as being an undeliverable (UN) address or is in the condition of purge notice (PN).
- B. On receipt of any ballot described in this section, the voter shall mark the ballot, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the Clerk's Office by return mail or by depositing the ballot at any place of deposit designated by the clerk. The ballot must be returned in the identified envelope. A ballot must be received by the clerk or at a place of deposit designated by the clerk, not later than the end of the period determined under regulations established by the clerk.

[4.50.030. VOTER REGISTRATION.

THE JUDGES SHALL KEEP AN ORIGINAL REGISTER OR REGISTERS IN WHICH EACH VOTER BEFORE RECEIVING HIS BALLOT SHALL SIGN HIS NAME AND GIVE BOTH HIS RESIDENCE AND MAILING ADDRESS. A RECORD SHALL BE KEPT IN THE REGISTRATION BOOK, IN A SPACE PROVIDED, OF THE NAMES OF PERSONS WHO OFFER TO VOTE BUT WHO ACTUALLY DO NOT VOTE, AND A BRIEF STATEMENT OF EXPLANATION. THE SIGNING OF THE REGISTER CONSTITUTES A

DECLARATION BY THE VOTER THAT HE IS QUALIFIED TO VOTE. IF ANY ELECTION OFFICIAL PRESENT BELIEVES THE VOTER IS NOT QUALIFIED, HE MAY QUESTION THE VOTE IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.]

[4.50.040. VOTER IDENTIFICATION AT POLLS.

- A. BEFORE BEING ALLOWED TO VOTE, EACH VOTER SHALL EXHIBIT TO AN ELECTION OFFICIAL ONE FORM OF IDENTIFICATION, INCLUDING BUT NOT LIMITED TO AN OFFICIAL VOTER REGISTRATION CARD, DRIVER'S LICENSE, PASSPORT, OR HUNTING OR FISHING LICENSE.
- B. AN ELECTION OFFICIAL MAY WAIVE THE IDENTIFICATION REQUIREMENT IF THE ELECTION OFFICIAL KNOWS THE IDENTITY OF THE VOTER.
- C. A VOTER WHO CANNOT EXHIBIT A SATISFACTORY FORM OF IDENTIFICATION SHALL BE ALLOWED TO VOTE A QUESTIONED BALLOT.]

[4.50.050. PERSONS NOT ON OFFICIAL REGISTRATION LIST.

IF A PERSON'S NAME DOES NOT APPEAR ON THE OFFICIAL REGISTRATION LIST IN THE PRECINCT IN WHICH THE PERSON SEEKS TO VOTE, THE PERSON MAY VOTE A QUESTIONED BALLOT.]

[4.50.060. PROVIDING BALLOT TO VOTER.

WHEN A VOTER HAS QUALIFIED TO VOTE, THE ELECTION OFFICIAL SHALL GIVE THE VOTER AN OFFICIAL BALLOT. THE VOTER SHALL RETIRE TO A BOOTH OR PRIVATE PLACE TO MARK THE BALLOT.]

[4.50.070. ASSISTING VOTER.

A QUALIFIED VOTER WHO CANNOT READ, MARK THE BALLOT, OR SIGN HIS NAME MAY REQUEST AN ELECTION OFFICIAL OR NOT MORE THAN TWO PERSONS OF HIS CHOICE TO ASSIST HIM. IF THE ELECTION OFFICIAL IS REQUESTED, HE SHALL ASSIST THE VOTER. IF ANY OTHER PERSON IS REQUESTED, THE PERSON SHALL STATE UPON OATH BEFORE THE ELECTION OFFICIAL THAT HE WILL NOT DIVULGE THE VOTE CAST BY THE PERSON WHOM HE ASSISTS.]

[4.50.080. SPOILED BALLOTS.

THE ELECTION SUPERVISOR SHALL SPECIFY UNIFORM PROCEDURES FOR REPLACEMENT, REGISTRATION AND DISPOSITION OF SPOILED

BALLOTS. THESE UNIFORM PROCEDURES SHALL BE PROVIDED IN WRITING TO THE ELECTION JUDGES.]

[4.50.090. PLACING BALLOT IN BALLOT BOX.

WHEN THE VOTER HAS MARKED THE BALLOT, THE VOTER SHALL INFORM THE ELECTION OFFICIAL. THE CLERK MAY REQUIRE THAT THE VOTER RETURN THE BALLOT TO THE ELECTION OFFICIAL TEMPORARILY SO THAT ANY STUB WHICH MAY BE PART OF THE BALLOT MAY BE REMOVED BY THE ELECTION OFFICIAL. ANY SUCH REQUIREMENT SHALL PROTECT THE SECRECY OF THE BALLOT. IN ALL CASES THE BALLOT SHALL BE DEPOSITED IN THE BALLOT BOX BY THE VOTER IN THE PRESENCE OF THE ELECTION OFFICIAL UNLESS THE VOTER REQUESTS THE ELECTION OFFICIAL TO DEPOSIT THE BALLOT.]

[4.50.100. QUESTIONING PROCEDURE.

- A. IF THE POLLING PLACE OF A VOTER IS IN QUESTION, THE VOTER SHALL VOTE A QUESTIONED BALLOT AFTER COMPLYING WITH SUBSECTION C.
- B. EVERY ELECTION OFFICIAL AND ELECTION JUDGE SHALL QUESTION, AND EVERY WATCHER AND ANY OTHER PERSON QUALIFIED TO VOTE IN THE PRECINCT, OR QUALIFIED TO VOTE IN THE PARTICULAR ELECTION INVOLVING LESS THAN AN ENTIRE PRECINCT IN THE CASE OF SERVICE AREAS, MAY QUESTION A PERSON ATTEMPTING TO VOTE IF THE QUESTIONER HAS GOOD REASON TO SUSPECT THAT THE QUESTIONED PERSON IS NOT QUALIFIED TO VOTE IN THE ELECTION. ALL QUESTIONS REGARDING A PERSON'S QUALIFICATIONS TO VOTE SHALL BE MADE IN WRITING, SETTING OUT THE REASON THAT THE PERSON HAS BEEN QUESTIONED.
- C. THE QUESTIONED PERSON, BEFORE VOTING, SHALL SUBSCRIBE TO AN OATH OR AFFIRMATION ON A FORM PROVIDED BY THE ELECTION OFFICIAL ATTESTING TO THE FACT THAT IN EACH PARTICULAR THE PERSON MEETS ALL THE QUALIFICATIONS OF A VOTER, IS NOT DISQUALIFIED, AND HAS NOT VOTED AT THE SAME ELECTION. IF THE QUESTION IS TO RESIDENCE WITHIN THE PRECINCT OR VOTING AREA, THE PERSON SHALL ALSO STATE THE PLACE FROM WHICH THAT PERSON CAME IMMEDIATELY BEFORE LIVING IN THE PRECINCT WHERE OFFERING TO VOTE AND THE LENGTH OF TIME OF RESIDENCE IN THE FORMER PLACE. AFTER THE

QUESTIONED PERSON HAS EXECUTED THE OATH OR AFFIRMATION, THE PERSON MAY VOTE. IF THE QUESTIONED PERSON REFUSES TO EXECUTE THE OATH OR AFFIRMATION, THE PERSON SHALL NOT VOTE.

- D. A VOTER WHO CASTS A QUESTIONED BALLOT SHALL VOTE HIS BALLOT IN THE SAME MANNER AS PRESCRIBED FOR OTHER VOTERS. AFTER THE ELECTION OFFICIAL OR JUDGE REMOVES THE NUMBERED STUB FROM THE BALLOT, THE VOTER SHALL INSERT THE BALLOT INTO A SMALL ENVELOPE AND PUT THE SMALL ENVELOPE INTO A LARGER ENVELOPE ON WHICH THE STATEMENT HE PREVIOUSLY SIGNED IS LOCATED. THESE LARGER ENVELOPES SHALL BE SEALED AND DEPOSITED IN THE BALLOT BOX. WHEN THE BALLOT BOX IS OPENED, THESE ENVELOPES SHALL BE SEGREGATED, COUNTED, COMPARED TO THE VOTING LIST, AND DELIVERED TO THE ELECTION CANVASSING BOARD. THE ELECTION CANVASSING BOARD SHALL REVIEW AND JUDGE THE APPLICABILITY OF QUESTIONED BALLOTS IN ACCORDANCE WITH SECTIONS 4.90.020 AND 4.90.030.]

[4.50.110. CLOSING OF THE POLLS.

- A. FIFTEEN MINUTES BEFORE THE CLOSING OF THE POLLS, AND AT THE TIME OF CLOSING THE POLLS, AN ELECTION OFFICIAL SHALL ANNOUNCE BOTH THE DESIGNATED CLOSING TIME AND THE ACTUAL TIME AT WHICH THE ANNOUNCEMENT IS MADE. FAILURE TO MAKE THE ANNOUNCEMENT AT 15 MINUTES BEFORE CLOSING TIME SHALL NOT IN ANY WAY INVALIDATE THE ELECTION OR EXTEND THE TIME FOR CLOSING OF THE POLLS. AFTER CLOSING, NO PERSON WILL BE ALLOWED TO ENTER THE POLLING PLACE FOR PURPOSES OF VOTING. EVERY QUALIFIED VOTER PRESENT AND IN LINE AT THE TIME PRESCRIBED FOR CLOSING THE POLLS MAY VOTE.
- B. WHEN THE POLLS ARE CLOSED AND THE LAST VOTE HAS BEEN CAST, THE ELECTION BOARD SHALL ACCOUNT FOR ALL BALLOTS BY COMPLETING A BALLOT STATEMENT CONTAINING, IN A MANNER PRESCRIBED BY THE CLERK, THE NUMBER OF OFFICIAL BALLOTS SUPPLIED.
- C. THE ELECTION BOARD SHALL COUNT THE NUMBER OF QUESTIONED BALLOTS AND SHALL COMPARE THAT NUMBER TO THE NUMBER OF QUESTIONED VOTERS IN THE REGISTER. DISCREPANCIES SHALL BE NOTED ON THE BALLOT STATEMENT.]

[4.50.120. VOTERS IN LINE WHEN POLLS CLOSE.

EVERY QUALIFIED VOTER PRESENT AND IN LINE AT THE TIME PRESCRIBED FOR CLOSING THE POLLS MAY VOTE.]

[4.50.130. PROHIBITIONS.

- A. DURING THE HOURS THAT THE POLLS ARE OPEN, NO ELECTION OFFICIAL MAY DISCUSS ANY POLITICAL PARTY, CANDIDATE OR ISSUE WHILE ON DUTY.
- B. DURING THE HOURS THE POLLS ARE OPEN, NO PERSON WHO IS IN THE POLLING PLACE OR WITHIN 200 FEET OF ANY ENTRANCE TO THE POLLING PLACE MAY ATTEMPT TO PERSUADE A PERSON TO VOTE FOR OR AGAINST A CANDIDATE, PROPOSITION OR QUESTION. NOR MAY ANY PERSON CONDUCT OTHER POLITICAL ACTIVITIES THAT MAY PERTAIN TO ANY FUTURE ELECTION OR POTENTIAL BALLOT PROPOSITION. FOR THE PURPOSES OF THIS SECTION, THE ENTRANCE TO A POLLING PLACE THAT IS IN A SCHOOL IS THE ENTRANCE TO THE SCHOOL BUILDING. THE ELECTION BOARD SHALL POST WARNING NOTICES IN THE FORM AND MANNER PRESCRIBED BY THE CLERK.
- C. NO VOTER MAY EXHIBIT A BALLOT TO AN ELECTION OFFICIAL OR ANY OTHER PERSON SO AS TO ENABLE ANY PERSON TO ASCERTAIN HOW THE VOTER MARKED THE BALLOT, EXCEPT AS PROVIDED IN SECTION 4.50.070.
- D. WHILE THE POLLS ARE OPEN NO ELECTION OFFICIAL MAY OPEN ANY BALLOT RECEIVED FROM A VOTER, MARK A BALLOT BY FOLDING OR OTHERWISE SO AS TO BE ABLE TO RECOGNIZE IT, OR OTHERWISE ATTEMPT TO LEARN HOW A VOTER MARKED A BALLOT, OR ALLOW THE SAME TO BE DONE BY ANOTHER PERSON.
- E. RESERVED.
- F. NO PERSON MAY LEAVE THE POLLING PLACE WITH THE OFFICIAL BALLOT THAT THE PERSON RECEIVED TO MARK.]

[4.50.140. UNUSED BALLOTS.

THE NUMBERS OF ALL BALLOTS NOT ISSUED SHALL BE RECORDED AND THEN ALL SUCH BALLOTS SHALL BE DISPOSED OF AS

INSTRUCTED BY THE CLERK BEFORE THE BALLOT BOX IS OPENED. THE NUMBERS OF BALLOTS DAMAGED BY VOTERS AND REPLACED BY ELECTION OFFICIALS SHALL ALSO BE RECORDED. THE RECORD OF BALLOTS NOT ISSUED AND BALLOTS DAMAGED AND REPLACED SHALL BE PRESERVED FOR 60 DAYS UNLESS THE ELECTION IS CONTESTED.]

SECTION 15. That KPB 4.70.020, .030, 040 .070 are hereby amended and KPB 4.70.100 is hereby deleted as follows:

4.70. BALLOT COUNTING PROCEDURES

4.70.020. Commencement of ballot count.

- [A. FOR COUNTING OF PAPER BALLOTS, WHEN THE POLLS ARE CLOSED AND THE LAST VOTE HAS BEEN CAST, THE ELECTION BOARD SHALL IMMEDIATELY PROCEED TO OPEN THE BALLOT BOX, SEPARATE THE QUESTIONED BALLOT ENVELOPES FROM OTHER BALLOTS AND THEN PROCEED TO COUNT THE VOTES CAST. IN ALL CASES THE ELECTION BOARD SHALL CAUSE THE COUNT TO BE CONTINUED WITHOUT ADJOURNMENT UNTIL THE COUNT IS COMPLETE. THE CLERK MAY AUTHORIZE THE APPOINTMENT OF COUNTERS TO ASSIST IN THE COUNTING OF BALLOTS. BEFORE UNDERTAKING THE DUTIES OF THE OFFICE, EACH COUNTER SHALL SUBSCRIBE TO AN OATH TO HONESTLY, FAITHFULLY, IMPARTIALLY AND PROMPTLY CARRY OUT THE DUTIES OF THE POSITION. AN ELECTION JUDGE MAY ADMINISTER THE OATH. IF AN APPOINTED COUNTER FAILS TO APPEAR AND SUBSCRIBE TO THE OATH AT THE TIME DESIGNATED BY THE CLERK, THE ELECTION BOARD MAY APPOINT ANY QUALIFIED VOTER TO FILL THE VACANCY.]
- [B. IN OPTICAL SCAN OR OTHER COMPUTER-READ OR ELECTRONIC BALLOT PRECINCTS, WHEN THE POLLS HAVE CLOSED AND THE LAST VOTE HAS BEEN CAST, THE ELECTION BOARD SHALL IMMEDIATELY TRANSMIT ELECTION RESULTS TO THE CLERK FOLLOWING THE WRITTEN INSTRUCTIONS PROVIDED TO EACH PRECINCT. ONCE THE ELECTION RESULTS HAVE BEEN TRANSMITTED, THE ELECTION BOARD SHALL OPEN THE BALLOT BOX, SEPARATE QUESTIONED AND WRITE-IN BALLOTS FROM OTHER BALLOTS CAST, PLACE ALL BALLOTS IN THE TAMPER PROOF CONTAINERS PROVIDED, AND PROCEED WITH THE BALLOT ACCOUNTABILITY AND POLL CLOSING PROCEDURES PROVIDED BY THE CLERK.

Upon receipt of voted ballot packages the election official will verify that the voter has provides at least one identifier, signed the envelope and that the signature has been witnessed. If the ballot package is complete and valid the package will be sorted by precinct and the ballot and identifying envelope will be separated. The ballot will proceed to be scanned and counted. The unofficial results will not be tallied until the end of the designated election period.

4.70.030. General procedure for ballot count.

- [A.] The election supervisor may issue rules prescribing the manner in which the precinct ballot count is accomplished so as to assure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4) the number of official ballots unused and destroyed. [THE BOARD SHALL COUNT THE NUMBER OF QUESTIONED BALLOTS AND SHALL COMPARE THAT NUMBER TO THE NUMBER OF QUESTIONED VOTERS IN THE REGISTER.] Discrepancies shall be noted and the numbers included in the certificate prescribed by the [ELECTION SUPERVISOR]clerk. When hand counting ballots, the election [BOARD] official shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may have a marking device in hand or remove a ballot from the immediate vicinity [OF THE POLLS].
- [B.] BALLOTS MAY NOT BE COUNTED BEFORE 8:00 P.M., LOCAL TIME, ON THE DAY OF THE ELECTION.]

4.70.040. Rules for counting hand-marked ballots.

- A. The election [BOARD] officials shall count hand-marked ballots according to the following rules:
1. A voter may mark his ballot with a cross mark, "X" mark, diagonal, horizontal or vertical mark, solid mark, star, circle, asterisk, check or plus sign using the marking device provided at the [POLLING PLACE] vote center or with any black-inked marker. The marks will be counted only if they are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
 2. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
 4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
 5. The mark specified in subsection 1 of this section shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square marked.
 6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly marked.
 7. An erasure or correction invalidates only that section of the ballot in which it appears.
- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

4.70.070. Tally of votes.

- [A.] Tally of votes cast by paper ballots. The [ELECTION SUPERVISOR] clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy and to expedite the process. The election board shall canvass and count the votes according to the rules for determining marks on ballots prescribed in [SECTION] KPB 4.70.040. The election board shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the election supervisor may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.
- [B. [RESERVED.]]

[4.70.100. OTHER BALLOT COUNTING SYSTEMS AUTHORIZED.

NOTHING IN THIS TITLE PROHIBITS THE USE OF OTHER BALLOT COUNTING SYSTEMS WHICH HAVE BEEN APPROVED FOR USE IN STATE ELECTIONS. THE ELECTION SUPERVISOR, SUBJECT TO ANY FURTHER APPROVAL AS MAY BE REQUIRED BY LAW, MAY

PRESCRIBE RULES FOR THE USE OF THESE SYSTEMS OR MAY ADOPT SUCH RULES, REGULATIONS AND PROCEDURES AS HAVE BEEN ADOPTED BY THE STATE FOR USE IN STATE ELECTIONS.]

SECTION 16. That the KPB 4.80 title and sections 4.80.030, .060, .080, .095, are hereby amended, and sections 4.80.120, .130, .140 and .150 are hereby enacted as follows:

4.80. ABSENTEE AND VOTE CENTER VOTING

4.80.030. - Eligibility.

Any qualified voter may vote [AN ABSENTEE BALLOT]at a vote center for the precinct in which [HE] the voter resides and is registered if [HE]the voter was unable to vote by mail whether inside the borough or not. [(1) IF HE BELIEVES HE WILL BE UNAVOIDABLY ABSENT FROM HIS VOTING PRECINCT ON ELECTION DAY, WHETHER INSIDE THE BOROUGH OR NOT, OR (2) IF HE WILL BE UNABLE TO BE PRESENT AT THE POLLS BECAUSE OF PHYSICAL DISABILITY.]

4.80.060. [ABSENTEE]Vote center voting—In person.

- A. A qualified voter may apply in person for an absentee ballot at the office of the [BOROUGH] clerk during regular office hours, or the voter may apply to the nearest city clerk's office or [ABSENTEE VOTING]election official [IN HIS AREA]during regular office hours.
- B. On receipt of an application in person for an absentee ballot and exhibition of proof of identification as required in this title, the [CLERK]election official shall issue the ballot to the applicant.
- C. The voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope in the presence of the election official who shall sign as attesting official and date [HIS]ofthe signature. The election official shall then accept the ballot.
- D. The election official may not accept a marked ballot that has been exhibited by an absentee voter with intent to influence other voters. If the [ABSENTEE] voter improperly marks or otherwise damages a ballot, the voter may request, and the election official shall provide [HIM]the voter with another ballot up to a maximum of three. Exhibited, improperly marked, or damaged ballots shall be destroyed. The numbers of all ballots destroyed shall be noted on the ballot statement.

- E. Each [ABSENTEE VOTING]election official shall keep a record of the names and the signatures of voters who cast absentee ballots before [HIM]the election official and the dates on which the ballots were cast.
- F. Fifteen minutes before the closing of the vote center, and at the time of closing the voter center, an election official shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement at 15 minutes before closing time shall not in any way invalidate the election or extend the time for closing of the voter center. After closing, no person will be allowed to enter the voter center for purposes of voting. Every qualified voter present and in line at the time prescribed for closing the voter center may vote.
- G. When the voter centers are closed and the last vote has been cast, the election official shall account for all ballots by completing a ballot statement containing, in a manner prescribed by the clerk, the number of official ballots supplied.

4.80.080. Absentee voting—By electronic transmission.

...

- B. A ballot electronically transmitted shall contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the [POLLING PLACES] vote center is acceptable.

...

- E. A voter who returns the absentee ballot by electronic transmission must comply with the same deadlines as for voting in person on or before the closing hour of the [polls] vote centers.

...

4.80.095. Special needs voting.

A qualified voter with a disability who, because of that disability, is unable to go to [a polling place] a voter center to vote may vote a special needs ballot. Special needs ballots shall be issued and accounted for in accordance with the rules adopted by the state for use in state elections and in effect at the time of the local election.

4.80.120. Prohibitions.

- A. During the hours that the vote centers are open, no election official may discuss any political party, candidate or issue while on duty.

- B. During the hours the vote centers are open, no person who is in the voter center or within 200 feet of any entrance to the voter center may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. The election official shall post warning notices in the form and manner prescribed by the clerk.
- C. No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in this chapter.
- D. While the vote centers are open no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.
- E. No person may leave the voter center with the official ballot that the person received to mark.

4.80.130. Assisting voter.

A qualified voter who cannot read, mark the ballot, or provide a signature may request assistance from an election official or not more than two persons of the voter's choice. If the election official is requested, the official shall assist the voter. If any other person is requested, the person providing assistance shall state upon oath before the election official that the voter's ballot will be kept confidential.

4.80.140. Spoiled ballots.

The election supervisor shall specify uniform procedures for replacement, registration and disposition of spoiled ballots. These uniform procedures shall be provided in writing to the election judges.

4.80.150. Placing ballot in ballot box.

When the voter has marked the ballot, the voter shall inform the election official. The clerk may require that the voter return the ballot to the election official temporarily so that any stub which may be part of the ballot may be removed by the election official. Any such requirement shall protect the secrecy of the ballot. In all cases the ballot shall be deposited in the ballot box by the voter in the presence of the election official unless the voter requests the election official to deposit the ballot.

SECTION 17. That a new section KPB 4.90.015 is hereby enacted as follows:

4.90.015. Preparation for counting ballots delivered by mail.

- A. Ballots may not be counted before 8:00 p.m., local time, on the day of the election.
- B. Not sooner than the tenth day before the date of an election, in preparation for counting ballots delivered by mail, the election supervisor may:
 - 1. begin opening return identification and secrecy envelopes of ballots delivered by mail and received; and
 - 2. take any other actions that are necessary to allow the counting of ballots delivered by mail to begin at 8:00 p.m., local time, on election day.

SECTION 18. That KPB 4.90.020 and .040 are hereby amended as follows and KPB 4.90.30 is hereby deleted as follows:

- A. No later than the Monday following each election, the election canvass board shall meet in public session and canvass all election returns. In full view of those present, the election canvass board shall judge the applicability of by mail and absentee [AND QUESTIONED] ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. [THE CANVASS OF THE BALLOT VOTE COUNTED BY THE PRECINCT ELECTION BOARDS SHALL BE ACCOMPLISHED BY REVIEWING THE TALLIES OF THE RECORDED VOTE TO CHECK FOR MATHEMATICAL ERROR BY COMPARING TOTALS WITH THE PRECINCT'S CERTIFICATE OF RESULTS. ALL OBVIOUS ERRORS FOUND BY THE ELECTION CANVASS IN THE TRANSFER OF TOTALS FROM THE PRECINCT TALLY SHEETS TO THE PRECINCT CERTIFICATE OF RESULTS SHALL BE CORRECTED BY THE CANVASS BOARD. A MISTAKE WHICH HAS BEEN MADE IN PRECINCT RETURNS THAT IS NOT CLEARLY AN ERROR IN THE TRANSFER OF THE RESULTS FROM THE TALLIES TO THE CERTIFICATE OF RESULTS EMPOWERS THE CANVASSING BOARD TO RECOMMEND A RECOUNT OF THE RESULTS OF THE PRECINCT OR PRECINCTS FOR THAT PORTION OF THE RETURNS IN QUESTION.]
- B. Upon completion of the canvass, the canvassing board shall prepare a final certificate of the results of votes cast by absentee[, QUESTIONED AND CHALLENGED] ballot[s] and of votes cast by [REGULAR] by mail ballot, and shall prepare a written report of the results to be submitted to the assembly.
- [C. IF ELECTION MATERIALS HAVE NOT BEEN RECEIVED FROM A PRECINCT PRIOR TO COMPLETION OF THE CANVASS, BUT ELECTION RESULTS HAVE BEEN TRANSMITTED BY TELEPHONE, TELEGRAM, RADIO OR ELECTRONIC

TRANSMISSION, THE CANVASSING BOARD SHALL COUNT THE ELECTION RESULTS RECEIVED. IF THE BOROUGH CLERK HAS REASON TO BELIEVE THAT A MISSING PRECINCT CERTIFICATE, IF RECEIVED, WOULD AFFECT THE RESULT OF THE ELECTION, THE CLERK SHALL AWAIT THE RECEIPT OF THE CERTIFICATE UNTIL 2:00 P.M. ON THE TUESDAY FOLLOWING THE ELECTION. IF THE CERTIFICATE IS NOT RECEIVED BY THE CLERK BY 2:00 P.M., TUESDAY, THEN THE CERTIFICATE SHALL NOT BE COUNTED NOR INCLUDED IN THE FINAL CERTIFICATION OF THE CANVASSING BOARD.]

[4.90.030. Procedures for handling questioned ballots.

THE CANVASSING BOARD BY MAJORITY VOTE MAY REFUSE TO ACCEPT THE QUESTION AND COUNT THE BALLOT OF A PERSON PROPERLY QUESTIONED. IF THE BALLOT IS REFUSED, THE CLERK SHALL RETURN A COPY OF THE STATEMENT QUESTIONING THE BALLOT TO THE VOTER, AND SHALL ENCLOSE ALL REJECTED BALLOTS IN A SEPARATE ENVELOPE WITH STATEMENTS OF THE BASIS FOR THE QUESTION. THE ENVELOPE SHALL BE LABELED WITH "REJECTED BALLOTS" AND SHALL BE PRESERVED WITH OTHER VOTED BALLOTS. IF THE BALLOT IS NOT REFUSED, THE LARGE ENVELOPE SHALL BE OPENED, THE SMALLER INNER ENVELOPE SHALL BE PLACED IN A CONTAINER AND MIXED WITH OTHER ABSENTEE BALLOT ENVELOPES OR, IN THE CASE OF COUNTING QUESTIONED BALLOTS, WITH OTHER QUESTIONED BALLOT ENVELOPES. THE MIXED SMALLER ENVELOPES SHALL BE DRAWN FROM THE CONTAINER AND OPENED, AND THE BALLOTS SHALL BE COUNTED ACCORDING TO THE RULES FOR DETERMINING PROPERLY MARKED BALLOTS.]

4.90.040. Voters not on official registration list.

A person whose registration has been cancelled under AS 15.07.130(b) [AND WHO VOTES A QUESTIONED BALLOT] shall not have [THE] their ballot counted.

SECTION 17. That KPB 4.120 is hereby amended by amending the title, enacting KPB 4.120.005, and deleting KPB 4.120.010, .020, .030, .040 and .060 as follows:

CHAPTER 4.120. SPECIAL ELECTIONS [BY MAIL]

4.120.005. Procedure.

The clerk shall conduct special elections in accordance with the procedures set out in this title for a regular election.

**[4.120.010. VOTING BY MAIL—BALLOTS—BALLOT REVIEW—
BALLOT ENVELOPES.**

- A. THE CLERK MAY CONDUCT A SPECIAL ELECTION BY MAIL.
- B. WHEN THE CLERK CONDUCTS A SPECIAL ELECTION BY MAIL, THE CLERK SHALL SEND A BALLOT TO EACH PERSON WHOSE NAME APPEARS ON THE OFFICIAL VOTER REGISTRATION LIST PREPARED UNDER AS § 15.07.125 FOR THAT ELECTION. THE BALLOT SHALL BE SENT TO THE ADDRESS STATED ON THE OFFICIAL REGISTRATION LIST UNLESS THE VOTER HAS NOTIFIED THE CLERK IN WRITING OF A DIFFERENT ADDRESS TO WHICH THE BALLOT SHOULD BE SENT. THE CLERK SHALL SEND BALLOTS BY FIRST CLASS, NONFORWARDABLE MAIL ON OR BEFORE THE 22ND DAY BEFORE THE ELECTION.
- C. THE CLERK SHALL REVIEW BALLOTS VOTED UNDER THIS SECTION UNDER PROCEDURES ESTABLISHED FOR THE REVIEW OF ABSENTEE BALLOTS.
- D. THERE SHALL BE A SMALL BLANK ENVELOPE AND A RETURN ENVELOPE SUPPLIED TO EACH BY-MAIL VOTER. THE RETURN ENVELOPE SHALL HAVE PRINTED UPON IT AN AFFIDAVIT BY WHICH THE VOTER SHALL DECLARE HIS QUALIFICATIONS TO VOTE, FOLLOWED BY PROVISION FOR ATTESTATION BY A PERSON QUALIFIED TO ADMINISTER OATHS OR ONE ATTESTING WITNESS WHO IS AT LEAST 18 YEARS OF AGE. SPECIFIC INSTRUCTIONS FOR VOTING A BY-MAIL BALLOT AND A LIST OF THE APPOINTED ABSENTEE VOTING OFFICIALS, THEIR HOURS AND LOCATIONS, WILL BE MAILED TO EACH VOTER WITH THE BALLOT.

4.120.020. CASTING BALLOTS.

- A. UPON RECEIPT OF A MAIL-IN BALLOT, THE VOTER SHALL CAST HIS BALLOT IN THE MANNER SPECIFIED IN KPB § 4.80.070. IF THE BALLOT IS CAST IN THE CLERK'S OFFICE, THE CLERK SHALL RETAIN IT FOR DELIVERY TO THE CANVAS BOARD. IF THE BALLOT IS CAST IN ANOTHER LOCATION, THE VOTER SHALL RETURN IT BY MAIL TO THE CLERK IMMEDIATELY FOR DELIVERY TO THE CANVAS BOARD.
- B. A VOTER WHO DOES NOT RECEIVE A MAIL-IN BALLOT MAY CAST HIS BALLOT IN PERSON AS SPECIFIED IN KPB § 4.80.060.
- C. A VOTER MAY RETURN THE MAIL-IN BALLOT TO AN ABSENTEE VOTING OFFICIAL AS PROVIDED IN KPB § 4.120.040.

4.120.030. NOTICE OF ELECTION—ELECTION DATE—PUBLIC NOTICE.

- A. THE NOTICE OF ELECTION CALLING FOR THE ELECTION MUST STATE THAT THE ELECTION IS TO BE CONDUCTED BY MAIL AND THAT THERE WILL NO POLLING PLACE OPEN FOR REGULAR IN-PERSON VOTING ON ELECTION DAY. IN A BY-MAIL ELECTION, ELECTION DAY IS THE DEADLINE BY WHICH A VOTER'S BALLOT MUST BE RECEIVED BY THE BOROUGH CLERK.
- B. FOR EACH ELECTION CONDUCTED BY MAIL, THE PUBLIC NOTICE POSTED IN EACH PRECINCT AND THE NOTICE PUBLISHED IN NEWSPAPERS OF GENERAL CIRCULATION IN THE AREA OF THE ELECTION JURISDICTION WILL INCLUDE THE INFORMATION SPECIFIED IN KPB § 4.120.040.

4.120.040. ABSENTEE VOTING OFFICIALS—DUTIES.

- A. THE BOROUGH CLERK MAY, WITH THE APPROVAL OF THE CITY CLERKS IN THE BOROUGH, APPOINT CITY CLERKS OR OTHERS IN THE AREA TO ACT AS ABSENTEE VOTING OFFICIALS. IF NO CITY CLERK IS AVAILABLE OR IF THE CITY CLERK IS UNABLE OR UNWILLING TO ACT AS AN ABSENTEE VOTING OFFICIAL, THE BOROUGH CLERK MAY APPOINT ANY QUALIFIED VOTER TO SERVE AS AN ABSENTEE VOTING OFFICIAL. THE CLERK SHALL SUPPLY ADEQUATE VOTING SUPPLIES AND BALLOTS TO THE ABSENTEE VOTING OFFICIALS. THE CLERK SHALL PROVIDE MODERATE COMPENSATION TO THE ABSENTEE VOTING OFFICIALS TO COVER ADDED EXPENSES OF THE ADMINISTRATION OF THIS SERVICE, WHICH SHALL BE AGREED TO BY THE ABSENTEE VOTING OFFICIALS.
- B. THE DUTIES OF THE ABSENTEE VOTING OFFICIALS SHALL BE AS FOLLOWS:
 - 1. PROVIDE ABSENTEE VOTING IN PERSON ON ANY DATE INCLUDING THE DAY OF THE ELECTION FOLLOWING THE PROCEDURES IN KPB 4.80.060 AND SPECIAL NEEDS VOTING ON ANY DATE INCLUDING THE DAY OF THE ELECTION FOLLOWING THE PROCEDURES IN KPB 4.80.095;
 - 2. SIGN A VOTER'S BY-MAIL OATH AND AFFIDAVIT ENVELOPE AS AN AUTHORIZED ATTESTING OFFICIAL, EXCEPT THAT THE ABSENTEE VOTING OFFICIAL MAY NOT ATTEST HIS OR HER OWN BALLOT;

3. ACCEPT RECEIPT OF A BY-MAIL VOTER'S HAND-DELIVERED BALLOT, WHICH HAS BEEN SWORN TO, ATTESTED AND SEALED IN THE BY-MAIL RETURN ENVELOPE; AND
4. PROVIDE GENERAL VOTER ASSISTANCE, INCLUDING BY NOT LIMITED TO, ASSISTANCE TO A QUALIFIED VOTER WHO CANNOT READ, MARK THE BALLOT, OR SIGN HIS NAME, AND PROVIDING REPLACEMENT BALLOTS TO VOTERS WHO HAVE IMPROPERLY MARKED OR DAMAGED THEIR BALLOTS.
5. DATE-STAMP ALL BALLOTS RECEIVED.
6. PROVIDE FOR THE SECURITY AND SAFEKEEPING OF ALL BALLOTS RECEIVED AND PRESENT THOSE BALLOTS TO THE CLERK FOR CANVASSING. THE BOROUGH CLERK WILL SPECIFY THE MEANS OF RETURNING THE VOTED BALLOTS AND ALL OTHER ELECTION SUPPLIES TO THE BOROUGH.

4.120.060. STORING BALLOTS.

THE CLERK SHALL PROVIDE FOR THE SECURE STORAGE OF THE MAIL-IN BALLOTS RECEIVED FROM THE VOTERS AND BY-MAIL OFFICIALS, UNTIL THE DATE SET BY THE CLERK FOR THE COUNTING OF THE BALLOTS.]

SECTION 18. That this ordinance shall become effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF *, 2020.**

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

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

THRU: Assembly Member Tyson Cox *JC*
Assembly Member Willy Dunne *WD*
Assembly Member Brent Hibbert *B.H.*
Assembly Member Hal Smalley *(B) for H.S.*

FROM: Johni Blankenship, Borough Clerk

DATE: May 21, 2020

RE: Amending Ordinance 2020-24, Amending KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between a Regular Election and a Run-Off Election, and to Remove Proposition Statements (Cox, Dunne, Hibbert)

This amendment would change the effective date of the ordinance to January 1, 2021. This change would allow the borough sufficient time to purchase, program, and integrate necessary software and equipment in order to be adequately prepared for vote by mail elections.

In the event there is an ongoing disaster emergency declaration during the 2020 local elections, whether due to Covid-19 or other disaster, that restricts the borough's ability to conduct its regular election at polling locations, then the borough could enact emergency legislation specific to the disaster and its impact on the borough's ability to conduct polling location voting.

The following amendment is requested:

➤ Amend Section 18 to read as follows:

SECTION 18. That this ordinance shall become effective ~~[immediately upon enactment]~~ January 1, 2021.

Your consideration is appreciated.

Kenai Peninsula Borough Office of the Borough Clerk

MEMORANDUM

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

THRU: Tyson Cox, Willy Dunne, and Brent Hibbert (B) for B. H.

FROM: Johni Blankenship, Borough Clerk JB (B) for T. C.

DATE: April 23, 2020 (B) for W. D.

RE: Ordinance 2020-24, Amending KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between a Regular Election and a Run-Off Election, and to Remove Proposition Statements (Cox, Dunne, Hibbert)

In 2018, the Kenai Peninsula Borough entered into a conciliation agreement with the Alaska Human Rights Commission which specified that the borough would have an ADA compliant election process in place by the end of 2020. The Election Stakeholders Group was formed in response to the case before the Alaska Human Rights Commission. Resolution 2019-047 "Adopted Joint Resolution No. 2019-001 of the Assembly of the Kenai Peninsula Borough and Councils of the Cities of Homer, Kachemak, Kenai, Seldovia, Seward and Soldotna, Recognizing the Recommendations of the Kenai Peninsula Borough's Election Stakeholders Group and Directing Staff to Explore Implementation of the Recommendations" was adopted by the Assembly on September 3, 2019.

On December 27, 2019, the clerk's office entered into a contract with Resource Data to prepare a feasibility study and cost analysis for Vote by Mail System (VBMS) implementation and operation.

Resource Data's final feasibility study states, in section 2.1. Overall Assessment – Based on our review we believe that KPB will be able to successfully transition to area-wide vote by mail elections.

This ordinance seeks to codify and therefore implement the following recommendations of the Election Stakeholders Group: #1 Vote by Mail Hybrid, #4 Voter Pamphlet, and #6 – Statements Advocating for Approval or Rejection of Propositions as well the recommendations provided by Resource Data's feasibility study.

Your consideration is appreciated.

MEMORANDUM

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

FROM: Johni Blankenship, Borough Clerk (JB)
Sean Kelley, Deputy Borough Attorney (SK)

DATE: June 2, 2020

RE: Ordinance 2020-24, Amending KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between a Regular Election and a Run-Off Election, and to Remove Proposition Statements (Cox, Dunne, Hibbert, Smalley)

The borough assembly introduced Ordinance 2020-24 following a process that began in 2015. The following timeline of events is provided for your reference:

November 5, 2015	The Kenai Peninsula Borough (KPB) was notified by the Alaska State Human Rights Commission (hereinafter the Commission) of a complaint filed by Richard Malley against KPB alleging that the KPB discriminated against Mr. Malley on the basis of a physical disability by not providing use of ADA compliant voting equipment at a borough election.
December 2015 – conducted November 2017	KPB responded to allegations, the Commission then an investigation and completed its internal review.
October 16, 2018	The Commission issued its determination that the complainant's allegations were supported by substantial evidence. The parties then pursued conciliation to avoid further litigation.
December 19, 2018	The Commission approved the Conciliation Agreement entered into by Mr. Malley and the KPB to resolve the allegations in the complaint. Per Section III, Remedial Provision (B) & (C) of the agreement, KPB agreed to explore the "option of distributing all ballots to all voters by mail and establish vote centers with accessible voting equipment open two-weeks prior to each election."

January 1, 2019	<p>ADOPTED Resolution 2019-006: A Resolution Directing the Kenai Peninsula Borough Clerk to Establish an Election Stakeholders Group (ESG) to Explore Implementing Optional Election Models to Better Serve Kenai Peninsula Voters and Ratifying a State of Alaska Commission for Human Rights Conciliation Agreement (Ogle)</p> <p><i>In Compliance with Conciliation Agreement, Section III. Remedial Provision (B).</i></p>
February - July, 2019	<p>Election Stakeholders Group (ESG) meetings were publically noticed, held in the assembly chambers, and open to the public. The ESG held 12 meetings over the course of six months and heard presentations from State and local election officials, the public, and elected representatives. Discussion focused on improvement of borough elections and evaluation of voter engagement, cost, collaboration, and efficiencies. Ultimately, the group unanimously approved its final report containing 6 specific recommendations.</p>
March 26, 2019	<p>KPB adopted "Non-Discrimination on the Basis of Disability" policy.</p> <p><i>In Compliance with Conciliation Agreement, Section III. Remedial Provision (A).</i></p>
August 6, 2019	<p>Election Stakeholders Group Chair Ostrander presented the final report of the ESG to the Assembly.</p> <p><i>In Compliance with Conciliation Agreement, Section III. Remedial Provisions (C) & (E).</i></p>
September 3, 2019	<p>ADOPTED Resolution 2019-047: Adopting Joint Resolution No. 2019-001 Of The Assembly of the Kenai Peninsula Borough and Councils of the Cities of Homer, Kachemak, Kenai, Seldovia, Seward and Soldotna, Recognizing The Recommendations of the Kenai Peninsula Borough's Election Stakeholders Group and Directing Staff to Explore Implementation of the Recommendations (Dunne, Hibbert)</p>
November 5, 2019	<p>FAILED TO ENACT Ordinance 2019-23: Amending KPB Titles 2, 4 And 16 Regarding Service Areas to Provide That All Kenai Peninsula Borough Service Area Boards Are Appointed Instead of Elected (Dunne, Hibbert) ESG Recommendation No. 5</p>
December 27, 2019	<p>Mayor authorized Sole Source Waiver for Vote by Mail Project Analysis to Resource Data, Inc.</p>

January 27, 2020	KPB Contracted with Resource Data, Inc. to conduct a feasibility study on vote by mail elections.
May 5, 2020	Dennis Wheeler from Resource Data, Inc. presented the results of the feasibility study to the Assembly and the Administration during a work session.
May 5, 2020	INTRODUCED Ordinance 2020-24: Amending KPB Title 4 Regarding Borough Elections to Provide for Vote by Mail Elections, for More Time Between a Regular Election and a Run-Off Election, and to Remove Proposition Statements (Cox, Dunne, Hibbert, Smalley) (set for public hearing on June 2, 2020.) <i>In Compliance with Conciliation Agreement and pursuant to the ESG Recommendations No. 1, 4 and 6.</i>
May 11, 2020	ADOPTED Resolution 20-044(A) A Resolution of the City Council of Homer, Alaska Recommending the Kenai Peninsula Borough Enact Ordinance 2020-24 Which Would Provide for Vote by Mail System for Elections Borough Wide (Aderhold/City Clerk)
May 11, 2020	ADOPTED Resolution 20-27 A Resolution of the City Council of Seldovia, Alaska, Recommending the Kenai Peninsula Borough Enact Ordinance 2020-24 Which Would Provide for a Vote by Mail System for Elections Borough Wide (City Clerk)
May 13, 2020	ADOPTED City of Soldotna Resolution 2020-022 Recommending the Kenai Peninsula Borough Assembly Enact Ordinance 2020-24 Which Would Provide for Vote by Mail Elections, More Time Between a Regular Election and Run-Off Election and to Remove Proposition Statements (L. Parker)

Outstanding Remedial Provisions of the Conciliation Agreement

December 18, 2020	The borough shall submit a final report to the Commission describing in detail the efforts taken to adopt and implement a program allowing for the private and independent voting of visually impaired voters, the present and projected success of those efforts, and barriers to implementation
-------------------	---

Conciliation Agreement, Section III, Remedial Provision (I)

Per Section III, Remedial Provision (K): in the event the KPB does not adopt a program allowing for the private and independent voting of visually impaired voters, the Commission may certify the failure of the conciliation under 6 AAC 30.340(E).

Fiscal Note

Kenai Peninsula Borough Fiscal Year 2021

Title: Amending KPB Title 4 Regarding Borough Elections
to Provide for Vote by Mail Elections, for More Time
Between a Regular Election and a Run-Off Election, and to
Remove Proposition Statements

Ordinance: 2020-24

Fiscal Note Number:

Publish Date: 06/02/2020

Department: Assembly Elections

Sponsor: Cox, Dunne, Hibbert, Smalley

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

	Current Year Estimate	Out-Year Cost Estimates	
	Current Year	Year1	Year 2
Operating Expenditures	FY 22	FY23	FY24
Personnel	\$33,670	\$30,670	\$30,670
Supplies	\$1,000	\$1,000	\$1,000
Services	\$108,500	\$120,500	\$120,500
Capital Outlay	\$415,804	\$27,580	\$27,580
Other			
Total Operating	\$558,974	\$179,750	\$179,750

Revenue Sources			
Federal			
State			
Local			
Total	0.0	0.0	0.00

Number of Positions			
Full-Time			
Part-Time			
Temporary	33	33	33

Estimated Supplemental

Funding: \$400,000 1st Year (Operations Budget would cover the difference)
\$30,000 Recurring (Operations Budget would cover the difference)

ASSOCIATED REGULATIONS

Will the legislation result in procedural or regulation changes within a department? Y N (circle one)

If yes, by what date are the regulations to be adopted, amended or repealed? January 1, 2021

Prepared By: Johni Blankenship, MMC, Borough Clerk

Finance sign off: _____

FISCAL NOTE ANALYSIS

Kenai Peninsula Borough

Analysis

Item	Estimate (yr 1)	Recurring	
Mail Sorter and First Year Licensing	\$150,000	\$30,000	Capital Outlay 1st Year / Services
Alarms/Cameras	\$10,000		Capital Outlay
Records Center Cage	\$3,000		Capital Outlay
GIS Enhancements	\$6,000		Services
Pollbook scanning	\$3,000		Personnel
Education and Outreach	\$15,000	\$3,000	Services
Postcard (Undeliverables)	\$4,000	\$4,000	Services
Ballot package set up, printing, assembly, and Q/A	\$42,000	\$42,000	Services
Voter Pamphlet	\$20,000	\$20,000	Services
Misc Supplies	\$1,000	\$1,000	Supplies
"I voted" sticker	\$1,000	\$1,000	Services
Ballot package postage	\$20,500	\$20,500	Services
Vote Center equipment	\$20,000		Capital Outlay
Drop Boxes	\$35,000		Capital Outlay
Temporary Election	\$30,670	\$30,670	Personnel
5 ADA Machines / Software at Vote Centers	\$197,804	\$27,580	Capital Outlay 1st Year / Services
Total	\$558,974	\$179,750	

These may not be all costs and actual costs may vary greatly depending on choices made and market rates at the time. For example, staff time (Clerk's Office, GIS staff) associated with the election are not include but, especially in the first vote by mail, the hours will be substantially higher than would be required in a normal election and may require that KPBB hire additional staff or contract work out. In addition, these estimates assume that KPBB will leverage custom tools that MOA had built and that most of these will not require changes for KPBB.



MOA Elections
Municipal Clerk's Office
619 E. Ship Creek Avenue,
Door D, Suite 250
Anchorage, AK 99501

May 8, 2020

Johni Blankenship, MMC
Borough Clerk
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669

Via email at JBlankenship@kpb.us

RE: Absentee Voting, Vote by Mail, or Vote at Home in 2020!

Dear Johni:

We have all been impacted by the COVID-19 virus and the related “stay home” orders necessitated by the pandemic. Because elections are an essential government function, as election administrators, we need to find new ways to conduct elections in light of travel, social distancing restrictions, and promoting safety of our workers and community.

The Municipality of Anchorage is pleased to report that it successfully conducted the April 7, 2020 Regular Municipal Election as a Vote by Mail or Vote at Home election, despite some very trying circumstances in the early stages of the pandemic. This success was despite losing the majority of available election workers, who did not want to expose themselves to the risks of contracting COVID-19 at vote centers or were not available due to quarantine restrictions. The MOA implemented new and creative ways to operate with the remaining staff while also following federal, state, and local guidance to minimize the odds of contracting the virus through social distancing and other recommendations.

At the Election Center, the MOA Election Team processed approximately 71,000 returned envelopes and ballots over the course of its 3-week election period. We sorted envelopes, checked signatures, resolved problems, opened envelopes, scanned and tabulated ballots, produced results, and even conducted a recount. The Election Center, with over 10,000 square feet of available space, allowed all the processes to be separated and easy to perform within the social distancing guidelines.

I wanted to confirm the offer that the Municipality of Anchorage, the Municipal Clerk's Office, and our Election Team stand ready, willing, and able to assist with your election in 2020 using absentee voting, Vote by Mail, or a Vote at Home format. We offer use of the turnkey and state of the art facility, complete with locking cages, alarms, security



cameras, and other security features. Your jurisdiction can take advantage of MOA election staff support, badge your own staff into the facility, or we could work together in combination to process your 2020 election. Because the MOA election was in April, your jurisdiction can conveniently conduct your election without fear of overlap with the Municipality's election. We have discussed with our mutual vendors options to be able to assist more than one jurisdiction in 2020.

We invite you to give serious consideration to using the MOA facility and equipment to launch your absentee by mail, Vote by Mail, or Vote at Home election in 2020. For more information please contact me directly at 343-4312 or at Barbara.Jones@AnchorageAK.gov.

Sincerely,

Barbara Jones
Municipal Clerk

c: Felix Rivera, Chair
Dennis Wheeler, MOA Project Manager

RESOLUTION 20-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA, RECOMMENDING THE KENAI PENINSULA BOROUGH ENACT ORDINANCE 2020-24 WHICH WOULD PROVIDE FOR A VOTE BY MAIL SYSTEM FOR ELECTIONS BOROUGH WIDE

WHEREAS, in February, 2019, the Kenai Peninsula Borough (KPB) established the Election Stakeholders Group (ESG) to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity while conserving public resources; and

WHEREAS, the City of Seldovia was represented on the ESG by Council Member Colberg, Council Member Rojas, City Manager Cassidi Cameron, and City Clerk Heidi Geagel, as active participants in the ESG throughout 2019; and

WHEREAS, on July 26, 2019 the ESG approved their final report and recommendations to the KPB with six final recommendations that included implementing a vote by mail hybrid structure (VBMS) and an education and outreach campaign, amending the voter pamphlet process, appointing service area board representatives, eliminating proposition statements, and adopting a Borough Resolution regarding ranked voting for run-off elections; and

WHEREAS; the ESG's number 1 recommendation was for the KPB to transition the election process from the current polling site structure to a VBMS which is consistent with the guiding principles adopted by the ESG, including: maximizing accessibility and inclusivity in the election process; promoting efficient use of public resources; increasing voter satisfaction and confidence in Borough elections; and ensuring the security and integrity of the voting system; and

WHEREAS, the Seldovia City Council adopted Resolution 20-07 on September 25, 2019 recognizing the recommendations of the KPB ESG and authorizing Mayor Lent to sign the Kenai Peninsula Borough Joint Resolution 2019-001; and

WHEREAS, the KPB Clerk's Office entered into a contract with Resource Data in December of 2019 for the purpose of preparing a feasibility study and cost analysis, which concluded that the KPB would be able to successfully transition to area-wide vote by mail elections; and

WHEREAS, in December 2019 the KPB Borough and Municipal Clerks began meeting monthly to consider the VBMS and how to develop a unified process that meets the needs for each municipality; and

WHEREAS, the VBMS is a proven methodology that the KPB has been using for over 20 years in six out of its 28 precincts, including; Seldovia/Kachemak Bay, Cooper Landing, Hope, Fox River, Moose Pass, and Tyonek; and

WHEREAS, the City of Seldovia (COS) shares roughly 450 voters with the KPB and it is in the best interest of the shared voters if both the COS and the KPB implement the same voting process; and

WHEREAS, the Seldovia City Council supports the transition of the COS Elections to a VBMS; and

WHEREAS, the Seldovia City Council supports the removal of advocacy statements for or against ballot propositions from being included in the official voter information pamphlet, which is produced by the Borough Clerk's office and is required by borough code to be factual in nature; and

WHEREAS, in the event of a run-off election, an extra week between the regular election and the run-off election would allow more time for the Borough Clerk's office to get ballot packages out, providing for a timely receipt by the voters and return receipt by the Borough; and

WHEREAS, the current global health pandemic further reinforces the need to implement a VBMS election process, to allow for greater flexibility and voter participation when events make it impractical or difficult for borough residents to safely vote at a traditional polling site.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA:

Section 1. That the Seldovia City Council encourages the Kenai Peninsula Borough Assembly enact Ordinance 2020-24, which amends the borough election process in ways that are consistent with the recommendations and guiding principles adopted by the Election Stakeholder Group in July, 2019.

Section 2. That the Seldovia City Council recommends a Vote By Mail System be implemented to promote greater flexibility and voter participation when events make it impractical, unsafe or impossible to vote at a traditional polling site.

Section 3. This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska, on this 11th day of May, 2020.

ATTEST:

APPROVED:


Heidi Geagel, City Clerk




Dean Lent, Mayor

CITY OF SOLDOTNA
RESOLUTION 2020-022

A RESOLUTION RECOMMENDING THE KENAI PENINSULA BOROUGH ASSEMBLY ENACT
ORDINANCE 2020-24 WHICH WOULD PROVIDE FOR VOTE BY MAIL ELECTIONS, MORE
TIME BETWEEN A REGULAR ELECTION AND RUN-OFF ELECTION AND TO REMOVE
PROPOSITION STATEMENTS

WHEREAS, City Manager Queen, Council Member Cox and City Clerk Saner were active participants in the Kenai Peninsula Borough (KPB) Election Stakeholders Group throughout 2019; and

WHEREAS, the group was established to research ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity while conserving public resources; and

WHEREAS, after holding many public meetings the KPB Election Stakeholders group made multiple recommendations to the KPB Assembly; and

WHEREAS, the group's number 1 recommendation was for the KPB to transition the election process from the current polling site structure to a vote by mail hybrid structure (VBMS); and

WHEREAS, the VBMS is consistent with the guiding principles adopted by the Election Stakeholder's Group, including: maximizing accessibility and inclusivity in the election process; promoting efficient use of public resources; increasing voter satisfaction and confidence in Borough elections; and ensuring the security and integrity of the voting system; and

WHEREAS, the current global health pandemic further reinforces the need to implement a VBMS election process, to allow for greater flexibility and voter participation when events make it impractical or difficult for borough residents to safely vote at a traditional polling site; and

WHEREAS, on September 12, 2019 Soldotna City Council (COS) adopted Joint Resolution 2019-001, recognizing the recommendations of the KPB Election Stakeholders Group; and

WHEREAS, the VBMS is a proven methodology that the KPB has been using for over 20 years in six of its 28 precincts (Cooper Landing, Hope, Fox River, Moose Pass, Seldovia/Kachemak Bay, and Tyonek); and

WHEREAS, the KPB Clerk's Office entered into a contract with Resource Data in December of 2019 for the purpose of preparing a feasibility study and cost analysis, which concluded that the KPB would be able to successfully transition to area-wide vote by mail elections; and

WHEREAS, the City of Soldotna shares roughly 4,000 voters with the KPB and much of the Election process is a joint effort making voting in both the COS and KPB Election a more convenient process for the shared voters; and

WHEREAS, the Soldotna City Council wishes to transition the COS Elections to a VBMS; and

WHEREAS, it is in the best interest of the shared voters if both the COS and KPB implement the same voting process; and

WHEREAS, the Soldotna City Council supports the removal of advocacy statements for or against ballot propositions from being included in the official voter information pamphlet, which is produced by the Borough Clerk's office and is required by borough code to be factual in nature; and

WHEREAS, in the event of a run-off election, an extra week between the regular election and the run-off election would allow more time for the Borough Clerk's office to get ballot packages out, providing for a timely receipt by the voters and return receipt by the Borough;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Soldotna City Council encourages the Kenai Peninsula Borough Assembly enact Ordinance 2020-24 as currently written, which amends the borough election process in ways that are consistent with the recommendations and guiding principles adopted by the Election Stakeholder Group in July, 2019.

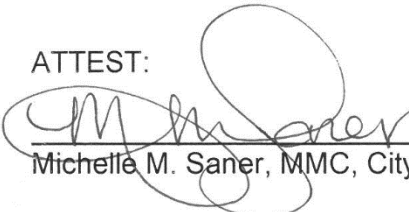
Section 2. That the Soldotna City Council recommends a Vote By Mail System be implemented to promote greater flexibility and voter participation when events make it impractical, unsafe or impossible to vote at a traditional polling site.

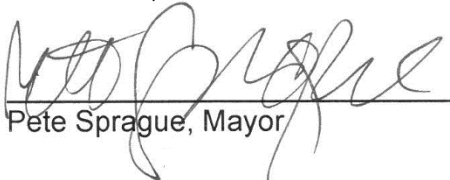
Section 3. A copy of this resolution shall be forwarded to Borough Mayor Charlie Pierce, and the Members of the Kenai Peninsula Borough Assembly.

Section 4. This resolution shall become effective immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL THIS 13TH DAY OF MAY, 2020.

ATTEST:


Michelle M. Saner, MMC, City Clerk


Pete Sprague, Mayor

Yes: Ruffridge, P. Parker, Carey, Chilson, L. Parker, Whitney
No: None

**CITY OF HOMER
HOMER, ALASKA**

Aderhold/City Clerk

RESOLUTION 20-044(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
RECOMMENDING THE KENAI PENINSULA BOROUGH ENACT
ORDINANCE 2020-24 WHICH WOULD PROVIDE FOR VOTE BY MAIL
SYSTEM FOR ELECTIONS BOROUGH WIDE.

WHEREAS, In February, 2019, the Kenai Peninsula Borough (KPB) established the Election Stakeholders Group (ESG) to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity; and

WHEREAS, The City of Homer was represented on the ESG by Councilmember Donna Aderhold, City Clerk Melissa Jacobsen participated on the ESG as a subject matter expert, and Joyanna Geisler, Executive Director of the Independent Living Center and ADA Compliance Committee member, participated as an advocate for voters with disabilities; and

WHEREAS, On July 26, 2019 the ESG approved their final report and recommendations to the KPB with six final recommendations that included implementing a vote by mail hybrid structure (VBMS) and an education and outreach campaign, amending the voter pamphlet process, appointing service area board representatives, eliminating proposition statements, and adopting a Borough Resolution regarding ranked voting for run-off elections; and

WHEREAS, The ESG's number 1 recommendation was for the KPB to transition the election process from the current polling site structure to a VBMS which is consistent with the guiding principles adopted by the ESG, including: maximizing accessibility and inclusivity in the election process; promoting efficient use of public resources; increasing voter satisfaction and confidence in Borough elections; and ensuring the security and integrity of the voting system; and

WHEREAS, On September 23, 2019 Homer City Council adopted Resolution 19-063, recognizing the recommendations of the KPB ESG and authorizing the Mayor to sign Kenai Peninsula Borough Joint Resolution 2019-001; and

WHEREAS, The KPB Clerk's Office entered into a contract with Resource Data in December of 2019 for the purpose of preparing a feasibility study and cost analysis, which concluded that the KPB would be able to successfully transition to area-wide vote by mail elections; and

41 WHEREAS, In December 2019 the KPB Municipal and City Clerks began meeting monthly
42 to consider the VBMS and how to develop a unified process that meets the needs for each
43 municipality; and
44

45 WHEREAS, The City of Homer (COH) shares roughly 5,000 voters with the KPB and
46 engaging in a joint effort with the KPB Election process will be a more convenient process for
47 the shared voters; and
48

49 WHEREAS, The KPB has been using a VBMS successfully in six of its 28 precincts (Cooper
50 Landing, Hope, Fox River, Moose Pass, Seldovia/Kachemak Bay, and Tyonek) for over 20 years;
51 and
52

53 WHEREAS, The Homer City Council supports the transition of the COH Elections to a
54 VBMS, **a hybrid system that allows a voter to either vote by mail or in person at a vote**
55 **center established in each municipality;** and
56

57 WHEREAS, KPB Ordinance 2020-24 addresses the ESG recommendations regarding the
58 removal of advocacy statements for or against ballot propositions and also the Borough's
59 restrictive timeline for run-off elections; and
60

61 WHEREAS, The current global health pandemic further reinforces the need to
62 implement a VBMS election process, to allow for greater flexibility and voter participation
63 when events make it impractical or difficult for borough residents to safely vote at a traditional
64 polling site.
65

66 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HOMER, ALASKA that the
67 Homer City Council encourages the Kenai Peninsula Borough Assembly enact Ordinance 2020-
68 24, which amends the borough election process in ways that are consistent with the
69 recommendations and guiding principles adopted by the Election Stakeholder Group in July,
70 2019.
71

72 BE IT FURTHER RESOLVED that upon the adoption of KPB Ordinance 2020-24 the Homer
73 City Council will take necessary steps to amend the City's election processes to implement a
74 VBMS for the City of Homer in conjunction with the Kenai Peninsula Borough.
75

76 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 11th day of May, 2020.
77

78 CITY OF HOMER

79
80
81 

82 KEN CASTNER, MAYOR

83

84 ATTEST:

85

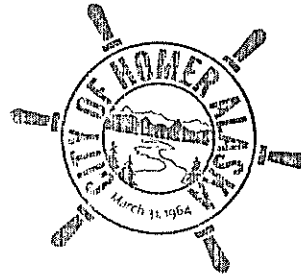
86

87

Melissa Jacobsen
MELISSA JACOBSEN, MMC, CITY CLERK

88

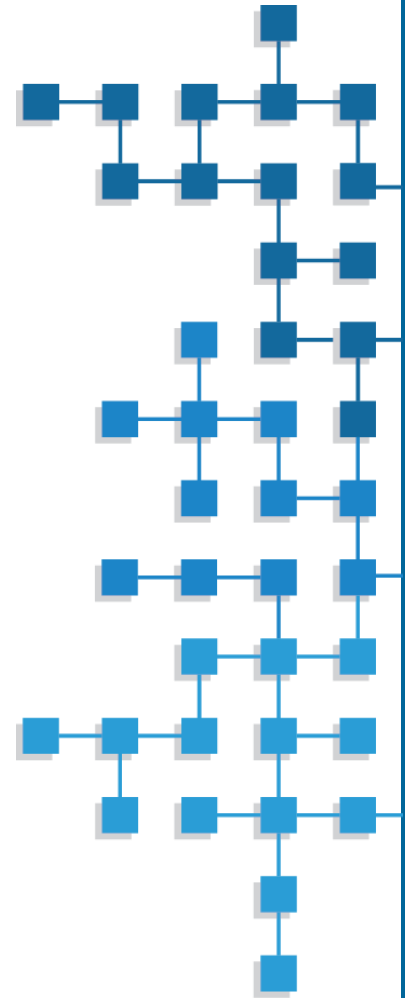
89 Fiscal Note: N/A



Vote by Mail Feasibility Study

Kenai Peninsula Borough

April 29, 2020



Developed by Dennis Wheeler and Kami Fitch



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1.0 Background and Purpose

The Kenai Peninsula Borough (KPB) currently holds poll-based elections (except for 6 small precincts that are done as vote by mail). KPB is looking at changing to an all vote by mail format for future elections. This feasibility study is intended to assess KPB's ability to transition to vote by mail, what tasks would be required, and to provide high-level estimates of costs.

1.1. Key Differences Between Poll-based Elections and Vote by Mail Elections

The primary differences between poll-based elections and vote by mail elections are two-fold: the transactions of ballot delivery to the voter and ballot return by the voter.

In a poll-based election, these transactions occur predominantly at the voter's polling location and happen largely on a single day: Election Day. The unmarked ballots are sent out to the polls, the voters appear at the polls and vote, and the ballots are scanned at the polls. The scanner results are delivered to the Election Center in a variety of ways. These days, they mostly arrive on the memory cards pulled from the scanners.

In a vote by mail hybrid, ballots are delivered to the voter's mailing address, the voter can vote at home, and then deliver the ballot back by mail or by dropping it off in a secure drop box or at designated vote centers. The voter typically has a few weeks to vote and return the ballot. Returned ballots are processed and scanned at a central location. This process is not a new concept, including for KPB, as it is just a more streamlined and wide-spread form of absentee voting by mail, which has been around for a very long time.

While the differences between poll-based elections and vote by mail elections come down to these two main aspects, these create a number of points where processes need to change to support vote by mail on a large scale. This study focuses on these aspects.

1.2. Out of Scope

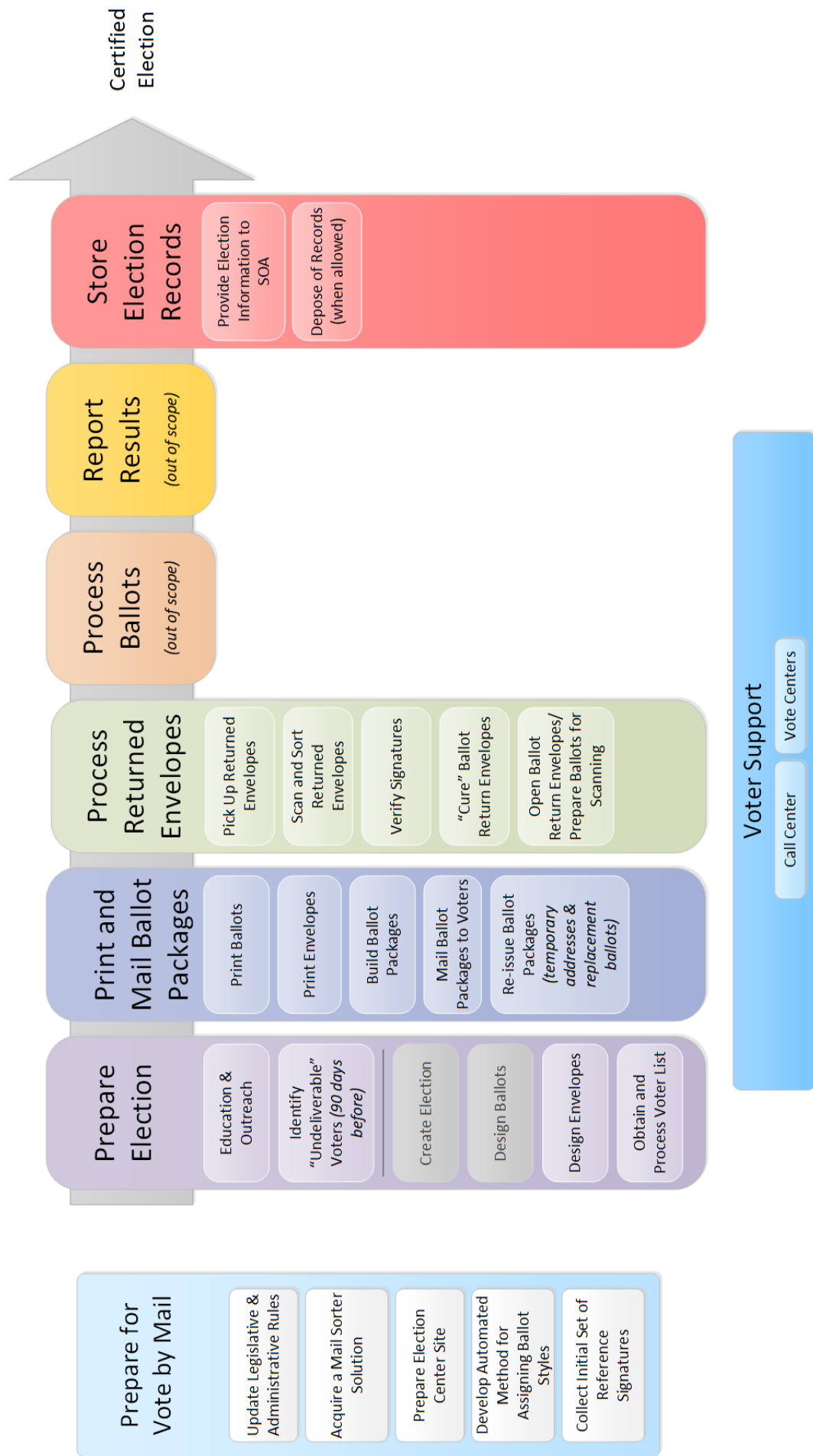
The following items are considered out of scope for this study:

- Tasks completed using KPB's existing Election Management System (e.g., ballot creation, scanning, and tabulation), except for recommendations related to preparing the ballots to be scanned and the timing of scanning ballots as these aspects are different with vote by mail.

- Detailed and definitive cost estimates. While we have provided estimates, which are based on general assumptions and include some sampling of known vendors, more precise estimates would require that KPB make a number of business decisions.

2.0 Assessment and Recommendations

This section discusses various aspects of a vote by mail election in greater detail, describing various aspects that KPB will need to consider or prepare for and making recommendations. We have organized the information around the general workflow of a vote by mail election, as illustrated by the diagram on the following page.



2.1. Overall Assessment

Based on our review, we believe that KPB will be able to successfully transition to area-wide vote by mail elections. However, to be successful, KPB should complete a number of significant tasks before making this change, as identified in Section 2.2: Prepare for Vote by Mail. In addition, in the lead-up to its first vote by mail election, KPB will have many decisions to make, a variety of equipment to purchase, and procedures to define or change.

The transition to vote by mail will also require a significant amount of initial investment to acquire the equipment and other materials needed to support vote by mail. Within this study, we have provided estimates (either in dollars or hours as appropriate) to give KPB a rough idea of costs. In most cases, we've estimated towards the high end to allow for a discussion of what a maximum cost might look like. But we would expect KPB and its cities will be able to leverage current resources to bring these costs down as they navigate and implement voting by mail. Keep in mind these estimates are a rough order of magnitude and are based on many assumptions. **Actual costs may vary greatly depending on choices KPB makes and market rates at the time.**

Given the amount of work required to transition to vote by mail elections, we believe that KPB can only make this change in time for the October 2020 election if they use manual processes for mail sorting and a simplified signature verification process or leverage the election equipment owned by the Municipality of Anchorage (MOA). Both of these options will introduce some complexity into the election process, with a net effect of slightly delaying final election results. This is manageable, especially if certain KPB Code changes are made, as recommended.

2.2. Prepare for Vote by Mail

Before completing its first vote by mail election, KPB will need to complete several one-time tasks in preparation.

2.2.1. Update Legislative and Administrative Rules to Support Vote by Mail

KPB is a second-class borough under State statutes, with 6 incorporated cities within its boundaries (Homer¹, Kachemak City, Kenai, Soldotna, Seldovia, and Seward).

Most borough and city codes will need to be modified to allow voting by mail. Although borough and city codes already include absentee by mail voting as an option, absentee voting as currently structured is too cumbersome for broad, area-wide use as it requires a voluntary,

¹ We understand Homer, Kachemak City, and Seldovia run their elections largely separately, but for purposes of this study, we will assume that they would choose to be included.

annual application process by each voter. Keeping this requirement would be very costly and unnecessary with a full vote by mail program. In addition, some codes may restrict when a voter can vote absentee by mail. For example, under current KPB code, a voter can only vote absentee if the voter is either in a precinct approved for voting by mail (KPB 4.50.015) or cannot reach the polls on election day (KPB 4.80.030).

Other election attributes of the current voting process should also either be changed (e.g., deadline dates) or eliminated (e.g., code sections that speak to voting at a polling location). With respect to deadlines, most current deadlines need to be reviewed with an eye towards ensuring there is sufficient time to complete all the steps needed² early enough that ballot packages can be sent 2-3 weeks before Election Day.

KPB should consider the following areas for code changes:

- Requirements of the ballot return envelope (overall design and appearance, flap/no flap, identifiers, signatures, etc.)—refer to Section 2.3.3: Design Envelopes for additional discussion
- Deadlines and other dates (e.g., notice of election, candidate declaration, candidate withdraw, opening of Vote Centers, and similar dates that might be affected by the longer process involved in preparing a vote by mail election)—refer to Section 2.2.1.1: Changes to Deadlines for additional discussion

Note: The preparation process for vote by mail is approximately 1-2 weeks longer than in a poll-based election.

- Date of runoff elections. Runoffs are often right on the heels of the regular election. This very short window should be increased by a week to accommodate creating and mailing the ballot packages. See AS 29.26.060(c)
- Exclusion of “undeliverable” addresses from the mailing list of voters—refer to Section 2.3.2: Identify “Undeliverable” Voters Before the Election for additional discussion.
- Drop box locations as an allowable method of receiving voted ballots—refer to Section 2.6.1.2: Drop Boxes for additional discussion
- Vote Centers to help voters (some aspects of this are already performed by locations used for absentee voting in person)—refer to Section 2.5.2: Vote Centers for additional discussion
- Rules for how a voter might correct their vote on the face of the ballot
- Rules for how a voter might cure their returned envelope and the deadline for doing so (e.g., if the voter forgot to sign their return envelope, can they cure it, and if so, how and when)—refer to Section 2.6.4: “Cure” Ballot Return Envelopes for additional discussion

² For example, designing and printing ballots, assigning ballot styles to the State voter list, and preparing ballot packages for each voter.

- Rules for accepting ballot return envelopes (matching signatures, voiding envelopes, etc.)—refer to Section 2.6.2: Scan and Sort Returned Envelopes for additional discussion
- Rules for when KPB can begin scanning (but not tabulating) ballots³
- Any new or modified procedures that by law must be approved by the Assembly or city councils

Ideally, KPB and the cities within it will adopt mirrored code provisions as much as possible to support streamlined and consistent rules on voting by mail.

2.2.1.1. Changes to Deadlines

A key decision KPB will need to make is the target time between mailing the ballots to voters and Election Day. Typically, this voting period (i.e., the time between mailing and close of the election) is about 3 weeks⁴. Once this time period is decided, KPB will need to work backwards to set other deadlines, making sure sufficient time is allowed for completing all the preparation tasks (refer to Section 2.3: Prepare Election for more details). Typically, the preparation process in a vote by mail election is approximately 1-2 weeks longer than a poll-based election. Because of the additional printing and processing required of KPB's printing/mailing vendor in a vote by mail election, KPB will need to work with this vendor to understand what is feasible for them when determining what deadlines/dates to update in the Code.

2.2.2. Acquire a Mail Sorter Solution

When doing a vote by mail election, a key decision is how to process returned ballot envelopes, which includes tasks such as the following:

- Identifying the ballot return envelopes in order to determine whether they are valid for the current election and to track which voters have returned ballot envelopes, ensuring that only one ballot is accepted from each voter
- Sorting ballot return envelopes into groups (e.g., by status, by precinct) based on KPB's chosen requirements
- Verifying the voter's identity by validating the voter's signature on the ballot return envelope

³ Most jurisdictions using vote by mail begin scanning returned ballots before 8:00 PM on Election Day—but then tabulate results **only after** that deadline. By allowing scanning in advance, an initial set of results can be made available shortly after “polls close” on Election Day.

⁴ Currently, KPB 4.50.015A.1 (which discusses permanent absentee locations) states that “ballots shall be sent to each registered voter in the precinct on or before the 15th day prior to the election.”

- Tracking the “cure” process when there is a problem with the voter’s ballot return envelope (i.e., allowing the voter an opportunity to resolve the problem so the ballot can be accepted)

Typically, government entities purchase a specialized election sorter to support this processing. In addition to doing basic sorting, these machines also include software for the tracking, reporting, and other functions necessary to support elections.

We made some preliminary inquiries with vendors about options that would be approximately the right size for KPB.⁵ Because these sorters are specially designed for elections, pricing for sorters that include signature verification software is typically well above \$100,000. While KPB may be able to get reduced pricing through a competitive bid process, KPB should expect to pay more than \$100,000 for a sorter (plus ongoing annual support and maintenance). In addition, sorters often require multiple months lead time before being ready for delivery. Therefore, if KPB wants vote by mail in October 2020, it needs to immediately engage in the procurement process, and it may be difficult to find a vendor who can deliver a sorter within that timeframe.

KPB could choose to purchase its own sorting equipment, but does have other options available, which would have lower up-front costs and quicker initial implementation:

1. **Process ballot return envelopes manually:** With this solution, the ballot return envelopes would not be mechanically sorted. Election workers would need to manually look up each voter to review the signatures, verify whether the voter had already returned a ballot, etc. If this approach were used, KPB would need a method to help with tracking, which might require building a custom software tool.

Manually processing ballot return envelopes is potentially feasible because of the relatively small number of voters in KPB (approximately 50,000). If the number of registered voters or voter turnout increases substantially, manual processing would become increasingly difficult.

2. **Use MOA’s sorter, at least in the first year:** MOA has indicated they are willing to assist other jurisdictions through use of their sorter and Election Center. **MOA is offering its facility and systems at no charge.** Because this sorter can run approximately 18,000 envelopes an hour, KPB could run the bulk of their envelopes and complete signature verification within 2-3 days. However, if KPB ran their envelopes in bulk at the end of the election, this would affect the policies and processes for giving voters an opportunity to cure any problems with their envelopes (e.g., no signature, no reference signature, unmatched signature—refer to Section 2.6.4: “Cure” Ballot Return Envelopes for additional information

⁵ Potential vendors include ES&S, Fluence Automation, Runbeck Election Services, and Pitney Bowes. Based on our tour of the facilities, any sorter KPB is likely to purchase would fit within the identified space. Generally, powers requirements for these sorters are not unusual and likely will not exceed a 50 Amp 220 circuit.

about “curing”). These are solvable issues, which could be partly addressed in appropriate Code changes.

The following table compares some aspects between the three alternatives:

	Purchase Equipment	Process Manually	Use MOA Equipment
Upfront Cost	Highest (> \$100,000)	Low to Medium (depending on tracking solution)	Low
Implementation Time	Longer (2020 unlikely)	Quicker (2020 possible)	Quicker (2020 possible)
Processing Location	KPB	KPB	MOA
Staffing Requirements	Lowest	Highest	Medium (staff in KPB and MOA)
Other Considerations		More time consuming More error prone	Most or all envelopes have to be transported to Anchorage Location of KPB staff

Because it is a better long-term solution, we recommend that KPB select and purchase an election sorter⁶. In the long run, KPB will be able to more easily manage elections by having a sorter located at the KPB Election Center.

In order to select the sorter that best meets their needs, KPB should begin the selection process by defining their requirements for the sorter and the software that comes with it. As part of this process, KPB will need to make decisions about potential system functions, including the following:

- Importing voter data and signatures, including updating voter data⁷
- Exporting voter data for use by the printer⁸ and Vote Centers

⁶ If KPB needs to do a vote by mail election in 2020, the new sorter will likely not be available, and KPB would need to use one of the alternative approaches for 2020.

⁷ Refer to Section 2.3.4: Obtain and Process Voter List for more information. In MOA’s experience, the printing and mailing vendors need initial voter information well in advance of when the State has final timely voter updates entered in the voter registration database. Therefore, KPB will need to process 2-3 versions of the voter list before ballot packages are mailed.

⁸ Because of there may be 2-3 versions of the voter list, the sorter may need include functionality for generating a file that shows just changes in the voter list. In addition, if KPB excludes some voters from being mailed a ballot package initially (e.g., those designated as

- Tracking the need for replacement ballots and/or temporary addresses
- Sorting ballot return envelopes, including conditions under which envelopes should be out-sorted (e.g., invalid ID, potential duplicate, etc.)
- Capturing digital images of envelope signatures and/or the entire envelope
- Verifying voter signatures, using either an automated process and/or a manual review
- When there is a problem with a ballot return envelope, supporting the “cure” process
- Providing voters with information about whether their ballot has been received
- Reporting and exporting information to support and validate ballot return envelope processing
- Exporting digital signature images for accepted envelopes (for loading to the State voter registration database for use as future reference signature images)

In addition, KPB will need to define their technical requirements for the sorter (e.g., processing speed, scalability, physical space, operating system/software, security, number of users who can simultaneously verify signatures/perform other functions on the equipment). During the selection process, KPB should evaluate the possible sorters against the defined requirements. Ideally, KPB will be able to see a demo of each sorter being considered (and its software) before making a final decision.

The sorter KPB selects will affect the details of many other aspects of the election. For example, the sorter may have specific requirements for the ballot return envelopes or the format of the imported voter list. In addition, how the sorter handles signature verification and curing envelopes will affect the specifics of KPB procedures in these areas.

Note: Additional factors and considerations with the sorter are referenced in subsequent sections.

When considering the costs for acquiring a sorter, KPB needs to factor in staff time required for the following activities:

- Defining requirements
- Evaluating and selecting potential solutions
- Working with the vendor to implement the sorter, which will include testing
- Developing policies and procedures for processes involving the sorter

These activities will likely require at least a few hundred hours of staff time.

Based on our tour of KPB facilities and our understanding of election sorters available, KPB’s facilities are adequate, and the requirements KPB is most likely to have are generally features available with sorters currently in the marketplace.

undeliverable), functionality to exclude voters from the output based on a set of criteria may also be needed.

2.2.3. Prepare Election Center Site

KPB has identified that their Election Center will be at the KPB central offices, with ballot tabulation being done in the main offices and envelope processing in the Records Center, which is in a different building. While the spaces identified should be adequate for the election, KPB should make changes to enhance security in these areas.

2.2.3.1. Alarms and Cameras

While KPB will be able to leverage the security features it already has in place, we recommend adding some additional security measures in the form of more cameras and alarms.

KPB should have a few cameras for viewing election processing, including in the envelope processing area and the ballot tabulation area. Ideally, the cameras will provide a feed to a monitor for public viewing when the public is not allowed to be in close proximity to the activity. The feeds for recording should record upon detecting motion, even in very low lighting, and have sufficient storage on a secure drive. In addition, the recording drive should have appropriate, separated backup.

We also recommend that both areas used for elections have door and window alarms that, if breached, provide appropriate instant notification. If not already available, the alarm system should log activation and deactivation by authorized personnel and provide the same instant notification. Notification should go to an authorized alarm company that can provide the appropriate response, as well as to the cell phones of appropriate KPB officials.

We estimate alarms and cameras will cost approximately \$10,000, although this estimate could change depending on how much existing KPB security equipment can be used.

2.2.3.2. Secure Storage

The Records Center should have one locking cage or special room in which ballot return envelopes that have been received but are not ready for opening can be stored. We estimate a cage of sufficient size would cost approximately \$3,000.

The main offices already have secure storage, which would be suitable for storing ballots. We believe no updates are required in that area, with the exception of “re-keying” a conference room or two for use during the election.

2.2.3.3. Onsite Access

One way to build and maintain voter confidence is to allow public access for viewing the process. Many jurisdictions provide access through a combination of video feeds, onsite tours, and public viewing areas within the election processing areas. We recommend KPB provide a reasonable level of access, while maintaining security and efficiency.

Although space is limited in the Records Center, public viewing of the envelope processing area can still be accommodated. However, KPB will probably need to impose a limit of no more than 5 persons at a time, depending on whether candidates and issue groups also have observers in the area. The public should be kept far enough from the computers being used for signature verification that voter information is not readily readable by visitors.

The ballot envelope opening area and ballot tabulation area within KPB's office will be smaller and would be best served with a wide-angle camera with a monitor available in a more public area within the KPB main office. This video could be part of the same feed for security.

Separation and security for public access can generally be well managed by requiring a sign-in and issuing colored lanyards to distinguish visitors, and then employing some simple barriers, such as stanchions with retractable belts.

Refer to Appendix A for sample layout.

2.2.3.4. Air Gapping Systems

Because of the sensitivity of information stored in election systems, we recommend that these systems be "air gapped," meaning that they are not connected to other networks⁹. By physically isolating this equipment and disabling any wireless capabilities, KPB will increase the security on these systems.

The Election Management System (i.e., the equipment for designing, scanning, and tabulating ballots) should always be air gapped and never accessed remotely by anyone. These systems typically complete a rigorous certification process, which also dictates how any updates to these computers are handled.

For the sorter system, KPB could choose to allow the vendor's technicians to access it remotely through a secure firewall, so that they can support KPB on an "as-needed" basis. We recommend that KPB have rules and security in place to prevent unauthorized access to the system. Depending on the sorter selected, this may include the following:

- Physically disconnecting any wired access available to the vendor (and others) at appropriate times (e.g., during an election cycle)
- Having strong password/log in requirements and setting rules for expiring passwords and accounts
- Disabling USB and similar data ports, especially on machines that may have more than one user

⁹ Typically the systems themselves include multiple computers/other pieces of equipment, which are networked together. However, this is a local network only.

- Buying equipment without wireless capabilities or disabling these features (this includes printers or similar accessories that might have wireless features)

KPB will need to bring some data into and out of air gapped systems (e.g., importing the voter list to the sorter, generating a list of voters for the printing/mailing vendor, etc.). Typically, these transfers are done using encrypted USB drives that are kept in secure storage when not in use.

2.2.4. Develop an Automated Method for Assigning Ballot Styles

Being able to efficiently determine which ballot style each voter should receive is a key component of being able to move to vote by mail elections. Unfortunately, in local elections, state-defined precincts often get split between multiple ballot styles because boundaries for assembly districts, service areas, etc. do not always match the precinct boundaries. Therefore, determining the correct ballot style for a voter requires knowing where the voter lives in context to the area covered by each ballot style defined for an election.

The most efficient method for doing this assignment is to use mapping software, placing voters on the map based on the residential address provided in the State's voter list and overlaying the ballot style boundaries to determine which ballot style to assign. While this sounds easy, there are many complicating factors, such as

- Residential addresses in the State file may be structured differently from KPB address data, making it difficult to match them
- Precinct boundaries (which are defined by the State) are imprecise in the State maps and the textual descriptions in Statutes are sometimes vague or incorrect, causing parcels to sometimes be in the wrong precinct
- District or service area boundaries split some parcels

Therefore, any automated process will require manual review and intervention, with the amount required being dependent on the potential data discrepancies. Updates can be made to some datasets feeding an automated process, but in some cases, there are legal limitations to what is possible, meaning that KPB may need to make policy decisions on how to handle certain situations.

2.2.4.1. MOA's Process

To support assigning ballot styles to voters, MOA has developed a custom "GIS process" that uses Esri's ArcGIS software and Python scripts to automate the assignment of ballot styles¹⁰. The process uses the following data:

¹⁰ The computer used to run this process is a fairly basic Windows 10 computer, with the only special installations being Python and ArcGIS.

- **State voter list:** a CSV file provided by the State that lists all registered voters within MOA (or a subset of precincts if for a special election that is for a limited area), with all the data needed during the election, including voter ID, residential address, mailing address, status, and voter identifiers.
- **Address, street, and community data:** various datasets that are used by the process to place a voter on a map based on the residential address provided by the State.
- **Ballot style polygons:** geographic boundaries of where a particular ballot style should be used. These boundaries are created by MOA's GIS department based on the contests included in the election (e.g., which assembly districts and service areas have contests on the ballot). Because MOA wants to report results by precinct, the precinct boundaries must also be considered as there are different ballot styles for each precinct—even if the contests on the ballots are identical. MOA's Municipal Clerk identifies the ballot style ID (which is generated in the Election Management System as part of designing ballots) that should be associated with each ballot style polygon.

MOA's process includes two steps: (1) placing voters on the map (geocoding) using a series of rules and (2) assigning a ballot style to those voters who could be geocoded. The process then outputs a file with the list of voters, including all voter data fields provided by the State, plus the assigned ballot style ID, in the format MOA's sorter system can import.

When geocoding voters, there are always some voters that the GIS process cannot place on the map. These are typically caused by

- Inaccuracies in the State residential addresses (either typos which the State will correct when notified or mistakes made by the voter when completing the voter registration form)
- Differences in how the State formats its addresses vs. how MOA formats them
- Incomplete residential addresses
- Variances between the address the voter uses and the official MOA address for a location

The MOA Municipal Clerk reviews these unmapped voters to determine whether, based on a set of rules, the address can be "overridden" for sake of placing the voter on the map (e.g., if there is a difference in how the State formats an address vs. MOA, an override can be entered to put the address in the MOA's format so the voter can be geocoded). Even with this manual processing, there are some voters whose location cannot be accurately determined; these voters are left "unmapped" and do not have a ballot style assigned, which means they do not have a ballot package sent to them¹¹. For MOA, less than 1% of voters are unmapped and the number of these has decreased each year.

¹¹ These voters can go to a Vote Center to get a ballot or can contact MOA to request a ballot. In both cases, the voter must identify where they live so the appropriate ballot style can be provided.

After voters have been geocoded and ballot styles have been assigned, the Municipal Clerk reviews data about the number of voters assigned each ballot style and the precinct assigned to each of those voters. This process can identify problems with the ballot style boundaries, errors in the ballot style ID assigned to an area, discrepancies with precinct boundaries or assignments, and issues with the geocoding process¹². The Municipal Clerk reviews these issues and makes adjustments as appropriate (e.g., to the ballot style polygons, etc.).

Fixing issues in either step triggers rerunning the process, and this cycle repeats until the Municipal Clerk is confident in the accuracy of the final file produced. While the automated GIS processing does not take long to run, the manual review and resolution of issues can be time consuming, particularly for the first State file processed during an election cycle¹³.

2.2.4.2. Recommendations

We recommend that KPB request a copy of MOA's Python scripts and then modify them to meet KPB's needs. Using MOA's scripts as a starting point should minimize the amount of effort required to create these processes. Changes will be required, particularly with the geocoding processes, because KPB's GIS data will likely be structured/named differently. KPB may also need to modify the format of the file output, based on the sorter solution KPB chooses. In addition, KPB will need to decide whether any changes are needed to which data elements about voters are included in the State file.

Because the output of this process is foundational to an effective vote by mail election, the process will need to be carefully vetted to ensure it is working as expected. Therefore, we recommend that KPB perform a trial run of the GIS processes (at least the geocoding portion), before the first vote by mail election starts, in order to validate the process and identify any data issues.

The first usage of the GIS process will likely identify a number of issues that need to be addressed, either in the GIS datasets, with the script, or in defining rules around manual intervention. Doing this outside of the pressures of election deadlines will make it easier to do the thorough assessment needed.

Without reviewing KPB's datasets, it is difficult to estimate the amount of time required to update the Python scripts. However, we believe it would be in the range of 30-40 hours (of a GIS analyst), plus additional time to carefully review the outputs and make logic or data updates.

¹² Issues with geocoding that are identified at this stage are typically a few odd cases. For example, MOA has a trailer court that is split between two precincts. The geocoding process looks at the street number, but not the specific trailer space. Therefore, the process places all voters at that address in the same location, but some are in a different precinct. This can be adjusted through the override process so the voters receive the correct ballot style.

¹³ The first file takes the longest because it includes ~11 months of voter changes. In addition, any problems with the ballot style polygons will be identified in during this first run.

2.2.5. Collect Initial Set of Reference Signatures

In a vote by mail election, the voter's identity is typically verified by validating the voter's signature on the ballot return envelope against a set of previously verified reference signatures for that voter.

The State of Alaska maintains the voter registration database and has an ongoing and growing repository of verified signatures. Therefore, over time KPB will be able to rely on an ever growing and refreshed set of reference signatures that are gathered by the State and submitted to the State by KPB after an election.

However, it is likely that the State currently has too few signatures of KPB voters to efficiently conduct a vote by mail election. While a vote by mail election could still be done if there are too few signatures, in this scenario KPB would need to manually intervene to verify a high percentage of ballot return envelopes. This intervention will typically require one of the following:

1. Asking the voter to provide identification as part of the "cure" process, which is at best cumbersome and time consuming, and at worst impossible. In addition, this process is contrary to the efficiencies envisioned for vote by mail.
2. Contacting the State of Alaska, which can, almost 100% of the time, find and send a verified signature that is on file (paper or microfiche) but not in its database. The State has cooperatively provided this service for MOA, but a large number of requests to the State during the election could be problematic for the State and would slow down the process for KPB.

Note: Because KPB elections occur in the Fall, within the same timeframe that the State is preparing for and conducting its own elections, there may be limits on what assistance the State is able to provide. KPB will want to discuss this with the State in advance.

Alternatively, we recommend that KPB do a signature gathering project before its first vote by mail election, which will minimize number of voters without reference signatures. To begin, KPB should complete a gap analysis to determine how many reference signatures the State has for KPB voters in its voter registration database. Unless the State has a significant percentage of voter signatures, KPB should then complete a project to scan signatures from old pollbooks and provide them to the State to build up their database of verified signatures.

The project would consist of disassembling and scanning the pollbooks from prior elections, using software to parse out each signature, saving each signature image with a voter ID identifier, and converting the image into a format the State can use. MOA used custom-built software to support this process; if KPB is able to use MOA's software, it would save a good bit of time and money.

To do the signature gathering using MOA's software, KPB will need a scanner in which pages can be fed in bulk as well as a Windows 10 computer with Python (application uses a SQLite database and a small stand-alone .NET application and Python scripts). While there are no minimum specifications for the computer, its specifications can significantly affect the speed at which scanned pollbook pages are processed.

MOA scanned pollbooks from 4 years as well as absentee applications and other forms. This effort took place over approximately 4 months, with extensive hours by election workers plus approximately 80 hours from someone comfortable working with databases, troubleshooting, etc.

Because KPB pollbooks will be smaller than MOA's, the amount of time required should be significantly less than MOA's experience. However, processing will probably take at least 40 hours for each year of pollbooks and potentially more.

2.3. Prepare Election

2.3.1. Education and Outreach

Educating voters about vote by mail before the election and answering questions during the election are important steps in building voter confidence and comfort with what vote by mail is and how they can vote and securely return their ballots. We recommend the following forms of voter engagement, as also recommended by the Election Stakeholders Group.

- **Face-to-face Engagements.** In the age of coronavirus this may be more of a logistical challenge, but a great way to educate voters is by presenting an overview of vote by mail, with Q&A time, at public gatherings such as community council meetings; chamber meetings; and meetings of the League of Women Voters, Rotary, and similar civic groups. KPB should also offer to present at other meetings (if invited), such as Republican or Democratic Party meetings, and to be guests on local radio talk shows. Some of the toughest critics ask the best questions and can become supporters.

Facility tours are another highly recommended way to engage with the voters. They get to see that the actual processing of envelopes and ballots is straightforward, transparent, and secure.

- **Election Website.** KPB should revamp its elections webpage to include vote by mail resources, such as frequently asked questions, forms, instructions, and perhaps a video or two.
- **Pamphlets.** A pamphlet is a nice-to-have option for handing out to voters and others at meetings, but these are expensive. While it might be worthwhile to have them in the first

year, it may make sense to produce an inexpensive two-sided card. Hand these out whenever possible and also have these available at KPB and city hall public counters.

- **Advertising on the Radio.** A limited number of radio stations have reasonably good Borough coverage, so we encourage radio advertising, especially if you can secure these as free public announcements.

TV advertising is not particularly effective because there are just too many options for viewers, and it is very expensive. Therefore, we do not recommend that KPB pursue any TV ads.

- **Social Media.** KPB and the cities should agree on some consistent messaging about voting by mail and provide that content on Facebook pages. In addition, use a single Twitter account to disseminate election messaging leading up to the election. A critical component to effective social media usage is being timely in responding to messaging, especially to comments that contain misinformation or questions.

2.3.2. Identify “Undeliverable” Voters Before the Election

To give voters an extended opportunity to engage in voting, State law provides for a long process and time period before the State Division of Elections can “purge” or remove a voter from the voter registration database. During part of this period, many voters end up in a status of “UN” or “Undeliverable,” which essentially means that the mailing address information in the State’s database may no longer be valid for the voter because the mail has been returned to the State as “undeliverable.” In addition, there are likely many other voters not yet identified as being undeliverable in the voter registration database but for whom the mailing address is no longer valid. Based on MOA’s experience, the number of voters meeting one of these criteria within KPB could be upwards of 20% of registered voters¹⁴.

In a poll-based election, the voter’s status as undeliverable is less important as the voter is still eligible to vote and just shows up at the precinct. However, in a vote by mail election, mailing ballots to these undeliverable voters will increase costs as ballot packages that cannot be delivered are printed and mailed. KPB can reduce their printing and mailing costs by defining policies around who is mailed a ballot package in an election, as discussed in Section 2.2.1: Update Legislative and Administrative Rules to Support Vote by Mail.

IMPORTANT: The voters would still be eligible to vote and may vote by requesting a ballot—these voters just wouldn’t be mailed a ballot package initially as it would likely be returned by the Post Office. After appropriate verifications, KPB can meet a voter’s request for a ballot by

¹⁴ MOA, which has more than 200,000 registered voters, has seen tens of thousands of “undeliverables” each year.

mailing it (to an updated mailing address) or by having the voter come into a Vote Center (refer to Section 2.5.2: Vote Centers).

In combination with that policy, we recommend that KPB use a pre-election mailing to proactively identify voters who are undeliverable so that the State can update that information in the voter registration database before the KPB election cycle begins. With this process, KPB would mail all registered voters a “Notice of Election” postcard approximately 90 days prior to an election.

The postcard provides information about the upcoming election and may include the residence address on file, as well as information about how voters can update their information with the State. Subject to agreement with the State, any postcards returned as “undeliverable” can be provided to the State, and the State updates its records to show these voters as being undeliverable¹⁵.

Sending postcards does incur printing and mailing costs. However, postcards are much cheaper than ballot packages, so the savings from proactively identifying voters who will be undeliverable (and therefore not sending them a ballot package) should more than offset the postcard costs. In addition, since the postcards can be forwarded (unlike the ballot packages), they become a reminder to voters (for whom forwarding is still active) to update their information with the State, before the election.

By taking steps to minimize the ballot packages sent to voters with known bad addresses, KPB will

- Avoid wasting money on ballot packages that can’t be delivered
- Avoid putting ballots into the mail stream that won’t be used (or might be the subject of illegal voting attempts by other persons at the address)
- Avoid the administrative burden of processing, storing, and later destroying these undelivered ballots

2.3.3. Design Envelopes

For a vote by mail election, KPB will need to design 3 envelopes:

1. Outer ballot package envelope
2. Ballot return envelope
3. Secrecy envelope or sleeve

¹⁵ To make it easier for the State, MOA developed a process in which they run returned postcards through the sorter and generate reports that show voter IDs as barcodes so the State can more quickly update their records. KPB will likely want to develop a similar process so that the State can make updates to their records quickly. KPB should coordinate with the State in advance to ensure the State has sufficient resources at the needed time.

KPB's current envelopes may not need significant design changes but should be reviewed. Both the outer ballot package envelope and the ballot return envelope must meet USPS Election Mail standards. The USPS has a group specifically authorized and trained to approve envelope designs. Most print vendors that do election mail are familiar with the standards and can help KPB meet the standards.

The ballot return envelope design is especially important in communicating with the voter as well as in supporting envelope processing by election workers. This envelope should have the following features:

- **Text and color to identify it as KPB election mail.** This helps the voters and the election workers to quickly identify the mail. Strategic placement of the color on the envelope helps election workers sort and properly orientate the mail for feeding into the sorter.
- **Text providing useful information to the voter,** such as the deadline for the election (e.g., "Please return your ballot by 8 p.m. Election Day October 6, 2020") or other reminders.
- **Voter's name,** which is helpful to election workers needing to look up a voter or find a particular envelope.
- **A unique identifier in a location and format that can be read by the sorter.** This identifier is a number assigned to the voter that is specific to the election and is not used with any other voter or subsequent election. The identifier is often referred to as the ballot envelope ID and is typically printed as a barcode on the envelope. This ID number is scanned by the sorter system for use in tracking/verifying which voters have returned a ballot and in determining how to sort the envelopes (e.g., "good" envelopes sort into the appropriate bin; "bad" envelopes are out-sorted for further investigation by election staff).

Note: If KPB wants to include "I voted" stickers in the ballot packages, these can be affixed to the secrecy envelope/sleeve for removal by the voter. Including this sticker will increase printing/mailing costs.

2.3.3.1. Inclusion and Security of Personal Identifiers on Ballot Return Envelopes

A key element of vote by mail is ensuring the ballot returned was voted by the right person. Verifying this typically requires that the voter provide some "proof" of their identity.

Currently, KPB requires the ballot return envelope for mailed ballots to have

- At least one personal identifier, such as birthdate, voter ID, or last 4 of the Social Security Number
- Voter's signature
- The attesting signature of a qualified witness (KPB Code 4.120.010D)

Of these, we recommend that KPB continue requiring the voter's signature, which would be verified against a set of known signatures for that voter. While having an attesting signature

would provide an additional, reasonable assurance of the voter's identity, requiring this could disenfranchise voters who are unable to find a witness.

We strongly discourage having personal identifiers included on the envelope, even if hidden by a flap on the envelope. We believe the risk of this information being stolen/misused outweighs the justification for requiring it¹⁶.

We understand KPB is concerned about signatures being visible on the ballot return envelopes. A flap that covers the signature may be required (depending on the opinion of KPB's legal staff) or may be included to increase voter confidence.

Note: If KPB chooses to continue requiring personal identifiers such as SSN or birthdate, having a flap becomes more critical—if not mandatory—because of the sensitivity of the information.

While some jurisdictions use a flap, many do not¹⁷, and having a flap adds expense that may not be justified. We recommend avoiding it, if possible, for the following reasons:

- **Additional printing costs.** Larger closure flaps can be more expensive because they involve more paper content and, in some designs, more adhesive.
- **Additional costs for processing returned envelopes.** Because mail sorter systems are designed to scan signatures as part of the sorting process, KPB would either have to manually remove the flaps prior to sorting or its sorter would have to have the hardware/software to remove the flap during processing. If doing it manually, KPB would need additional staff to support this effort. If done mechanically, the sorter cost will be higher (as a ballpark, likely more than \$30,000, plus increased ongoing maintenance costs). In addition, requiring this functionality may limit which sorters meet KPB's requirements.

The primary voter concern behind having the flap is that the voter's signature could be stolen while the envelope is in the mail stream and used for identity theft. While this is possible, we are not aware of any circumstance where it has happened, and the risk appears to be very low. For voters concerned about this, the best alternative is to use a secure drop box provided by KPB or to drop the envelope off at a Vote Center (refer to Section 2.6.1.2: Drop Boxes and Section 2.5.2: Vote Centers for more information).

2.3.3.2. Including Prepaid Postage on Ballot Return Envelopes

The Election Stakeholders Group report contains a reference to "prepaid postage" for the ballot return envelopes. Having postage pre-paid is an obvious convenience for voters, some of whom

¹⁶ K&H, a major West Coast ballot package printer (and the vendor for MOA), serves about 20 million vote-by-mail voters. None of the jurisdictions they work with put SSN numbers or birthdate on the envelope.

¹⁷ K&H has less than 10% use a flap to hide signatures.

are in more remote locations where quickly getting postage is not as easy. However, in addition to the added expense to KPB, there may be some additional drawbacks.

KPB currently supplies postage pre-paid envelopes for its 6 vote by mail precincts. We recommend this policy be changed in an area-wide vote by mail model. However, if KPB wants to explore providing pre-paid envelopes for the entire election, it should first have conversations with the USPS to see what its most current offerings are for election mail.

Our current understanding is that not all postage pre-paid mail routinely gets a postmark. If a ballot's timeliness is dependent on a postmark (as it is under current Code), using prepaid postage increases the risk that some ballots will be rejected as untimely as the postmark may not be on some ballot return envelopes.

In addition, we also understand that some types of postage pre-paid mail are not treated by USPS the same as first class priority mail, meaning this form of mail may be slower to go through USPS processes. This may also affect the timeliness of receipt by KPB, causing the rejection of some ballots.

Given that the majority of voters wait until the final days of the election to submit their ballots, we recommend that KPB avoid mailing options that might both delay return and give no indication to election officials as to when the envelope was actually mailed. We recommend that voters provide their own postage or use the other available return options.

2.3.4. Obtain and Process Voter List

Each election, the list of eligible voters is pulled from the State's voter registration database. This information changes frequently as new voters register, existing voters update their information (e.g., name, address, house district, precinct) or status (e.g., move out of state), or the State purges voters who haven't participated in many years.

Under State statutes/regulations, voters can register or change their information up to 30 days before Election Day. Because this deadline is based on when the voter's update was postmarked, the State may receive timely updates for approximately 5 days after the deadline. Therefore, KPB will not have a final list of eligible voters until about 3 weeks before Election Day, right about the time that KPB likely wants to mail ballot packages to voters. This can create timing issues for printing and mailing ballot packages as the vendors will need more lead time. Therefore, KPB will need to work with the printing/mailing vendor to understand their deadlines for the voter list based on KPB's date for mailing ballot packages and the expected volume (and factor these into the deadlines defined in Code—refer to Section 2.2.1: Update Legislative and Administrative Rules to Support Vote by Mail).

We also recommend that KPB coordinate with the State in advance in terms of

- What voter data KPB needs in the file

- The file type
- Timing of the file(s)
- Method for transferring the files (refer to Section 2.3.4.1: Transferring Voter Data)

Note: As long as the format will meet KPB's needs, it will likely be easiest if KPB can use the same voter file definition as MOA.

As an example of how the voter list process could work, the following table describes MOA's procedure at a high level (refer also to Section 2.2.4: Develop an Automated Method for Assigning Ballot Styles for a more detailed description of what is done). To meet the printing/mailing schedules and ensure all voters get ballots, MOA gets the voter list 3 times from the State for each election.

State File	Timing	Process/Output
#1	~2 weeks before printer's deadline for the initial file; typically around the time ballot designs are complete, as ballot styles must be known first	MOA runs the automated process to assign ballot styles to each voter, which produces a list of voters that is loaded to the sorter. The sorter produces a list of eligible voters who will be mailed ballot packages, which is given to the printing vendor so they can begin preparing ballot packages.
#2	~1-2 days before printer's deadline for the final file (often 3-5 business days before mailing)	<p>MOA runs the automated process to assign ballot styles to each voter, which produces a list of voters that is loaded to the sorter. The sorter produces</p> <ul style="list-style-type: none"> • A list of information for new or changed voters since the original file • A list of "yanks" (i.e., voters in the original list who should no longer be mailed ballot package based on changes to the voter's record in the second State file) <p>These lists are provided to the printing vendor, who finishes preparing ballot packages and mails them.</p>

State File	Timing	Process/Output
#3	~1 day before mailing date (this delivery also includes reference signature files)	MOA runs the automated process to assign ballot styles to each voter, which produces a list of voters that is loaded to the sorter. The sorter produces the list of new/changed voters since the second State file. MOA prepares and mails ballot packages for these voters.

How many State files KPB will need will depend on the printing/mailing vendor's requirements. In addition, KPB may choose to have the vendor do the final mailing instead of processing it internally, depending on the vendor's capacity and how quickly KPB wants those ballots mailed.

If KPB uses a process similar to MOA's, we estimate the following staff time will be required for processing the State file (although this will vary based on number of ballot styles, number of new/changed voters, etc.):

Activity	1 st File	2 nd File	3 rd File
Preparing Ballot Style Polygons (GIS staff and Election staff)	15-30 hours	N/A	N/A
Geocoding and assigning ballot styles (Election staff)	12-16 hours	6-10 hours	4-8 hours

2.3.4.1. Transferring Voter Data

KPB will need a method to obtain the voter files and signature images from the State and to share voter information with the printer. The files will include confidential information—such as voter ID, date of birth—and must be transferred and stored securely. In addition, because timelines are often tight, data transfers largely need to be “same day” so current KPB's method of using a CD may no longer be sufficient. MOA currently has an SFTP site that is used for transferring data with the State, and MOA's printing/mailing vendor hosts an SFTP site used for exchanging data with them.

Note: For MOA, using SFTP for transferring reference signature files is getting more problematic with each election as the number of files increases each year, so it takes many hours to upload and download the .zip file containing them. KPB has about a quarter of the voters that MOA does, so KPB should have fewer difficulties.

2.4. Print and Mail Ballot Packages

KPB already has a vendor for printing ballots and mailing its ballot packages to the absentee voters. However, KPB will need to determine whether it can expand the existing contract to include mailing to all eligible voters or whether it will need to go out to competitive bid. Assuming it can continue with the current contract, KPB will need to determine if the current vendor can meet the requirements, described below. Total estimated costs, at \$42,000, are based on 50,000 packages at known pricing from one vendor¹⁸.

2.4.1. Print Ballots

The vendor needs to be able to print more than 50,000 ballots capable of being scanned on KPB's ballot scanners, all in a short timeframe.

Note: Some Election Management System vendors require that a printer be certified to print ballots for use on their equipment.

Ballots may be two-sided and of varying lengths. In addition, ballots may be serialized and have detachable stubs.

The process is very similar to what is currently being done, but ballots generally need to be ready earlier than in the current poll-based elections. Ballots may cost around \$.30 each.¹⁹

2.4.2. Print Envelopes

The print vendor will need to be able to print both outer envelopes and ballot return envelopes, along with secrecy sleeves and any other inserts. Envelopes may include more than one color and will have both "static" information (e.g., instructions and KPB's return address) and variable information (e.g., voter name and address and the ballot package ID).

The vendor has to print envelopes to minimum standards so that the envelopes are readable, especially the ballot package ID which needs to be read by a scanner on the sorter.

Envelopes can be ordered and printed well before an election, as long as KPB or the printer has sufficient storage space. Estimated printing is approximately \$.07 for each envelope (outer, return, secrecy) and \$.02 for the "I voted" sticker.

2.4.3. Build Ballot Packages (Including Inserts)

The print vendor needs to accurately manage the data provided by KPB and properly assemble the ballot packages so each voter gets exactly the right ballot, with the appropriate inserts. The

¹⁸ Prices will likely vary between vendors and also based on size of orders.

¹⁹ Our estimated total price used 1 ballot per voter. This does not account for the additional costs of ballots for city elections.

types of envelopes used can add other complexities. For example, if a windowed outer envelope is used, voter information is only printed on the ballot return envelope. However, if non-windowed envelopes are used, voter information must be printed on both the outer envelope and the ballot return envelope, meaning that the printer must ensure that the two envelopes within a ballot package are for the same voter.

Because of some of the complexity around building the ballot packages, the print vendor needs to have a high level of quality control. In addition, the vendor must have sufficient on-site security during the entire period that ballots and voter data are at the printer's facilities. Finally, the vendor needs a well thought out and executable disaster recovery plan.

Ballot package assembly is estimated at \$.30 per package.

2.4.4. Mail Ballot Packages to Voters

With a vote by mail election, there is an initial "mail drop" on a day designated by KPB in which ballot packages are put in the mail stream for all eligible voters (who meet any KPB criteria for being set a ballot package in this initial mailing).

Note: "Replacement" ballot packages may be subsequently sent to voters upon request. Refer to Section 2.4.5: Re-issue Ballot Packages (Temporary Addresses and Replacement Ballots) for additional information.

Mailing costs will be depending on factors such as weight of the ballot package and how many are mailed. We estimate costs at approximately \$.41 per piece, or \$20,500 for 50,000 ballot packages.

2.4.5. Re-issue Ballot Packages (Temporary Addresses and Replacement Ballots)

Throughout an election, voters may need

- A ballot package mailed to a different address (e.g., voter is traveling or the voter's mailing address on file with the State is wrong and it's past the deadline for updating)
- A replacement ballot mailed (e.g., previous one was not received, ballot was fouled in some manner, ballot was not mailed because the voter is designated as being "undeliverable" but the voter says the address is good)

KPB will need to have processes in place for documenting and fulfilling these requests. As part of this, KPB will need to make decisions such as

- Will KPB produce and mail the ballot packages or will the printing/mailing vendor do so?
- At what point in time will KPB stop mailing ballot packages (i.e., because the package is unlikely to arrive before Election Day)?

How temporary addresses and replacement ballots are handled will also be affected by the capabilities of the sorter solution that KPB selects.

2.4.6. City Participation

If the cities want to participate with KPB in a vote by mail election, we recommend that KPB require that each voter is sent a single ballot package with appropriate city and Borough ballots for that voter. Having separate ballot packages (one for KPB and one for the city) will significantly increase complexity in managing the election while also increasing printing, mailing, and staffing costs. In addition, a requirement to have multiple ballot packages would likely limit which sorting solutions might work for KPB.

As mentioned above, each ballot return envelope is labeled with a unique ID for the election, which helps ensure that a voter doesn't submit more than one ballot. Issuing multiple ballot packages for a single voter and having the sorter properly identify potential duplicates might not be supported in a feasible way by sorting systems. As an example, the MOA sorting solution only supports a voter having one active ID in an election, and once one ballot return envelope with that ID is received, any subsequent ballot return envelopes with that ID are out sorted as duplicates. With MOA's system, to support multiple ballot packages per voter, KPB would have to create multiple elections and then switch between them during processing (since only one election can be active at a given time). This would have the net result of multiplying the amount of effort required as it's the equivalent of having multiple simultaneous elections.

Other potential problems with having multiple ballot packages per voter include the following:

- Voters will make mistakes and put the wrong ballots in the wrong return envelopes, creating more work for election officials and more opportunity for errors.
- Voters will return all the ballots in one of the two return envelopes, creating more work for election officials and more opportunity for errors.
- Signatures would need to be adjudicated for each ballot return envelope, increasing the amount of time required. In addition, if one envelope is accepted and another gets flagged for a potential issue, it could cause voter anxiety and confusion.
- All processes and systems—from the call center to Vote Centers to issuing replacement ballots—would have to support multiple ballot packages per voter, which is more complex and could ultimately lead to voter confusion.

2.5. Voter Support

2.5.1. Call Center

During an election, voters will have questions about many things, including the process, when they will receive their ballots, how to get a replacement ballot, whether their ballot has been

received by KPB, etc. KPB should have a designated phone number for elections²⁰, which is published in all media and communications. In the first year of vote by mail, plan to have 2 people staffing the Call Center. In subsequent elections, staffing can be reduced to one person or the operations could be absorbed by the Clerk's Office staff.

The Call Center should open about 4 weeks before Election Day and, depending on call volume, remain open for a few days after Election Day. Center staff need to have good training and a readily available script on how to answer most questions, so that the messaging is consistent and accurate.

The Call Center does not need elaborate equipment: desks, computers, and phones should be sufficient. Ideally, the KPB phone system already has calling features that are useful, such as a helpful customizable hold message, call rolling, and the option to leave a message.

While talking with voters, Call Center staff must be able to look up information about the voter and whether that voter's ballot has been received, so they can answer inquiries. Whether ballot receipt information is real time (i.e., Call Center staff are connected to the sorter's database) or point-in-time (e.g., updated once per day with updates from the sorter) will depend on several factors, including physical space limitations, noise levels (sorters can be noisy), and the relative importance of having real-time information available.

Note: Some sorter systems include functionality for allowing voters to look up online whether their ballots have been received. This functionality may have additional costs and require more security measures for the sorter system.

If point-in-time information is sufficient and the Call Center is disconnected from the primary sorter, staff will need a tool for looking up voters²¹. This tool would need to get updated with information about processed ballot return envelopes on a regular basis.

2.5.2. Vote Centers

Vote Centers provide a location for voters to go if they didn't receive a ballot, need a replacement ballot because they fouled their original ballot, need other assistance, or want to drop off a ballot.

When a voter is given a ballot at a Vote Center, the voter is also given a secrecy sleeve and a ballot return envelope—just as the voter would have received with a mailed ballot package. The voter places the voted ballot in the secrecy sleeve and ballot return envelope, and it is processed on the sorter, just like ballots returned in drop boxes or in the mail. In addition, voted

²⁰ There doesn't appear to be an election-specific phone number on the KPB election webpages, unless it is added/activated closer to each election.

²¹ MOA has a stand-alone Access database for use by the Call Center.

ballots printed by ADA-compliant machines available at each Vote Center will be placed in a ballot return envelope for processing, just like all other ballots.

In order to support voters, Vote Centers must be able to

- Verify whether a person is a registered voter in KPB (or whether the voter must vote a questioned ballot)
- Identify the appropriate ballot style for the voter based on the voter's residential address
- Provide the appropriate ballot to voters who request one, along with a secrecy sleeve and a ballot return envelope that includes the ballot envelope ID the sorter solution can read
- Secure voted ballots until they are taken to the central processing location
- Secure election materials

While there is technology available that would allow Vote Centers to have access to real-time data from the centralized system, this increases security requirements and is not vital in Alaska, especially since voters must be registered 30 days in advance of Election Day (so voter information does not change).

However, without real-time access, KPB will need to provide a static copy of the voter information at the Vote Centers. MOA has opted to do this type of offline model and has created a stand-alone Access database that is installed on each laptop used at Vote Centers. This Access database, which is loaded with voter data once at the beginning of the election, allows Vote Center staff to look up a voter, verify the voter's identity using personal identifiers, determine the appropriate ballot style, and print a barcode label that is placed on the ballot return envelope so that the sorter can identify the ballot return envelope as being for a particular voter.

For the ballots, KPB can keep a preprinted stock of ballots (of a variety of styles) at the Vote Centers, with which styles and the number of each being based on the Vote Center location and likely demand for a particular ballot style in that location. In addition, KPB could use "ballot on demand" printers, which allows them to print a ballot of any style at the Vote Center.

We recommend KPB have 5 Vote Centers, in the following locations:

- Borough Office
- Homer
- Kenai
- Seldovia
- Seward

Each Vote Center should have 2 laptops²² and 1 Dymo label printer. In addition, Vote Centers at the Borough Office, Homer, and Kenai should have an Okidata²³ ballot printer.

Note: KPB is planning on having one ADA compliant voting machine at each Vote Center. If these machines can be used by any voter, regardless of need, KPB may not need the Okidata printers for printing ballots on demand. Alternatively, KPB could discuss using MOA's Okidata printers, at least in the first year, to save some money and to see if both the printers and the ADA machines are needed, without actually buying printers outright.

KPB may also want to have printed maps at the Vote Centers to assist in determining the appropriate ballot styles to those voters for whom this couldn't be identified when processing the voter list (refer to Section 2.2.4: Develop an Automated Method for Assigning Ballot Styles).

Assuming KPB purchases new equipment for the Vote Centers, we estimate a total equipment cost of approximately \$20,000, which includes some contingency for additional equipment such as tables, power cords/strips, secure boxes for voted ballots, miscellaneous supplies, etc.

Vote Centers should open about a week prior to Election Day, although it may be useful to have one location (e.g., the Borough Office) open earlier to help voters who have special needs. On Election Day, Vote Centers should stay open until the election ends at 8:00 PM.

Each Vote Center should have 3 staff members present (refer to Section 2.8: Staffing Requirements for estimated staffing costs). It may be possible for city officials to provide staffing for some of the Vote Centers. All staff working at a Vote Center should be trained at the same time to ensure that they have received consistent instructions.

2.6. Process Returned Envelopes

2.6.1. Pick Up Returned Envelopes

2.6.1.1. Mail Pick-up

KPB staff may already be familiar with the process for picking up mail from the Post Office, given its ongoing vote by mail program.

²² We recommend two, in case there is a failure on one. While laptops have the convenience of being more portable, KPB could substitute desktops with monitors, if desired or if it would save money. The computers can be relatively low end, with the exact requirements being determined by what tool KPB uses for workers to look up voters, etc.

²³ There may be other, less expensive ballot-on-demand printers, but the Okidata printers are known to work well and are used by both the State and MOA.

Assuming USPS is not delivering to KPB and that KPB wants the election mail to be separate from other KPB mail, KPB should use a separate address only for election mail. USPS will then segregate this mail from other KPB mail.

If pre-arranged, KPB can send a 2-person team to pick up election mail from USPS on a routine schedule.

Note: KPB must provide the names of authorized individuals to USPS as they allow only named individuals to pick up mail.

Especially if KPB gives voters an opportunity to “cure” their ballot return envelopes, KPB should pick up mail each day of the voting period, starting the day after ballot packages have been mailed and ending when KPB stops accepting ballot return envelopes (i.e., when envelopes are deemed “too late,” even if they had been postmarked in time).

2.6.1.2. Drop Boxes

Outdoor secure drop boxes are an important convenience for voters. If properly designed and located, they provide a great way for voters to easily return their ballots at any hour and, in some cases, without even having to get out of their vehicles.

Locations and Property Owner Approval. Drop boxes should be placed in locations with good lighting, traffic flow that avoids congestion and accommodates persons with disabilities, routine snowplowing, and (when practical) security cameras. In larger jurisdictions, places like government offices, schools, and larger retail often have these features²⁴. High schools work very well because they typically have all the needed features and (with certain exceptions) low traffic volumes over most of the day.

When placing drop boxes, curbside locations are great because they can offer both walk-up and drive-up service, but KPB may want to avoid scenarios where the box is in a right of way it does not control.

We suggest close consideration be given to placing drop boxes in the following locations:

Community	Possible Dropbox Locations
Anchor Point	Anchor Point Senior Center (Mile .25 Milo Fritz Road)
Homer	Homer City Hall (491 E. Pioneer) or Homer High School
Homer (east)	Kachemak Community Center (59906 Bear Creek Drive)
Nikiski	Nikiski Middle/High School or Nikiski Pool

²⁴ Based on MOA’s experience, Post Offices are not willing to have drop boxes.

Ninilchik	Kenai Peninsula Fair Grounds (16200 Sterling Highway) or Ninilchik School (15735 Sterling Hwy)
City of Kenai	Kenai City Hall (210 Fidalgo Ave.) or Kenai High School
Seward	Seward City Hall (5th and Adams) or Seward High School
Soldotna	Borough Offices (144 N. Binkley Street) or Soldotna High School <i>Note: Soldotna should likely have two locations</i>
Sterling	Funny River Community Center (35850 Pioneer Access)

KPB must work with location owners early because the owners will want to have control over where the drop box is placed and will want to work out any liability concerns with KPB (these discussions will need to include the KPB risk manager). Resolving liability concerns is a little harder when dealing with private property owners (e.g., churches, retail locations) but is generally not a significant issue with government/school district locations.

Sizing and Price. Boxes need to be sturdy and tamper proof, preferably anchored to the ground or so heavy as to be an unattractive target for theft. In locations where daily checks are not warranted, larger boxes, such as MOA has, may be a good choice.

Assuming KPB purchases drop boxes from the same vendor and of the same style as MOA, each drop box would cost approximately \$3,000-\$3,500 each, plus shipping (which will be relatively high because of their size and weight).

KPB could also place smaller, tabletop ballot boxes inside the various Borough and City Clerk Offices.

Emptying Drop Boxes. How frequently KPB checks drop boxes will depend on the size of the box and the estimated number of voters who may use it. Most drop boxes should be checked at least once a day²⁵ and have the ballots removed. Removing ballots daily minimizes the risk of damage from vandals and potential issues with ambient moisture.

For security/chain of custody reasons, drop boxes should be checked by a team of 2, not unlike when transporting ballots to and from a polling location. A typical box can be checked, emptied, and re-sealed in approximately 5-10 minutes.

²⁵ On Election Day, more heavily used drop boxes should be checked in the morning as well as at 8:00 PM when the election ends.

Note: Because checking drop boxes doesn't take long (other than travel time), a single team can check multiple drop boxes. However, on Election Day, all drop boxes need to be locked simultaneously at 8:00 PM. Therefore, at that time, KPB will need one team for each drop box.

Where possible, ballots from drop boxes should be delivered to the Election Center for processing on the same day they are picked up. However, for more remote locations, daily delivery to the Election Center may not be practical, and ballots may be stored inside a secure facility, such as in the various city offices (Homer, Seldovia, Seward) until they can be transported to the Election Center.

If KPB institutes a “cure opportunity” (refer to Section 2.6.4: “Cure” Ballot Return Envelopes), how timely envelopes are received at the Election Center becomes very important as KPB will want to identify issues and notify voters as quickly as possible. To support “curing,” KPB may need to get creative, particularly for the locations located further away from the Election Center. For example, KPB could

- Encourage voters to vote early so there is more time to cure.
- Encourage voters to add their phone or email to the ballot return envelope so KPB can call them if there is an issue.

Note: KPB would need to include places for this information when designing the ballot return envelope.

- Contract with commercial services that can provide daily delivery. If this is done, the envelopes should be boxed and locked, with a tamper evident seal that includes a tracking code.

2.6.2. Scan and Sort Returned Envelopes

Most election mail sorting is done in a two-step process.

The first step validates the envelope, separating ineligible from eligible envelopes. Ineligible envelopes include those that

- Are too damaged to be run through the sorter
- Are something other than a return ballot envelope for this election
- Have been voided
- Are for a voter who has already returned a ballot (refer also to Section 2.6.2.1: Which Ballot Counts if a Voter Returns Multiple?)

Note: Some sorters also include functionality that will out-sort envelopes that are too thick or too thin.

The eligible envelopes are those that are ready for signature verification (refer to Section 2.6.3: Verify Signatures for more information).

After signature verification is complete, the second step sorts the verified envelopes based on those that have “good” signatures and those that were flagged as having an issue, such as no signature, no matching signature, or missing any other required information (witness, identifier, etc.).

One option generally available with sorters is to have this second step sort the “good” envelopes by precinct. However, since KPB’s new Election Management System can report results by precinct, sorting the envelopes by precinct is not required. A decision to simply sort to “good” bins would save on cost and configuration of the system as well as administration of the envelopes. Therefore, we recommend that KPB not sort envelopes by precinct.

2.6.2.1. Which Ballot Counts if a Voter Returns Multiple?

Voting more than once in any election is, of course, illegal. However, although rare, it is not uncommon for a few voters in a vote by mail election to return than one ballot return envelope. Some very small percentage of this number might be a deliberate attempt at fraud, but most instances are voters who sincerely forget they have previously voted. Here are two common occurrences:

- The voter is mailed a ballot but goes to a Vote Center and votes there. The voter also sends back the mailed ballot either before or after voting at the Vote Center.
- The voter is mailed a ballot to their home address, but then travels and asks to be mailed a ballot at the temporary address. Occasionally, if the timing of when they are each location “works out,” and the voter votes and returns both ballots.

Mail sorter systems are designed to catch circumstances where the voter has attempted to vote twice, which is another reason for the unique ballot ID identifier on each ballot return envelope. However, each jurisdiction needs to decide which ballot counts if a voter returns multiple.

We recommend that KPB set its rules to count the voter’s first ballot return envelope received for the following reasons:

- **Timeliness of reporting results:** With “first one counts,” KPB can process envelopes and scan (but not tabulate) ballots prior to all ballot return envelopes being received. With a different rule, KPB would have to hold all envelopes until after the election closes (not knowing if a second one might come in), which would greatly delay results.
- **Discourage attempts to vote twice:** Counting the first ballot received removes the incentive and greatly discourages voters from trying to vote again.
- **Simplifies explanations:** “First one counts” is very easy to explain and for voters to understand.

If a voter returns more than one ballot, subsequent voting attempts should be reported to either the local police or State Troopers for investigation. In addition, we recommend sending a letter to the voter reminding them that they cannot legally vote twice.

2.6.2.2. Notifying External Entities of Who Has Voted

KPB may want to produce a daily report that lists the voters for whom KPB has received a ballot return envelope, based on information from the sorter system.

Note: This only identifies who returned an envelope; it doesn't provide any information about how the person voted.

Candidates and issue groups often appreciate getting this information as they then know to no longer target voters who have already voted—and voters likely also appreciate getting fewer political ads and robocalls.

If KPB provides this information, they will need to include the voter identifier that the State includes on the voter lists it distributes members of the public who request them. This identifier is different from the voter ID.

2.6.2.3. Securing Envelopes

As mentioned in Section 2.2.3.2: Secure Storage, ballot return envelopes will need to be secured in the Records Center when not being actively processed.

2.6.3. Verify Signatures

KPB may choose to verify signatures using

- An automated process where the sorter software compares signatures
- A manual process where election officials verify signatures, typically having 2 officials review each signature
- A combination of the two

Note: A decision on whether to use automated signature verification should be made when selecting a sorter solution to ensure that the sorter meets KPB's requirements.

We recommend at least one signature review step be done by an election official, rather than leaving it entirely to the software. Doing signature verification entirely manually is also a viable alternative and may give voters a greater confidence in the process, knowing that each signature is being reviewed by two individuals. Many jurisdictions, including MOA and King

County (WA)²⁶, use such manual processes, where each signature is reviewed by two different election officials trained in signature verification.

When manual verification is done, officials are trained each year in signature verification before the election. MOA's training is done by the Washington State Patrol (their version of the AK State Troopers), with the trainer coming to Anchorage each year. KPB could potentially participate in that training or bring the WSP official to KPB for training at a reduced cost, if they shared some of the travel expenses with MOA. However, the downside of this is the timing difference between MOA's election and KPB's election.

2.6.4. "Cure" Ballot Return Envelopes

Sometimes there are issues with ballot return envelopes, such as the voter forgets to sign or to provide other required information or KPB cannot determine a signature match. We recommend that KPB implement a process in which voters are notified of these issues and given an opportunity to "cure" the problem, so that their ballots can be counted.

Note: Based on MOA's and King County's experience, after the first election, only about 1% of votes cast require this "cure" process.

The voter could be contacted by form letter, called, or emailed (if phone number or email are included on the ballot return envelope). Regardless of the contact method, KPB would explain the problem and give the voter a chance to fix it, as long as the voter responds before the deadline for curing.

In order to avoid disenfranchising voters, we recommend voters be allowed to cure up to the day of the public session of canvas (currently the Monday following the election, KPB 4.90.020). For example, a voter who drops off a ballot on election night could expect to get a notification within a day or two and be able to respond prior to the deadline.

When voters are allowed to "cure" their envelopes, it becomes increasingly important that KPB pick up and process ballot return envelopes as quickly as possible so that notifications can be given to voters in a timely manner. The faster a voter is notified of an issue, the longer the period of time the voter has to resolve that issue so that the ballot can be counted.

2.6.5. Open Ballot Return Envelopes/Prepare Ballots for Scanning

After ballot return envelopes have been successfully verified (i.e., are a "good" envelope on the second run through the sorter), the envelopes can be opened and the ballots removed. The process will likely be the same as KPB uses for its current vote by mail precincts.

²⁶ A short video of King County's process is here:
<https://www.kingcounty.gov/depts/elections/education-and-outreach/take-a-tour.aspx>

Typically, the envelopes will be run through an envelope opening machine, which slices a thin strip off the envelope so that contents can be easily removed. Ballot return envelopes are then given in batches to 3-member envelope opening teams who

1. While keeping the envelope “face down” to hide the voter’s name, remove the security sleeve (with the ballot inside) from the ballot return envelope, separating the ballot from the return ballot envelope. The return ballot envelopes are then set aside so that the ballot is no longer associated with any information that would identify which voter cast that ballot.
2. Separate the ballot from the security sleeve.
3. Open and flatten the ballot. If there are obvious potential issues with the ballot that would cause it to not be scanned, it can be set aside to be facsimiled.

Envelope opening teams take steps to ensure that all envelopes have been emptied and that all ballots are accounted for. KPB will need to define the procedures that the opening teams will follow.

Once this process is complete, ballots are ready to be scanned. KPB will need to securely store these ballots in their main office. We are anticipating a conference room will be “re-keyed” during the election and used for secure storage.

2.6.5.1. Timing of Scanning Ballots

As mentioned earlier, KPB will need to decide when to scan ballots. Note that this is just scanning them—tabulation of results should never be done until after the election closes at 8:00 PM on Election Day. While KPB could wait to scan ballots until after 8:00 PM on Election Day, this will delay delivery of results as it will take time to scan the ballots. Therefore, we recommend that KPB define how far in advance scanning can begin. This timing varies by jurisdiction, with some allowing it to begin only the day before or on Election Day. We recommend that KPB allow scanning to begin at least a couple days before Election Day to give greater flexibility in staff assignments.

2.7. Store Election Records

2.7.1. Providing Election Information to the State

When an election is complete, KPB will need to provide the State with the following information:

- Which voters returned a ballot
- Signature images from the ballot return envelopes of voters whose signatures were verified

Providing the State with the signature images will help build the reference signature library for KPB voters. For these files, KPB will need to provide the images as TIFF, and the files will need to be named with the voter ID.

2.7.2. Dispose of Records

In a vote by mail election, KPB will have more election records to dispose. These will include the return ballot envelopes as well as the electronic records from the sorter system and other tools used during the election. KPB will need to update their procedures to ensure that all appropriate information is disposed of.

2.8. Staffing Requirements

KPB currently hires approximately 130 people during an election cycle in order to staff all of its polling locations. In a vote by mail election, the number of staff required will be substantially lower.

Peak staffing levels will start about a week before Election Day, around the time Vote Centers open, drop boxes are being checked, envelopes are being processed, and ballots scanned (but not tabulated!). The table below shows what **peak** staffing might look like, with the following caveats:

- Choices KPB makes will affect actual numbers.
- Clerk's Office staff for KPB and the cities are not considered in the counts; various Clerk's Office staff may fill some of these roles, reducing the count.
- The table shows counts by functions, but many people can perform more than one function, flexing from one position to another within a day, depending on the volume of envelopes and ballots to process on that day. Therefore, the table's counts **do not** equate to total number of people required.

As an example of staff flexing, a 2-member team picks up the mail from USPS and checks the drop boxes in the Kenai/Soldotna area, then sorts and runs those envelopes through the sorter. Meanwhile, another 2-member team performs signature verification on the previous day's envelopes and then moves on to an envelope opening team.

Location/Function	Total	Time ²⁷	Cost ²⁸
Vote Centers (5 centers, 3 people each)	15	1 week + 1 hour training	\$8,610
Drop Box Team	2	2 hours/day for 3 weeks	\$840

²⁷ 8 hour days, 5 days a week, unless otherwise specified

²⁸ Based on \$14 per hour

Location/Function	Total	Time ²⁷	Cost ²⁸
Election Center Envelope Sorter Process	2	3 weeks	\$3,360
Signature Verification	3	3 weeks	\$5,040
Review and Resolution	1	3 weeks	\$1,680
Envelope Opening Teams (2 teams, 3 people each)	6	1 week	\$3,360
Call Center	2	4 weeks	\$4,480
Ballot Scanning and Adjudication	2	1 week	\$1,120
Total	33		\$28,490.00

In addition, for at least 3-4 months before the first vote by mail election is started, KPB should have a staff member dedicated to preparing KPB for vote by mail. This individual would preferably be experienced in elections and also have a high proficiency with and lack of fear in using software and computers. This individual would spearhead a lot of the vote by mail implementation and would be doing tasks such as the following:

- Working with vendors
- Learning to be a “super user” on acquired equipment and software
- Being involved in user acceptance testing on the equipment and software
- Creating templates and drafting letters, sheets, and other documentation in Word, Excel, etc. for use by election officials
- Coordinating staffing schedules
- Helping with ordering supplies
- Completing other sundry things that are needed when launching vote by mail

3.0 Summary of Estimated Costs

Below are the estimated costs as described in this Study. **These may not be all costs and actual costs may vary greatly depending on choices KPB makes and market rates at the time.** For example, KPB staff time (Clerk’s office, GIS staff) associated with the election are not included but, especially in the first vote by mail election, the hours will be substantially higher than would be required in a normal election and may require that KPB hire additional staff or contract work out. In addition, these estimates assume that KPB will leverage custom tools that MOA had built and that most of these will not require changes for KPB.

Beyond the general “miscellaneous” costs that will come with setting up a new process, KPB may wish to hire a project manager for the project and be sure to have adequate staffing levels in its own GIS department and Clerk’s Office. These costs would be modified by any use of

current resources, as well as by the results of competitive bidding and decisions about the timing, structure, and requirements adopted to implement vote by mail.

Item	Study Section	Estimate (yr 1)	Recurring
Mail Sorter and First Year Licensing	2.2.2	\$150,000	\$30,000
Alarms/Cameras	2.2.3.1	\$10,000	
Records Center cage	2.2.3.2	\$3,000	
GIS enhancements	2.2.4.2	\$6,000	
Pollbook scanning	2.2.5	\$3,000	
Education and Outreach	2.3.1	\$15,000	\$3,000
Postcard (Undeliverables) – printing & mailing	2.3.2	\$4,000	\$4,000
Ballot package set up, printing, assembly, and Q/A	2.4	\$42,000	\$42,000
"I voted" sticker	2.4.2	\$1,000	\$1,000
Ballot package postage	2.4.4	\$20,500	\$20,500
Vote Center equipment	2.5.2	\$20,000	
Drop Boxes	2.6.1.2	\$35,000	
Temporary Election Workers	2.8	\$28,490	\$28,490
Total		\$337,990	\$128,990

One measure of cost comparison can be the cost per voter, focusing on the number of voters who actually cast ballots. If we assume the KPB approved budget for elections includes all costs (which we acknowledge does not include the cities), then the cost per voter, using 2019 budget and turnout, is \$10.72 per voter (\$113,910/10,622 voters).

If you assume a vote by mail election increases voter participation, using the percent increase in turnout between the last MOA poll-based election and its most recent vote by mail election²⁹, the estimated cost per voter may be determined as follows:

- MOA 2017 - 49,370 ballots cast for a 23.2% turnout
- MOA 2020 - 71,268 ballots cast for a 30.68% turnout
- $(21,898 / 49,370) \times 100 = 44.4\%$ increase
- $10,622 \times 44.4\% = 4,716$ potential "new" KPB voters, for an estimated turnout of 15,338

²⁹ Using unofficial results as of April 15, 2020. These years are an "apples-to-apples" comparison as both years were Assembly election years for MOA. Year with mayoral elections usually have a higher turnout.

Our estimate of \$128,990 in recurring costs divided by the 15,338 voters equals \$8.41 per voter, a potential reduction of \$2.31 per vote cast.

3.1. Assistive Technology Cost Comparison

KPB is currently subject to an agreement with the State of Alaska Commission for Human Rights, which requires KPB to explore and implement options for providing assistive technology to visually impaired voters. One option is to implement voting by mail, along with providing ADA compliant voting machines in Voting Centers. Another option is to buy or lease these ADA voting machines for every polling location. Both options require purchasing a new centralized ballot tabulation system that supports the ADA machines.

The following table compares the estimated costs associated with these two options.

Note: ADA machines\software costs are based on July 2019 vendor quote. Actual costs may be different.

	Vote By Mail	Poll-Based
Estimated 1st year Election Cost	\$337,990 ³⁰	\$113,910 ³¹
Add 5 ADA machines\software for Voting Centers	\$197,804	\$0
Add 30 ADA machines\software for polling locations	\$0	\$337,144
Total	\$535,794	\$451,054³²

3.2. Total Recurring Cost Estimate

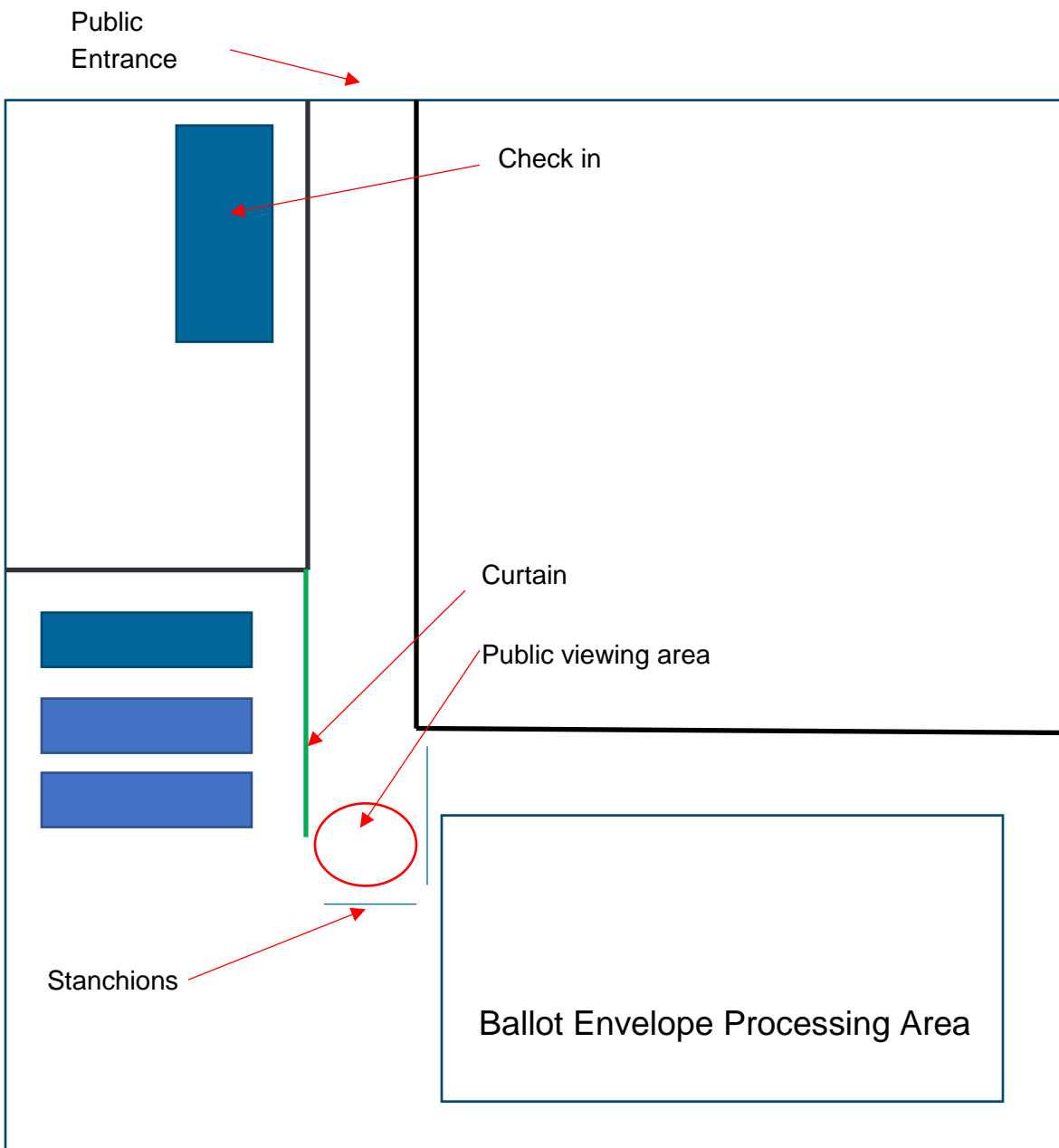
Year 2	<u>Vote by Mail</u>	<u>Poll-Based</u>
Recurring	\$128,990	\$113,910
Annual ADA hardware/software licensing and warranty	\$27,580	\$36,640
Totals	\$156,570	\$150,550

³⁰ Estimated “year one” vote by mail cost (see above for breakdown and caveats)

³¹ KPB 2019 election budget

³² Subsequent year costs are approximately \$8,712 higher for poll-based voting for the licensing and warranty on the 24 additional ADA machines.

Appendix A: Sample Layout of Records Center



Introduced by:
Date:
Action:
Vote:

Mayor
06/02/20

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-036**

**A RESOLUTION ACCEPTING MEDICAL EQUIPMENT FROM THE SOUTHERN
REGION EMERGENCY MEDICAL SERVICES COUNCIL, INC., ON BEHALF OF
BEAR CREEK FIRE SERVICE AREA**

- WHEREAS,** Bear Creek Fire Service Area (“Service Area”) submitted an application to the Southern Region Emergency Medical Services Council, Inc. (Southern Region), for an equipment grant through the Code Blue Phase 19 and Phase 20 programs; and
- WHEREAS,** the Southern Region notified the Service Area that the application to purchase one patient removal system and one vacuum mattress in the amount of \$3,515; and
- WHEREAS,** Southern Region will purchase the equipment using state funding sources to pay for 90 percent of the total cost; and
- WHEREAS,** the Service Area will provide 10 percent local matching funds, which are currently available in the approved Service Area fiscal year 2020 operating budget; and
- WHEREAS,** at its regularly scheduled meeting held November 12, 2019, the Service Area board recommended acceptance of the equipment and the expenditure of matching funds in the amount of \$353 upon award notification;

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

SECTION 1. That the mayor is authorized to accept the equipment valued at \$3,515 from the Southern Region Emergency Medical Services Council, Inc., on behalf of the Bear Creek Fire Service Area.

SECTION 2. That matching funds in the amount of \$353 are available from account no. 207.51210.00000.48750.

SECTION 3. This resolution shall become effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF JUNE, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *CP*
Richard Brackin, Interim Chief - Bear Creek Fire Service Area *RB*

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

DATE: May 21, 2020

RE: Resolution 2020-036, Accepting Medical Equipment from the Southern Region Emergency Medical Services Council, Inc., on Behalf of Bear Creek Fire Service Area (Mayor)

Southern Region Emergency Medical Services Council, Inc., ("Southern Region") is a nonprofit corporation that serves as a resource center for emergency medical response agencies located in low to moderate income, rural communities. Bear Creek Fire Service Area ("BCFSA") submitted "Code Blue Phase 19 and 20" applications to Southern Region for a patient removal system and vacuum mattress. Southern Region approved BCFSA's applications for the equipment grant and will purchase the equipment on behalf of BCFSA. The service area is required to provide a 10 percent match of \$353, which is available in the service area's approved fiscal year 2020 budget.

On November 12, 2019, the BCFSA board approved receipt of the equipment and expenditure of the match funds upon award notification.

Chief Brackin will oversee the grant requirements for equipment inventory and maintenance.

FINANCE DEPARTMENT MATCH ACCOUNT/FUNDS VERIFIED	
Acct. No.	<u>207.51210.00000.48750</u>
Amount	<u>\$353</u>
By: <i>PP</i> <i>Ba</i>	Date: <u>5/20/2020</u>

Attachment: SREMSC notification letter.



Southern Region EMS Council Anchorage, Alaska

Mission: Improve the quality, availability and sustainability of emergency patient care

6130 Tuttle Place, Suite B, Anchorage, AK 99507-7102
(907) 562-6449 FAX: (907) 562-9893 www.sremsc.org

March 18, 2020

Connie Bacon, Fire Chief
Bear Creek Fire Service Area
PO Box 1565
Seward, AK 99664

RE: Code Blue Phase 20

Dear Chief Bacon:

The Code Blue Phase 19 and Phase 20 equipment requests submitted by your agency for consideration have gone through a rigorous review process. There have been multiple review steps along the way, which include Southern Region staff, Board of Directors Equipment Review Committee, the Southern Region Board of Directors, and finally the Statewide Code Blue Steering Committee.

The portion of funding we receive from the State via the Governor's Capital Equipment bill for Phase 19 was vetoed by the Governor. The Code Blue Steering Committee approved to move all approved projects from this phase as priorities into Phase 20. The Governor has put funding back into the budget for FY21 and if the legislation is signed, we hope to receive funding sometime in September 2020. Once we have been notified, we will be contacting you to see if you still need the items and if you still have the community match available.

There were leftover funds from previous phases of which some of your projects may have been moved into. It will be noted below if any of your projects were moved into this phase. If that was the case, we will be contacting you soon regarding the purchasing process.

If your item is listed below as **Approved**, your project(s) are on the State Code Blue Equipment list and pending grant processes. If it is **Changed**, it was altered within the review process and an explanation will be detailed below. If it is listed as **Not Funded**, it will not be considered in this Code Blue phase and an explanation will be detailed below.

Item	Status	Local Match	STATE	UNMET	Total
Patient Removal System	Approved	\$248	\$2,226	\$ 0.00	\$2,474 Funded under PH17
Vacuum Mattress	Approved	\$105	\$ 936	\$ 0.00	\$1,041 Funded under PH17

afz
CB

Thank you for all you do for EMS in Alaska. At Southern Region, we are working hard to support you in every way that we can.

Sincerely,


Michael M. Forcier, CEO

CC: Ryon Turley, Subarea Coordinator

Introduced by:

Mayor

Date:

06/02/20

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-037**

**A RESOLUTION SETTING THE RATE OF LEVY FOR REAL AND PERSONAL
PROPERTY TAXES FOR THE KENAI PENINSULA BOROUGH AND FOR SERVICE
AREAS WITHIN THE BOROUGH FOR FISCAL YEAR 2021, TAX YEAR 2020**

BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

- SECTION 1.** That the rate of levy of taxes on all real and personal property within the Kenai Peninsula Borough for the Fiscal Year 2021 is hereby set at 4.70 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 2.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Nikiski Fire Service Area for said area for the Fiscal Year 2021 is hereby set at 2.70 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 3.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Bear Creek Fire Service Area for said area for the Fiscal Year 2021 is hereby set at 3.25 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 4.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Anchor Point Fire and Emergency Medical Service Area for said area for the Fiscal Year 2021 is hereby set at 2.75 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 5.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Central Emergency Service Area for said area for the Fiscal Year 2021 is hereby set at 2.85 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.
- SECTION 6.** That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Kachemak

Emergency Service Area for said area for the Fiscal Year 2021 is hereby set at 2.60 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 7. That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Seldovia Recreation Service Area for said area for the Fiscal Year 2021 is hereby set at 0.75 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 8. That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Central Peninsula Emergency Medical Service Area for said area for the Fiscal Year 2021 is hereby set at 1.00 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 9. That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the North Peninsula Recreation Service Area for said area for the Fiscal Year 2021 is hereby set at 1.00 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 10. That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Kenai Peninsula Borough Road Service Area for said area for the Fiscal Year 2021 is hereby set at 1.40 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 11. That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Seward Bear Creek Flood Service Area for said area for the Fiscal Year 2021 is hereby set at .75 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 12. That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Nikiski Senior Service Area for said area for the Fiscal Year 2021 is hereby set at .20 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 13. That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the Central Kenai Peninsula Hospital Service Area for said area for the Fiscal Year 2021 is hereby

set at .01 mill on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 14. That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the South Kenai Peninsula Hospital Service Area boundaries about 15 miles south of Barbara Drive in Ninilchik, including the islands and land in and south of Kachemak Bay and west of Gore Point and excluding the City of Seldovia for said area for the Fiscal Year 2021 is hereby set at 1.12 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 15. That in addition to any other rate or rates of levy applicable for other purposes, the rate of levy of taxes on all real and personal property within the South Kenai Peninsula Hospital Service Area boundaries about 15 miles north of Barbara Drive in Ninilchik, excluding the islands and land in and south of Kachemak Bay and west of Gore Point for said area for the Fiscal Year 2021 is hereby set at 1.12 mills on each one dollar of assessed value as determined by the assessment roll and any supplemental rolls hereafter certified by the Borough Assessor.

SECTION 16. That this resolution takes effect at 12:01 a.m., Alaska Daylight Time, on July 1, 2020.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF JUNE, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Finance Department

MEMORANDUM

TO: Kelly Cooper, Assembly President

THRU: Charlie Pierce, Mayor *CP*

FROM: Brandi Harbaugh, Finance Director *BH*

DATE: May 21, 2020

RE: Resolution 2020-037, Setting the Rate of Levy for Fiscal Year 2021, Tax Year 2020 (Mayor)

The attached resolution establishes the property tax rates for Fiscal Year 2021 (FY2021), Tax Year 2020. The tax revenue generated from these rates will provide the largest single source of funding for the borough's FY2021 budget. The mill rate for FY2021 must be set prior to June 15, 2020. Action on this resolution is being asked for the meeting of June 2, 2020.

The Administration is proposing the following changes from the Fiscal Year 2020 mill rates:

	FY2020 Mill Rate	Proposed FY2021 Mill Rate
South Peninsula Hospital Service Area-Fund 602 (Not Including Debt Prior to 7/1/2019)	1.18	1.12

Introduced by: Mayor
Date: 06/02/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-040**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FISCAL YEAR
2021 ALASKA LAND MOBILE RADIO COMMUNICATION SYSTEM MEMBERSHIP
AGREEMENTS**

WHEREAS, the Alaska Land Mobile Radio System (“ALMR”) is a statewide effort to develop and implement a communications system capable of providing interoperable radio services for first responders, mutual aid, and emergency and medical response personnel; and

WHEREAS, the ALMR membership agreement submitted for the mayor’s signature is for the period of July 1, 2020 through June 30, 2021, and would provide the Kenai Peninsula Borough with access to the Project 25 complaint system, existing radio infrastructure, radio interoperability, system management, and numerous other benefits; and

WHEREAS, pursuant to prior membership in ALMR, the Kenai Peninsula Borough has purchased and placed into operation numerous ALMR radio communication devices and must be a member of ALMR to use this equipment; and

WHEREAS, the cost share for each department and service area for use of the system has been determined and wholly funded by the State of Alaska; and

WHEREAS, pursuant to Paragraph XI(A) nothing in the membership agreement binds the Kenai Peninsula Borough to expend in any fiscal year any sum in excess of available appropriations; and

WHEREAS, the Kenai Peninsula Borough has previously participated as a member in ALMR, and the best interests of the borough would be served by renewing its membership for the current fiscal year;

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

SECTION 1. That the Kenai Peninsula Borough Mayor is authorized to execute the accompanying ALMR Communications System Membership Agreement with the borough as well as the agreements with the Anchor Point Fire Emergency Medical Service Area, Bear Creek Fire Service Area, Central Emergency Service Area,

Kachemak Emergency Service Area and Nikiski Fire Service Area for the 2021 fiscal year.

SECTION 2. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY JUNE, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Office of Emergency Management

MEMORANDUM

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

THRU: Charlie Pierce, Mayor CP

FROM: Dan Nelson, Senior Manager - OEM DN

DATE: May 21, 2020

RE: Resolution 2020-040, Authorizing the Mayor to Execute the Fiscal Year 2021 Alaska Land Mobile Radio Communication System Membership Agreements (Mayor)

The Alaska Land Mobile Radio Communication System (ALMR) is a digital radio system administered by the State of Alaska that provides communications among many member agencies and organizations that provide public safety services. The Kenai Peninsula Borough and its service areas use this system to conduct routine operations on a daily basis, as well as during large scale emergency events.

The Kenai Peninsula Borough and its Fire/EMS service areas are members of the ALMR system and have previously executed agreements for continued membership and use of the system. This resolution authorizes the mayor to execute the fiscal year 2021 agreement to allow continued utilization of borough owned communication equipment on the system.

Funding for the system continues to be funded by the State of Alaska at 100 percent for the term of this agreement. The cost to each service area and department, if that cost share were not in place, is identified as follows:

Anchor Point Fire/Emergency Medical	\$3,716.47
Bear Creek Fire	\$423.71
Central Emergency Services	\$14,124.95
Kachemak Emergency Services	\$863.21
Nikiski Fire Department	\$54.65
Office of Emergency Management	\$546.57

Almost all radio communication equipment used by Borough agencies is compatible with the ALMR system, and continued membership is a requirement

Page -2-
May 21, 2020
RE: R2020- 040

to utilize the benefits of the system. Each service area executes its own agreement, which are identical to the main Borough agreement that is attached for brevity.

Your approval of this resolution would be appreciated.



Access to the Alaska Land Mobile Radio (ALMR) Communications System provided through this Membership Agreement, and any amendment(s) thereto, is conditioned upon the approval of the terms and conditions of access as outlined in (the) ALMR Communications System Cooperative and Mutual Aid Agreement and approval by the Executive Council.

This Membership Agreement is for the period of July 1, 2020 to June 30, 2021, and entered into by and between (the Member aka User) Kenai Peninsula Borough, whose address is, 144 N. Binkley Street, Soldotna, Alaska 99669, and the Alaska Land Mobile Radio (ALMR) Executive Council, whose designated representative is the ALMR Operations Management Office, 5900 E. Tudor Road, Suite 121, Anchorage, AK 99507-1245.

I. PURPOSE

ALMR is a multi-site, dedicated public safety wireless communications system providing portable and mobile coverage to its Member agencies. Member agency benefits and services include, but are not limited to, a Project 25 compliant system, multiple system redundancies with backup power, a wide range of talkgroups, auto affiliation and de-affiliation, electronic identification on all transmissions, microwave system connectivity, encryption availability, emergency alert availability, private calling availability, system security, radio interoperability, system management, assistance to User agencies for radio code plug development and subscriber unit familiarization, operations management support including, but not limited to those products and services listed in the Operations Management Office (OMO) and System Management Office (SMO) Customer Support Plans.

Every effort will be made to keep the ALMR System operational 24/7. However, both the Member agency and ALMR acknowledge that there may be situations where planned and unplanned System outages may occur. ALMR will make every effort to avoid service disruptions, will promptly notify Member agencies of disruptions, and will make every effort to respond and restore interrupted service in a timely manner. However, acknowledging that service disruptions are likely, ALMR System infrastructure owners will not be liable for any resulting impact from such disruptions.

II. DEFINITIONS

- A.** Abuse of User Privileges: repeated violation of System guidelines, procedures, protocols, or violation of the Membership Agreement may result in termination of the Membership Agreement subject to the review and direction of the Executive Council. A decision by the Executive Council is final and non-appealable.
- B.** Alaska Federal Executive Association (AFEA): Federal government entities, agencies and organizations, other than the Department of Defense, that operate on the shared ALMR system infrastructure.
- C.** Alaska Land Mobile Radio (ALMR) Communications System: the ALMR Communications System, which uses but is separate from the State of Alaska Telecommunications System (SATS), as established in the Cooperative and Mutual Aid Agreement.
- D.** Alaska Municipal League: a voluntary non-profit organization in Alaska that represents Member local governments.
- E.** Cooperative and Mutual Aid Agreement: the instrument that establishes ALMR and sets out the terms and conditions by which the System will be governed, managed, operated and modified by the Parties signing the Agreement.
- F.** Department of Administration (DOA): a State of Alaska (SOA) department that oversees, through the Alaska Public Safety Communications Service (APSCS), the SOA Telecommunication System (SATS), ALMR contracts, and also provides information technology (IT) and communications technical support to state agencies.

- G.** Department of Defense – Alaska: Alaskan Command, US Air Force and US Army component services operating under United States Pacific Command and United States Northern Command.
- H.** Emergency Alarm: a Project 25 feature, when enabled, allows a Member to transmit an emergency alarm to their dispatch center, or a dispatch center mutually agreed upon.
- I.** Executive Council: made up of three voting members and two associate members representing the original four constituency groups: the State of Alaska, the Department of Defense, Federal Non-DOD agencies (represented by the Alaska Federal Executive Association), and local municipal/government (represented by the Alaska Municipal League and the Municipality of Anchorage).
- J.** Gateway: a device that allows a disparate radio to communicate real time, overcoming spectrum, formatting, and other technical challenges. ALMR utilizes MotoBridge™ gateways.
- K.** Information Assurance (IA): protects and defends information and information systems by ensuring their availability, integrity, authentication, confidentiality, and non-repudiation. This includes providing for restoration of information systems by incorporating protection, detection, and reaction capabilities.
- L.** Local Governments: those Alaska political subdivisions defined as municipalities in AS 29.71.800(13).
- M.** Member: a public safety agency including, but not limited to a general government agency (local, state or federal) its authorized employees and personnel (paid or volunteer), and its service provider, participating in and using the System under a Membership Agreement.
- N.** Membership Agreement: the agreement entered into between the ALMR Operations Management Office, as the designated agent for the Executive Council, and a user agency, which sets forth the terms and conditions under which the System provides services to a user agency and the user agency's responsibilities, while operating on the System.
- O.** Municipality of Anchorage (MOA): the MOA covers 1,951 square miles with a population of over 300,000. The MOA stretches from Portage, at the southern border, to the Knik River at the northern border, and encompasses the communities of Girdwood, Indian, Anchorage, Eagle River, Chugiak/Birchwood, and the native village of Eklutna.
- P.** Non-Proprietary Talkgroup – a talkgroup assigned during a multi-agency operation, such as one assigned by central dispatch. A non-proprietary talkgroup is not member-exclusive and is cooperatively shared by participating Members.
- Q.** Operations Manager: represents the User Council interests and makes decisions on issues related to the day-to-day operation of the System and any urgent or emergency System operational or repair decisions; establishes policies, procedures, contracts, organizations, and agreements that provide the service levels as defined in the Service Level Agreement in coordination with the User Council.
- R.** Operations Management Office (OMO): develops recommendations for policies, procedures, and guidelines; identifies technologies and standards; and coordinates intergovernmental resources to facilitate communications interoperability with emphasis on improving public safety and emergency response communications.
- S.** Party/Parties: one or more Parties who have signed the Agreement (Cooperative and Mutual Aid Agreement). The Parties to the agreement are: Department of Defense - Alaska, Alaska Federal Executive Association, and the State of Alaska, respectively or collectively.
- T.** P25 Standards: the P25 suite of standards involves digital land mobile radio (LMR) services for local, state and national (federal) public safety organizations and agencies. P25 is applicable to LMR equipment authorized or licensed, in the U.S., under the National Telecommunications and Information Administration (NTIA) or Federal Communications Commission (FCC) rules and regulations.
- U.** Proprietary Talkgroup: an exclusive talkgroup assigned to a single, specific agency.
- V.** Radio – either a Project 25 compliant control station, consolette, mobile or portable radio, which has a unique identification number and is assigned to the ALMR.
- W.** Radio Programming: fleetmapping, template programming and reprogramming, and assignment of talkgroups within ALMR.

- X.** State of Alaska (SOA): the primary maintainer of the SATS (the State's microwave system), and shared owner of the System.
- Y.** State of Alaska Telecommunications Systems (SATS): the State of Alaska statewide telecommunications system microwave network.
- Z.** Super System Management: the responsibility residing with the Operations Manager/System Manager on behalf of all ALMR Members that include, but are not limited to:
 - 1. Assign radio use priorities;
 - 2. Assign radio identification numbers;
 - 3. Manage talkgroups to assure appropriate use of ALMR;
 - 4. Set standards for the selection and supervision of ALMR personnel;
 - 5. Enforce guidelines, procedures, and protocols governing the operation of radios on ALMR;
 - 6. Generate and use statistical data and reports concerning Member agency talkgroups, call duration, call types, busy signals, and other data analyses and reports; and
 - 7. Enforce termination of the Membership Agreement when a Member agency's conduct or action(s) cause systemic and/or continuous ALMR operation problems.
- AA.** System Management Office: the team of specialists responsible for management of maintenance and operations of the System.
- BB.** Talkgroup: the electronic equivalent of a channel on a trunked system; a unique group of radio users that can communicate with each other. (NOTE: Talkgroups differ from regular and conventional radio channels in which they are not restricted to a certain radio frequency and may use up to 21 separate frequencies that are assigned by a controller on a control channel.)
- CC.** Template: the software programmed in a radio provided to customers by the SMO that controls the radio functions and communication capabilities.
- DD.** User: an agency, person, group, organization or other entity which has an existing written Membership Agreement to operate on ALMR with one of the Parties to the Cooperative and Mutual Aid Agreement. The terms User and Member are synonymous and interchangeable.
- EE.** User Council: governing body responsible for recommending all operational and maintenance decisions affecting the System. Under the direction and supervision of the Executive Council, the User Council has the responsibility for management oversight and operation of the System. The User Council oversees the development of System operations plans, procedures and policies.

III. ALMR COMMUNICATIONS SERVICES

Services provided are listed in the Operations Management Office and System Management Office Customer Support Plans at <http://www.alaskalandmobileradio.org>.

IV. GENERAL PROVISIONS

- A.** ALMR Mobile Radio Coverage: ALMR provides portable and mobile radio communication coverage to the Member subject to the Member's compliance with recommended optimal performance standards for equipment, antenna installation, and maintenance. If the Member agency detects possible ALMR network infrastructure malfunctions or radio communication coverage loss, the Member should first contact its equipment service or maintenance provider for an evaluation of the problem. If the service provider determines the problem is not an equipment installation or maintenance problem, the Member should promptly notify the Help Desk. The Help Desk will immediately notify the System Manager, or designated on-call technician, who will promptly investigate and take appropriate corrective action to alleviate the coverage loss or network infrastructure malfunction, and report the corrective action to the Member agency. Coverage is not guaranteed and will vary from location to location. The Member agency is encouraged to conduct its own radio communications coverage test to determine the expected coverage level in its geographic jurisdiction.

- B. Private Calling Availability:** an agency may choose to avail itself of Private Calling. Private calling permits properly programmed mobile and portable radios in a talkgroup to enter into one-on-one conversations. Only the initiating and target radio(s) are able to communicate with each other. Private calling can tie-up ALMR System resources. Consequently, a determination of the need and potential impact on the System will be made by the System Management Office when such a request is received from Member agencies.
- C. Electronic and Infrastructure Maintenance:** ALMR provides complete monitoring, inspection, and maintenance programs for all Motorola P25 trunked ALMR radio frequency (RF) infrastructure in operation at its System sites through contracts and memorandums of agreement. ALMR staff and its certified vendors and partners provide proactive System repair and maintenance, extending the life and performance of ALMR for the direct benefit of all Members.
- D. System Redundancy and Security:** ALMR provides a system redundancy called fault tolerance. With fault tolerance, a single point of failure will generally not result in negative system wide performance. Many redundant and backup systems within ALMR are designed to eliminate complete system failure. Several levels of survivability are available. In the case of a catastrophic event, the rest of the System will continue to function in a site-trunking communication manner.
- E. Performance Standards and Monitoring:** ALMR utilizes automated performance standards and automated diagnostics, which are monitored 24 hours a day, every day. System management is maintained at the System Management Office and zone controllers on a daily basis. ALMR staff adhere to stringent quality standards of installation and maintenance through scheduled automated testing of all sites, monitoring of Member satisfaction on a regular basis, tracking of Member problems and service requests, monitoring of scheduled and unscheduled System downtime, oversight of System traffic performance, drive testing within System, collection and analysis of empirical data, and planned system upgrades and enhancements.
- F. Upgrades and Enhancements:** upgrades are changes made to ALMR infrastructure to assure compliance or to improve upon previously existing features and operations of ALMR. Some upgrades may be provided to all Member agencies at no additional charge. Enhancements are modifications made to ALMR services or systems that add functions or features not originally part of ALMR or the services requested by the Member agencies. Such enhancements made to the infrastructure may also require an upgrade or replacement of user subscriber assets. To access such enhancements and features, it is solely the responsibility of the User to upgrade their subscriber assets. Also, if applicable, enhancements may necessitate an adjustment in all Member agencies fees.
- G. Gateway Use:** Use of gateway(s) is available to all ALMR Members on the System. Specific protocols, policies, procedures and talkgroup agreements for agencies are required and can be developed and coordinated through the Operations Management and System Management Offices.
- H. Information Assurance:** as provided through the Department of Defense Information Assurance Risk Management Framework (DIARMF).
- I. OMO Standards Measurement and Trends –** as provided by the Operations Management Office Customer Support Plan and the Service Level Agreement.
- J. Service Level Agreement –** outlines the operations and maintenance services as required by the User Council for the sustainment and operations of the ALMR infrastructure. The performance metrics contained in the SLA describes the maintenance standards for the ALMR system infrastructure. ALMR cost share services are also outlined in the SLA.

V. MEMBERSHIP OBLIGATIONS

- A. Activation and Member Fees –** Not later than June 30 each year, the Parties (signatories) to the Cooperative and Mutual Aid Agreement will determine the cost share of individual Members, if applicable. Each Party (signatory) to the Cooperative and Mutual Agreement will be responsible for communicating any associated costs to the Member agencies.

1. **State of Alaska** - For FY2021, cost share for your agency is calculated at N/A. The State of Alaska Department of Administration has funded your cost share in the amount of N/A. Your final cost share due is N/A.
 2. **Department of Defense** - For FY2021, cost share for your agency is calculated at N/A. Your final cost share due is N/A. You will coordinate directly with the State of Alaska Department of Administration to fulfill your cost share obligation. (**NOTE:** The costs provided for FY2021 are based on an independent government estimate.)
 3. **Federal Non-DOD** - For FY2021, cost share for your agency is calculated at N/A. Your final cost share due is N/A. You will coordinate directly with the State of Alaska Department of Administration to fulfill your cost share obligation.
 4. **Municipalities/NGOs** - For FY2021, cost share for your agency is calculated at \$546.57. The State of Alaska Department of Administration has funded your cost share in the amount of \$546.57. Your final cost share due is \$0.00.
- B. Funding Obligation:** Individual Member agencies operating on the System are responsible for requesting and obtaining sufficient funds to cover that Member's annual cost share and shared system infrastructure costs, as applicable.
NOTE: The DOD Member agency Contract Officer Representative (COR) will be responsible for assuring funds associated with their apportioned cost share, infrastructure and Operations Management cost liability are provided and in place, as required, to ensure timely execution of contracts providing mutual services for the ALMR Membership.
- C. Member Radio Equipment:** Member agencies may only use ALMR-approved radio equipment. Member agencies are responsible for acquiring and obtaining programming for their own equipment. A list of acceptable radio equipment is available on the ALMR website or from the System Management Office. This list will be updated as additional radios pass the acceptance test procedures (ATP). Member agencies are accountable for equipment on the ALMR System and must report the lost, stolen, damaged or destroyed equipment to the Help Desk immediately upon discovery.
- D. Radio Maintenance and Repair:** Each Member agency is responsible for proper maintenance and repair of its radio subscriber equipment. This assures that the member agency's radios are in optimal operating order and will not have an adverse impact on other Members' use of ALMR.
- E. Personal Business:** No personal business may be conducted on ALMR by the Member, its employees, or authorized agents, including volunteers and the Member agency's service provider.
- F. Compliance with Federal, State and Local Laws:** Member agencies will comply with all current and future Federal, State and local laws, rules, and regulations, as they relate to consolidated public safety and dispatching.
- G. Compliance with Guidelines, Procedures, and Protocols:** The Member agencies will comply with all guidelines, policies, procedures, and protocols governing the operation and use of the ALMR System as established by the User Council, approved by the Executive Council, and enacted by the Operations Management or System Management Offices. Member agencies will comply with all directives of the Executive Council, including but not limited to those listed in this Membership Agreement. Copies of policies and procedures are available to the Member agencies through the Operations Management Office or at <http://www.alaskalandmobileradio.org>.
- H. Member Agency POC:** Each Member agency will identify a central point of contact (POC) to serve as its liaison to the ALMR System Management Office. The POC will be responsible for authorization of template modifications, coordination of new radios onto ALMR, providing fleet - mapping data for record keeping purposes, providing after-hour emergency telephone numbers, and attending meetings necessary for the safe and efficient operation of ALMR. Member agencies are responsible for notifying the ALMR Help Desk/OMO immediately upon changes to their POCs.
- I. Security:** All management console or dispatch console operators shall complete the required ALMR IA Training prior to obtaining ALMR System user credentials. All System users shall comply with the ALMR IA Policies. No agency shall allow the connection of unauthorized components to the System or to any port on the System at any time. Agencies shall ensure no non-standard, unapproved applications are loaded on ALMR computers, servers, or routers at any time. Agencies shall ensure no unauthorized personnel are allowed access to System management components

(e.g. management consoles) at any time. Member agencies shall ensure encryption is used, whenever appropriate. Agencies shall comply with all Information Assurance controls, policies, procedures, and processes.

- J. Corrective Action:** In order to protect the integrity, security, safety, and efficient operation of ALMR for all its Member agencies, Member agencies will take appropriate corrective action against any of its employees who violate ALMR guidelines, procedures, or protocols including those set out in this Membership Agreement.
- K. System Management:** Member agencies will comply with System Management direction in order to assure the safe and efficient operation of ALMR for all Members.
- L. Trained Personnel:** Member agencies are responsible for providing training to their personnel and will not permit any employee or other personnel, including volunteers, to use ALMR until such individual(s) have received proper/appropriate radio use and security training.
- M. Contracting Responsibilities – DOD Member Agencies/Organizations:** DOD Member agencies/organizations will nominate a Contracting Officer Representative (COR) through the ALMR Contract Functional Commander (ALCOM J6) to 673rd Contracting for appointment. DOD Member agencies/organizations will maintain a COR at all times. CORs will execute the contract administration related to requirements that agencies/organizations execute through individual Task Orders in each of the associated ALMR joint contracts from which they obtain services.

VI. DISPUTE RESOLUTION

If any issue of ALMR non-performance arises under this Membership Agreement, the parties to the Cooperative and Mutual Aid Agreement agree to resolve the issue at the lowest management level of each party. In the event the issue remains unresolved, the parties agree to immediately escalate the issue to upper-level management for their consideration. They will consider the details of the non-performance issue, assess whether there have been past issues of non-performance, determine how long the non-performance has been continuing, determine the seriousness of the non-performance, and negotiate, in good faith, a mutually agreeable solution. In the event all parties cannot agree on a solution, the non-performance issue shall be directed to the Executive Council who will consult with, and seek advice from, the User Council on resolution of the non-performance issue. A decision by the Executive Council is final and non-appealable.

VII. GOVERNANCE

- A. Executive Council:** The Executive Council provides direction for the administration and operation of ALMR. The Executive Council is charged with responsibility to review and approve recommendations regarding future ALMR System features and enhancements, review and advise on customer service complaints, non-performance issues and potential Member agency termination due to abuse of user privileges. The Executive Council takes advice from the User Council and other committees, working groups, and advisory panels set up by the Executive Council to assist them in making determinations on policy and direction. (Members of the Executive Council are listed at www.alaskalandmobileradio.org)
- B. User Council:** The User Council establishes policies and procedures regarding the operation of ALMR. The User Council is responsible for all operational and maintenance decisions affecting the System. Under the direction and supervision of the Executive Council, the User Council has the responsibility for management oversight and operations of the System. The User Council, through the OMO, oversees the development of System operations plans, procedures and policies under the direction and guidance of the Executive Council. (Members of the User Council are listed at www.alaskalandmobileradio.org)

VIII. DURATION, CANCELLATION, & TERMINATION OF MEMBERSHIP

Agency membership on ALMR will remain in effect until canceled or terminated by the member agency upon 30 days' written notice. The Membership Agreement, between the Member agency and the Executive Council, may also be terminated for violation(s) of the terms and conditions of the Cooperative and Mutual Aid Agreement (inclusive of its appendices) upon 30-days written notice to the Member agency. Termination for cause, or departure at the request of the agency, does not relieve the Member agency of their financial obligations, if applicable, for the inclusive term of the membership (as specified on page one). Termination is subject to review and approval by the Executive Council.

IX. TERMINATION ASSISTANCE

If this Membership Agreement is canceled or terminated for any reason, ALMR will provide reasonable assistance as requested by the Member agency to allow for the orderly transfer of services.

X. MISCELLANEOUS

- A.** Waiver: the failure of a signatory to insist upon strict adherence to any term of this Membership Agreement shall not be considered a waiver or deprive the signatory of the right thereafter to insist upon the strict adherence to that term of the Membership Agreement.
- B.** Modification: this Membership Agreement may not be modified, amended, extended, or augmented, except by written amendment signed by both the signatories to the Membership Agreement and approved by the Executive Council.
- C.** Governing Law: this Membership Agreement shall be governed by, and construed in accordance with the laws of the State of Alaska, and any and all applicable Federal laws.
- D.** Headings: the headings given to the sections and paragraphs of this Membership Agreement are inserted only for convenience and are in no way to be construed as part of this Membership Agreement, or as a limitation of the scope of the particular sections or paragraphs to which the heading refers.
- E.** Independent Contractor Relationship: the relationship between ALMR and Member agencies is that of an independent contractor and client. No agent, employee, or servant of ALMR shall be deemed to be an employee, agent, or servant of the Member agencies. Member agencies will be solely and entirely responsible for its acts and the acts of its agents, employees, servants, subcontractors, and volunteers regarding compliance with this Membership Agreement.

XI. SPECIAL PROVISIONS

- A.** Funding Obligation: Per the Cooperative and Mutual Aid Agreement, Article 2, Section 11, and Article 9, Section 7, and as further noted in Article 11, Section 6, nothing contained in this Membership Agreement shall be construed as binding the Member agency to expend in any one fiscal year any sum in excess of available appropriations made by Congress, the Alaska Legislature, a city council, a borough assembly, or a board of directors for the purposes of this Membership Agreement for that fiscal year, or to be obligated to make an expenditure of money in excess of such appropriations.
- B.** Liability: the signatories to this Membership Agreement verify their represented agencies accept responsibility for any property damage, injury or death, caused by the acts or omissions of their respective employees acting within the scope of their employment under this Membership Agreement to the fullest extent permitted by law. Signatories shall not be held personally liable for financial or any other obligations, clauses, or responsibilities regarding this System or its affects.

XII. NOTICES



**Alaska Land Mobile Radio Communications System
Membership Agreement**

All notices given under this Membership Agreement, except for emergency service requests, will be made in writing. All notices will be sent to the Member agencies as follows: (fill in all gray fields, as applicable)

Agency Name Kenai Peninsula Borough
POC Name Mr. Dan Nelson
Address 1 144 N. Binkley Street
Address 2 _____
City Kenai
Zip code 99611
Phone 907-262-2098
Cell 907-252-0369
Fax: 907-714-2395
Attention Mr. Dan Nelson
E-mail dnelson@kpb.us

Execution of this Membership Agreement may only be made by a duly authorized representative of the Member agency/local unit of government. By signing, agencies acknowledge understanding and acceptance of all terms and conditions of membership. This Membership Agreement shall become effective as of the date of the last signature.

AUTHORIZED MEMBER SIGNATORY:

Agency Name Kenai Peninsula Borough
Representative Name Charlie Pierce
Representative Title Borough Mayor

Signature _____
Date _____

AUTHORIZED PARTY SIGNATORY:

Entity Name State of Alaska
Representative Name Mr. Scott Stormo
Representative Title Telecommunications System
Manager

Signature _____
Date _____

Alaska Land Mobile Radio



***Alaska Land Mobile Radio Communications System
Membership Agreement***

Attention: Operations Management Office
5900 East Tudor Road, Suite 121
Anchorage, Alaska 99507-1245

Approval (under authority vested by the Executive Council)

Del Smith
Operations Manager

Signature

Date

Introduced by:

Mayor

Date:

06/02/20

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-038**

**A RESOLUTION EXTENDING THE DISASTER EMERGENCY DECLARATION FOR
THE KENAI PENINSULA BOROUGH ISSUED DUE TO THE CURRENT AND
EXPECTED IMMINENT IMPACTS OF THE COVID-19 PANDEMIC FOR AN
ADDITIONAL 90 DAYS**

WHEREAS, the borough mayor issued a Disaster Emergency Declaration on March 16, 2020, due to the current and expected imminent impacts of the COVID-19 pandemic in the areas of the Kenai Peninsula Borough outside of the cities; and

WHEREAS, the declaration activates the borough's emergency response plan and requests disaster assistance from the State of Alaska by making available resources as needed for the ongoing response and recovery from the current and potential impacts, to provide individual assistance for affected businesses and individuals, and technical expertise and guidance to help the borough in its response and recovery from this event; and

WHEREAS, the assembly extended the Disaster Emergency Declaration at its March 17, 2020, meeting for a period of 90-days from March 23, 2020 to June 21, 2020, by approving resolution 2020-026; and

WHEREAS, as the response and recovery efforts continue and are expected to require the ongoing use of borough resources, it is appropriate to extend the disaster declaration for an additional 90 days; and

WHEREAS, the assembly wishes to extend this declaration in the best interests of the public;

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

SECTION 1. That the declaration of local disaster emergency issued by the borough mayor on March 16, 2020, is hereby extended for an additional period of 90 days to September 19, 2020, in order to allow for a more complete response. A copy of the declaration of disaster emergency extended by this resolution is attached and incorporated herein by reference.

SECTION 2. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF JUNE, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Office of Emergency Management

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *CP*

FROM: Dan Nelson, Senior Manager - OEM *DN*

DATE: May 21, 2020

RE: Resolution 2020-038, Extending the Disaster Emergency Declaration for the Kenai Peninsula Borough Issued Due to the Current and Expected Imminent Impacts of the COVID-19 Pandemic for an Additional 90 Days (Mayor)

The administration requests that the assembly extend the disaster declaration for an additional 90 days. Due to the ongoing nature of the response and the long-term recovery nature of the pandemic, an extension of the disaster declaration for 90 days will allow continued response, mitigation and recovery efforts throughout the Kenai Peninsula Borough.

Your consideration is appreciated.



Office of the Borough Mayor

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2150 • (907) 714-2377 Fax

Charlie Pierce
Borough Mayor

DISASTER EMERGENCY DECLARATION FOR THE KENAI PENINSULA BOROUGH

March 16, 2020

WHEREAS, the novel Coronavirus known as COVID-19 was first discovered in China and since that time has spread to many countries throughout the world; and

WHEREAS, reducing the high risk of serious illness from COVID-19 is critical to older adults and individuals who have serious chronic medical conditions; and

WHEREAS, the World Health Organization characterized COVID-19 as a pandemic on March 11, 2020; and

WHEREAS, the first coronavirus patient in Alaska was diagnosed in Anchorage on March 12, 2020; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has recommended that employers and others implement policies such as remote work and cancellation of mass gatherings to increase the physical distance between individuals to prevent the spread of COVID-19; and

WHEREAS, persons infected with COVID-19 may not show symptoms for a period of two to fourteen days; and

WHEREAS, on March 13, 2020 Governor Mike Dunleavy issued a mandate that public school days between March 16 and March 30, 2020 be non-student contact days in which students will not be attending school and all after school activities will be suspended; and

WHEREAS, many public and private facilities, gatherings, and other events have been cancelled or postponed in order to prevent the rapid transmission of COVID-19; and

WHEREAS, these events have a significant impact on business, commerce, and the local economy now and potentially in the future as there is no projected date for a potential vaccine or other treatment for COVID-19; and

WHEREAS, the Kenai Peninsula Borough is working with the State of Alaska, Department of Health and Social Services, the Division of Homeland Security and Emergency Management, and other agencies under unified command; and

WHEREAS, Governor Mike Dunleavy issued a Declaration of Public Health Disaster Emergency on March 11, 2020 and the President of the United States issued a Proclamation on Declaring a National Emergency on March 13, 2020; and

WHEREAS, the Borough expects that the continued impact of COVID-19 will be of a severity and magnitude that is beyond the authority and capacity of the Kenai Peninsula Borough, a second class borough of the State of Alaska, to provide effective response;


NOW THEREFORE, I declare a Disaster Emergency per AS 26.23.140 to exist in areas throughout the Kenai Peninsula Borough outside of the cities due to the current and expected imminent impacts of the COVID-19 pandemic, and as such I have activated the emergency response plan of the Kenai Peninsula Borough in order to address the ongoing response.

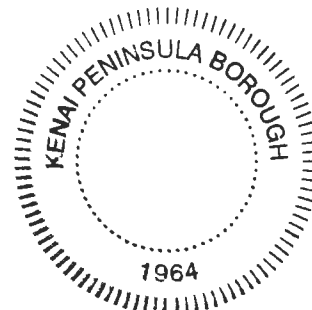
FURTHERMORE, the Kenai Peninsula Borough requests that the Governor of the State of Alaska provide disaster assistance to the Kenai Peninsula Borough by making available resources as needed in the ongoing response and recovery from the current and potential impacts from this pandemic, to provide individual assistance for affected businesses and individuals, and to provide technical expertise and guidance, to help the borough in its response and recovery from this event.

Dated this 16th day of March, 2020.


Charlie Pierce
Kenai Peninsula Borough Mayor

ATTEST:


Johni Blankenship
Borough Clerk



Introduced by:	Mayor
Date:	06/02/20
Hearing:	06/16/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-38**

**AN ORDINANCE APPROPRIATING COMMERCIAL PASSENGER VESSEL TAX
PROCEEDS RECEIVED FROM THE STATE OF ALASKA IN THE AMOUNT OF
\$612,640 AND ALLOCATING \$577,195 TO THE CITY OF SEWARD AND
\$35,445 TO THE CITY OF HOMER**

WHEREAS, in the August 22, 2006 state 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 the state; and

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

WHEREAS, the City of Seward and City of Homer are eligible ports 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 borough from the State of Alaska for the 2019 calendar year CPV programs was \$612,640; and

WHEREAS, the City of Seward and City of Homer have requested that funds received by the borough that are derived from cruise ship passengers in each city be appropriated to each city for port improvement projects; and

WHEREAS, the intended use of these funds by the cities of Seward and Homer 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 \$612,640 received from the State of Alaska in FY2020 for the commercial passenger vessel excise tax collection program be appropriated from the miscellaneous grant fund balance to account 271.94910.20CPV.43011, contract services, for payment to the City of Seward in the amount of \$577,195 and to the City of Homer in the amount of \$35,445 to be used for port facilities, harbor infrastructure and other services provided to the commercial passenger vessels and their passengers.

SECTION 3. This ordinance shall become effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF *, 2020.**

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

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

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

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

DATE: May 21, 2020

RE: Ordinance 2019-19- 38, Appropriating Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska in the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor)

In the August 22, 2006 election, the 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. Both the City of Seward and the City of Homer have qualified for these funds, and the Borough has accordingly received proceeds from the CPV account.

The tax proceeds collected for the borough have been awarded to the City of Seward and City of Homer by way of grant agreements since 2007. Each city has provided a request letter describing funding intent for eligible projects (enclosed). The cities 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."

Page -2-

May 21, 2020

Re: O2019-19- 38

This ordinance will approve the 2019 calendar year appropriations to be allocated to the City of Seward and the City of Homer, which will be executed by way of grant agreements. The Community & Fiscal Projects Manager shall oversee the program.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271.94910.20CPV.49999</u>
Amount:	<u>N/A</u>
By: <u>pp</u>	Date: <u>5/22/20</u>



- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- City Clerk (907) 224-4046
- Community Development (907) 224-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

March 5, 2020

Brenda Ahlberg
Kenai Peninsula Borough
144 N.Binkley
Soldotna, Alaska 99669

RE: Cruise ship passenger tax proceeds

Dear Ms. Ahlberg,

On behalf of the community of Seward, I would like to thank the Borough Assembly and administration for allocating the Commercial Passenger Vessel (CPV) excise tax to the cities of Seward and Homer, based on their pro-rata share of cruise ship passengers visiting each port. These funds have been critical to Seward's ability to provide improvements to our port infrastructure in support of cruise ships and their passengers.

The City of Seward was asked to submit a letter requesting their allotment of 2019 cruise ship commercial passenger vessel excise 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." Seward's planned use of these 'ports-of-call' funds will entirely meet these requirements. We have identified the following projects for utilization of CPV funds, including: 1) replacement of launch ramps in the harbor; 2) shuttle bus transportation for cruise passengers and crew, including preparation of maps showing location of bus stops; 3) ambulance services for cruise vessel responses by SVAC and SVFD; 4) cruise visitor impacts to Port Avenue and library; 5) wayfinding directional signs and information; 6) dock maintenance and repairs; and other port and harbor infrastructure needs.

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

Scott Meszaros, City Manager



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

May 19, 2020

Mayor Charlie Pierce
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669
Delivered electronically

SUBJECT: 2019 Commercial Passenger Vessel Tax Allocations

Dear Mayor Pierce:

I am writing to confirm that the City of Homer wishes to receive the 2019 Commercial Passenger Vessel Tax Allocations from the Borough. It is our understanding that you will be sponsoring an ordinance that would make the Borough's share of these tax receipts for vessel landings in Homer available to the City. The City appreciates that and understands that the amount to be passed through for calendar year 2019 is \$35,445.

The City of Homer recognizes that these funds must be used for port and harbor improvements that directly benefit cruise ship passengers. The City agrees to comply with the provisions contained in AS 43.52.200 – 43.52.295 and former SB 256 and HB 310. It is the City's intention to apply 2019 funds from the Borough and the state to reimburse the Port and Harbor Enterprise fund for the construction of Ramp 2 restroom.

This project was completed in February 2019. Located at the center of the retail area on the Homer Spit and at the launching point for many recreational day trips, Ramp 2 restroom has been heavily used (and greatly appreciated) by cruise ship passengers when they are in port.

Using the funds in this manner has been previously approved by the Borough and the State. The City of Homer greatly appreciates the opportunity to pool these funds to be able to make meaningful improvements for passengers and leverage funds. In this project, the City's Commercial Passenger Vessel Tax Allocations leveraged Federal Land and Water Conservation Fund dollars for a 1:1 match.

Thank you in advance for your time and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

Marvin Yoder
Interim City Manager

City of Homer Ramp 2 Restroom Project

The new Ramp 2 Restroom was opened for public use early in February, 2019. The restroom serves a cruise ship passenger staging area in the Port and Harbor from which many shore-side excursions launch.



The City of Homer funded the design. The City utilized Commercial Passenger Vessel (CPV) Tax Program grant funds as 1:1 matching funds to leverage a Land and Water Conservation Fund grant for \$473,405 in construction funding.



The original restroom, below, built in 1974, was 45 years old when demolished in August 2018.



The new restroom utilizes the existing foundation and utility connections, but new design efficiencies add extra stalls, and reduce energy use and maintenance costs. Another important improvement is that the new facility is fully ADA accessible.

Introduced by:	Mayor
Date:	06/02/20
Hearing:	06/16/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-19-39**

**AN ORDINANCE ACCEPTING AND APPROPRIATING FUNDING FROM THE
STATE OF ALASKA IN THE AMOUNT OF \$37,458,449.47 FOR A FEDERAL PASS-
THROUGH AWARD UNDER THE U.S. DEPARTMENT OF THE TREASURY,
CORONAVIRUS RELIEF FUND**

WHEREAS, the Alaska State Legislature has provided funding to municipalities through the Coronavirus Relief Fund (CRF), a federal pass-through program as approved under the Coronavirus Aid, Relief, and Economic Security Act (CARES); and

WHEREAS, the CRF program is governed by way of Section 601 of the Social Security Act as added by section 5001 of the CARES Act, Public Law 116-136; and

WHEREAS, Section 601(d) of the Social Security Act requires that units of local government use the funds received to cover only those costs that (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), (2) were not accounted for in the budget most recently approved as of March 27, 2020, for the state or local government, and (3) were incurred during the performance period March 1, 2020 through December 30, 2020; and

WHEREAS, the borough will receive the first payment in the amount of \$21,325,715.47 after the grant agreement has been fully executed; and

WHEREAS, the second and third payments of \$8,066,367 will only be made when at least 80 percent of the prior payments have been expended; and

WHEREAS, it is in the best interest of the borough to accept these funds to help defray costs resulting from the impacts of the coronavirus pandemic;

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

SECTION 1. That the mayor is authorized to accept \$37,458,449.47 from the State of Alaska to respond to the public health emergency resulting from the coronavirus pandemic.

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

SECTION 3. That the federal pass-through funds in the amount of \$37,458,449.47 are appropriated to account 271.94910.20CAR.49999.

SECTION 4. That due to the length and nature of the grant performance period, the borough will return funds not liquidated within thirty (30) days following the completion of the grant or before January 30, 2021 whichever comes first.

SECTION 5. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

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

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

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

DATE: May 21, 2020

RE: Ordinance 2019-19-39, Approving and Appropriating Funding from the State of Alaska in the Amount of \$37,458,449.47 for a Federal Pass-Through Award Under the U.S. Department of the Treasury, Coronavirus Relief Fund (Mayor)

On March 27, 2020, President Donald Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which included the Coronavirus Relief Fund (CRF). The CRF requires that States, Tribal governments, or units of local government use the funds received to cover only those costs that (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), (2) were not accounted for in the budget most recently approved as of March 27, 2020, and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The State of Alaska Department of Commerce, Community and Economic Development (DCCED) will deposit the first payment to the borough upon receipt and acceptance of the grant agreement. After distribution, the borough will be required to submit monthly reports. Only after DCCED receives evidence of expenditure of 80% of each batch of funding, the next batch of funding will be distributed.

Due to the limited federal regulations and restrictive use of funds, the administration is working with state legislators and U.S. Congressional Delegation to seek amended use of the funds to replace lost revenue resulting from the mitigations strategies to reduce the spread of the coronavirus disease.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Acct. No.	<u>271.94910.20CAR.49999</u>
Amount:	<u>N/A</u>
By: <u>PP</u>	Date: <u>5/21/2020</u>

Introduced by:	Mayor
Date:	06/02/20
Hearing:	06/16/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-27**

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ACCEPT THE
FY2021 LATE-FILED SENIOR CITIZEN GRANT APPLICATION FOR THE
SELDOVIA SENIOR CITIZEN PROGRAM**

WHEREAS, pursuant to KPB 5.22.010 the Kenai Peninsula Borough may provide for grants to senior citizen centers located within the Kenai Peninsula Borough; and

WHEREAS, KPB 5.22.060 requires grant applications be filled out and submitted not later than March 15 of each year; and

WHEREAS, due to necessary staffing responses to COVID-19 pandemic, the grant application requesting funding of the FY2021 Seldovia Senior Citizen Program was not submitted until May 12, 2020; and

WHEREAS, because the deadline requirement to submit the application is established by ordinance, an exception to it can only be granted by ordinance;

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

SECTION 1. That the assembly authorizes the Director of Finance to accept the FY2021 late-filed Seldovia senior citizen grant application.

SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

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

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

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

DATE: May 21, 2020

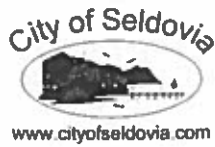
SUBJECT: Ordinance 2020- [21](#), Authorizing the Director of Finance to Accept the Late-Filed Grant Application for the Seldovia Senior Citizen Program (Mayor)

KPB 5.22.010 authorizes the Kenai Peninsula Borough to provide grants to senior citizen centers located within the Kenai Peninsula Borough. To receive funding, the grant applications provided by the borough's Director of Finance are to be filled out and submitted not later than March 15th of each year.

The FY2021 grant application for the Seldovia senior citizen program was submitted after the March 15th deadline. Because the requirement to submit the application is established by ordinance, an exception can only be granted by ordinance. Attached please find a letter from the City of Seldovia requesting the borough accept its late-filed application.

This ordinance requests that the assembly authorize the Director of Finance to accept the late-filed FY2021 grant application for the Seldovia senior citizen program.

Attachments: City of Seldovia Letter and FY21 KPB Senior Grant Application



P.O. Drawer B Seldovia, Alaska 99663 Phone: (907) 234-7643, Fax: (907) 234-7430 email: citymanager@cityofseldovia.com

Honorable Mayor Pierce and Kenai Peninsula Borough Assembly
144 N. Binkley Street
Soldotna, Alaska 99669

Dear Mayor Pierce,

The City of Seldovia is requesting that the Kenai Peninsula Borough accepts our overdue grant application for the senior meals grant program. With the challenges that COVID-19 that the nation has all faced, coupled with the sudden departure of our finance officer, we have been trying our best to fill in the gaps.

Our community values the senior meals program, especially during uncertain economic times such as this. We hope that your administration and leadership will accept our apologies for the delay in submitting our grant application.

Thank you for your consideration, continued support and leadership for our community.

Kind Regards,

Cassidi Cameron
City Manager

**KENAI PENINSULA BOROUGH
FY21 SENIOR CITIZEN GRANT APPLICATION**

EMAIL TO: Brenda Ahlberg
Community & Fiscal Projects Manager
bahlberg@kpb.us
907-714-2153 or 800-478-4441

DUE DATE: March 16, 2020

City of Seldovia

1. **Applicant Organization** (Provide legal corporate name as listed on current AK Biennial Report.)

245 Dock Street Seldovia, Alaska 99663 (907) 234-7643

2. **Business Address:**

3. **Telephone:**

PO BOX B Seldovia, Alaska 99663

4. **Mailing Address:**

citymanager@cityofseldovia.com

finance@cityofseldovia.com

5. **E-mail address:**

6. **Fax Number:**

Local Government

7. **Eligibility** (KPB Code 5.22.020)

- ☐ Nonprofit
- ☐ Tax Exempt
- ☐ City Sponsorship
- ☐ Recognized by KPB Assembly
- ☐ Recognized by Older Alaskans Commission of State of Alaska
- ☐ Received 1985-86 Borough funding but do not meet other sponsorship requirements

Incorporated 1945

8. **Date Organization Formed/Date of Incorporation:**

Cassidi Cameron, Jan Yaeger, Heidi Geagel

9. **Individuals Authorized to Sign Purchase Orders and Payment Requests:**

	Name	Title	Telephone
a.	Jan Yaeger	Finance Officer (beginning end of May)	907.234.7643
b.	Cassidi Cameron	City Manager	907.234.7643
c.	Heidi Geagel	Clerk	907.234.7643
d.			

**Attach the organization's State of Alaska Biennial Report, which lists current officers.
KPB SENIOR CITIZENS GRANT APPLICATION - DUE MARCH 16, 2020**

10. **Services to be provided from Borough funding and grant amount requested: Use attached form "KPB Senior Grant Program - Budget Request."**

11. Provide a copy of current State of Alaska Biennial Report listing current officers that are authorized to sign the grant agreement.

Terms and Conditions: The undersigned certifies that the information presented in this application is true and correct and that the applicant agency will abide by the requirements outlined in Kenai Peninsula Borough Code Chapter 5.22.

Carrie Cameron City Manager 5/12/20
Authorized Signature Title Date
The application can only be signed by a board officer as listed on the current biennial report.

KPB OFFICE USE ONLY

1. Eligible: ____ Yes ____ No
2. Start-up Grant: ____ Yes ____ No
3. Activities approved by Assembly _____
Date
4. a. Number of persons eligible to be served by organization per 5.22.050 _____
b. Percentage of total of those eligible to be served _____
5. Amount of Grant Award _____

Introduced by:	Mayor
Date:	06/02/20
Hearing:	06/16/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-28**

**AN ORDINANCE AUTHORIZING THE ASSESSOR TO ACCEPT THREE LATE-
FILED SENIOR EXEMPTION APPLICATION FOR 2020 FILED AFTER MARCH 31
AND PROVIDING AN EXCEPTION TO KPB 5.12.040(B)**

WHEREAS, KPB 5.12.105(E) provides that an application for a senior citizen exemption must be filed by March 31 of the year for which the exemption is sought; and

WHEREAS, in accordance with AS 29.45.030(f) and KPB 5.12.105(E) the assembly may, for good cause shown, waive the claimant's failure to make timely application and authorize the assessor to accept the application as if timely filed; and

WHEREAS, in accordance with KPB 5.12.105(E)(4) if an otherwise qualified claimant is unable to comply with the March 31 deadline for filing an application, and the inability to comply is caused by a serious condition or extraordinary event beyond the taxpayer's control, the assembly may waive the claimant's failure to file the application by such date, and authorize the assessor to accept the application as if timely filed; and

WHEREAS, the applicants have submitted affidavits stating that they had extraordinary circumstances which prevented them from timely filing a 2020 senior citizen exemption application; and

WHEREAS, in accordance with KPB 5.12.040(B) the assessor shall not make changes to the assessment roll after June 1 except for the reasons provided therein, which do not include adjustments for late-filed senior exemption applications; and

WHEREAS, an exception to KPB 5.12.040(B) is required because even when the assembly has approved a late-filed senior exemption application after June 1, code does not allow the assessor to make a change to the assessment roll after June 1 due to a tax exemption status change;

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

SECTION 1. Upon reviewing the three senior citizen exemption applications and documentation or affidavits submitted with this ordinance, the assembly hereby waives the March 31 deadline for filing an application for those three 2020 senior

citizen exemption applications based upon a finding that the applicants were unable to comply with that deadline due to a serious condition or extraordinary event beyond their control.

SECTION 2. That the assessor shall process the applications in accordance with standard assessing department procedures for processing such applications.

SECTION 3. Notwithstanding KPB 5.12.040(B), in the event the assessor finds that the three late-filed senior exemption applications should be otherwise approved, the assessor is hereby authorized to make a change to the assessment roll after June 1, 2020 to reflect the approved exemptions.

SECTION 4. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:


Absent:


Kenai Peninsula Borough

Assessing Department

MEMORANDUM

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

THRU: Charlie Pierce, Mayor 

FROM: Melanie Aeschliman, Director of Assessing 

DATE: May 21, 2020

SUBJECT: Ordinance 2020- 28, Authorizing the Assessor to Accept Three Late Filed Senior Citizen Exemption Applications and Providing an Exception to KPB 5.12.040(B) (Mayor)

Three Senior Citizen Exemption applicants have requested the assembly allow the assessor to accept late-filed Senior Citizen Exemption applications received after March 31, 2020.

KPB 5.12.105 and AS 29.45.030(f) allow for late-filed exemptions to be granted by the assembly. For an application filed after March 31 the applicant must file an affidavit stating good cause for failure to comply with the deadline. Good cause is defined by KPB 5.12.105(E)(4) as:

... an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event.

Setting the Rate of Levy for Fiscal Year 2021, Tax Year 2020 (Mayor)
Senior Citizen Exemption Applicant 1:

Mark Moore has applied late for the 2020 Senior Citizen Exemption and provided a late waiver. He states in his late-filed affidavit that he retired April 1, 2020 and during the normal application period he was busy getting his retirement affairs in order. When the COVID-19 pandemic occurred he was sheltering in place and his exemption application didn't get submitted on time.

Page -2-
May 21, 2020
RE: O2020- 28

Based upon a review of Mr. Moore's exemption application he would qualify for exemption if his late-filed request is authorized by the assembly.

Senior Citizen Exemption Applicant 2:

Walter Martin has applied late for the 2020 Senior Citizen Exemption and provided a late waiver. He states in his late-filed affidavit that during the regular application period he was busy dealing with a wrongful death matter of his late son and also the COVID -19 pandemic.

Based upon a review of Mr. Martin's exemption application he would qualify for exemption if his late-file request is authorized by the assembly.

Senior Citizen Exemption Applicant 3:

Suzanne Richards has applied late for the 2020 Senior Citizen Exemption and provided a late waiver. She states in her late-filed affidavit that during part of the regular application period she was a passenger on a cruise ship that was quarantined from February 21 to March 11, 2020, due to the COVID-19 pandemic. She was subsequently quarantined in San Diego, California until March 26th and again on her return to Alaska until April 10, 2020. Additionally, she has been ill since returning back to Alaska.

Based upon a review of Mrs. Richards' exemption application she would qualify for exemption if her late-file request is authorized by the assembly

KPB 5.12.040(B) does not allow the assessor to make a change to the assessment roll after June 1 due to a change in exemption status even when the assembly has authorized the assessor to accept a late-filed senior exemption application as if timely filed. Therefore, notwithstanding KPB 5.12.040(B) this ordinance authorizes the assessor to make a change to the assessment roll after June 1, 2020 to reflect the approved exemption.

Your consideration of this ordinance is appreciated.

LATE FILER

SENIOR CITIZEN EXEMPTION

2020

DUE ON OR BEFORE MARCH 31 OF THE EXEMPTION YEAR
APPLICANTS MUST BE AGE 65 ON OR BEFORE DECEMBER 31
OF THE PRECEDING YEAR.

Proof of age is required prior to application approval.



PIN: 06548060



MOORE MARK & LORETTA LIVING TRUST
PO BOX 11
STERLING AK 99672-0011

RECEIVED

APR 27 2020

Physical Address: 39511 BALDERDASH RD

39531 " " "

Legal Description: T 5N R 8W SEC 5 Seward Meridian KN
2018050 VEIL O' MIST NO 17 TRACT D

Cell Phone: _____

Home Phone: _____

Spouse's Name: Loretta J. Moore

Applicant's Date of Birth: _____

Spouse's Date of Birth: _____

Applicant's SSN: _____

Spouse's SSN: _____

I am applying as a:

☒ Senior age 65 and spouse

☐ Individual age 65 or older

☐ Surviving spouse age 60 or older

Dwelling Type:

☐ Single Family

☐ Multi-Family Dwelling

☐ Mobile Home

☐ Other

☐ Condominium

Is any portion of this property used for:

Commercial Use? ☐ YES ☒ NO

Rental Purposes? ☒ YES ☐ NO

Explain: SEE TYPED OUT LETTER

Is occupancy shared with someone other than your spouse and/or minor children? ☐ YES ☒ NO

If yes, when did shared occupancy begin? _____

What portion of the home do they occupy? _____

If live-in care is medically necessary, attach a letter from a physician recommending need for live-in care.

Do you or your spouse own property in another Borough or State?

☐ YES

☒ NO

Please list your other property address, city & state:

If YES, does the property receive an exemption? ☐ YES ☐ NO

Alaska Permanent Fund Eligibility

When was the last year you applied for the Alaska Permanent Fund Dividend? 2019

Will you apply for the next Permanent Fund Dividend? ☒ YES ☐ NO

What year will that be? 2020

Applicants who do not receive an Alaska Permanent Fund Dividend must complete KPB Supplemental Form #1 or the application will be denied. (Supplemental forms are available at the Assessing Department or on-line.)

I CERTIFY: This property is my primary residence and permanent place of abode. I occupied it as my primary residence for a minimum of 185 days in the year prior to the year of this application. (If you do not meet this requirement, you must provide satisfactory evidence that you meet the statutory criteria for an allowable absence under AS 43.23.008.) I hereby attest that the information above is true and correct to the best of my knowledge, and I will notify the borough assessing department if I do not meet this requirement in any future year for the duration of this exemption.

MARK & LORETTA MOORE LIVING TRUST

Mark B. Moore - Trustee

4/23/2020

PRINT OWNER NAME

SIGNATURE

DATE

**** ASSESSOR'S USE ONLY ****

TSBV

NEW FILING	OCCUPANCY	AGE <u>AKD</u>	FULL	VARIABLE <input checked="" type="checkbox"/>	APPROVED	ENTERED BY
PRIOR FILING	OWNERSHIP <u>10-31-18</u>	PERM FUND <u>2020 yes.</u>	CONTIG	DENIED		

AFFIDAVIT OF MARK B. Moore (Trustee)
(Senior Citizen or Disabled Veteran Applicant Name)
AND APPLICATION FOR APPROVAL OF LATE FILING
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION

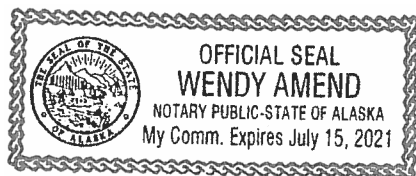
This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).

RETIEMENT DATE WAS 4/1/2020 - DURING THIS TIME
WAS GETTING MY RETIREMENT AFFAIRS INTO ORDER. THEN
THE COVID-19 HIT. NOT SURE IF I OR MY FAMILY
WOULD LIVE, BEING SHELTERED IN PLACE, ALL OTHER
THINGS DIDN'T SEEM TO MATTER. SO GETTING THIS TURNED IN ON
FURTHER AFFIANT SAITH NAUGHT. TIME DIDN'T HAPPEN.

Dated at SOLDOTNA, Alaska, this 24 day of APRIL, 2020.



Mark B. Moore Trustee
MARK & LORETTA MOORE LIVING TRUST
Applicant Signature

SUBSCRIBED AND SWORN to before me this 24 day of April, 2020

Wendy Amend
Notary Public

My Commission Expires: 07-15-2021

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

Assembly Action:

APPROVED _____

DENIED _____

LATE FILER

SENIOR CITIZEN EXEMPTION

2020

DUE ON OR BEFORE MARCH 31 OF THE EXEMPTION YEAR
APPLICANTS MUST BE AGE 65 ON OR BEFORE DECEMBER 31
OF THE PRECEDING YEAR.

Proof of age is required prior to application approval.



PIN: 19207732

19207734

RECEIVED

Physical Address: 194 BAY ST



APR 27 2020

WALTER L MARTIN
PO BOX 27
SELDOVIA AK 99663-0027

KPB ASSESSING DEPT.

Legal Description: T 8S R 14W SEC 32 Seward Meridian SL
0920008 SELDOVIA TOWNSITE US SURVEY 1771 VACATION
REPLAT SUB LOT 2 BLK 32 ST

Home Phone: _____

Cell Phone: _____

Spouse's Name: _____

Applicant's Date of Birth: _____

Spouse's Date of Birth: _____

Applicant's SSN: _____

Spouse's SSN: _____

I am applying as a: _____ Senior age 65 and spouse
_____ ☒ Individual age 65 or older _____ Surviving spouse age 60 or older

Dwelling Type:
☒ Single Family _____ Multi-Family Dwelling
_____ Mobile Home _____ Other
_____ Condominium

Is any portion of this property used for:
Commercial Use? _____ YES ☒ NO
Rental Purposes? _____ YES _____ NO
Explain: _____

Is occupancy shared with someone other than your spouse and/or minor children? _____ YES ☒ NO

If yes, when did shared occupancy begin? _____

What portion of the home do they occupy? _____

If live-in care is medically necessary, attach a letter from a physician recommending need for live-in care.

Do you or your spouse own property in another Borough or State?
☒ YES _____ NO

Please list your other property address, city & state:
1103 N Hyde St 99701 NO
Truth or Consequences N.M. EX

If YES, does the property receive an exemption? _____ YES ☒ NO

Alaska Permanent Fund Eligibility

When was the last year you applied for the Alaska Permanent Fund Dividend? ~~2019~~ 2020

Will you apply for the next Permanent Fund Dividend? ☒ YES _____ NO What year will that be? 2021

Applicants who do not receive an Alaska Permanent Fund Dividend must complete KPB Supplemental Form #1 or the application will be denied. (Supplemental forms are available at the Assessing Department or on-line.)

I CERTIFY: This property is my primary residence and permanent place of abode. I occupied it as my primary residence for a minimum of 185 days in the year prior to the year of this application. (If you do not meet this requirement, you must provide satisfactory evidence that you meet the statutory criteria for an allowable absence under AS 43.23.008.) I hereby attest that the information above is true and correct to the best of my knowledge, and I will notify the borough assessing department if I do not meet this requirement in any future year for the duration of this exemption.

Walter L. Martin

PRINT OWNER NAME

[Signature]

SIGNATURE

April 23 - 20

DATE

**** ASSESSOR'S USE ONLY ****

ISB

NEW FILING	OCCUPANCY	AGE AKDL	FULL	VARIABLE	APPROVED	ENTERED BY
PRIOR FILING	OWNERSHIP 4-15-16	PERM FUND 2020 YES.	CONTIG		DENIED	

AFFIDAVIT OF

Walter L Martin

(Senior Citizen or Disabled Veteran Applicant Name)

**AND APPLICATION FOR APPROVAL OF LATE FILING
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).

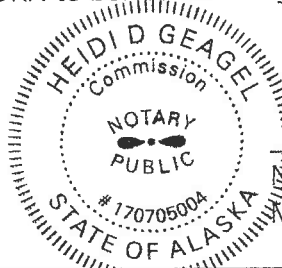
I was dealing with [REDACTED]
[REDACTED] + also the
Covid-19 pandemic

FURTHER AFFIANT SAITH NAUGHT.

Dated at Seldovia, Alaska, this 23 day of April, 20 20

[Signature]
Applicant Signature

SUBSCRIBED AND SWORN to before me this 23 day of April, 20 20



[Signature]
Notary Public

My Commission Expires: With Term

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

Assembly Action:

APPROVED _____

DENIED _____

RECEIVED

MAY 07 2020

KPB ASSESSING DEPT.
2020

SENIOR CITIZEN EXEMPTION

DUE ON OR BEFORE MARCH 31 OF THE EXEMPTION YEAR
APPLICANTS MUST BE AGE 65 ON OR BEFORE DECEMBER 31
OF THE PRECEDING YEAR.

Proof of age is required prior to application approval.



PIN: 05929040

Physical Address: 136 LEIBROCK CIR

RICHARDS SUZANNE DECLARATION OF TRUST
136 LEIBROCK CIR
SOLDOTNA AK 99669-7545Legal Description: T 5N R 10W SEC 29 Seward Meridian KN
0830125 PARKWOOD SUB NO 4 LOT 11 BLK 9

Cell Phone: _____

Applicant's Date of Birth: _____

Applicant's SSN: _____

Home Phone: _____

Spouse's Name: N/ASpouse's Date of Birth: N/ASpouse's SSN: N/AI am applying as a: ☒ Senior age 65 and spouse ☐ Individual age 65 or older ☐ Surviving spouse age 60 or older

Dwelling Type:

☒ Single Family ☐ Multi-Family Dwelling
☐ Mobile Home ☐ Other
☐ Condominium

Is any portion of this property used for:

Commercial Use? ☐ YES ☒ NO
Rental Purposes? ☐ YES ☒ NO
Explain: _____Is occupancy shared with someone other than your spouse and/or minor children? ☐ YES ☒ NO

If yes, when did shared occupancy begin? _____

What portion of the home do they occupy? _____

If live-in care is medically necessary, attach a letter from a physician recommending need for live-in care.

Do you or your spouse own property in another Borough or State? ☐ YES ☒ NOIf YES, does the property receive an exemption? ☐ YES ☐ NO

Please list your other property address, city & state:

Alaska Permanent Fund Eligibility

When was the last year you applied for the Alaska Permanent Fund Dividend? 2020Will you apply for the next Permanent Fund Dividend? ☒ YES ☐ NO What year will that be? _____

Applicants who do not receive an Alaska Permanent Fund Dividend must complete KPB Supplemental Form #1 or the application will be denied. (Supplemental forms are available at the Assessing Department or on-line.)

I CERTIFY: This property is my primary residence and permanent place of abode. I occupied it as my primary residence for a minimum of 185 days in the year prior to the year of this application. (If you do not meet this requirement, you must provide satisfactory evidence that you meet the statutory criteria for an allowable absence under AS 43.23.008.) I hereby attest that the information above is true and correct to the best of my knowledge, and I will notify the borough assessing department if I do not meet this requirement in any future year for the duration of this exemption.Suzanne Richards

PRINT OWNER NAME

Suzanne Richards

SIGNATURE

6 May 2020

DATE

**** ASSESSOR'S USE ONLY ****

ISBV

NEW FILING	OCCUPANCY	AGE <u>B/C</u>	FULL	VARIABLE	APPROVED	ENTERED BY
PRIOR FILING	OWNERSHIP	PERM FUND <u>2020 yes</u>	CONTIG		DENIED	

RECEIVED
MAY 07 2020
KPB ASSESSING DEPT.

AFFIDAVIT OF Suzanne Richards
(Senior Citizen or Disabled Veteran Applicant Name)
**AND APPLICATION FOR APPROVAL OF LATE FILING
FOR SENIOR CITIZEN OR DISABLED VETERAN EXEMPTION**

This application is made pursuant to A.S. 29.45.030 Required Exemptions and KPB Code 5.12.105. Real Property Tax - Exemptions - Senior Citizens, Disabled Veterans and surviving spouses thereof.

Good cause means an inability to comply with the March 31 deadline that was caused by a serious condition or extraordinary event beyond the taxpayer's control. A serious condition or extraordinary event may include a serious medical condition or other similar serious condition or extraordinary event. (Absent extraordinary circumstances, a mere failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up and read mail or a failure to provide a current address to the Department of Assessing will not be deemed good cause). Failure to meet the filing deadline is based upon the following good cause:

Please describe the serious condition or extraordinary event that caused your failure to meet the March 31st filing deadline. (Please attach any documentation you may have that supports your request).

From February 21-March 11 - I was a passenger on the Grand Princess Cruise ship. Our entire ship was put under quarantine by the CDC after a former passenger succumbed to Covid 19 on March 2nd. After disembarking (San Diego, CA) the cruise ship I was put in quarantine at MiraMar Marine base until March 26th. I arrived back at my Soldotna residence March 27th - and was immediately put in another 14 day quarantine, per Alaska State Mandate until April 10, 2020.

Dated at Soldotna, Alaska, this 7 day of May, 2020

Suzanne Richards
Applicant Signature

SUBSCRIBED AND SWORN to before me this 7 day of May, 2020



Molly Green
Notary Public
My Commission Expires: 9.29.2020

Exemption applications submitted for consideration for late-file acceptance will be forwarded to the Assembly by the Mayor's Office.

Assembly Action:

APPROVED _____

DENIED _____

Introduced by:	Mayor
Date:	06/02/20
Hearing:	06/16/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-30**

**AN ORDINANCE AUTHORIZING COOPERATIVE LEASES OF SPACE AT THE
KENAI RIVER CENTER BUILDING WITH THE STATE OF ALASKA,
DEPARTMENT OF FISH AND GAME AND DEPARTMENT OF NATURAL
RESOURCES**

- WHEREAS,** federal appropriations were provided for the construction and operation of the borough's Donald E. Gilman Kenai River Center ("Kenai River Center"); and
- WHEREAS,** the Kenai River Center is designed to increase coordination and communication between permitting agencies in order to streamline the permitting process for landowners, improve protection of the Kenai Peninsula's natural resources, and serve as a source of information and education for landowners and others concerned with resource management; and
- WHEREAS,** staff within the borough's planning department, the State of Alaska Department of Fish & Game, and the State of Alaska Department of Natural Resources the Kenai River Center currently occupy the facility; and
- WHEREAS,** the Kenai River Center has operated under a cooperative interagency lease and shared services agreement structure since 2005; and
- WHEREAS,** the Kenai Peninsula Borough and the State of Alaska desire to continue to utilize the Kenai River Center for its designed purpose; and
- WHEREAS,** entering into new cooperative lease agreements with the State of Alaska would provide for the continued use of space by each agency and would protect the interests of each party; and
- WHEREAS,** continuing with a shared services agreement would allow the occupants to equitably share certain operation, maintenance and long-term costs and would provide for the most economical continuation of services; and
- WHEREAS,** the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of June 8, 2020, recommended _____;

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

SECTION 1. That the mayor is hereby authorized, pursuant to KPB 17.10.100(D), to enter into cooperative leases, in substantially the form as the one attached for approval, of a negotiable square footage of office space to the State of Alaska Department of Fish and Game and Department of Natural Resources, within the following described real property situated in the Kenai Recording District, Third Judicial District, State of Alaska, described as follows:

Tract 1A, Soldotna Airport Property Funny River Road
Realignment Addn. Part One, Plat No. 2011-22, located at 514
Funny River Road, Soldotna, Alaska

SECTION 2. That the cooperative leases shall grant the lessee full use and enjoyment of proportionately allocated shared use areas along with available staff and visitor parking, with all respective appurtenances under the lessee for the duration of the lease. Shared use areas shall include all common areas and facilities such as storage and locker areas, fenced parking, conference rooms and meeting rooms. Shared use areas may also include primary work areas for any of the following types of personnel employed by lessee or employed by another member of the Kenai River Center: administrative support, education and outreach, temporary, part-time, or volunteer.

SECTION 3. That the cooperative leases are authorized pursuant to KPB 17.10.100(D), and the provisions of KPB 17.10.140(A) do not apply to these cooperative leases.

SECTION 4. That each lease will be for an initial term of five (5) years, and include two additional five (5) year renewal options.

SECTION 5. That the annual rent for each lease shall be \$1.00 per annum for the duration of the lease.

SECTION 6. That the cooperative leases shall be subject to a Shared Services Agreement between the Kenai Peninsula Borough, the State of Alaska Department of Fish and Game, and State of Alaska Department of Natural Resources, in substantially the form as the one attached hereto, which allocates space to each party and which allocates costs to each party for shared operation, maintenance and projected long-term maintenance costs of the Kenai River Center premises proportionately to the space allocations.

SECTION 7. The mayor is authorized to negotiate and sign any documents necessary to effectuate this ordinance.

SECTION 8. That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2020.**

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:


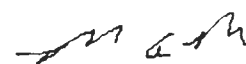

Absent:


Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

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

THRU: Charlie Pierce, Mayor 
Marcus Mueller, Acting Planning Director 
Lucas Byker, River Center Manager 

FROM: Julie Denison, Land Management Technician 

DATE: May 21, 2020

RE: Ordinance 2020-30, Authorizing Cooperative Leases of Space at the Kenai River Center Building with the State of Alaska, Department of Fish and Game and Department of Natural Resources (Mayor)

The Donald E. Gilman Kenai River Center (KRC) has operated at its current location since 2000. The KRC provides inter-agency resource management best practices information and education to landowners, commercial construction operators, and the general public. The KRC operates as a multi-agency permitting center for public and private construction activities and river uses in line with the best management practices. Since 2005, authorized pursuant to Ordinance 2005-18, the borough and State of Alaska have operated the KRC under a cooperative lease and shared services agreement. The lease term and agreement expire June 30, 2020.

This ordinance will authorize the mayor to enter into: (1) cooperative leases with the State of Alaska Department of Fish and Game and Department of Natural Resources of office space at the Kenai River Center; and (2) a shared services agreement, updated annually, allocating costs for shared operation, maintenance and projected long-term maintenance of the KRC building.

Your consideration of this ordinance is appreciated.

**KENAI PENINSULA BOROUGH COOPERATIVE LEASE
WITH THE ALASKA DEPARTMENT OF NATURAL RESOURCES**

WHEREAS, the Kenai Peninsula Borough (hereinafter called "KPB") and the State of Alaska, Department of Natural Resources (hereinafter called "Lessee") are working in partnership to restore and protect the rivers, watersheds, marine, and other anadromous waters of the Kenai Peninsula, its fish and wildlife resources, by providing multi-agency permitting, information and education at a single location known as the "Kenai River Center Building"; and

WHEREAS, KPB and Lessee have shared space and services in the Kenai River Center Building since it was constructed in 2000 and have operated under a cooperative lease and shared services agreement arrangement since 2005; and

WHEREAS, KPB and Lessee desire to continue sharing space at the Kenai River Center Building in a multi-agency environment for the purpose of providing joint permitting, information and educational services to the Kenai Peninsula; and

WHEREAS, KPB and Lessee desire to continue joint cost sharing of the annual operating and maintenance of the Kenai River Center Building; and

WHEREAS, KPB owns the Kenai River Center Building and the underlying real property; and

WHEREAS, KPB and Lessee have reached a consensus that the allocation of annual operating and maintenance costs should be based upon permanent full-time four-walled office space occupied by each party;

NOW, THEREFORE, KPB and Lessee enter into the following agreement:

TERMS AND CONDITIONS

1. Consideration/Parties/Premises.

For good and valuable consideration, including the covenants and agreements contained herein, and pursuant to Ordinance 2020-____, enacted _____, 2020, the KPB, an Alaska municipal corporation whose address is 144 North Binkley Street, Soldotna, Alaska 99669, grants to Lessee, a department of the State of Alaska, whose address is 550 West 7th Avenue, Suite 1230, Anchorage, AK 99501, use of space as referenced in the Shared Service Agreement attached hereto and incorporated by reference, within the following described real property situated in the Kenai Recording District, Third Judicial District, State of Alaska, and described as follows:

A free-standing building known as the Kenai River Center Building, situated on Tract 1A, Soldotna Airport Property Funny River Road Realignment Addn Pt 1, Plat No. 2011-022, Kenai Recording District, located at 514 Funny River Road, Soldotna, Alaska.

This lease additionally provides full use and enjoyment of proportionately allocated shared use areas upon and within the described premises, along with available staff and visitor parking, with all respective appurtenances unto the Lessee for the duration of the lease.

2. **Lease Term.** This lease is for an initial term of five (5) years and may be renewed for two (2) additional terms in five (5) year increments for a total renewal options of ten (10) years, commencing July 1, 2020 and terminating June 30, 2035. This lease shall automatically renew unless the Lessee notifies KPB in writing of Lessee's intention not to renew this lease at least 90 days prior to the expiration of the existing term.
3. **Lease Rental.** The lease rental is \$1.00 per annum for duration of this lease
4. **Definitions.**
 - a. For the purpose of this lease the term "Kenai River Center Building" shall mean the entire premises subject to this lease, including the physical structure, the leased office space, shared use areas, storage facilities, parking areas, grounds, and other associated amenities.
 - b. For the purpose of this lease the term "Kenai River Center" (KRC) shall mean the collection of agencies and personnel who cooperate to provide permitting, information, and/or education for the protection of the rivers, watersheds, marine, and other anadromous waters of the Kenai Peninsula, and its fish and wildlife resources.
 - c. For the purpose of this lease "shared use areas" include all common areas and facilities such as storage and locker areas, fenced parking, conference rooms, and meeting rooms. Shared use areas may also include primary work areas for any of the following types of personnel employed by Lessee or employed by another member of the Kenai River Center: administrative support, education and outreach, temporary, part time, or volunteer. Lessee and KPB agree that establishment of a primary use of a shared use area shall be reasonably allowed, provided that such primary use of a shared use area is to the benefit of the Kenai River Center's mission and also provided that such primary use does not prevent the reasonable use by another due to conflict with design. Primary work areas and other primary uses within shared use areas may be moved, rearranged, extinguished or otherwise modified to provide maximum efficiency of design, over time, of a shared use area.
5. **Management, Operation and Maintenance.**
 - a. Both parties shall use and occupy said premises in a careful and proper manner so that they remain in as good condition as when constructed, except for reasonable wear and tear and/or loss or damage caused by fire, explosions, earthquakes, acts of God, or other casualty during the continuance of this

agreement.

- b. Neither party shall use or occupy the premises for any unlawful purpose. Neither party shall use the premises, or allow the same to be used or occupied, for any purpose or business that would predict a danger to the premises or its occupants. Both parties shall keep the premises free of structural or mechanical hazards. Both parties shall comply with all Borough ordinances, State and federal statutes and regulations, and case law applicable to their occupation or use of the premises.
- c. KPB shall carry risk replacement cost property insurance on the building, including fixtures and equipment that are included as part of a building without regard for the type of tenant, such as the heating and cooling or air circulation systems, but excluding fixtures and equipment installed by the occupants for their unique use. To protect Lessee's financial interest in the building, KPB agrees to use the proceeds of said insurance to replace the loss of the fixtures covered by the insurance. The cost of the insurance and any loss, retention or deductible applied in the event of a loss shall be allocated to each party according to the shared services agreement. KPB and Lessee are individually responsible for carrying property insurance (through self-insurance or otherwise) for their own fixtures and equipment and individual personal property. Lessee and KPB are individually responsible for carrying liability insurance (through self-insurance or otherwise) covering liability for personal injury and any other loss.
- d. The proposed use of the premises is for a joint Lessee and KPB public permitting center and for related services. Since compatibility between uses must be maintained Lessee shall not change the general framework of occupying agency personnel or the use of said premises, nor any part thereof, without the written consent of the other parties, provided however such consent shall not be unreasonably withheld.
- e. Whenever feasible and cost effective, separate metering of utilities or other direct accounting for services received or elective maintenance performed, shall be made available and Lessee and KPB shall pay directly to the service provider for the actual services each received. This may include: telephone services; hazardous waste disposal; and any utility costs, such as electrical or heating, that can be separately accounted for. However, nothing in this agreement prohibits joint procurement of services if the parties agree.
- f. Charges for utility and maintenance services for which direct metering or accounting is not available or is not economic, including the provision of services for shared facilities, shall be allocated to each party according to the Shared Services Agreement. These services may include water, septic/sewer, electrical, gas, garbage and trash removal; snow and ice removal; parking lot maintenance; landscaping; security system maintenance including outdoor lamp replacement; repair and maintenance of shared electronic equipment; routine janitorial service, including cleaning and light bulb changes; and routine periodic and preventive maintenance.

- g. Charges for major repair, replacement and renewal of the Kenai River Center building and associated improvements that are required to maintain the overall condition or integrity of the premises shall be allocated to each party according to the Shared Services Agreement. KPB has established a major repair and maintenance fund for the premises and periodic payments shall continue to be made into the fund by both parties for expected future repair, replacement and renewal of the building. Interest earned by the fund shall be a part of the fund. The parties shall contribute enough to the fund to provide for the estimated cost of repair and replacement of major building components (for example, flooring, roofing, or pavement) at the end of the component's expected life span. Payments to this fund shall continue on July 1, 2020 at the annual amount of ten thousand dollars (\$10,000.00) allocated to each party according to the Shared Services Agreement. Expenditures from this fund shall be approved jointly by designated representatives of Lessee and KPB, which approval shall not be unreasonably withheld. Payments made under this paragraph represent the amortized cost of reasonably anticipated major maintenance expenditures. Any cash balances accumulated as a result of this provision will be accounted for in a restricted borough account whose use is limited to major maintenance expenditures on this facility only. The parties by mutual agreement may alter the required contribution or use of accumulated balances. Except for expenditures to maintain the overall condition or integrity of the premises, any charges for renovations or modifications for the benefit of one party shall be assigned solely to the party benefiting.
- h. KPB shall have the obligation and responsibility to maintain and repair the premises as described in the paragraphs above, but may subcontract for all or part of the services. The areas of the building used by either party shall be maintained at an equal level. Lessee shall pay to KPB Lessee's share of all reasonable costs incurred by KPB as described above.
- i. KPB shall, in any contracts or agreements with contractors or subcontractors performing maintenance work at the premises after construction, require that all indemnities and waivers of subrogation it obtains and that any stipulation to be named as an additional insured it obtains, also be extended to waive rights of subrogation against the Lessee and to add the Lessee as an additional named indemnitee and as additional insured.
- j. Fixtures installed in the premises by Lessee remain the property of Lessee and may be removed by Lessee provided it repairs at Lessee's expense any injury to the premises.
- k. Lessee shall permit KPB staff to enter the premises at all reasonable times to examine the conditions of the same. KPB shall make every effort to not disrupt services and shall provide as much notice as possible prior to entry.
- l. A shared services agreement is made and entered into as a part of this lease and is attached and incorporated hereto by reference. The shared services agreement establishes the allocation of costs to each party that are a part of this lease. The

shared service agreement shall describe the services and overheads that are being shared by agreement. Costs shall be summarized on a sheet supplemental to the shared services agreement, costs will be revised annually for budgetary and billing purposes in accordance with the terms of the shared services agreement. The parties shall develop billing and payment procedures by mutual agreement. Any amendment of the shared services agreement shall require approval by each party thereto.

6. Future Expansion and Reduction of Use.

- a. The design of the building and site shall identify the capability of future expansion for each party. Expansion of the building to provide additional space for Lessee or KPB or KRC operations shall require approval by the other parties, which shall not be unreasonably withheld. No party shall prevent, block or otherwise inhibit reasonable potential expansion of the premises for the other party without the consent of the other party. The party benefiting from the expansion shall bear the costs of expansion. If more than one party benefits from the expansion and agrees to the expansion, each party shall pay a proportionate share of the cost based upon the square footage added for the benefit of the party. Regardless of the source of funding for the expansion, KPB's legal status as owner and operator of the building shall be enlarged to include the expanded portion of the building.
- b. If for any reason, any party no longer needs all or part of its assigned space, the other parties shall have first right to the use of the space, subject to an equitable economic agreement. The re-allocation of space shall be allowed by mutual agreement of all parties and the shared services agreement shall be revised to reflect such re-allocation.

7. Dispute resolution.

- a. Procedures for building management and maintenance decisions and dispute resolution will be jointly developed by the parties and amended as appropriate by agreement of the parties. The parties will jointly develop schedules for periodic maintenance. Charges for these services shall be allocated to each party as in paragraph (e) or (f) of section 5 above.
- b. If disputes cannot be resolved by mutual agreement of the parties, the parties shall undergo mediation with a mediator chosen by mutual agreement of the parties. If disputes are not resolved through mediation, then the parties may submit to binding arbitration.

8. Indemnification and Hold Harmless.

- a. To the maximum extent permitted by law, subject to availability and appropriation of funds, Lessee shall indemnify, defend, save and hold the KPB, its elected and appointed officers, agents and employees, harmless from any and all claims,

demands, suits, or liability, including costs, expenses, and attorney fees, related to Lessee's use and occupancy of the Kenai River Center Building.

This defense and indemnification responsibility includes claims alleging acts or omissions by the KPB or its agents which are said to have contributed to the losses, failure, violations, or damage. However, Lessee shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of KPB, its agents, or employees.

If any portion of this clause is voided by law or court of competent jurisdiction, the remainder of the clause shall remain enforceable.

- b. To the maximum extent permitted by law, subject to availability and appropriation of funds by the KPB Assembly, KPB shall indemnify, defend, save and hold the Lessee, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability, including costs, expenses, and attorney fees, related to KPB's use and ownership of the Kenai River Center Building.

This defense and indemnification responsibility includes claims alleging acts or omissions by the Lessee or its agents which are said to have contributed to the losses, failure, violations, or damage. However, KPB shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of Lessee, its agents, or employees.

If any portion of this clause is voided by law or court of competent jurisdiction, the remainder of the clause shall remain enforceable.

9. **Assignment.** Lessee may not assign the lease without written approval by KPB upon a finding by KPB that such assignment is consistent with the KRC's mission and a finding that such assignment is in the best interest of KPB. The assignee should be bound by the terms and conditions of this lease, except, at KPB's benefit and sole option, this agreement may be subject to modification upon assignment provided such assignment is on a form that establishes such modification.
10. **Amendment.** The parties hereto may amend any term of this agreement, by written agreement signed by both parties. If an amendment to this agreement would cause a material effect to any other party of the shared service agreement, a letter of non-objection from that party must be obtained to effectuate such amendment.
11. **Liens and Mortgages.** Lessee shall not cause or allow any liens of any kind or nature whatsoever to attach to the property during the term of this lease.
12. **Violation.** Violation of any of the terms of this lease may expose Lessee to appropriate legal action including forfeiture of lease interest, termination, or cancellation of its interest in accordance with state law.

13. **Breach and Remedies**

- a. **By Lessor.** If KPB breaches this agreement by failing to comply with any of the terms and conditions herein and has not cured the breach within sixty (60) days of receipt of written notice thereof from Lessee, Lessee may terminate this lease.
- b. **By Lessee.** If Lessee breaches this agreement by failing to comply with any of the terms and conditions herein and has not cured the breach within sixty (60) days of receipt of written notice thereof from KPB, KPB may terminate this lease.

14. **Termination**

- a. Either of the parties hereto may for the following reasons terminate this agreement by giving the other ninety (90) days' prior notice in writing. Grounds for such termination are:
 - 1. A breach of any of the terms and conditions herein contained when such breach is not cured as herein provided; or
 - 2. When and if the Lessee, because of conditions beyond its control, is unable to adequately staff the leased facilities.
- b. Unless the State Legislature provides otherwise, this lease shall automatically terminate without penalty on June 30 of any year during which the State Legislature fails to appropriate funds sufficient to make lease payments for the payments set forth in the shared services agreement for the following fiscal year.
- c. Unless the Assembly by resolution provides otherwise, this lease shall automatically terminate without penalty on June 30 of any year during which the Kenai Peninsula Borough assembly fails to appropriate funds sufficient to make the payments set forth in the shared services agreement for the following fiscal year.
- d. At any time that this lease is in good standing it may be canceled in whole or in part upon mutual written agreement by Lessee and the KPB Mayor. This lease is subject to cancellation in whole or in part if improperly issued through error in procedure or if a mutual mistake is made with respect to material facts.

15. **Entry or Re-entry.** In the event that the Lease is terminated, canceled or forfeited, or in the event that the demised buildings or any part thereof, should be abandoned by the Lessee during the agreement term, KPB or its agents, servants or representative, may immediately or any time thereafter, enter or re-enter and resume possession of said buildings or such part thereof, and remove all persons and property therefrom either without judicial action where appropriate, by

summary proceedings or by a suitable action or proceeding at law or equity without being liable for any damages therefor. Entry or re-entry by KPB shall not be deemed an acceptance of surrender of the lease.

16. **Notice.** Any notice or demand, which under the terms of this Lease must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on this Lease. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addresser.

All notices shall be sent to both parties as follows:

LESSOR

Kenai Peninsula Borough
Planning Director
144 N. Binkley Street
Soldotna, AK 99669-7599

LESSEE

State of Alaska
Department of Natural Resources
550 West 7th Avenue, Suite 1230
Anchorage, AK 99501

17. **Waiver.** The waiver by a party hereto of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant or condition herein contained.
18. **Jurisdiction.** Any suits filed in connection with the terms and conditions of this lease, and of the rights and duties of the parties, shall be filed and litigated in the trial courts of the State of Alaska, Third Judicial District at Kenai, and shall be governed by Alaska law.
19. **Severability Clause.** Should any provision of this lease fail or be declared null or void in any respect, or otherwise unenforceable, it shall not affect the validity of any other provision of this lease or constitute any cause of action in favor of either party as against the other.
20. **Binding Effect.** It is agreed that all covenants, terms and conditions of this lease shall be binding upon the successors, heirs and assigns of the original parties hereto.
21. **Titles of Articles.** The titles of articles in this lease are for ease of reference and are not definitional nor limit the content of the articles.
22. **Complete Agreement; Counterparts.** This lease agreement constitutes the full and final agreement of the parties. This lease may be executed in counterpart and may be executed by way of facsimile or electronic signature in compliance with AS 09.80, each of which when executed shall be considered an original and all of which together shall constitute one agreement

KENAI PENINSULA BOROUGH

By: Charlie Pierce

Its: Mayor

Dated: _____

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Johni Blankenship,
Borough Clerk

Sean Kelley,
Deputy Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____day of _____, 2020, by Charlie Pierce, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

By: Christopher Brooks

Its: Director Support Services

Dated: _____

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Christopher Brooks, Director of Support Services for and on behalf of the State of Alaska, Department of Natural Resources.

Notary Public in and for Alaska
My commission expires: _____

**KENAI PENINSULA BOROUGH COOPERATIVE LEASE
WITH THE ALASKA DEPARTMENT OF FISH AND GAME**

WHEREAS, the Kenai Peninsula Borough (hereinafter called "KPB") and the State of Alaska, Department of Fish and Game (hereinafter called "Lessee") are working in partnership to restore and protect the rivers, watersheds, marine, and other anadromous waters of the Kenai Peninsula, and its fish and wildlife resources, by providing multi-agency permitting, information and education at a single location known as the "Kenai River Center Building"; and

WHEREAS, KPB and Lessee have shared space and services in the Kenai River Center Building since it was constructed in 2000 and have operated under a cooperative lease and shared services agreement arrangement since 2005; and

WHEREAS, KPB and Lessee desire to continue sharing space at the Kenai River Center Building in a multi-agency environment for the purpose of providing joint permitting, information and educational services to the Kenai Peninsula; and

WHEREAS, KPB and Lessee desire to continue joint cost sharing of the annual operating and maintenance of the Kenai River Center Building; and

WHEREAS, KPB owns the Kenai River Center Building and the underlying real property; and

WHEREAS, KPB and Lessee have reached a consensus that the allocation of annual operating and maintenance costs should be based upon permanent full-time four-walled office space occupied by each party;

NOW, THEREFORE, KPB and Lessee enter into the following agreement:

TERMS AND CONDITIONS

1. Consideration/Parties/Premises.

For good and valuable consideration, including the covenants and agreements contained herein, and pursuant to Ordinance 2020-____, enacted _____, 2020, the KPB, an Alaska municipal corporation whose address is 144 North Binkley Street, Soldotna, Alaska 99669, grants to Lessee, a department of the State of Alaska, whose address is 550 West 7th Avenue, Suite 1230, Anchorage, AK 99501, use of space as referenced in the Shared Service Agreement attached hereto and incorporated by reference, within the following described real property situated in the Kenai Recording District, Third Judicial District, State of Alaska, and described as follows:

A free-standing building known as the Kenai River Center Building, situated on Tract 1A, Soldotna Airport Property Funny River Road Realignment Addn Pt 1, Plat No. 2011-022, Kenai Recording District, located at 514 Funny River Road, Soldotna, Alaska.

This lease additionally provides full use and enjoyment of proportionately allocated shared use areas upon and within the described premises, along with available staff and visitor parking, with all respective appurtenances unto the Lessee for the duration of the lease.

2. **Lease Term.** This lease is for an initial term of five (5) years and may be renewed for two (2) additional terms in five (5) year increments for a total renewal options of ten (10) years, commencing July 1, 2020 and terminating June 30, 2035. This lease shall automatically renew unless the Lessee notifies KPB in writing of Lessee's intention not to renew this lease at least 90 days prior to the expiration of the existing term.
3. **Lease Rental.** The lease rental is \$1.00 per annum for duration of this lease
4. **Definitions.**
 - a. For the purpose of this lease the term "Kenai River Center Building" shall mean the entire premises subject to this lease, including the physical structure, the leased office space, shared use areas, storage facilities, parking areas, grounds, and other associated amenities.
 - b. For the purpose of this lease the term "Kenai River Center" (KRC) shall mean the collection of agencies and personnel who cooperate to provide permitting, information, and/or education for the protection of the rivers, watersheds, marine, and other anadromous waters of the Kenai Peninsula, and its fish and wildlife resources.
 - c. For the purpose of this lease "shared use areas" include all common areas and facilities such as storage and locker areas, fenced parking, conference rooms, and meeting rooms. Shared use areas may also include primary work areas for any of the following types of personnel employed by Lessee or employed by another member of the Kenai River Center: administrative support, education and outreach, temporary, part time, or volunteer. Lessee and KPB agree that establishment of a primary use of a shared use area shall be reasonably allowed, provided that such primary use of a shared use area is to the benefit of the Kenai River Center's mission and also provided that such primary use does not prevent the reasonable use by another due to conflict with design. Primary work areas and other primary uses within shared use areas may be moved, rearranged, extinguished or otherwise modified to provide maximum efficiency of design, over time, of a shared use area.
5. **Management, Operation and Maintenance.**
 - a. Both parties shall use and occupy said premises in a careful and proper manner so that they remain in as good condition as when constructed, except for reasonable wear and tear and/or loss or damage caused by fire, explosions, earthquakes, acts of God, or other casualty during the continuance of this agreement.

- b. Neither party shall use or occupy the premises for any unlawful purpose. Neither party shall use the premises, or allow the same to be used or occupied, for any purpose or business that would predict a danger to the premises or its occupants. Both parties shall keep the premises free of structural or mechanical hazards. Both parties shall comply with all Borough ordinances, State and federal statutes and regulations, and case law applicable to their occupation or use of the premises.
- c. KPB shall carry risk replacement cost property insurance on the building, including fixtures and equipment that are included as part of a building without regard for the type of tenant, such as the heating and cooling or air circulation systems, but excluding fixtures and equipment installed by the occupants for their unique use. To protect Lessee's financial interest in the building, KPB agrees to use the proceeds of said insurance to replace the loss of the fixtures covered by the insurance. The cost of the insurance and any loss, retention or deductible applied in the event of a loss shall be allocated to each party according to the shared services agreement. KPB and Lessee are individually responsible for carrying property insurance (through self-insurance or otherwise) for their own fixtures and equipment and individual personal property. Lessee and KPB are individually responsible for carrying liability insurance (through self-insurance or otherwise) covering liability for personal injury and any other loss.
- d. The proposed use of the premises is for a joint Lessee and KPB public permitting center and for related services. Since compatibility between uses must be maintained Lessee shall not change the general framework of occupying agency personnel or the use of said premises, nor any part thereof, without the written consent of the other parties, provided however such consent shall not be unreasonably withheld.
- e. Whenever feasible and cost effective, separate metering of utilities or other direct accounting for services received or elective maintenance performed, shall be made available and Lessee and KPB shall pay directly to the service provider for the actual services each received. This may include: telephone services; hazardous waste disposal; and any utility costs, such as electrical or heating, that can be separately accounted for. However, nothing in this agreement prohibits joint procurement of services if the parties agree.
- f. Charges for utility and maintenance services for which direct metering or accounting is not available or is not economic, including the provision of services for shared facilities, shall be allocated to each party according to the Shared Services Agreement. These services may include water, septic/sewer, electrical, gas, garbage and trash removal; snow and ice removal; parking lot maintenance; landscaping; security system maintenance including outdoor lamp replacement; repair and maintenance of shared electronic equipment; routine janitorial service, including cleaning and light bulb changes; and routine periodic and preventive maintenance.
- g. Charges for major repair, replacement and renewal of the Kenai River Center

building and associated improvements that are required to maintain the overall condition or integrity of the premises shall be allocated to each party according to the Shared Services Agreement. KPB has established a major repair and maintenance fund for the premises and periodic payments shall continue to be made into the fund by both parties for expected future repair, replacement and renewal of the building. Interest earned by the fund shall be a part of the fund. The parties shall contribute enough to the fund to provide for the estimated cost of repair and replacement of major building components (for example, flooring, roofing, or pavement) at the end of the component's expected life span. Payments to this fund shall continue on July 1, 2020 at the annual amount of ten thousand dollars (\$10,000.00) allocated to each party according to the Shared Services Agreement. Expenditures from this fund shall be approved jointly by designated representatives of Lessee and KPB, which approval shall not be unreasonably withheld. Payments made under this paragraph represent the amortized cost of reasonably anticipated major maintenance expenditures. Any cash balances accumulated as a result of this provision will be accounted for in a restricted borough account whose use is limited to major maintenance expenditures on this facility only. The parties by mutual agreement may alter the required contribution or use of accumulated balances. Except for expenditures to maintain the overall condition or integrity of the premises, any charges for renovations or modifications for the benefit of one party shall be assigned solely to the party benefiting.

- h. KPB shall have the obligation and responsibility to maintain and repair the premises as described in the paragraphs above, but may subcontract for all or part of the services. The areas of the building used by either party shall be maintained at an equal level. Lessee shall pay to KPB Lessee's share of all reasonable costs incurred by KPB as described above.
- i. KPB shall, in any contracts or agreements with contractors or subcontractors performing maintenance work at the premises after construction, require that all indemnities and waivers of subrogation it obtains and that any stipulation to be named as an additional insured it obtains, also be extended to waive rights of subrogation against the Lessee and to add the Lessee as an additional named indemnitee and as additional insured.
- j. Fixtures installed in the premises by Lessee remain the property of Lessee and may be removed by Lessee provided it repairs at Lessee's expense any injury to the premises.
- k. Lessee shall permit KPB staff to enter the premises at all reasonable times to examine the conditions of the same. KPB shall make every effort to not disrupt services and shall provide as much notice as possible prior to entry.
- l. A shared services agreement is made and entered into as a part of this lease and is attached and incorporated hereto by reference. The shared services agreement establishes the allocation of costs to each party that are a part of this lease. The shared service agreement shall describe the services and overheads that are

being shared by agreement. Costs shall be summarized on a sheet supplemental to the shared services agreement, costs will be revised annually for budgetary and billing purposes in accordance with the terms of the shared services agreement. The parties shall develop billing and payment procedures by mutual agreement. Any amendment of the shared services agreement shall require approval by each party thereto.

6. Future Expansion and Reduction of Use.

- a. The design of the building and site shall identify the capability of future expansion for each party. Expansion of the building to provide additional space for Lessee or KPB or KRC operations shall require approval by the other parties, which shall not be unreasonably withheld. No party shall prevent, block or otherwise inhibit reasonable potential expansion of the premises for the other party without the consent of the other party. The party benefiting from the expansion shall bear the costs of expansion. If more than one party benefits from the expansion and agrees to the expansion, each party shall pay a proportionate share of the cost based upon the square footage added for the benefit of the party. Regardless of the source of funding for the expansion, KPB's legal status as owner and operator of the building shall be enlarged to include the expanded portion of the building.
- b. If for any reason, any party no longer needs all or part of its assigned space, the other parties shall have first right to the use of the space, subject to an equitable economic agreement. The re-allocation of space shall be allowed by mutual agreement of all parties and the shared services agreement shall be revised to reflect such re-allocation.

7. Dispute resolution.

- a. Procedures for building management and maintenance decisions and dispute resolution will be jointly developed by the parties and amended as appropriate by agreement of the parties. The parties will jointly develop schedules for periodic maintenance. Charges for these services shall be allocated to each party as in paragraph (e) or (f) of section 5 above.
- b. If disputes cannot be resolved by mutual agreement of the parties, the parties shall undergo mediation with a mediator chosen by mutual agreement of the parties. If disputes are not resolved through mediation, then the parties may submit to binding arbitration.

8. Indemnification and Hold Harmless.

- a. To the maximum extent permitted by law, and subject to the availability and appropriation of funds, Lessee shall indemnify, defend, save and hold the KPB, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability, expenses, and attorney' fees, related to Lessee's use and occupancy of the Kenai River Center Building.

This defense and indemnification responsibility includes claims alleging acts or omissions by the KPB or its agents which are said to have contributed to the losses, failure, violations, or damage. However, Lessee shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of KPB, its agents, or employees.

If any portion of this clause is voided by law or court of competent jurisdiction, the remainder of the clause shall remain enforceable.

- b. To the maximum extent permitted by law, and subject to availability and appropriation of funds by the KPB Assembly, KPB shall indemnify, defend, save and hold the Lessee, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability, including costs, expenses, and attorney fees, related to Lessee's use and occupancy of the Kenai River Center Building.

This defense and indemnification responsibility includes claims alleging acts or omissions by the Lessee or its agents which are said to have contributed to the losses, failure, violations, or damage. However, KPB shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of Lessee, its agents, or employees.

If any portion of this clause is voided by law or court of competent jurisdiction, the remainder of the clause shall remain enforceable.

9. **Assignment.** Lessee may not assign the lease without written approval by KPB upon a finding by KPB that such assignment is consistent with the KRC's mission and a finding that such assignment is in the best interest of KPB. The assignee should be bound by the terms and conditions of this lease, except, at KPB's benefit and sole option, this agreement may be subject to modification upon assignment provided such assignment is on a form that that establishes such modification.
10. **Amendment.** The parties hereto may amend any term of this agreement, by written agreement signed by both parties. If an amendment to this agreement would cause a material effect to any other party of the shared service agreement, a letter of non-objection from that party must be obtained to effectuate such amendment.
11. **Liens and Mortgages.** Lessee shall not cause or allow any liens of any kind or nature whatsoever to attach to the property during the term of this lease.
12. **Violation.** Violation of any of the terms of this lease may expose Lessee to appropriate legal action including forfeiture of lease interest, termination, or cancellation of its interest in accordance with state law.

13. **Breach and Remedies**

- a. **By Lessor.** If KPB breaches this agreement by failing to comply with any of the terms and conditions herein and has not cured the breach within sixty (60) days of receipt of written notice thereof from Lessee, Lessee may terminate this lease.
- b. **By Lessee.** If Lessee breaches this agreement by failing to comply with any of the terms and conditions herein and has not cured the breach within sixty (60) days of receipt of written notice thereof from KPB, KPB may terminate this lease.

14. **Termination**

- a. Either of the parties hereto may for the following reasons terminate this agreement by giving the other ninety (90) days' prior notice in writing. Grounds for such termination are:
 - 1. A breach of any of the terms and conditions herein contained when such breach is not cured as herein provided; or
 - 2. When and if the Lessee, because of conditions beyond its control, is unable to adequately staff the leased facilities.
 - b. Unless the State Legislature provides otherwise, this lease shall automatically terminate without penalty on June 30 of any year during which the State Legislature fails to appropriate funds sufficient to make lease payments for the payments set forth in the shared services agreement for the following fiscal year.
 - c. Unless the Assembly by resolution provides otherwise, this lease shall automatically terminate without penalty on June 30 of any year during which the Kenai Peninsula Borough assembly fails to appropriate funds sufficient to make the payments set forth in the shared services agreement for the following fiscal year.
 - d. At any time that this lease is in good standing it may be canceled in whole or in part upon mutual written agreement by Lessee and the KPB Mayor. This lease is subject to cancellation in whole or in part if improperly issued through error in procedure or if a mutual mistake is made with respect to material facts.
15. **Entry or Re-entry.** In the event that the Lease is terminated, canceled or forfeited, or in the event that the demised buildings or any part thereof, should be abandoned by the Lessee during the agreement term, KPB or its agents, servants or representative, may immediately or any time thereafter, enter or re-enter and resume possession of said buildings or such part thereof, and remove all persons and property therefrom either without judicial action where appropriate, by summary proceedings or by a suitable action or proceeding at law or equity without being liable for any damages therefor. Entry or re-entry by KPB shall not be deemed an acceptance of surrender of the lease.

16. **Notice.** Any notice or demand, which under the terms of this Lease must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on this Lease. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addresser.

All notices shall be sent to both parties as follows:

LESSOR

Kenai Peninsula Borough
Planning Director
144 N. Binkley Street
Soldotna, AK 99669-7599

LESSEE

State of Alaska
Department of Fish & Game
333 Raspberry Road
Anchorage, AK 99518

17. **Waiver.** The waiver by a party hereto of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant or condition herein contained.
18. **Jurisdiction.** Any suits filed in connection with the terms and conditions of this lease, and of the rights and duties of the parties, shall be filed and litigated in the trial courts of the State of Alaska, Third Judicial District at Kenai, and shall be governed by Alaska law.
19. **Severability Clause.** Should any provision of this lease fail or be declared null or void in any respect, or otherwise unenforceable, it shall not affect the validity of any other provision of this lease or constitute any cause of action in favor of either party as against the other.
20. **Binding Effect.** It is agreed that all covenants, terms and conditions of this lease shall be binding upon the successors, heirs and assigns of the original parties hereto.
21. **Titles of Articles.** The titles of articles in this lease are for ease of reference and are not definitional nor limit the content of the articles.
22. **Complete Agreement; Counterparts.** This lease agreement constitutes the full and final agreement of the parties. This lease may be executed in counterpart and may be executed by way of facsimile or electronic signature in compliance with AS 09.80, each of which when executed shall be considered an original and all of which together shall constitute one agreement

KENAI PENINSULA BOROUGH

By: Charlie Pierce

Its: Mayor

Dated: _____

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Johni Blankenship,
Borough Clerk

Sean Kelley,
Deputy Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____day of _____, 2020, by Charlie Pierce, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

STATE OF ALASKA
DEPARTMENT OF FISH & GAME

By: _____
Its: _____
Dated: _____

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by _____, _____ for and on behalf of the State of Alaska, Department of Fish & Game.

Notary Public in and for Alaska
My commission expires: _____

Introduced by:	Johnson
Date:	06/02/20
Hearing:	07/07/20
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-31**

**AN ORDINANCE EXPANDING THE ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA BOUNDARIES TO INCLUDE THE NINILCHIK AREA**

- WHEREAS,** since fire and emergency medical service area boundaries should reflect the usage of the communities they serve, it makes sense to examine them periodically to allow for changes; and
- WHEREAS,** Ninilchik Emergency Services ("NES") has provided fire protection and emergency medical services to the Ninilchik community since 1978; and
- WHEREAS,** the Anchor Point Fire and Emergency Medical Service Area ("APFEMSA") was established in 1983 to provide fire protection and ambulance service to the Anchor Point area; and
- WHEREAS,** both NES and APFEMSA work diligently to provide fire and emergency protection to their communities; and
- WHEREAS,** the APFEMSA board has tried to expand their services and increase staffing for the fire station in an effort to better serve their community; and
- WHEREAS,** recent changes in Ninilchik have highlighted the need for Ninilchik to expand its fire and emergency services; and
- WHEREAS,** both Ninilchik and Anchor Point have a long and documented history of working together and assisting each other during times of need; and
- WHEREAS,** forming an independent fire and emergency medical service area would be cost prohibitive in Ninilchik; and
- WHEREAS** funding for Ninilchik independently is estimated to necessitate a mil rate of 5.75 in order to provide for a staff of three plus sufficient funding for basic equipment and minimal fund balance; and
- WHEREAS,** the two communities would be able to leverage their years of expertise and training to create a more comprehensive coverage area benefiting both communities; and

WHEREAS, on March 17, 2020, the Ninilchik-Anchor Point Joint Service Area Work Group ("NAPJSAWG") was established by KPB resolution 2020-025 as a result of the February 6, 2020 town hall meeting in Ninilchik; and

WHEREAS the group was tasked with researching and making recommendations regarding whether Ninilchik should have its own service area, attempt to join APFEMSA, or try to make adjustments and continue to operate its current volunteer service; and

WHEREAS at its May 15, 2020 meeting the NAPJSAWG unanimously recommended that a question be placed on the October 6, 2020 ballot proposing to combine APFEMSA with the area currently being served by NES;

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

SECTION 1. That the title of KPB Chapter 16.60 is hereby amended as follows:

CHAPTER 16.60. ANCHOR POINT – NINILCHIK FIRE AND EMERGENCY MEDICAL SERVICE AREA

SECTION 2. That KPB 16.60.010 is hereby amended as follows:

16.60.010. Established Boundaries

There is established a service area within the borough, designated the "Anchor Point - Ninilchik Fire and Emergency Medical Service Area," including that portion of the borough described as follows:

[Boundary Description Pending]

Map Attached

SECTION 3. That KPB 16.60.020 is hereby amended as follows:

16.60.020. Board of Directors

- (a.) There is established a board of directors for the Anchor Point - Ninilchik Fire and Emergency Medical Service Area composed of [5] five members, two of whom shall be residents of Anchor Point, two of whom shall be residents of Ninilchik and one of whom may be a resident from either community. All members [WHO SHALL BE RESIDENTS OF THE SERVICE AREA AND] shall be appointed by the mayor and confirmed by the assembly. Up to one board member may also serve as a volunteer firefighter and/or emergency medical service provider for the service area without compensation except that which is ordinarily provided to such volunteers.

- (b.) The board shall meet periodically at regular and special meetings called by the Board. All meetings shall be open to the public as provided by law.

SECTION 4. That KPB 16.60.020 is hereby amended as follows:

16.60.090. Ambulance Billing

Revenues collected from ambulance billing by the Anchor Point - Ninilchik Fire and Emergency Medical Service Area as approved by the assembly pursuant to KPB 1.26.010 shall be recorded as revenue within that service area.

SECTION 5. That the following proposition shall be placed before the voters of the Anchor Point Fire and Emergency Medical Service Area and the voters residing within the remaining areas described in section 2 of this ordinance at the regular election to be held on October 6, 2020:

PROPOSITION:

Shall the Kenai Peninsula Borough be authorized to exercise powers to provide fire protection and emergency medical services through the expansion of the Anchor Point Fire and Emergency Medical Service Area to include the Ninilchik area as defined by Section 2 of Ordinance 2020-___?

YES ___ A yes vote approves the expansion of the Anchor Point Fire and Emergency Medical Services Area into the Ninilchik Area.

NO ___ A no vote would prohibit the expansion of the Anchor Point Fire and Emergency Medical Service Area into the Ninilchik area.

SECTION 6. That section 5 of this ordinance takes effect immediately upon enactment of this ordinance. Sections 1, 2, 3 4, 6 and 7 of this ordinance shall take effect only upon approval by the majority of the voters residing in both the Anchor Point Fire Service Area and the majority of the voters residing in the proposed expanded boundaries area outside the boundaries of the Anchor Point Fire Service Area voting on the question during the regular KPB election scheduled for October 6, 2020.

SECTION 7. That this ordinance shall also only take effect if the Ninilchik Emergency Services (NES) non-profit organization transfers free and clear title, ownership, and possession of all real and personal property located in or obtained for use at or by the Ninilchik Fire Department to the borough on behalf of the Anchor Point Ninilchik Fire and Emergency Medical Service Area on or before January 31, 2021.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2020.**

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Brent Johnson, Assembly Member BJ

DATE: May 22, 2020

RE: Ordinance 2020-31, Expanding the Anchor Point Fire and Emergency Medical Service Area Boundaries to Include the Ninilchik Area (Johnson)

The neighboring communities of Ninilchik and Anchor Point share a desire for consistent and dependable fire and emergency medical services. Both communities have been satisfied with their level of services in the past, but firefighters and EMS personnel are aware of deficiencies that can only be remedied with additional staffing. Furthermore, Ninilchik is subject to the rigors of fund raising to support their mostly volunteer service.

A working group was appointed by Mayor Pierce and approved by the KPB Assembly to hold public meetings, discuss the possibility of forming a joint Ninilchik-Anchor Point service area, and make recommendations to the Assembly. The Working Group found:

- Fewer volunteers are recruiting to serve on both Ninilchik and Anchor Point teams.
- A joint service area would be more efficient, especially for Ninilchik, than separate service areas.
- A stand-alone service area for Ninilchik would necessitate a mill rate of 5.75 to support satisfactory services.
- A joint area would significantly reduce the cost of ambulance runs for Ninilchik residents.
- A joint service area with a mill rate of 2.95 would provide for ten full time employees, a sustainable fund balance, and a reasonable capital outlay plan.
- A joint service area mill rate of 2.95 would increase staffing at Ninilchik and at Anchor Point fire stations, but would not be sufficient for full time staffing at either station.
- A joint service area would be efficient because a chief, assistant chief and mechanic could be shared.

Ultimately, the choice is up to the voters. But they can't make that choice unless the measure is placed on the ballot.

Your consideration is appreciated.

Kenai Peninsula Borough
Ninilchik-Anchor Point Joint Service Area Work Group
Final Report and Recommendations



Committee Members: Troy Laky – Seat A (resigned 05/14/20); Debbie Cary – Seat B; Dawson Slaughter – Seat C; Jolayne Soplanda – Seat D; Lara McGinnis – Seat E; Brent Johnson – Ex Officio Member

Alternate Members: Conrad Matuoka – Alternate Seat A/B; Bradley Smith – Alternate Seat C/D

Staff Support: Brenda Ahlberg, Community and Fiscal Projects Manager; Johni Blankenship, Borough Clerk; Patty Burley, Deputy Borough Attorney; Jon Marsh, APFEMSA Chief; Roy Browning CES Chief

Kenai Peninsula Borough
Ninilchik-Anchor Point Joint Service Area Work Group
Final Report and Recommendations

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PURPOSE

The Ninilchik-Anchor Point Joint Service Area Work Group (NAPJSAWG) was established on March 17, 2020 by KPB Resolution 2020-025 as a result of the February 6, 2020 town hall meeting in Ninilchik. The work group tasked with researching and making recommendations regarding the following questions: Should Ninilchik have its own service area, should it attempt to join APFEMSA, or should Ninilchik try to make adjustments and continue to operate a volunteer service?

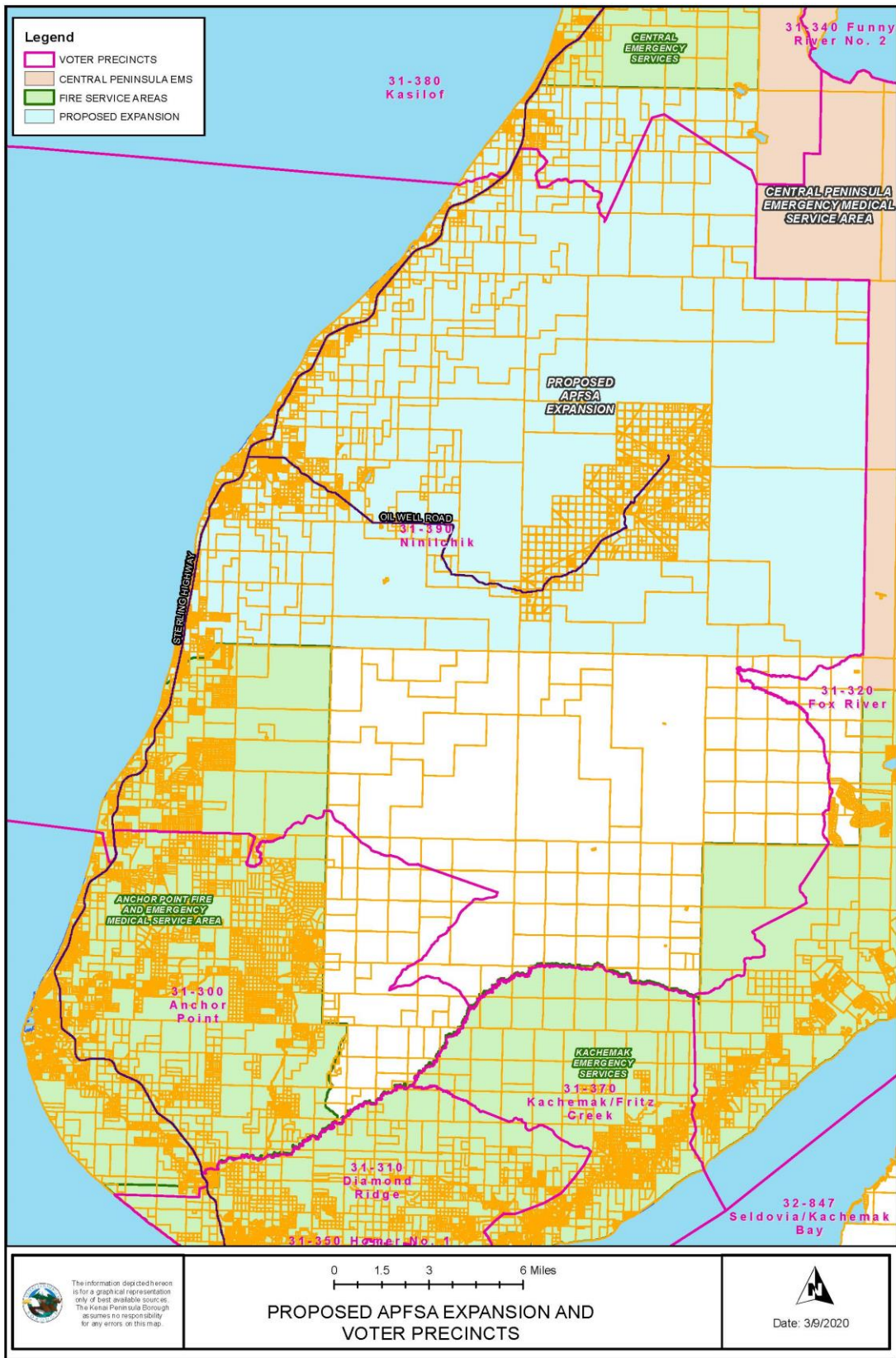
The first NAPJSAWG meeting was held on May 1, 2020 and subsequent meeting were held the following 2 Friday for a total of 3 meetings. The meetings were advertised in accordance with the Open Meetings Act and the public was encouraged to attend.

The group supports and makes the following recommendations:

RECOMMENDATIONS

Recommendation #1 – Combine to Create New Larger Service Area

The work group unanimously recommended that a question be placed on the October 6, 2020 ballot proposing to combine the Anchor Point Fire and Emergency Medical Service Area (APFEMSA) with the area currently being served by Ninilchik Emergency Services (NES) and the white area shown on the enclosed map (not to exceed the voting precincts of Ninilchik and Anchor Point) to create a new fire and emergency medical services service area.



The group considered a potential timeline as follows:

Ninilchik – Anchor Point Joint Service Area	
May 19, 2020	Final Report Due to Assembly
June 2, 2020	Ordinance placing the question on the ballot introduced and set for public hearing on July 7 th
June 3 rd – July 6 th	Public Hearing in Anchor Point (specific date TBD) Public Hearing in Ninilchik (specific date TBD)
July 7, 2020	Ordinance placing the question on the ballot enacted by the Assembly
August 4, 2020	Proposition Summary approved by the Assembly
October 6, 2020	Regular Municipal Election
October 13, 2020	Certification of Election Results
November 2020	Confirming the Appointment of New Service Area Board Members
December 2020	First board meeting and SA Board training
January 1 2021	Property assessment date
February 2021	Initiate FY2022 budget draft process
June 15, 2021	Mil rate set before 6/15
July 1, 2021	Property tax levied
July 1, 2021	Funds Available
Sept-Nov 2021	Property taxes due

Recommendation #2 – Budget and Mill Rate

Budget as Proposed and 2.95 Mill Rate

The group unanimously recommended that the service area maintain no less than ten (10) FTE employees to model a volunteer department of paid and volunteer staff. The group unanimously recommended a mill rate of not to exceed 2.95 mills. This mill rate would ensure a sustainable fund balance, support the minimum requested FTE employees, and supplement a reasonable capital outlay plan. Functional operations in the proposed budget below are not based upon a 24 hour / 7-day station.

Kenai Peninsula Borough
Proposed Budget Detail May 8, 2020

Anchor Point Fire & Emergency Medical + Ninilchik Joint Service Area

		5		Area 2
	Anchor Point	Personnel	Additional	Joint Svc Area
	Current	addl techs	budget items	Anchor Point
		15 volunteers	supplies/svc/cap	Ninilchik
Taxable Assessed Values				
Real	242,266			421,677
Personnal	27,695			27,695
Oil & Gas 43.56	162,153			232,257
	<u>432,114</u>			<u>681,629</u>
Mill Rate	2.75			2.95
Revenues				
Property Taxes				
Real (92% collection rate)	612,933			1,144,431
Personal (92% collection rate)	70,068			75,164
Oil (95% collection rate)	423,625			650,900
interest	4,291			8,011
Flat Tax	3,401			3,401
Motor Vehicle	12,182			12,182
Total Property Tax	<u>1,126,500</u>			<u>1,894,089</u>
Interest earnings	15,536			15,536
Other revenues	85,000			251,000
Total revenues	<u>1,227,036</u>			<u>2,160,625</u>
Expenditures:				
Personnel				
40110 Regular Wages	\$ 345,513	286,400		631,913
40120 Temporary Wages	50,000	15,000		65,000
40130 Overtime Wages	9,168	21,480		30,648
40210 FICA	34,495	27,598		62,093
40221 PERS	79,681	70,255		149,936
40321 Health Insurance	126,250	126,250		252,500
40322 Life Insurance	853	730		1,583
40410 Leave	38,729	26,380		65,109
Total: Personnel	<u>684,689</u>	<u>574,093</u>		<u>1,258,782</u>
Supplies				
42120 Computer Software	600	-	360	960
42210 Operating Supplies	14,000	-	8,400	22,400
42220 Fire/Medical/Rescue Supplies	17,700	-	10,620	28,320
42230 Fuel, Oils and Lubricants	17,000	-	10,200	27,200
42250 Uniforms	6,000	-	3,600	9,600
42263 Training Supplies	6,000	-	3,600	9,600
42310 Repair/Maintenance Supplies	7,500	-	4,500	12,000
42360 Motor Vehicle Repair	14,250	-	8,550	22,800
42410 Small Tools & Equipment	4,000	-	2,400	6,400
Total: Supplies	<u>87,050</u>	<u>-</u>	<u>52,230</u>	<u>139,280</u>

Services					
43011	Contractual Services	42,400	-	25,440	67,840
43014	Physical Examinations	20,000	-	12,000	32,000
43019	Software Licensing	6,780	-	4,068	10,848
43110	Communications	22,108	-	13,265	35,373
43140	Postage and Freight	500	-	300	800
43210	Transport/Subsistence	12,691	-	7,615	20,306
43260	Training	6,050	-	3,630	9,680
43310	Advertising	200	-	120	320
43410	Printing	100	-	60	160
43510	Insurance Premium	62,539	-	37,523	100,062
43610	Utilities	26,006	-	15,604	41,610
43720	Equipment Maintenance	7,885	-	4,731	12,616
43750	Vehicle Maintenance	5,500	-	3,300	8,800
43780	Buildings/Grounds Maintenance	7,500	-	4,500	12,000
43810	Rents and Operating Leases	24,750	-	14,850	39,600
43920	Dues and Subscriptions	1,415	-	849	2,264
Total: Services		246,424	-	147,855	394,279
Capital Outlay					
48710	Minor Office Equipment	17,290	-	10,374	27,664
48720	Minor Office Furniture	3,000	-	1,800	4,800
48740	Minor Machines & Equipment	1,150	-	690	1,840
48750	Minor Medical Equipment	5,000	-	3,000	8,000
48755	Minor Recreation Equipment	6,500	-	3,900	10,400
48760	Minor Firefighting/Rescue Equipm	26,792	-	16,075	42,867
Total: Capital Outlay		59,732	-	35,839	95,571
Transfers					
50264	911 Communications	15,220	-	9,132	24,352
50444	Capital Project Fund TRSF	100,000	-	100,000	200,000
Total: Transfers		115,220	-	109,132	224,352
Interdepartmental Charges					
60004	Mileage Ticket Credits	(2,000)	-	(1,200)	(3,200)
61990	Admin Service Fee	26,897	14,352	5,868	47,117
Total: Interdepartmental Charges		24,897	14,352	4,668	43,917
Total Expenditures		1,218,012	588,445	349,724	2,156,181
Net Results from Operations		9,024			4,444
Projected lapse		49,626			97,028
Change in Fund Balance		58,650			101,472
Beginning Fund Balance		776,802			776,802
Ending Fund Balance		835,452			878,274

Line-Item Explanations

40110 Regular Wages. Staff includes: 1 Chief, 1 Deputy Chief, 1 Mechanic, and 2 Firefighter Technicians. **Added 5 FF Techs**

40120 Temporary Wages. Stipends for volunteer emergency responders. **ADDED APPROX 12-15 VOLUNTEERES 15k**

40130 Overtime Wages. Overtime due to emergency responses by permanent employees.

43011 Contractual Services. Medical director contract (\$15,895), annual ground ladder testing (\$1,095), pump testing (\$2,420), annual nondestructive aerial testing (\$2,745), O2 cylinder maintenance (\$500), Image Trend (\$1,100), IamResponding (\$660), ambulance billing service (\$3,500), drug disposal services (\$250), and Service Area Board annual appreciation, training & retention banquet (\$3,000), EMT 2/3 instructor fees (\$2,500), Phillips Monitor service contract (\$1,660), and Physio Control Lucas service contract (\$600), Tri Air Testing (\$600), background checks (\$600), Konica Minolta (\$2,400), and Crewforce (\$2,875).

43019 Software Licensing. Security cameras software renewal (\$350), licensing for Ford and International diagnostic equipment (\$1,430), Crewforce annual maintenance (\$1,500), and Target Solutions (\$3,500).

43110 Communications. Increased to cover cost of iPad data service for 15 iPads used for CAD and patient reports (\$9,000).

43210 Transportation/Subsistence. Attendance at the Alaska EMS Symposium in Anchorage (\$4,765), Alaska State Firefighter Conference (\$4,765), and Fire Chief Summit in Juneau (\$3,161).

43260 Training. Alaska State Firefighter conference (\$2,000) EMS Symposium (\$1,750), annual training for EMT, Firefighter and Haz-Mat Ops classes (\$1,500), and Fire Chief's Conference (\$800).

43510 Insurance Premium. Increased premium for coverage for workman's compensation, property, liability, and other insurance. **Added 60% for NES Facilities.**

43610 Utilities. Increased \$4,800 to support estimated utilities for leased ladder truck space.

43720 Equipment Maintenance. Increase related to radio program maintenance (\$4,585), SCBA testing (\$2,400), and Rad57 maintenance (\$900).

43810 Rents and Operating Leases. Increased to support \$24,000 annual lease to house large ladder truck.

43920 Dues and Subscriptions. International Association of Fire Chiefs membership (\$200), Alaska Fire Chiefs Association membership (\$200), Kenai Peninsula Fire Chiefs Association membership (\$100), Alaska State Firefighters Association (\$250), Alaska Association of Fire & Arson Investigators (\$50), Kenai Peninsula EMS membership (\$25), apparatus registrations for SOA/DMV (\$100), and various other membership dues & publications (\$115), EMS recertifications (\$375).

48710 Minor Office Equipment. Computer and monitors per 5 year scheduled replacement plan (\$1,790), copier/printer replacing outdated Bizhub (\$6,700), network switch (\$1,800), server for Station 1 (\$1,200), four iPads for CAD for remaining apparatus and medic units not purchased in FY20 (\$825 each), and radio or communication equipment replacement for items that become damaged beyond repair (\$2,500).

48720 Minor Office Furniture. Continuation of replacement furniture for offices at Station 1 (\$3,000).

48740 Minor Machines & Equipment. Miscellaneous replacement of needed equipment (\$1,150).

48750 Minor Medical Equipment. RAD 57 monitor (\$4,100), and misc. medical equipment that may become damaged during use (\$900).

48755 Minor Recreational Equipment. Replacement of worn out exercise equipment for Station 1 (\$6,500).

48760 Minor Fire Fighting Equipment. 4 sets of new turnout gear, helmets, boots, gloves and other related PPE per 10 year replacement plan (\$19,500), VFA grant matching funds to purchase a wildland hose (\$2,292), and misc. minor fire equipment that may become damaged during use (\$5,000).

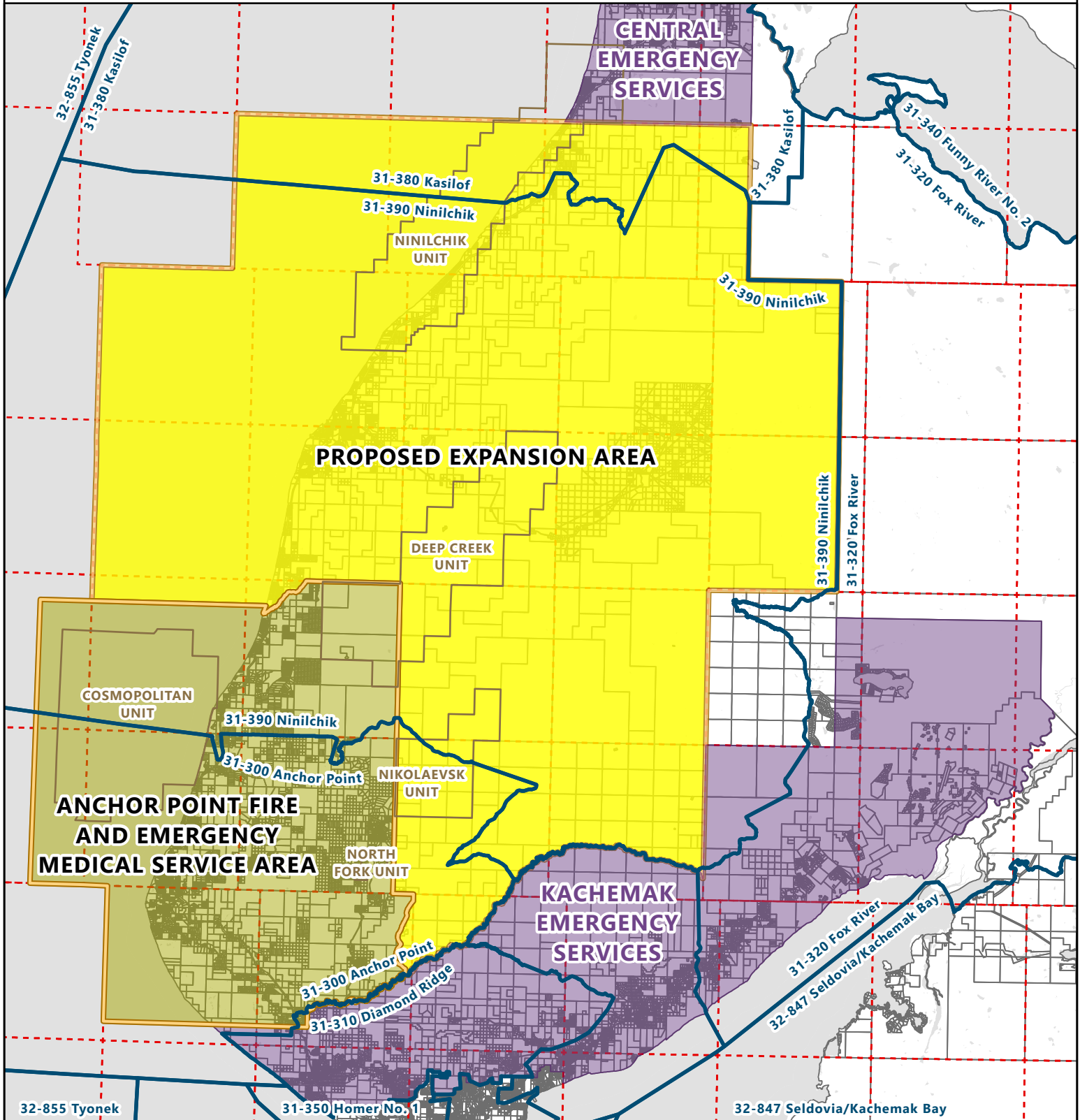
50444 Transfer to Capital Projects. Annual transfer to fund long-term capital projects/replacement requirements. See capital projects section of this document.

61990 Admin Service Fee. The admin service fee is charged to service areas and various funds to cover a portion of costs associated with providing general government services. The amount proposed for FY2021 is 2.5% of the personnel, supplies, services, and capital outlay budgets.

Recommendation #3 – Communication and Education Campaign

The group unanimously recommended that the borough work with the impacted fire chiefs to respond to questions posed by the group. The fire chiefs would relay management actions or gain decisions from respective organizations to ensure continued communications between the borough administration and the Ninilchik Emergency Services board of directors. The fire chiefs would also work to create a frequently asked question (FAQ) and factual document to provide information to the voters.

PROPOSED ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA EXPANSION



PROPOSED EXPANSION AREA

EXISTING FIRE AND EMERGENCY SERVICE AREAS

ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA

CENTRAL EMERGENCY SERVICES

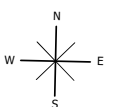
KACHEMAK EMERGENCY SERVICES

VOTER PRECINCTS

OIL AND GAS UNITS

TOWNSHIP LINES

PARCELS



Introduced by: Mayor, Bjorkman, Blakeley, Carpenter
Date: 06/02/20
Hearing: 06/16/20
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2020-29**

**AN ORDINANCE OPPOSING PASSAGE OF LEGISLATION THAT WOULD
RESTRICT INDIVIDUAL RIGHTS PROTECTED BY THE SECOND AMENDMENT
OF THE UNITED STATES CONSTITUTION AND DECLARING THE BOROUGH A
SECOND AMENDMENT SANCTUARY**

- WHEREAS,** the Second Amendment to the Constitution of the United States of America states: "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed"; and
- WHEREAS,** Article 1, Section 19 of the Constitution of the State of Alaska states: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual's right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State"; and
- WHEREAS,** in addition to state constitutional protections, the right of the people to keep and bear arms is further protected from infringement by state and local governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America; and
- WHEREAS,** the United States Supreme Court in *McDonald v. City of Chicago* affirmed that the Second Amendment to the U.S. Constitution applies to the states through the Due Process Clause of the Fourteenth Amendment of U.S. Constitution; and
- WHEREAS,** the residents of the Kenai Peninsula Borough derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within the borough using all types of firearms allowable under the U.S. and Alaska Constitutions; and
- WHEREAS,** the Alaska State Legislature passed HB 69 in 2013, signed into law by the Governor on September 10, 2013, an act prohibiting state and municipal agencies from using assets to implement or aid in the implementation federal laws or regulations that are applied to infringe on a person's right to bear arms; and
- WHEREAS,** AS 44.99.040 prohibits the use of local funds to implement or aide in the implementation of a federal law that infringe on a person's right to keep and bear arms or deny a person's due process rights; and

WHEREAS, the assembly wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the U.S. Constitution and under the Alaska Constitution of the citizens of Kenai Peninsula Borough to keep and bear arms; and

WHEREAS, the assembly wishes to express its deep commitment to the rights of citizens of the Kenai Peninsula Borough to keep and bear arms; and

WHEREAS, the assembly wishes to express its intent to stand as a sanctuary for Second Amendment rights and to oppose, within the limits of the Constitutions of the United States and the State of Alaska, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms;

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

SECTION 1. That this is an uncodified ordinance.

SECTION 2. That the assembly opposes the enactment of any legislation that would infringe upon the right of its law-abiding citizens to keep and bear arms and consider such laws to be unconstitutional.

SECTION 3. That the assembly hereby expresses its intent to uphold the Second Amendment rights of the law-abiding citizens of the Kenai Peninsula Borough and that public funds, resources, employees, buildings or offices not be used to restrict Second Amendment rights or to aid or assist in the enforcement of the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of the Kenai Peninsula Borough to keep and bear arms.

SECTION 4. That the assembly hereby declares the Kenai Peninsula Borough a “Second Amendment Sanctuary”.

SECTION 5. That this ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:





Absent:

Kenai Peninsula Borough

Office of the Mayor

MEMORANDUM

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

FROM: Charlie Pierce, Borough Mayor 
Jesse Bjorkman, Assembly Member 
Norm Blakeley, Assembly Member  *for N.B.*
Kenn Carpenter, Assembly Member 

DATE: May 21, 2020

RE: Ordinance 2020-29, Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter)

The Second Amendment to the Constitution of the United States of America states: "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed". Article 1, Section 19 of the Constitution of the State of Alaska states: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual's right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State".

Alaska Statute 44.99.040 prohibits the use of state or municipal local funds to implement or aide in the implementation of a federal law that infringe on a person's right to keep and bear arms or deny a person's due process rights.

The residents of the Kenai Peninsula Borough derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within the borough using all types of firearms allowable under the U.S. and Alaska Constitutions. The purpose of this ordinance is to express its commitment to protection of the constitutional right to bear arms, that no local funds or resources will be used to restrict or aid restriction of rights under the Second Amendment, and to declare the Kenai Peninsula Borough a "Second Amendment Sanctuary".

Your support is appreciated.

Kenai Peninsula Borough Assembly

MEMORANDUM

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

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Tatyana Shassetz, Borough Clerk Administrative Assistant (AS)

DATE: May 21, 2020

RE: Transfer of Ownership, Name, & Restaurant Designation Permit –
Two Brothers Roadhouse – License 5012

Kenai Peninsula Borough Code § 7.10.010 provides for a mandatory Assembly review of applications for transfer of ownership of a restaurant designation permits at locations within the Borough. Accordingly, the attached application for transfer of ownership, transfer of name, and a restaurant designation permit as filed by Two Brothers Roadhouse, LLC dba Two Brothers Roadhouse located in the Kenai Peninsula Borough, Alaska, is being submitted to you for review and action.

The Borough Finance Department has reviewed the application and has no objection to the transfer of ownership based on unpaid taxes.

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and personnel under the age of 20 for employment.

RECOMMENDATION: That the Assembly approves the issuance of the transfer of ownership, transfer of name, and restaurant designation permit requested by Two Brothers Roadhouse, LLC dba Two Brothers Roadhouse.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

May 6, 2020

Kenai Peninsula Borough

Via Email: iblackenship@kpb.us
Dhenry@kpb.us
JRodgers@kpb.us
SNess@kpb.us
joanne@borough.kenai.ak.us
tshassetz@kpb.us

License Type:	Restaurant/Eating Place	License Number:	5012
Licensee:	Two Brothers Roadhouse LLC		
Doing Business As:	Two Brothers Roadhouse		
Premises Address:	16021 Sterling Highway		

☐ New Application

☒ Transfer of Ownership Application

☐ Transfer of Location Application

☐ Transfer of Controlling Interest Application

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Glen Klinkhart, Interim Director
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	Sackett's Smokehouse Corp.	License #:	5012		
License Type:	Restaurant/Eating Place	Statutory Reference:	AS 04.11.080		
Doing Business As:	Sackett's Smokehouse Kenai Grill				
Premises Address:	16021 Sterling Highway				
City:	Cooper Landing	State:	Alaska	ZIP:	99572
Local Governing Body:	Kenai Peninsula Borough				

Transfer Type:

- ☒ Regular transfer
☐ Transfer with security interest
☐ Involuntary retransfer

OFFICE USE ONLY

Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application**Section 2 – Transferee Information**Enter information for the **new** applicant and/or location seeking to be licensed.

Licensee:	Two Brother's Roadhouse, LLC				
Doing Business As:	Two Brothers Roadhouse				
Premises Address:	16021 Sterling Highway				
City:	Cooper Landing	State:	Alaska	ZIP:	99572
Community Council:	N/A				

Mailing Address:	6819 Rovenna Street				
City:	Anchorage	State:	Alaska	ZIP:	99518

Designated Licensee:	Christopher Thorp				
Contact Phone:	9079037990	Business Phone:			
Contact Email:	christthorp33@gmail.com				

Seasonal License? ☐ Yes ☒ No If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

--

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

--



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Christopher Thorp				
Title(s):	Manager/Member	Phone:	9079037990	% Owned:	50
Address:	6819 Rovenna Street				
City:	Anchorage	State:	Alaska	ZIP:	99518



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Lucas Thorp				
Title(s):	Manager/Member	Phone:	9073107268	% Owned:	50
Address:	6819 Rovenna Street				
City:	Anchorage	State:	Alaska	ZIP:	99518

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10119235	AK Formed Date:	12/09/2019	Home State:	Alaska
Registered Agent:	Jana Weltzin	Agent's Phone:	9072313750		
Agent's Mailing Address:	901 Photo Ave, Second Floor				
City:	Anchorage	State:	Alaska	ZIP:	99503

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?





Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☐☒

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒☐

If "Yes", disclose the name of the individual and the reason for this authorization:

Jana Weltzin - Attorney, and JDW team.



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Anchorage, AK 99501

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Signature of transferor

Glen Sackett

Printed name of transferor

Subscribed and sworn to before me this ____ day of _____, 20____.

Signature of Notary Public

Notary Public in and for the State of Please see attached

My commission expires: _____

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this ____ day of _____, 20____.

Signature of Notary Public

Notary Public in and for the State of _____

My commission expires: _____



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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



I certify that all proposed licensees have been listed with the Division of Corporations.



I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.



I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.



I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.



As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

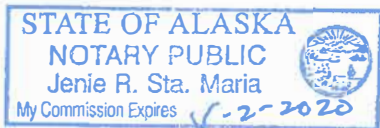
Signature of transferee

Christopher Thorp

Printed name

Subscribed and sworn to before me this 13th day of January, 2020.

Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: 5-2-2020



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

LT

I certify that all proposed licensees have been listed with the Division of Corporations.

LT

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

LT

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

LT

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

LT

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Lucas Thorp

Signature of transferee

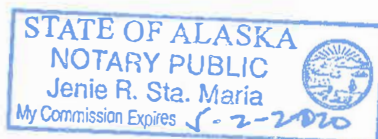
Lucas Thorp

Printed name

Subscribed and sworn to before me this 13th day of January, 2020.

Jenie R. Sta. Maria

Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: 5-2-2020

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

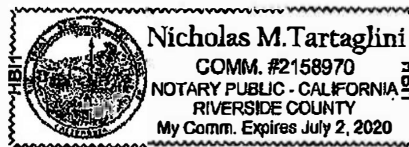
Subscribed and sworn to (or affirmed) before me on this 13 day of January

2020 by Glenn C. Sackett

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.


Signature

(Seal)



OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Transfer License Application

(Title or description of attached document)

Alaska Alcoholic Beverage Control Board

(Title or description of attached document continued)

Number of Pages 7 Document Date _____

Additional information _____

INSTRUCTIONS

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one with does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.

❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.

❖ Indicate title or type of attached document, number of pages and date.

- Securely attach this document to the signed document with a staple.



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

☒ ☐

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Two Brother's Roadhouse, LLC	License Number:	5012		
License Type:	Restaurant/Eating Place				
Doing Business As:	Two Brothers Roadhouse				
Premises Address:	16021 Sterling Highway				
City:	Cooper Landing	State:	Alaska	ZIP:	99572



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550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

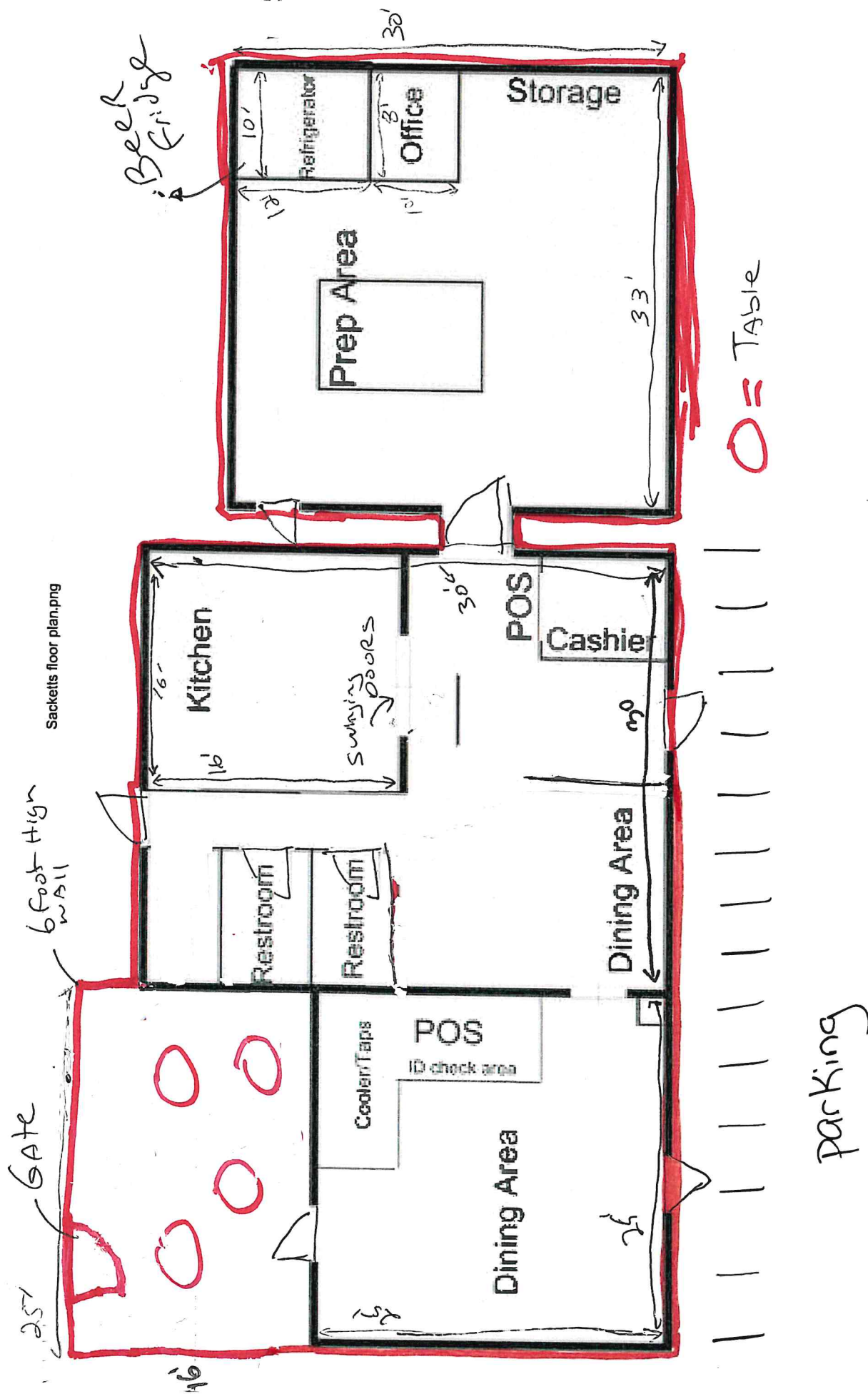
Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

See attached Diagram



Two Brothers Roadhouse Security Plan

Two Brothers Roadhouse, LLC DBA Two Brothers Roadhouse will be utilizing the deck of the outdoor space. The outdoor space will be approximately 400 sqft. The outdoor deck area will allow for outdoor seating so patrons can eat outside and still enjoy an alcoholic beverage of their choosing. The outdoor deck area has a 6 foot tall fence surrounding the entire perimeter. The fence is made of wood and has thick wooden posts every 4 feet.

In addition, Two Brothers Roadhouse will ensure that no alcohol is consumed or accessed by a minor in the establishment. Servers will check the identification of all patrons ordering an alcoholic beverage. An applicable ID must be an unexpired, unaltered passport or an unexpired, unaltered driver's license or identification card issued by a federal or state agency authorized to issue driver's licenses or identification cards. Minors will be allowed throughout the entire establishment where patrons are permitted for dining, but servers will be instructed to quickly remove all glasses/containers that are left by patrons that contained alcohol to mitigate any risk of underage consumption in the event a patron leaves a unfinished alcoholic beverage behind. All servers will be trained in verifying valid government issued photo identification. Minors who are employed will be allowed access to the entire facility. Employed minors will not serve alcohol under any circumstance and will be trained on procedures prior to employment. Staff and management will frequently check the dining area, inside and outside, to ensure persons under the age of 21 are not accessing alcoholic beverages and to ensure no alcoholic beverages are removed from the premises. Staff will quickly clean up beverages left on the tables and frequently check the dining areas for unacceptable behavior such as an adult allowing a minor to consume alcohol. If an employee witnesses a patron handing a minor alcohol, he/she will immediately contact Management. Management will contact local law enforcement and the patron will be dealt with accordingly. Lastly, staff or management will frequently check the outer perimeter of the outdoor area for persons loitering outside the licensed premises. Employees and management will also keep a keen eye on the exits/entrances of the establishment to ensure that no alcohol is removed from the premises. If an employee witnesses a patron handing a minor alcohol or a patron attempting to vacate the establishment with alcohol, he/she will immediately contact Management, management will contact local law enforcement and the patron will be dealt with accordingly. The facility will have signage posted the persons must be of 21 years of age or older to consume alcoholic beverages.



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Two Brother's Roadhouse, LLC				
License Type:	Restaurant/Eating Place	License Number:	5012		
Doing Business As:	Two Brother's Roadhouse				
Premises Address:	16021 Sterling Highway				
City:	Cooper landing	State:	Alaska	ZIP:	99572
Contact Name:	Christopher Thorp	Contact Phone:	907-909-7990		

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- ☒ Dining after standard closing hours: AS 04.16.010(c)
- ☒ Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- ☒ Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- ☐ Employment for persons 16 or 17 years of age: AS 04.16.049(c)
NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minors will be allowed throughout the entire establishment where patrons are permitted for dining.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

Two Brother's Roadhouse will ensure that no minors will gain access to alcohol while on the premises by checking the ID of every person who orders an alcoholic beverage. Employees and management will keep a close eye on all patrons actions, ensuring that no person who has not had their ID checked is handed an alcoholic beverage and quickly clean up unfinished drinks when patrons leave. If an employee witnesses a patron handing a minor alcohol, he/she will immediately contact Management, who will contact local law enforcement and the patron will be dealt with accordingly. All servers are to be trained in verifying valid government issued photo identification.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes ☒ No ☐

Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

If you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

**Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.*



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Two Brother's Roadhouse will be open Monday through Sunday from 10:00 am to 11:00 pm

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes
☒

No
☐

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Two Brother's Roadhouse will have Televisions installed in the Dining area and may display sporting events while open. No other entertainment will be offered.

Food and beverage service offered or anticipated is:

☒

table service

☐

buffet service

☒

counter service

☐

other

If "other", describe the manner of food and beverage service offered or anticipated:



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Section 7 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.



I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.
This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.



I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.



I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.
(AB-03 applications that accompany a new or transfer license application will
not be required to submit an additional copy of their premises diagram.)

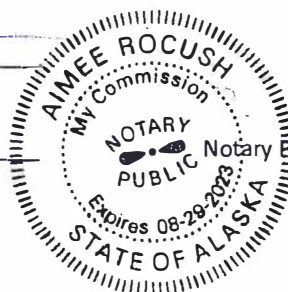


I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Christopher Thorp

Printed name of licensee



Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 8/29/2023

Subscribed and sworn to before me this 21st day of Feb., 2020.

Local Government Review (to be completed by an appropriate local government official):

Approved

Denied



Signature of local government official

Date

Printed name of local government official

Title



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Enforcement Recommendation:

Approve

Deny

☐☐

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Date

Enforcement Recommendations:

AMCO Director Review:

Approved

Denied

☐☐

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:



Alaska Food Code 2019 Establishment Permit

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number: 2354
Issued to: Glenn Sackett
For: Kenai Grill
For Operation of: FF-1 Food Service
Located at: 10620 N Sterling HWY Cooper Landing, AK 99572

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2019

Program Manager:

**If you have questions or concerns regarding
safe food handling practices call toll free:**

1-87-SAFE-FOOD

(in Anchorage call 334-2560)



TWO BROTHERS ROADHOUSE

Appetizers

Baked Soft Pretzel with Cheese Sauce \$8

Parmesan Cheese Bread \$16

Rosemary garlic oil and parmesan cheese on fresh made dough.
Served with ranch dressing

Brisket Nachos \$20

Smoked brisket, tortilla chips, shredded cheese, queso sauce, pico de gallo, and jalapenos

Salad

House Salad \$8.50

Caesar Salad \$8.50

Sackett's Cobb \$16

Smoked chicken, bacon, blue cheese crumbles, tomatoes, onion, red bell peppers, and a hard boiled egg

Pesto Chicken Caesar \$17

Tomatoes, Onions, red bell peppers, smoked chicken, Parmesan cheese and romaine lettuce, topped with Caesar dressing

Entrees

Pulled Pork Dinner \$22

Served with slaw, baked beans, and a corn bread muffin

Brisket Dinner \$22

Served with slaw, baked beans, and a corn bread muffin

Half Rack Ribs \$22

Served with slaw, baked beans, and a corn bread muffin

BBQ Combo Plate \$27

Pulled pork, ribs, smoked brisket, served with slaw, baked beans, and a corn bread muffin

Smoked Prime Rib Dinner \$34

14 oz. grilled prime rib with horseradish sauce, sautéed seasoned vegetables, and a Caesar salad

Rock Fish Tacos \$17

Grilled rock fish on flour tortillas with slaw, pico de gallo and Sriracha cream served with tortilla chips and cheese

Smoked Chicken \$22

Herb roasted free range half chicken with seasoned sautéed vegetables

TWO BROTHERS ROADHOUSE

Sandwiches

Pulled Pork \$15

Alaskan birch smoked meat on a toasted bun topped with slaw

Smoked Brisket \$16

Alaskan birch smoked meat on a toasted bun, topped with slaw

South Carolina Cubano \$17

Pulled pork, bacon, pickled onion, provolone cheese on a butter grilled slice of bread with South Carolina mustard sauce

Prime Rib Sandwich \$20

Smoked Prime rib served open faces on a toasted bun with red pepper mayo, lettuce, tomato, grilled onions, and horseradish sauce

Cheeseburger \$15

Cooked medium and served on a toasted bun with lettuce, tomato, grilled onion, red pepper mayo, and your choice of cheese

Meatless Monstrosity \$14

Beyond burger on a toasted bun with lettuce, tomato, grilled onions, red pepper mayo and provolone cheese

Pork Loin Philly \$15

Strips of pork loin grilled with onions and red peppers, smothered with cheese, and served on a toasted bun with red pepper mayo

Grilled Cheese \$10

Butter grilled Alaska Grains Bakery Company sourdough bread with your choice of pepper jack, provolone, American, or cheddar cheese

Sides

Cole Slaw \$2.50

Baked Beans \$2.50

Corn Muffin \$2.50

Jalapeno Cheese Biscuit \$2.50

Small Mac n Cheese \$6

Large Mac n Cheese \$12

Sautéed Seasoned Vegetables \$8

TWO BROTHERS ROADHOUSE

Pizzas

The Coop \$24

Rosemary garlic oil base, cheese, smoked chicken, and applewood smoked bacon, topped with ranch dressing

Meat-za \$24

Red sauce, cheese, pepperoni, Sausage, ham, and applewood smoked bacon

BBQ Chicken \$24

BBQ sauce base, cheese, smoked chicken, onions, and pineapple

BBQ Brisket \$26

Red sauce base, cheese, smoked brisket, mushrooms, and onions. Topped with BBQ sauce

Combo \$27

Red sauce base, cheese, pepperoni, sausage, red bell peppers, onions, mushrooms, and black olives

Vegetarian \$24

Red sauce base, cheese, mushrooms, onions, red bell peppers, black olives, and artichokes. Topped with pesto and pico de gallo

Jalapeno Popper \$26

Red sauce base, cheese, sausage, applewood smoked bacon, onions, jalapenos and cream cheese. Topped with red pepper mayo and fresh cilantro

Italian Stallion \$28

Red sauce base, cheese, pepperoni, sausage, salami, onions, and artichokes. Topped with pesto sauce

Hawaiian Dream \$26

Red sauce base, cheese, pulled pork, ham, pineapple, and cream cheese. Topped with siracha



Alaska Food Code 2020 Establishment Permit

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number: 11020
Issued to: **TWO BROTHER'S ROADHOUSE LLC**
For: **TWO BROTHER'S ROADHOUSE**
For Operation of: **FF-1 Food Service**
Located at: **10620 N Sterling HWY Cooper Landing, AK 99572**

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2020

Program Manager:

**If you have questions or concerns regarding
safe food handling practices call toll free:**

1-87-SAFE-FOOD

(in Anchorage call 334-2560)



Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

FROM: Marcus A. Mueller, Interim Planning Director *MAM*

DATE: May 14, 2020

RE: Vacate a portion of Fritz Creek Drive right-of-way adjacent to Tract E, Fritz Creek Acres Addition Tract D & E (HM 78-105) and adjacent to Lot 2, Carl Baier Tract A Weber 1981 Subdivision (HM 82-10) as dedicated on Fritz Creek Acres (HM 78-105) and Fritz Creek Acres No. 4 (HM 2007-122) and the 66-foot wide section line easement located within the portion of Fritz Creek Valley Drive right-of-way petitioned for vacation per the submittal application. The right-of-way and section line easement being vacated are partially developed and located within the NW1/4 SW1/4 of Section 28, and the NE1/4 SE1/4 of Section 29, Township 5 South, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-035V. Petitioners: Terri Bramel Trust of Anchorage, AK

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of May 11, 2020, the Kenai Peninsula Borough Planning Commission granted approval to the proposed right-of-way vacation by unanimous consent based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

May 11, 2020 Planning Commission Draft Meeting Minutes
May 11, 2020 Agenda Item E2 Packet Materials

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

AGENDA ITEM E. PUBLIC HEARINGS

2. Vacate a portion of Fritz Creek Drive right-of-way adjacent to Tract E, Fritz Creek Acres Addition Tract D & E (HM 78-105) and adjacent to Lot 2, Carl Baier Tract A Weber 1981 Subdivision (HM 82-10) as dedicated on Fritz Creek Acres (HM 78-105) and Fritz Creek Acres No. 4 (HM 2007-122) and the 66-foot wide section line easement located within the portion of Fritz Creek Valley Drive right-of-way petitioned for vacation per the submittal application. The right-of-way and section line easement being vacate are partially developed and located within the NW1/4 SW1/4 of Section 28, and the NE1/4 SE1/4 of Section 29, Township 5 South, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-035V.

Staff Report given by Scott Huff

PC Meeting: May 11, 2020

Purpose as stated in petition: The existing road has been substantially in the same location since before any of the right-of-way dedications of Clark Road (now known as Fritz Creek Valley Drive) per Fritz Creek Acres (Plat HM 77-37). The house shown on the exhibit predates the right-of-way dedication on Fritz Creek Acres Addition Tracts D & E (Plat HM 78-105), per the owner's records. The exact dates are a bit unclear but the owner thinks the house was built in the 1960's and was purchased in about 1975. The owner does not know why or how the right-of-way was dedicated over the existing house. The current owner, Terri Bramel Trust and her late husband have owned this house since 1975. The owner would like to sell the property and wishes to preserve the customary use of the property for any new owners without the previously dedicated right-of-way interfering. This vacation will allow the current and future owners of Tract E to use the property as it has long been used.

Petitioners: Terri Bramel Trust of Anchorage, AK

Notification: Public notice appeared in the April 30, 2020 issue of the Homer News as a separate ad. The public hearing notice was published in the May 7, 2020 issue of the Homer News as part of the Commission's tentative agenda.

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The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: Reviewed and requests a 10' public utility easement centered on existing buried copper cable owned by ACS.

ENSTAR: Reviewed, no comments, recommendations or objections.

Homer Electric Association: Reviewed, no comments.

KPB Addressing: 38802 Fritz Creek Valley Dr. will be retained on existing Tract E. Existing Street Names are correct.

KPB Planning: No material site or local option zone issues.

KPB River Center: Not within a flood hazard area or habitat protection district.

KPB Roads Department: The preliminary plat allows enough right-of-way for the existing road and KPB right-of-way standard. Would note that the home has been built on a section line easement.

Kachemak Bay Advisory Planning Commission: Is currently inactive.

State Parks: No comments.

Staff Discussion: Tract E of Fritz Creek Acres (Plat HM 78-105), dedicated the portion of Fritz Creek Valley Drive (formerly Clark Road) that is being petitioned to be vacated. Per the applicant, this portion of the right-of-way was dedicated through the house that has been on the property prior to the right-of-way dedication. A portion of right of way being petitioned to vacated was dedicated by Lot 1 of Fritz Creek Acres No. 4 (Plat HM 2007-122).

AS 29.40.160 – Title to vacated area, states that when right of way is vacated, original boundary lines shall be adhered to so that the vacated right-of-way should return to the original lots from which it was taken. Following this statute will result in a small remnant parcel for Lot 2A-1, Fritz Creek Acres No. 4 that will be separated from the larger portion of the lot by Fritz Creek Valley Drive. Staff recommends that the petitioners work with the owner of Lot 2A-1. The owner of Lot 2A-1 will need to sign stating they agree to the plat showing that small portion of vacated right of way being added to Tract E, Fritz Creek Acres. Also, after the plat is recorded the owner of Lot 2A-1 will need to complete a quit claim deed transferring any interest the owner of Lot 2A-1 has in the vacated portion of Fritz Creek Valley Drive to the owner of Tract E.

A plat has not been submitted at this time. If approved, a plat will need to be submitted to finalize the proposed right-of-way vacation.

The petitioner is also requesting to vacate the section line easement that lies within the area of the proposed right-of-way vacation.

If approved, a section line easement vacation (SLEV) plat will finalize the proposed section line easement vacation. The SLEV Plat has not been submitted at the time the staff report was prepared.

KPB 20.70 – Vacation Requirements.

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

Platting Staff Comments: Neither a Plat finalizing the right-of-way vacation or a Section Line Easement Vacation plat has not been submitted at this time.

Staff recommendation: Submit a right of way vacation plat and/or a Section Line Easement Vacation plat for KPB review as well as submittal to AK DNR survey section if applicable.

20.70.150. Title to vacated area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

Platting Staff Comments: This action will create a small remnant lot due to Fritz Creek Valley Drive.

Staff recommendation: *If the remnant is to be added to Tract E Fritz Creek Acres Addition of Tracts D & E the plat shall be signed by the owner of Lot 2A-1 Fritz Creek Acres No.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: Dedications through the years have provide right-of-way where the road is built. The vacation of this portion will not change, or prohibit, access for surrounding properties. The road along the area to be vacated will remain a 60-foot wide right-of-way.

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Platting Staff Comments: The road will remain a 60-foot wide right-of-way along the area to be vacated. Any other access needs can be done using the existing dedicated right-of-way.

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

Platting Staff Comments: Comments from utility providers were not available with staff report was written.

Staff recommendation: *Comply with 20.70.190.*

20.30.220. Section line easement vacations. Section line easement vacation petitions must comply with the requirements of KPB 20.70.040, 20.70.050 and 20.70.060. A fee is required in compliance with KPB 20.70.060. Public hearing and notice must comply with the requirements of KPB 20.70.070, 20.70.080, 20.70.100, 20.70.110 and 20.70.120. The mail notice required in KPB 20.70.090 may be by regular mail. Publication on the planning commission agenda, advertised once in local papers, posted in public areas and on the borough website prior to the meeting will satisfy the publishing requirements. The petitioner is responsible for all submittals required by the State of Alaska Department of Natural Resources (DNR) in compliance with their procedures. The petition must be reviewed and approved by the planning commission but final authority for approval and platting of the vacation rests with DNR. The petitioner is responsible for coordination with DNR and submittals to DNR.

Platting Staff Comments: A SLEV plat has not been submitted to KPB Planning Department,

Staff recommendation: *Submittal of a SLEV plat to the KPB Planning Department and the State of AK DNR – Survey Section.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by

KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by utility providers.
4. Submittal of a final plat within a timeframe such that the right of way vacation plat can be recorded within one year of vacation consent (KPB 20.70.130).
5. Submittal of a final plat within a timeframe such that the section line easement vacation plat can be recorded within four years of section line easement vacation approval (KPB 20.25.110).

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly.

The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chairman Martin asked if anyone from the public wished to comment on this item.

1. Tom Latimer [Orion Surveys]; P.O. Box 15025 Fritz Creek, AK 99603
Mr. Latimer is the surveyor on the project was available to answer questions

Seeing and hearing no one else wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission

MOTION: Commissioner Whitney moved, seconded by Commissioner Ecklund to approve the vacations based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Commissioner Carluccio wanted clarification from the surveyor regarding the section line easement vacation. Was the section line easement being vacated only within the portion of Fitz Creek Dr. being vacated by this platting action and secondly has any of the section line easement in this area been previously vacated. Mr. Latimer stated that none of the section line easement in the area has been vacated and that they are only requesting that the portion of the section line easement hatch marked in the drawing submitted with the application be vacated.

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

E. Public Hearings

2. Vacate a portion of Fritz Creek Valley Drive right-of-way adjacent to Tract E and a portion of the 66-foot wide section line easement located associated with Fritz Creek Acres Addition Tracts D & E (HM 78-105) NW1/4 SW1/4 Sec 28 and the NE1/4 SE1/4 Section 29, T5S, R12W, Seward Meridian, AK; KPB File 2020-035; Petitioner: Terri Bramel Trust of Anchorage, AK

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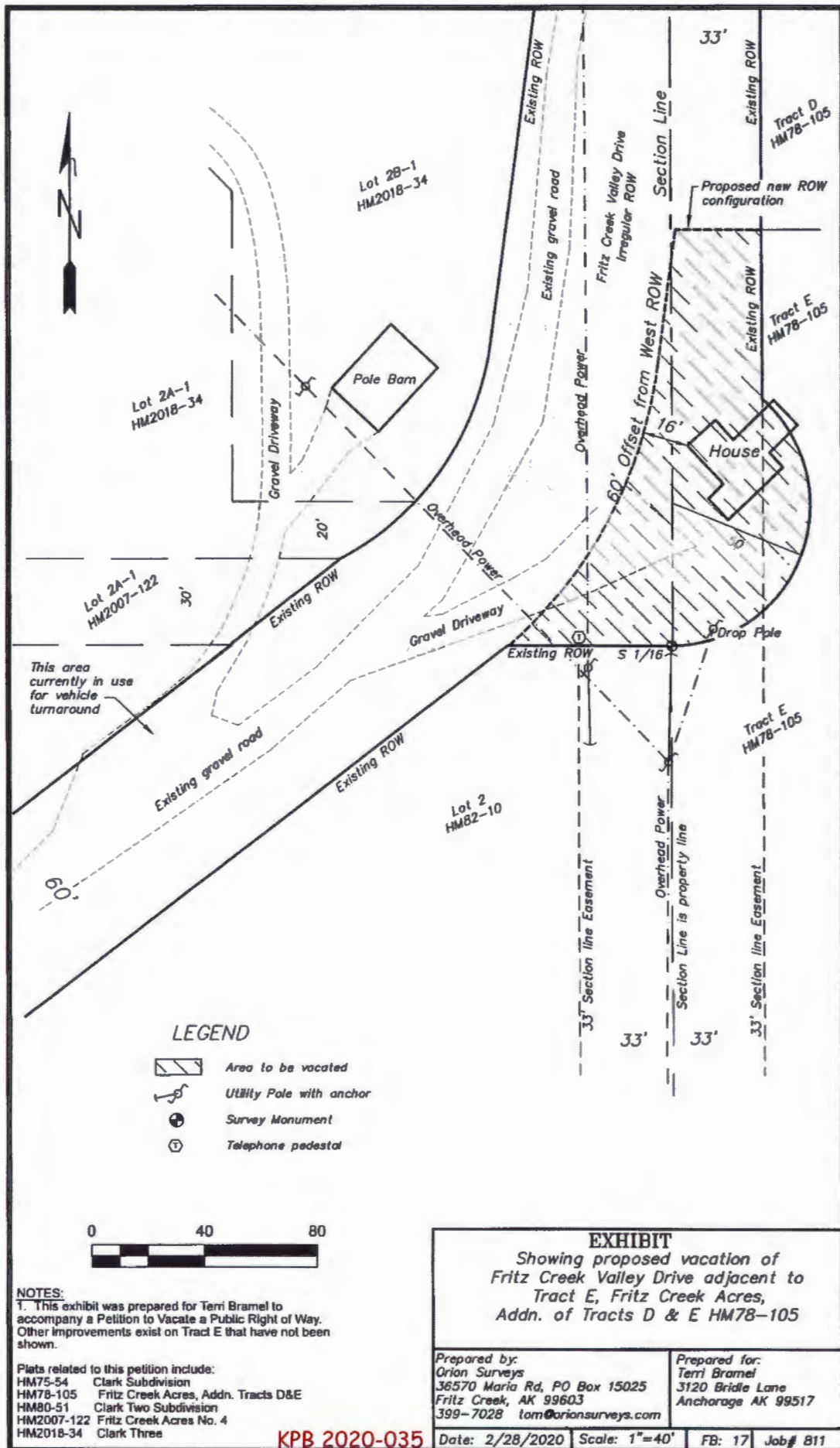
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KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT



KPB 2020-035





HM 80-51

LOT 1

FRITZ CREEK ACRES
PLAT NO 77-34 HRD

CARL SAUER TRACT A
PLAT NO 71-1138 HRD

UNSUB N 0° 12' W 330.5

33' SECTION LINE ESMT

S 0° 12' E 330.1

CLARK ROAD

FRITZ CREEK ACRES
ADDN OF TR D 8 E
PLAT NO 78-105 HRD

80-51

RECORDED - FILED 10-
Homer REC DIST.

DATE 5-29-80

TIME 2:45 P.M.

Represented by R.P. Anderson

Witness J. Anderson

NOTES

- ALL WASTEWATER DISPOSAL SYSTEMS MUST COMPLY WITH EXISTING LAW AT THE TIME OF CONSTRUCTION
- THE STATE OF ALASKA REQUIRES ALL WASTEWATER DISPOSAL SYSTEMS TO BE A MINIMUM OF 100' FROM ANY WATER SOURCE
- A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON I HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING 100' EASEMENTS FOR PUBLIC UTILITIES AND ROADWAYS DEDICATED BY ME FOR PUBLIC USE.

Martin H. Currier

MARTIN H. CURRIER SRA BOX 79-A HOMER, AK 99603

Randall Lewis Hawkenson

RANDALL LEWIS HAWKINSON

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SHOWN TO BEFORE ME THIS 17th DAY OF November 1979

Martin H. Currier July 17, 1980

NOTARY PUBLIC FOR ALASKA BY COMMISSION EXPIRES

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS BASED UPON THE MOST RECENT PLATS OF THE PROPERTIES SHOWN AND THAT NO FIELD SURVEY WAS PERFORMED.

Jerry A. Anderson 5/1/80

DATE

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF April 23, 1979

KENAI PENINSULA BOROUGH

Phyllis Warner

AUTHORIZED OFFICIAL

VICINITY MAP

DATE: MARCH, 1979

SCALE: 1" = 150'

DESIGNED BY: JA

DRAWN BY: R.W.S.W.

FLD. BK. NO.: 48

STATE OF ALASKA

49th

Jerry A. Anderson

NO. 2886-S

REGISTERED PROFESSIONAL LAND SURVEYOR

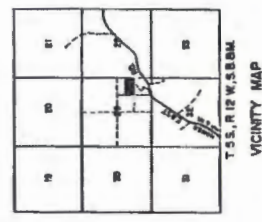
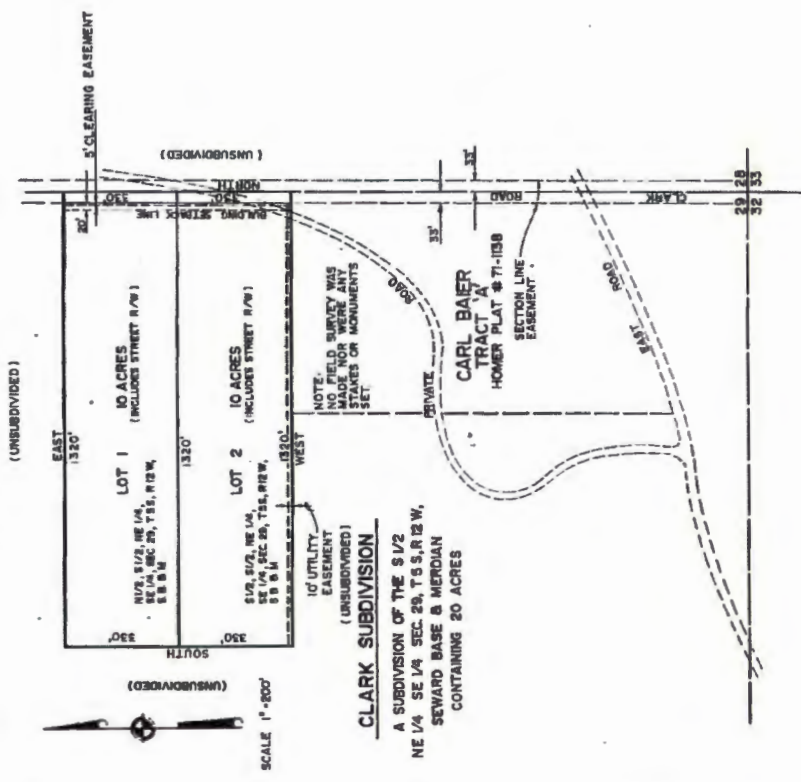
Clark Two

A RESUBDIVISION OF LOT 2, CLARK SUBDIVISION, PLAT 75-54, HOMER R.D., WITHIN THE 1/4 SE 1/4 SEC 23, T55, R12W, S.M.

CONTAINING 10.0 AC. M/L

ABILITY SURVEYS

JERRY ANDERSON, RLS BOX 1263 HOMER, ALASKA



CERTIFICATE OF OWNERSHIP AND TESTIFICATION

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, easels, paths, utility easements and other open space as public use.

Date Nov 5, 1975 Ronald Clark
Owner

STATE OF ALABAMA
THIRD JUDICIAL DISTRICT
COUNTY OF CLARK

On this 5th day of November, 1975, before me, the undersigned a Notary Public for the State of Alabama, personally appeared Ronald Clark to me known, who acknowledged to me that he executed the foregoing certificate of ownership and dedication, and acknowledged to me that he executed the same as his free and voluntary act, and that he executed the same as his free and voluntary act, and that he executed the same as his free and voluntary act, and that he executed the same as his free and voluntary act.

Witness my hand and official seal the day, month and year hereinabove written.

Ronald Clark
Notary Public for Alabama
My commission expires 12-10-78

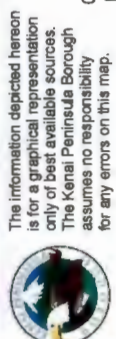
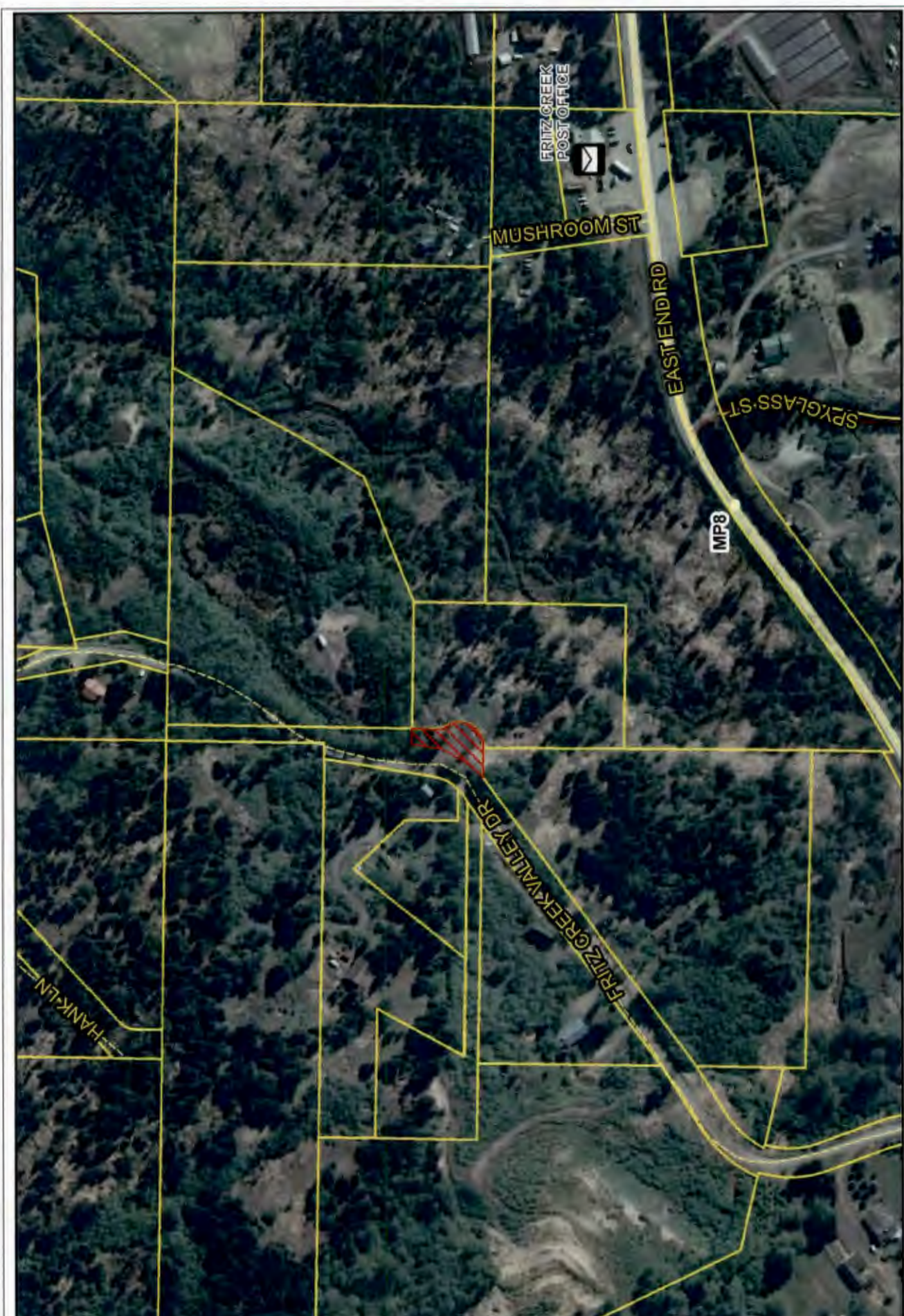
PLAT APPROVAL
This approved by the commission this 4th day of January, 1976.
Howard C. Hillman
Notary

75-54

RECORDED
INDEXED
FILED
JAN 11-13-76
CLARK COUNTY, ALA.
KPB
JAN 11-13-76



SHEET 1 OF 1	
PROJ. NO. K 23450	DATE JAN 1976
CLARK SUBDIVISION	
A SUBDIVISION OF THE S 1/2, NE 1/4, SE 1/4 SEC. 28, T5S, R12W, S.B.M. CONTAINING 20 ACRES. HOMER RECORDING DISTRICT NO.	
DIST. E.S.W.	DE. O.B.M.
CHK. D.W.R.	APPRO. E.S.W.



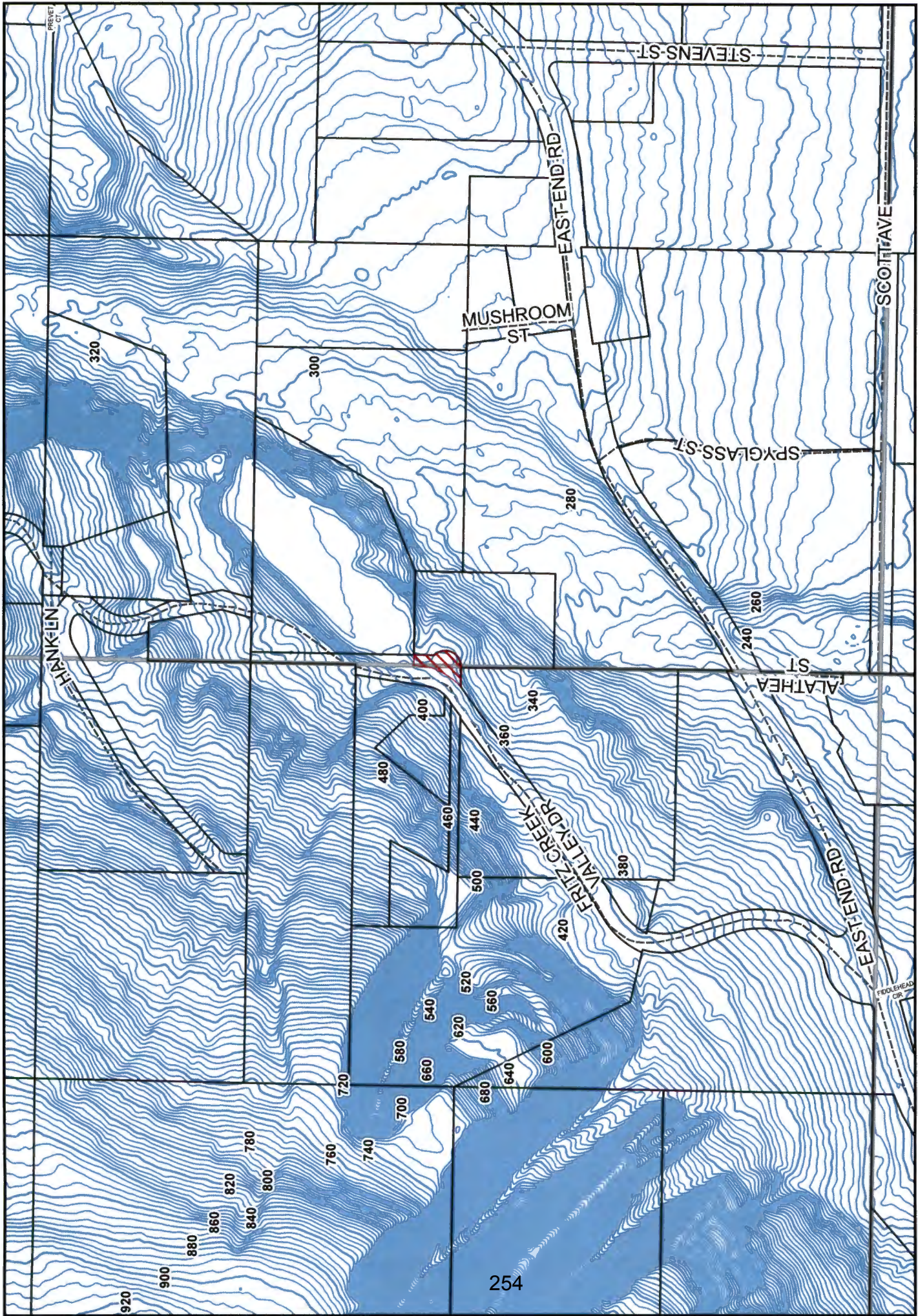
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Aerial View



**Right of Way Vacation**

PClements, KPB
Date: 4/3/2020
Imagery: 2012-2013 FixedWing



Date: 4/22/2020

4 Foot Contours

The information depicted hereon is for general reference only and is not a warranty. The Kaval Peninsula Borough assumes no responsibility for any errors on this map.



National Wetlands Inventory

The information depicted hereon
 is for a graphical representation
 only of best available sources.
 The Kenai Peninsula Borough
 assumes no responsibility
 for any errors on this map.



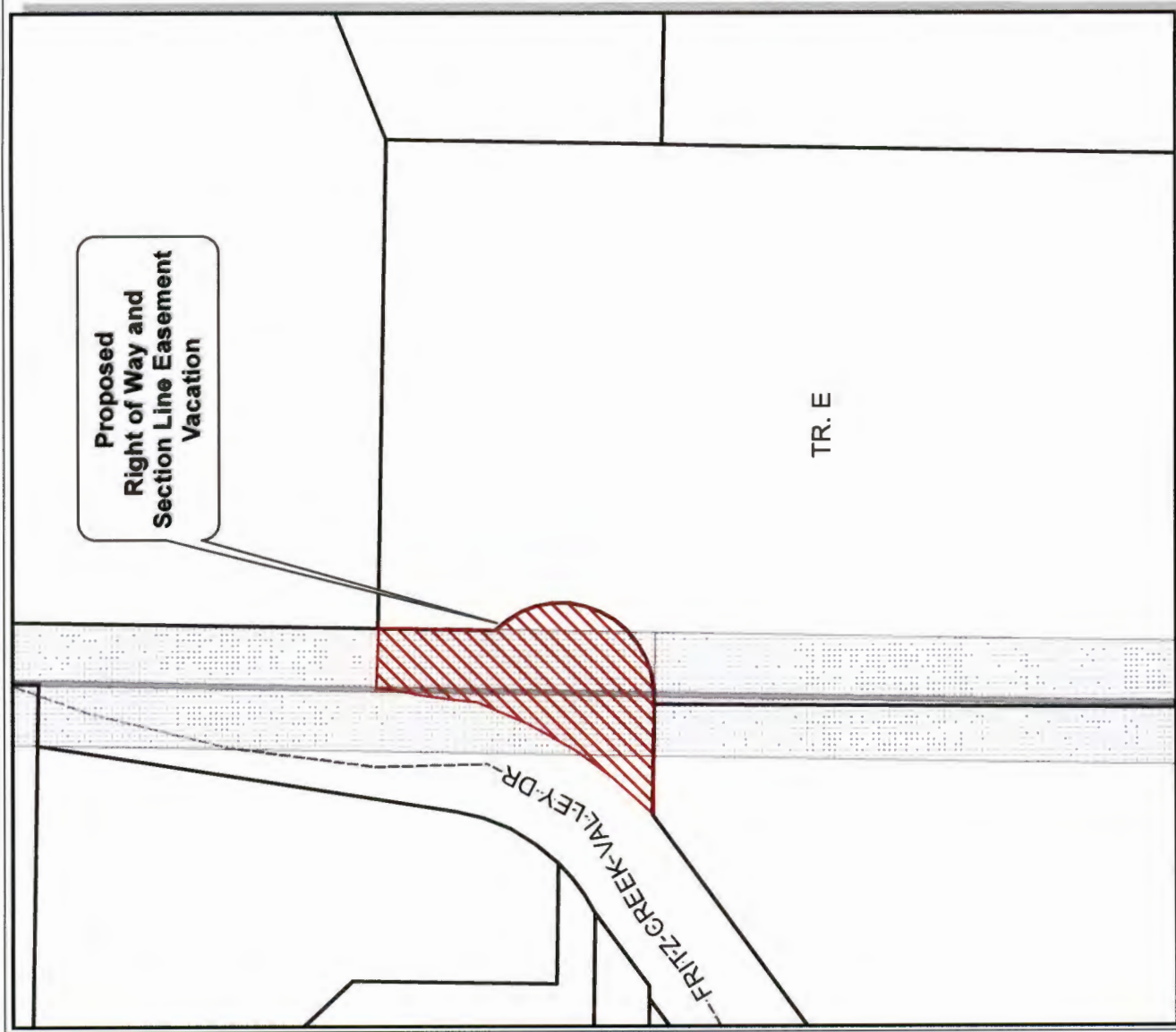
256

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Kenai Watershed Wetlands



Date: 4/22/2020




KPB 2020-035V
T05S R12W S28
HOMER

Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

FROM: Marcus Mueller, Interim Planning Director 

DATE: May 14, 2020

RE: Vacate the west 5 feet of the existing 70-foot wide Camelot Drive right-of-way along the east boundary of Lots 6, 7, and 8, Block 2, as dedicated on Camelot by the Sea Subdivision, Plat SW-76. The right-of-way being vacated is developed and located within the NW1/4 SE1/4 of Section 23, Township 1 North, Range 1 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-032V. Petitioners: J. Craig Turnbull & Catherine M. Turnbull of Seward, AK

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of May 11, 2020 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation of a portion of Camelot Drive by unanimous consent based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

May 11, 2020 Planning Commission Draft Meeting Minutes
May 11, 2020 Agenda Item E1 Packet Materials

Huff replied that he believed that the city council would notify the neighbors of this agenda item.

Commissioner Brantley had a question for staff regarding the site drawing. He believed that the site drawing depicts a drainage gallery right where the new building would be located. Mr. Huff reviewed the site drawing and stated that area that Commissioner Brantley was referring to was not depicting a drainage gallery but the alcove of the proposed building.

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

AGENDA ITEM E. PUBLIC HEARINGS

1. Vacate the west 5 feet of the existing 70-foot wide Camelot Drive right-of-way along the east boundary of Lots 6, 7, and 8, Block 2, as dedicated on Camelot by the Sea Subdivision, Plat SW-76. The right-of-way being vacated is developed and located within the NW1/4 SE1/4 of Section 23, Township 1 North, Range 1 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-032V.

Staff report given by Scott Huff

PC Meeting May 11, 2020

Purpose as stated in petition: Camelot Drive was dedicated on the plat of Camelot by the Sea (Plat SW-76) as a 70-foot wide right-of-way. The roadway is constructed toward the easterly side of the right-of-way, on the side away from the proposed area to be vacated. In addition, the roadway and the area adjacent is relatively flat so that no slope easements are necessary.

Petitioners: J. Craig Turnbull and Catherine M. Turnbull of Seward, AK.

Notification: Public notice appeared in the April 29, 2020 issue of the Seward Journal as a separate ad. The public hearing notice was published in the May 6, 2020 issue of the Seward Journal as part of the Planning Commission's tentative agenda.

Twenty certified mailings were sent to owners of property within 300 feet of the proposed vacation. Zero receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to twenty-five owners within 600 feet of the proposed vacation.

Twenty-one public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to five KPB staff/Departments via a shared database.

Notices were mailed to the Seward Post Office and Seward Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: Review, not in their service area

ENSTAR: Reviewed, no comments, recommendations or objections.

City of Seward Electric / Chugach Electric: No response

TelAlaska: No response

KPB Addressing: 12481 Camelot Dr. will be retained on Lot 8A.
12515 Camelot Dr. will be retained on Lot 6A
32565 Wizard Ave. will be deleted from the system.
Existing street names are correct

KPB Planning: No material site or local option zone issues

KPB River Center: This project IS located within a flood hazard area
Flood Zone X
Map Panel 02122C-4542D
This project is NOT located within the Habitat Protection District

KPB Roads Department: Reviewed and no comment

State Parks: No comments

Staff Discussion: The petitioners are proposing to reconfigure four lots ranging in size from 0.42 acres to 0.58 acres. Two new lots will be created that are 0.744 acres and 1.290 acres in size. They wish to vacate a 5-foot portion of the 70-foot wide Camelot Drive.

If approved, Camelot by the Sea 2019 Replat will finalize the proposed right of way vacation. The Plat Committee is scheduled to review KPB File No. 2020-032 on May 26, 2020.

KPB 20.70 – Vacation Requirements.

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in support of the vacation** and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

Platting Staff Comments: The petitioner has not stated a reason why this vacation is crucial to their future plans, only that the right of way is larger than borough requirements. The design of the replat is not dependent on the vacation of this right-of-way.

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

Platting Staff Comments: The area to be vacated is not due to excessive topographic features but the remaining 65-foot width of the right-of-way is relatively flat and the portion proposed to be vacated is not needed for drainage.

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat.

The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

Platting Staff Comments: If approved, Camelot by the Sea 2019 Replat (KPB File No. 2020-032) will finalize the proposed right-of-way vacation. The Plat Committee is tentatively scheduled to review this subdivision plat, KPB File No. 2020-032, on the May 26, 2020.

Staff recommendation: Comply with KPB 20.70.130.

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

Platting Staff Comments: Per KPB 20.30.120(A) the minimum right-of-way width of streets shall be 60 feet. Camelot Drive was dedicated on Camelot by the Sea Subdivision (Plat SW 76) as a 70-foot width right-of-way. Vacating 5 feet of the right-of-way will leave a 65-foot width right-of-way for that portion of Camelot Drive and will still provide more than the minimum width. This vacation will comply with 20.70.160.

Staff recommendation: Concur that there is excessive right of way in this area and that the remaining right of way will comply with KPB right of way width standards.

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: The road is built and developed within the existing dedicated right-of-way but not within the 5-foot width proposed for vacation. Vacating 5 feet of the right-of-way will leave a 65-foot width right-of-way for that portion of Camelot Drive and will still provide more than the minimum width.

Per National Wetlands Inventory mapping, the portion of the Camelot Drive right-of-way proposed to be vacated are not affect by low wet areas nor the portion of Camelot Drive to remain.

Per KPB four foot contours, the portion of the Camelot Drive right-of-way proposed to be vacated is relatively flat as is the other portion of Camelot Drive.

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Platting Staff Comments: Per the petition, no other uses exist within the portion of the Camelot Drive right-of-way proposed to be vacated.

As discussed above, the portion of Camelot Drive right-of-way proposed to be vacated is not affected by low wet areas and is relatively flat and therefore suited for general road use. However, as noted above, the dedicated right-of-way width will still be wider than required by KPB 20.30.120(A).

Staff recommendation: Concur that the portion of Camelot Drive right-of-way proposed to be vacated is suited for general road use, the remaining width of the dedicated right-of-way will provide equal or superior right-of-way for other uses.

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

Platting Staff Comments: The petition and proposed plat do not mention any utilities adjoining the portion

of Camelot Drive right-of-way proposed to be vacated.

There are utility easements within the proposed subdivision located on the side and back lot lines only. There are currently no utility easements adjoining the right of way.

Comments from the utility providers were not available at the time the staff report was prepared.

The portion of Camelot Drive right-of-way proposed for vacation could be used as utility easements if required or requested by a utility provider.

Staff recommendation: *If easements are requested by providers, the petitioners must work with the utility providers to provide the needed easements.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly.

The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chairman Martin asked if anyone from the public wished to comment on this item. Seeing and hearing no one wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission

MOTION: Commissioner Ecklund moved, seconded by Commissioner Ruffner to approve the vacations based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Commission Whitney asked staff was there anything in the record as to why Camelot Dr. was a 70 ft. right-of-way. Mr. Huff stated no, that Camelot Dr. was platted back in 1971 as a 70 ft. right-of-way with no explanation as to why.

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

AGENDA ITEM E. PUBLIC HEARINGS

2. Vacate a portion of Fritz Creek Drive right-of-way adjacent to Tract E, Fritz Creek Acres Addition Tract D & E (HM 78-105) and adjacent to Lot 2, Carl Baier Tract A Weber 1981 Subdivision (HM 82-10) as dedicated on Fritz Creek Acres (HM 78-105) and Fritz Creek Acres No. 4 (HM 2007-122) and the 66-foot wide section line easement located within the portion of Fritz Creek Valley Drive right-of-way petitioned for vacation per the submittal application. The right-of-way and section line easement being vacate are partially developed and located within the NW1/4 SW1/4 of Section 28, and the NE1/4 SE1/4 of Section 29, Township 5 South, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-035V.

Staff Report given by Scott Huff

PC Meeting: May 11, 2020

Purpose as stated in petition: The existing road has been substantially in the same location since before any of the right-of-way dedications of Clark Road (now known as Fritz Creek Valley Drive) per Fritz Creek Acres (Plat HM 77-37). The house shown on the exhibit predates the right-of-way dedication on Fritz Creek Acres Addition Tracts D & E (Plat HM 78-105), per the owner's records. The exact dates are a bit unclear but the owner thinks the house was built in the 1960's and was purchased in about 1975. The owner does not know why or how the right-of-way was dedicated over the existing house. The current owner, Terri Bramel Trust and her late husband have owned this house since 1975. The owner would like to sell the property and wishes to preserve the customary use of the property for any new owners without the previously dedicated right-of-way interfering. This vacation will allow the current and future owners of Tract E to use the property as it has long been used.

Petitioners: Terri Bramel Trust of Anchorage, AK

Notification: Public notice appeared in the April 30, 2020 issue of the Homer News as a separate ad. The public hearing notice was published in the May 7, 2020 issue of the Homer News as part of the Commission's tentative agenda.

Ten certified mailings were sent to owners of property within 300 feet of the proposed vacation. One receipt had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to four owners within 600 feet of the proposed vacation.

Twenty public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to five KPB staff/Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: Reviewed and requests a 10' public utility easement centered on existing buried copper cable owned by ACS.

ENSTAR: Reviewed, no comments, recommendations or objections.

E. Public Hearings

1. Vacate a portion of Camelot Drive right-of-way associate with Lots 6, 7 and 8, Block 2 as dedicated on Camelot by the Sea Subdivision (SW-76); NW1/4 SE1/4 Sec 23, T1N, R1W, Seward Meridian, AK; KPB File 2020-032V; Petitioners: John Craig Turnbull & Catherine Therese Murphy Turnbull of Seward, AK

AGENDA ITEM E. PUBLIC HEARINGS

1. Vacate the west 5 feet of the existing 70-foot wide Camelot Drive right-of-way along the east boundary of Lots 6, 7, and 8, Block 2, as dedicated on Camelot by the Sea Subdivision, Plat SW-76. The right-of-way being vacated is developed and located within the NW1/4 SE1/4 of Section 23, Township 1 North, Range 1 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-032V.

STAFF REPORT

PC Meeting: May 11, 2020

Purpose as stated in petition: Camelot Drive was dedicated on the plat of Camelot by the Sea (Plat SW-76) as a 70-foot wide right-of-way. The roadway is constructed toward the easterly side of the right-of-way, on the side away from the proposed area to be vacated. In addition, the roadway and the area adjacent is relatively flat so that no slope easements are necessary.

Petitioners: J. Craig Turnbull and Catherine M. Turnbull of Seward, AK.

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Comments Received:

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KPB Addressing: 12481 Camelot Dr. will be retained on Lot 8A.
12515 Camelot Dr. will be retained on Lot 6A
32565 Wizard Ave. will be deleted from the system.
Existing street names are correct

KPB Planning: No material site or local option zone issues

KPB River Center: This project IS located within a flood hazard area
Flood Zone X
Map Panel 02122C-4542D

This project is NOT located within the Habitat Protection District

KPB Roads Department: Reviewed and no comment

State Parks: No comments

Staff Discussion: The petitioners are proposing to reconfigure four lots ranging in size from 0.42 acres to 0.58 acres. Two new lots will be created that are 0.744 acres and 1.290 acres in size. They wish to vacate a 5-foot portion of the 70-foot wide Camelot Drive.

If approved, Camelot by the Sea 2019 Replat will finalize the proposed right of way vacation. The Plat Committee is scheduled to review KPB File No. 2020-032 on May 26, 2020.

KPB 20.70 – Vacation Requirements.

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

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- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in support of the vacation** and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

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Staff recommendation: Comply with KPB 20.70.130.

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the

commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

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Staff recommendation: *Concur that there is excessive right of way in this area and that the remaining right of way will comply with KPB right of way width standards.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

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Per National Wetlands Inventory mapping, the portion of the Camelot Drive right-of-way proposed to be vacated are not affect by low wet areas nor the portion of Camelot Drive to remain.

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Platting Staff Comments: Per the petition, no other uses exist within the portion of the Camelot Drive right-of-way proposed to be vacated.

As discussed above, the portion of Camelot Drive right-of-way proposed to be vacated is not affected by low wet areas and is relatively flat and therefore suited for general road use. However, as noted above, the dedicated right-of-way width will still be wider than required by KPB 20.30.120(A).

Staff recommendation: *Concur that the portion of Camelot Drive right-of-way proposed to be vacated is suited for general road use, the remaining width of the dedicated right-of-way will provide equal or superior right-of-way for other uses.*

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Platting Staff Comments: The petition and proposed plat do not mention any utilities adjoining the portion of Camelot Drive right-of-way proposed to be vacated.

There are utility easements within the proposed subdivision located on the side and back lot lines only. There are currently no utility easements adjoining the right of way.

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KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska. This plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.



WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

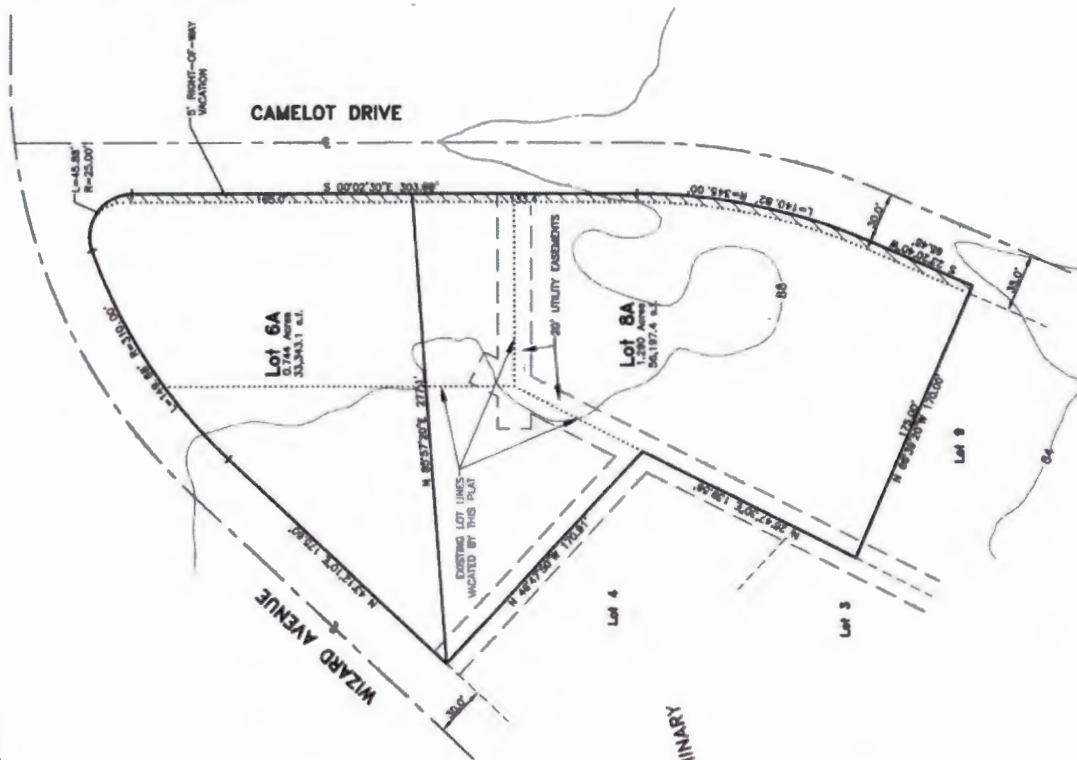
PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission of the meeting of _____

Borough Official _____

PRELIMINARY

PRELIMINARY



PRELIMINARY



GRAPHIC SCALE - FEET

CERTIFICATE OF OWNERSHIP AND DEDICATION
I (we), hereby certify that I (we) am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-ways and public areas to public use and grant all easements to the use shown.

Owner

CRAIG J TURNBULL AND CATHERINE M TURNBULL
P.O. Box 2431
Seward, Alaska 99664-2431

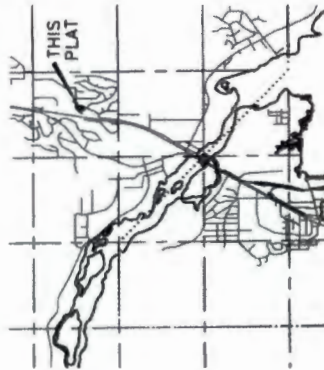
Notary Acknowledgement

for _____ day _____
sworn to before me this _____ day _____

My Commission Expires _____

History Public for the State of Alaska

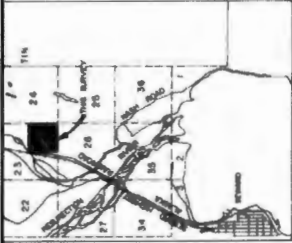
Vicinity Map Scale: 1" = 1 Mile



PLAN OF CAMELOT BY THE SEA 2019 REPLAT

Lots 6A & 8A, Block 2 - CONTAINING 1.996 Acres
SUBDIVISION OF LOT 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 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1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 20

CAMELOT BY THE SEA SUBDIVISION



CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the property shown and described herein and that we hereby offer the plan of subdivision and plat of lots, streets, alleys, paths, utility easements, and other open spaces to public use.

Robert A. Summers
 4118 W. 54th Street, Anchorage, Alaska

STATE OF ALASKA
 THIRD JUDICIAL DISTRICT

On this 22 day of July 1971, before me, the undersigned, a Notary Public for the State of Alaska, personally appeared *Robert A. Summers*, known to me to be the person described in and who executed the foregoing certificate of ownership and subdivision, acknowledged to me that they executed the same as their free and voluntary act.

Witness my hand and official seal this day, month and year herein above written.

Notary Public for Alaska
 My commission expires 6-18-78.

CERTIFICATE OF REGISTERED ENGINEER

I hereby certify that I am a registered civil engineer and that this plan was made by me or under my direct supervision.

Date July 22 1971

Robert A. Summers
 Registered Engineer



FINAL PLAT APPROVAL

Plat approved by the commission this 22 day of July 1971.

George H. McVick

LEGAL DESCRIPTION

The South East 1/4 of Section 23, Township 1 North, Range 1 West, Seward Meridian containing 120.000 acres more or less.

PROTECTIVE COVENANTS

Restrictions on the use of this property in this subdivision are recorded in Miscellaneous Book 3117 Page 717 of the District Recorder's Office Seward Alaska. Section has right-of-way on east and south lines is needed, except as noted.

PROPOSED LAND USE

All lots are for recreational and residential use with the exception of LOT 42, Block 2, which will be a park.

Robert A. Summers
 4118 W. 54th St.

Robert A. Summers
 4118 W. 54th St.

CAMELOT BY THE SEA SUBDIVISION

LOCATED IN SEC. 23 T.1N. R.1W. S.M.

PREPARED FOR *A.J.M. INC.*

4437 Winding Drive Anchorage, Alaska

SCALE AS NOTED

DATE JULY 1971

DRAWN BY S.I.L.

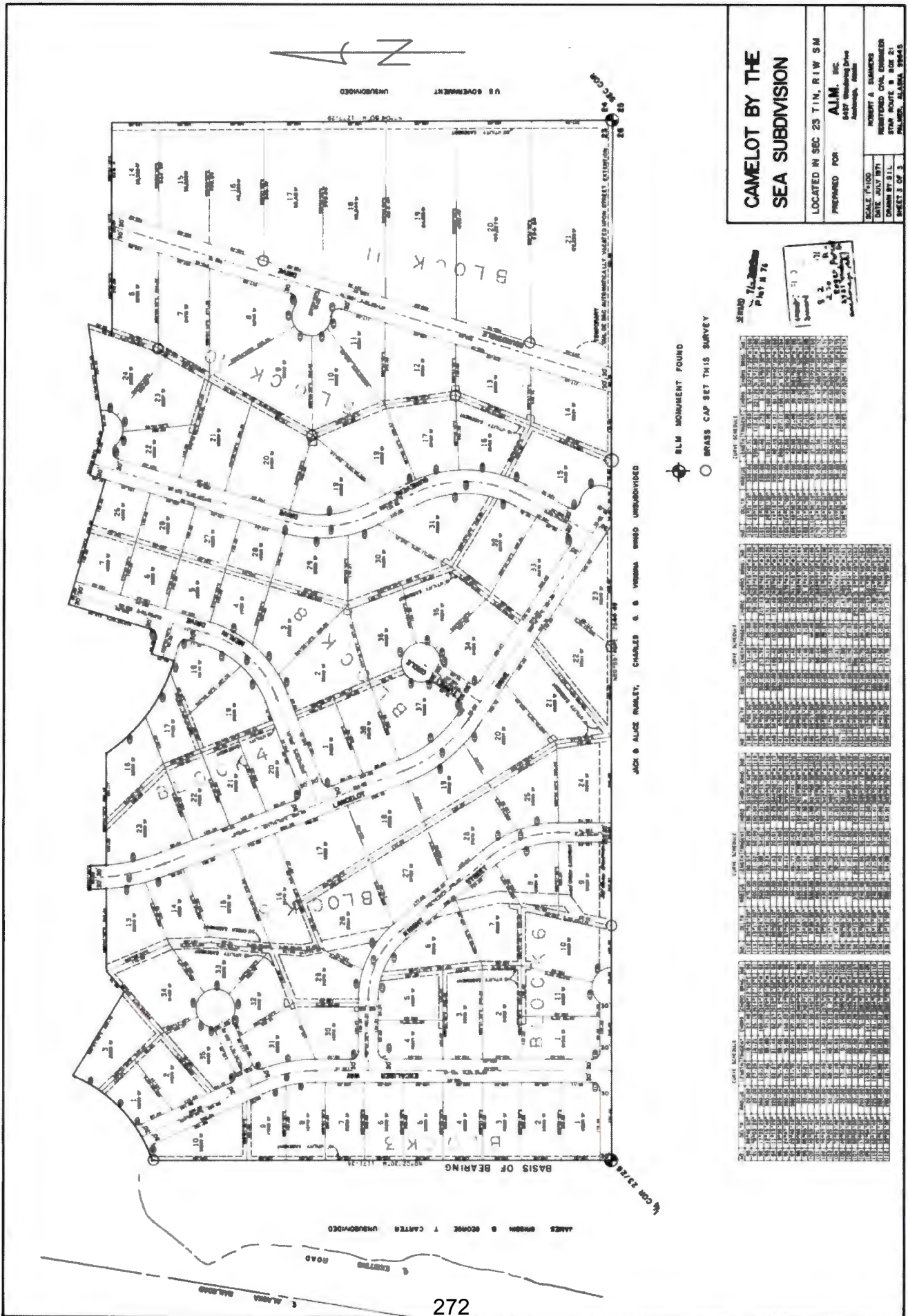
REGISTERED CIVIL ENGINEER

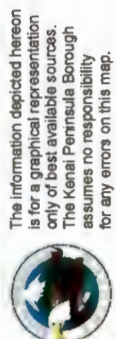
STATE ROUTE 9 BOX 21

ANCHORAGE, ALASKA 99548

SHEET 1 OF 3







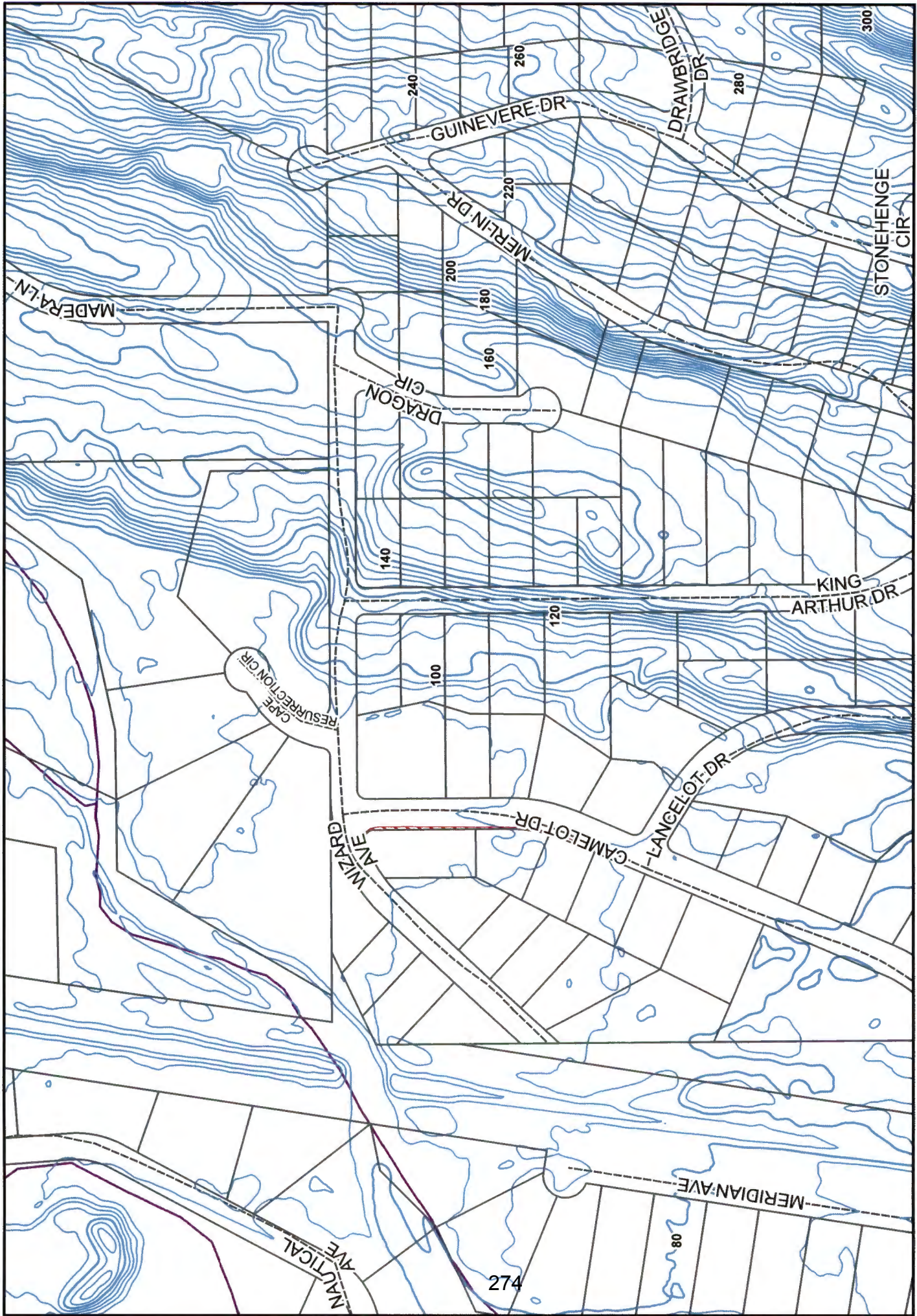
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Aerial View



 Right of Way Vacation

PClements, KPB
Date: 3/27/2020
Imagery: 2015 SBGRSA



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

4 Foot Contours



Date: 4/21/2020

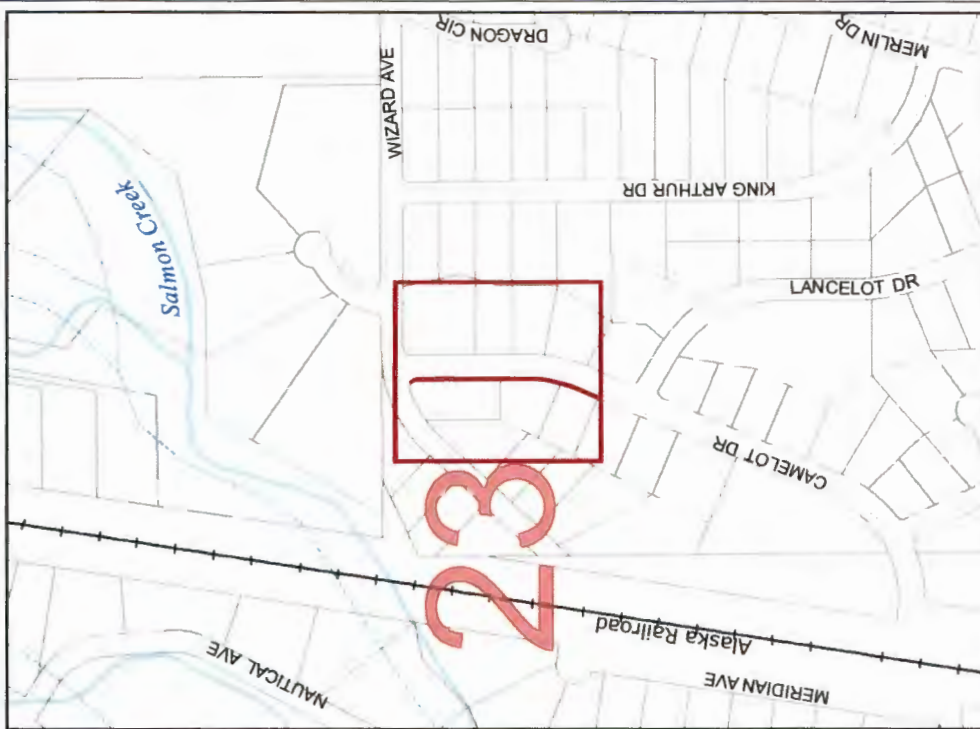


The information depicted hereon is for informational purposes only. The Knap Peninsula Borough assumes no responsibility for any errors on this map.

GIS Wetlands National Inventory



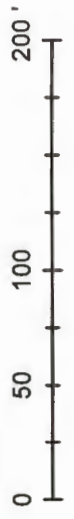
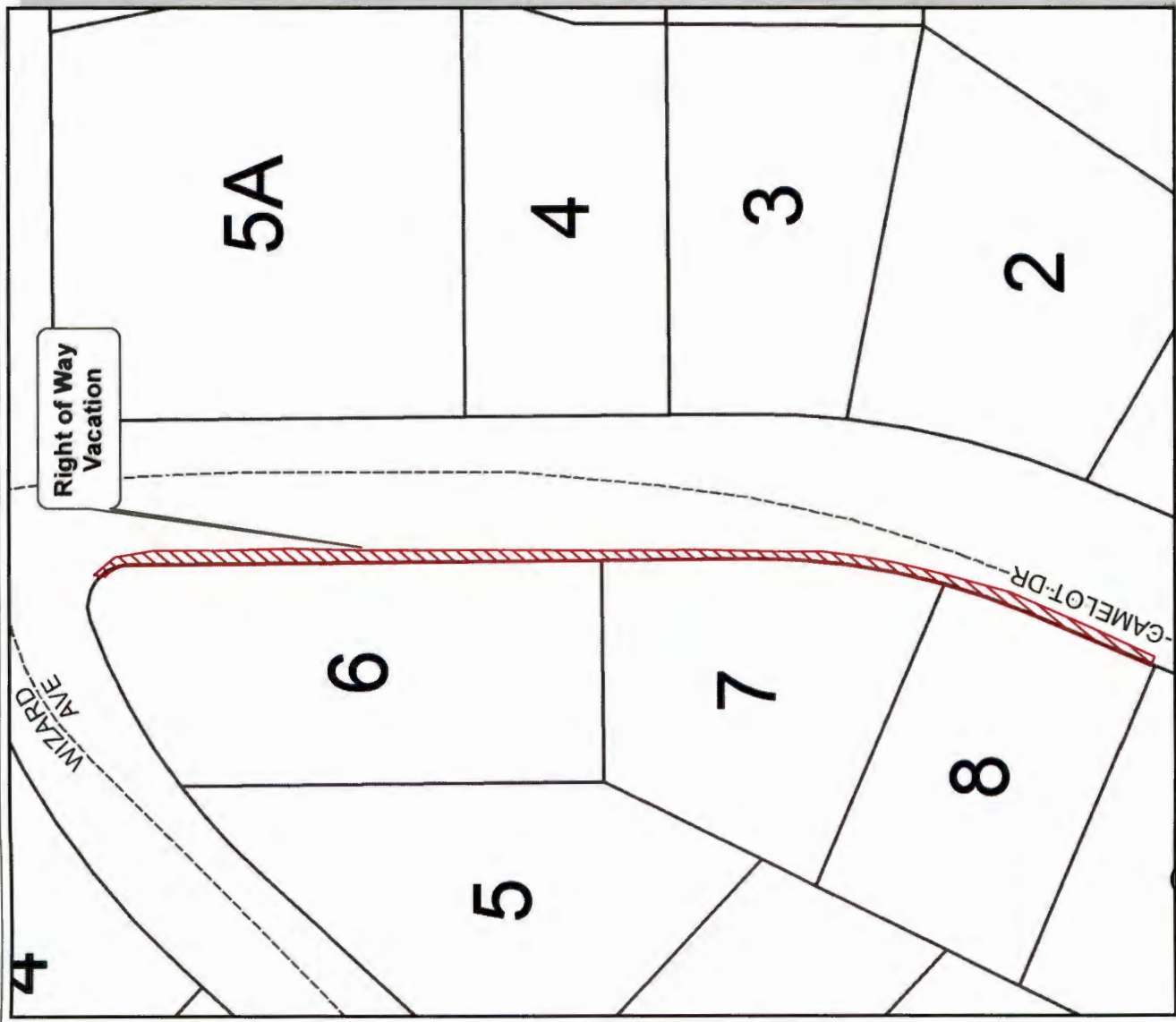
Date: 4/21/2020



**KPB 2020-032V
T01N R01W S23
BEAR CREEK**



PClements, KPB
Date: 3/25/2020



The information depicted hereon
is for a graphical representation
only of best available sources.
The Kenai Peninsula Borough
assumes no responsibility
for any errors on this map.



Kenai Peninsula Borough
Office of the Borough Mayor

MAYOR'S REPORT TO THE ASSEMBLY

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly
FROM: Charlie Pierce, Kenai Peninsula Borough Mayor
DATE: June 2, 2020



Assembly Request / Response

None

Agreements and Contracts

- a. Authorization to Award a Contract for ITB20-022 Central Peninsula Landfill (CPL) Brush Chipping Project 2020 to Evergreen Alaska, Inc., Kasilof, Alaska.

Other

- a. Agnew::Beck update presentation on the Communication Strategy and Implementation Plan
- b. KPTMC Financial / Progress Report
- c. Revenue-Expenditure Report – April 2020
- d. Budget Revisions – April 2020
- e. Investment Report Quarter Ended 3/31/2020

Kenai Peninsula Borough

Solid Waste Department

MEMORANDUM

TO: Charlie Pierce, Mayor

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

FROM: Dan Kort, Solid Waste Director *DK*

DATE: May 14, 2020

RE: Authorization to Award a Contract for ITB20-022 Central Peninsula Landfill (CPL) Brush Chipping/Grinding Project 2020

The Purchasing and Contracting Office formally solicited and received bids for the ITB20-022 Central Peninsula Landfill (CPL) Brush Chipping/Grinding Project 2020. Bid packets were released on April 24, 2020, and the Invitation to Bid was advertised in the Peninsula Clarion on April 24, 2020.

The project consists of chipping and grinding approximately 750 tons of slash and land clearing debris located at CPL.

On the due date of May 7, 2020, three (3) bids were received and reviewed to ensure that all the specifications and delivery schedules were met. The low bid of \$46,500.00 was submitted by Evergreen Alaska, Inc. of Kasilof, Alaska.

Your approval for this bid award is hereby requested. Funding for this project is in account number 290.32122.20BUR.43011

Charlie Pierce

Charlie Pierce, Mayor

5/18/2020

Date

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>290.32122.20BUR.43011</u>
Amount	<u>\$46,500.00</u>
By: <i>PP</i> <i>BA</i>	Date: <u>5/18/2020</u>
NOTES: N/A	

PH

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING**

BID TAB FOR: ITB20-022 CPL Chipping & Grinding Project

CONTRACTOR	LOCATION	BASE BID
Evergreen Alaska, Inc.	Kasilof, AK	\$46,500.00
Steam on Wheels, LLC	Soldotna, AK	\$72,750.00
Great Northern Construction & Management	Soldotna, AK	\$94,920.00

DUE DATE: May 7, 2020

KPB OFFICIAL: 
John Hedges, Purchasing & Contracting Director



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7599

PHONE: (907) 714-2153 • FAX: (907) 714-2377

EMAIL: bahlberg@kpb.us

FROM: KPTMC

KPB ACCOUNT: 100.94900.KPTMC.43021

Contract Amount: \$150,000

Ending: June 30, 2020

Financial / Progress Report

Submit Report To:

Brenda Ahlberg

Community & Fiscal Projects Manager

Kenai Peninsula Borough

144 N. Binkley St., Soldotna, AK 99669

Project Name: Tourism Marketing/Peninsula Promotion

Date: April 15, 2020

Report No.: 1

Quarter From: January 7, 2020

To: March 31, 2020

FINANCIAL REPORT: FINAL REPORT DUE ON OR BEFORE **10 JULY 2020**

Cost Category	Authorized Budget	Expenditures from Last Report	Expenditures This Period	Total Expenditures to Date	Balance of Funds
Personnel	\$ 20,000.00	\$ -	\$ -	\$ -	\$ 20,000.00
Contractual	\$ 123,300.00	\$ -	\$ 28,319.92	\$ 28,319.92	\$ 94,980.08
Travel	\$ 6,700.00	\$ -	\$ -	\$ -	\$ 6,700.00
TOTALS	\$ 150,000.00	\$ -	\$ 28,319.92	\$ 28,319.92	\$ 121,680.08
Payment Request					\$ 28,319.92

PROGRESS REPORT: Describe activities that have occurred during this reporting period. Describe any challenges you may have experienced, any foreseen problems, and/or any special requests. Attach additional pages.

Staffing Update:

In January 2020 Debbie Speakman was hired as the Executive Director after a three-month contract. This was a good trial period for both the Board and Speakman as the organization has been working on restructuring. Speakman came to Alaska in 1999 to work for Holland America as a Tour Director and moved into Alaska sales and marketing that fall representing Alaska land tours in South Florida. Since then she has spent the last twenty years working in a variety of tourism positions, the last nine specifically marketing the Kenai Peninsula.

In February Monique Burgin was hired as the Office Assistant after five years working for the Alaska Sea Life Center in Seward. Burgin brings a wealth of knowledge in social media marketing and communication.

Resolution 2020-003

Section 1, A.: Develop and implement strategies for attracting online impressions and conversions, and tracking conversions of impressions to sales in the tourism markets; and

KPTMC's strategy for attracting online impressions and conversions was as follows:

- Google AdWords – Pay-Per-Click
- Search Engine Optimization (SEO) Onsite – Research, strategy
- Search Engine Optimization (SEO) Offsite – Guest post and backlink
- Digital Monitoring
- KenaiPeninsula.org: Website Conversion Optimization (using site tag manager and analytics)
- Social Media
- Alaska Channel Map: Digital and Hard Copy Map

Google and Social Media Ads:

Behaviors: Frequent travelers, Age: 21-65+, Location: Alaska, California, Florida, Idaho, Illinois, Oregon, Texas and Washington



Text: Want to learn more about the Kenai Peninsula? Download our FREE Discovery Guide for the best tips on your next Alaskan Adventure!
Headline: Welcome to the Kenai, Alaska's Playground.



Text: Catch a bear (or twenty!) fishing or making a splash in the water on a once in a lifetime bear viewing experience on the Kenai Peninsula!
Headline: Alaska Bear Viewing
Description: Guided Bear Experiences



Text: Visit the Kenai for world-class fishing! Spend a day out on the water to feel the sea breeze and reel in that barn-door size halibut!
Headline: World-Class Fishing
Description: Alaskan Guided Fishing Experiences



Text: Alaska's Kenai Peninsula offers something for everyone. No matter what type of adventure or activity level you like, there's something to take your breath away or get your adrenaline pumping.
 Headline: Alaska Sightseeing
 Description: Once in a lifetime Alaskan Experiences



Text: Explore the best of Alaska! Visit The Kenai Peninsula for scenic bear tours, fishing, adventure excursions, and more!
 Headline: The Kenai, Alaska's Playground
 Description: Up Close and Personal Alaskan Experiences

Digital Monitoring:

Weekly we create a report of all real time inquiries from travelers looking to make travel plans for Alaska/Kenai Peninsula. We are able to immediately engage with people looking to travel.

Example of report from February 10th:

Source	Category	URL
CBS News	News	https://www.cbsnews.com/news/visiting-the-national-parks-online/
Twitter	Social Media	https://twitter.com/Pabon/status/1249083295188757780
Trips to Discover	Blog	https://www.tripsdiscover.com/2020/04/12/travel-virtually-to-us-national-parks-including-one-you-probably-wouldnt-otherwise-visit-to-see-a-bird/
Forbes	Blog	https://www.forbes.com/sites/forbes/2020/04/12/travel-virtually-to-us-national-parks-including-one-you-probably-wouldnt-otherwise-visit-to-see-a-bird/
oaspr photo	Blog	http://oasprphoto.blogspot.com/2020/04/12/travel-virtually-to-us-national-parks-including-one-you-probably-wouldnt-otherwise-visit-to-see-a-bird/
MSN	Blog	https://www.msn.com/en-us/travel/travel-photos/these-fantastic-travel-photos-will-make-you-feel-better-about-the-world-as-BB12WVCW/
Hip Homeschool Moms	Blog	https://hiphomeschoolmoms.com/the-ultimate-homeschool-guide-to-trip-virtual-field-trips/
The Nudge	Blog	https://thenudge.com/2020/04/12/travel-virtually-to-us-national-parks-including-one-you-probably-wouldnt-otherwise-visit-to-see-a-bird/
The Reporter	Blog	https://www.thereporter.com/2020/04/12/more-ways-to-visit-the-horizon-of-coronavirus-sheltering-in-place/
Travel Today Tips	Blog	https://traveltodaytips.com/alaska-vacation-travel-video-guide/
Nattie on the Road	Blog	https://nattieontheroad.com/2020/04/12/the-best-virtual-tour-on-the-planet/
Sunset	Blog	https://www.sunset.com/travel/green-downs-sustainability
Destination Deluxe	Blog	https://destinationdeluxe.com/online-travel-will-never-replace-home/
Taking with Kids	Blog	https://www.takingwithkids.com/2020/04/07/the-best-virtual-family-vacation-ideas-while-we-practice-social-distancing/
Matador Network	Blog	https://matadornetwork.com/read/visit-alaska-see-northern-lights-trail-parks-alaska/
Trip Advisor	Forum	https://www.tripadvisor.com/ShowTopic-i26923-149-113277428-August-Itinerary-Help-Alaska.html
Trip Advisor	Forum	https://www.tripadvisor.com/ShowTopic-i26923-149-113265750-Planning-Father-Son-Grandson-Alaskan-Adventure-Alaska.html
Trip Advisor	Forum	https://www.tripadvisor.com/ShowTopic-i26923-149-113265856-Itinerary-Feedback-Alaska.html
Trip Advisor	Forum	https://www.tripadvisor.com/ShowTopic-i26923-149-113264618-Planning-a-Trip-to-Alaska-Alaska.html
Trip Advisor	Forum	https://www.tripadvisor.com/ShowTopic-i26923-149-113130897-Planes-Trains-and-Automobiles-Anchorage-Alaska.html

News outlets send out requests for content that we produce and submit for consideration. We have also been asked to provide photos which we watermark with our branding.

Example:

How to plan a summer vacation amid a coronavirus outbreak

Contact: Chris Elliott
Outlet: The Washington Post
Deadline: 3/6/20 6:00 PM
Pitch Recipient: query-ah3w@haromail.vocusdr.com

SEND PITCH

Opportunity

I'm working on a story about planning a summer vacation in the face of the coronavirus outbreak. I'd love to hear from anyone who is planning a summer vacation, despite the outbreak. Where are you going? Why did you decide to go? From travel experts, I'd be interested in hearing about the steps people must take if they are going to plan a vacation. How do you stay safe and protect your vacation investment?

Requirements

Please read this before answering. I'd be very grateful if you could send an initial response to my questions by email. Please do not respond with a note that says you would like to be considered for this story or want to set up a phone interview with a source. I'm happy to consider you for this story. I've included all of my questions in this query. Please take a minute to briefly answer them. If a phone interview is necessary, I will follow up right away. Kindly also include your full name and a jargon-free, brief (two to three word) description of your company or affiliation as you would like it to appear in the article. I will do my absolute best to acknowledge that I received your pitch and will make every effort to let you know when the story appears. More information on my queries can be found on my site: <https://chriseiliotts.com/frequently-asked-questions-about-media-queries/>

CONVERSIONS FROM ORGANIC	SESSIONS FROM ORGANIC	NUMBER OF ORGANIC LANDINGS	CONVERSIONS
539	2,061	212	8.00

COMMENTS

GOOGLE ADS			
COST	CLICKS	AVERAGE CPC	IMPRESSIONS
\$2,561.90	7,024	\$0.36	795,535

TOP CITIES

	Clicks	Impressions	Cost	Conversions
--	8,067	196,009	\$1,359.18	0.00
Kenai	91	18,920	\$23.06	0.00
New York	80	11,380	\$29.04	0.00
Los Angeles	58	9,744	\$81.38	1.00
Anchorage	35	2,392	\$11.73	0.00
Toronto	26	10,809	\$10.28	0.00
Chicago	25	6,952	\$11.81	0.00
Dallas	25	6,731	\$9.21	0.00
Washington	23	4,329	\$6.57	0.00
Miami	22	7,613	\$24.79	0.00
Houston	22	4,900	\$16.54	1.00

2 of 4

TOP KEYWORDS WITH QUALITY SCORE

	Clicks	Impressions	Click-Through R...	Quality Score
trip america	687	14,379	4.78%	1
travel cruises	588	6,773	8.68%	N/A
Content	404	64,014	0.63%	N/A
tour packages	364	3,218	11.31%	N/A
travel packages	305	2,370	12.87%	N/A
booking travel	256	9,999	2.56%	N/A
trips and tours	187	2,076	9.01%	N/A
tourist places	181	4,462	4.06%	1
tours company	157	882	18.43%	N/A
tour booking	156	1,250	12.48%	N/A
the best places to visit	114	2,655	4.29%	3

TOP CLICKED AD GROUPS

(S) Tourism Travel Itinerary	5,293
(D) Kenai	686
(S) Tourism General	397
(D) Northern Lights	351
(S) Tourism Travel Itinerary 9 States	120
Video Alaska's Playground	116
(S) 9 States Travel Guide	53
(S) Tourism Bears	4
(S) Tourism Fishing	4

COMMENTS

FACEBOOK ADS

AMOUNT SPENT

\$1,992.73

CLICKS (ALL)

12,613

IMPRESSIONS

470,644

PAGE ENGAGEMENT

9,535

TOP CAMPAIGN BY CLICKS (ALL)

Traffic - 2020
Like Ad

11,551
1,062

ENGAGEMENT BY AD (WITH IMAGE)

		Post Reactions	Link Clicks	CTR (Link Click-...	CPC (Cost per L...
	Discovery Guide (id: 23844324861290615)	271 +271 ▲ N/A	1,059 +1,059 ▲ N/A	1.36% +1.36% ▲ N/A	\$0.31 +\$0.31 ▼ N/A
	Bear Viewing (id: 23844324873530615)	241 +241 ▲ N/A	1,186 +1,186 ▲ N/A	1.94% +1.94% ▲ N/A	\$0.28 +\$0.28 ▼ N/A

COMMENTS

Year over year, we're seeing drastic increases across the board. Clicks are up 291%, impressions increased 480%, and engagements are up 184%.

These increases have contributed to the large increase in website traffic (see Google Analytics).

The top performing ad links to the Discovery Guide with copy that says, "Want to learn more about the Kenai Peninsula? Download our FREE Discovery Guide for the best tips on your next Alaskan Adventure!" This tells us our targeted audience wants to learn more about Kenai and is interested in traveling to the Kenai Peninsula.

This also tells us our targeting is working. We are targeting the states with the highest interest in travel: Alaska, California, Florida, Idaho, Illinois, Michigan, Minnesota, Oregon, Texas, Washington, and Wisconsin.



Expenditures for reimbursement Jan 7-Mar 31, 2020

Cooperative Marketing	
ATIA-SOA Leads	\$1,400.00
INFOX Travel Agent Mailing	\$1,250.00
Travel Alaska Banner Ad	\$450.00
Social Media Hosting	\$1,000.00
Digital SEO Management	
SEO Optimization & Monitoring	\$16,454.00
Social Media, Blogs, and RS Feed	
www.KenaiPeninsula.org Updates and Hosting	\$1,344.61
Alaska Channel map	\$3,800.00
Social Media	\$2,621.31
Total	\$28,319.92

Challenges and moving forward:

Early February we started to run all of our social media and Google AdWords advertising in earnest. We tracked success through Google analytics and expanded our demographics to States that in the past haven't showed up in our target markets. Travel to Alaska was forecasted to increase over last year and cruises were seeing record bookings. In communication with our business members their bookings for 2020 were strong. As we moved into late February when the US started to see the first onset of Covid-19 infections bookings came to an abrupt halt. Traffic on social media was strong but visits to the website slowed considerably and requests for guides diminished.

In early March our marketing targets continued to pivot with each new health mandate with all destination marketing organizations completely ceasing marketing in mid-March. At our March 20th Board of Directors meeting it was decided that all spending on ads would halt for at least two-weeks, then we would re-evaluate, hoping that we would have an idea of when health mandates would be adjusted to allow travel. That would have been on April 3rd. We have seen increased travel restrictions, mass cancellations with no end in sight. We have continued our digital monitoring and continue to provide content, stories and photos.

The outlook for the 2020 season is dire with all events either cancelled or looking at rescheduling with no dates announced. All charters, excursions and lodging businesses are seeing mass cancellations with many businesses cancelling plans to open at all. The situation on the Peninsula is very dire with many businesses still trying to recover from losses felt in 2019 from the Swan Lake Fire. Cross gulf cruise ship sailings have nearly all cancelled, land based cruise tours have cancelled and discussions about 2021 cruise sailings show indications of fewer sailings being announced.

We have been reviewing what campaigns we can produce to recover any revenue for 2020. We have been hesitant to start any campaigns until we get an idea of when the State will loosen travel restrictions. We received some encouraging news on Monday with the Department of Fish and Game and the Governor's office allowing instate personal use fishing. The mandate asks for those fishing to minimize their interactions in the areas in which they fish and that they fish as close to home as possible. We are in communication with Fish and Game and the Governor's office to see what the restrictions on charter fishing is in light of the announcement.

The major demographic of visitors to the Kenai Peninsula are fellow Alaskans and they will be the first visitors to return to our area. It is doubtful that we will see travelers from the lower 48 in any number. With a focus on in-state travel we want to look at showing accessibility, wide open spaces, variety and supporting Alaskans.

There are many ways that we can access great numbers of fellow Alaskans including boosted social media posts, radio, TV and working with our business partners to promote the "journey".

- Promote the Seward and Sterling Hwy as destinations promoting points along the route.
- The Kenai Peninsula is close and provides a travel escape.
- Alaska's Playground is waiting for you.
- Alaskans supporting Alaskans: together we create a place to live, work and play.
- Partner with community organizations to promote any and all events moving forward.

The printed coupon booklet "Passport to the Kenai" has been a successful tool for Alaska's Playground prior to the pandemic we printed 15,000 and are ready to mass mail these Passports to households across Anchorage and the Mat-Su Valley with ways to support their Alaskan neighbors.

Grantee Certification: I certify that the above information is true and correct, and that expenditures have been made for the purpose of, and in accordance with, applicable grant agreement terms and conditions.

Signature: Debbie Speakman Date: Apr 15, 2020
Printed Name and Title: DEBBIE SPEAKMAN, EXECUTIVE DIRECTOR

Divining Point, LLC
 8804 Dulcet Dr
 Austin, TX 78745
 (888) 380-4841
 coywest@diviningpoint.com
 www.diviningpoint.com

Invoice

DIVININGPOINT

BILL TO

Debbie Shipman
 Kenai Peninsula Tourism Marketing
 Council Inc
 35477 Kenai Spur Hwy
 Soldotna, AK 996697642 USA

1444	02/28/2020	\$0.00	03/14/2020	Net 15	
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PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

DATE	ACCOUNT SUMMARY	AMOUNT
06/27/2019	Balance Forward	\$22,955.69
02/28/2020	Payments and credits already applied to this invoice	-7,600.00
	Other payments and credits after 06/27/2019 through 02/27/2020	-22,955.69
02/28/2020	Other invoices from this date	0.00
	New charges (details below)	7,600.00
	Total Amount Due	\$0.00

DATE	DESCRIPTION	QTY	RATE	AMOUNT
02/28/2020	Online Marketing Google AdWords	1	3,000.00	3,000.00
02/28/2020	Online Marketing Social Media	1	2,300.00	2,300.00
02/28/2020	SEO Digital Monitoring / SEO Strategy /	1	2,300.00	2,300.00

TOTAL OF NEW CHARGES 7,600.00
 BALANCE DUE **\$0.00**

Divining Point, LLC
 8804 Dulcet Dr
 Austin, TX 78745
 (888) 380-4841
 coywest@diviningpoint.com
 www.diviningpoint.com

Invoice

DIVININGPOINT

BILL TO

Debbie Shipman
 Kenai Peninsula Tourism Marketing
 Council Inc
 35477 Kenai Spur Hwy
 Soldotna, AK 996697642 USA

1461	03/31/2020	\$3,486.50	04/15/2020	Net 15
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PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

DATE	ACCOUNT SUMMARY	AMOUNT
02/28/2020	Balance Forward	\$7,600.00
03/31/2020	Payments and credits already applied to this invoice	-3,486.50
	Other payments and credits after 02/28/2020 through 03/30/2020	-8,227.00
03/31/2020	Other invoices from this date	0.00
	New charges (details below)	7,600.00
	Total Amount Due	\$3,486.50

DATE	DESCRIPTION	QTY	RATE	AMOUNT
03/31/2020	Online Marketing Google AdWords	1	3,000.00	3,000.00
03/31/2020	Online Marketing Social Media	1	2,300.00	2,300.00
03/31/2020	SEO Digital Monitoring / SEO Strategy /	1	2,300.00	2,300.00

TOTAL OF NEW CHARGES	7,600.00
BALANCE DUE	\$3,486.50

NextLevel Media Development

3609 Locarno Drive
Unit D
Anchorage, AK 99508



INVOICE #000013
DATE: JANUARY 31, 2020

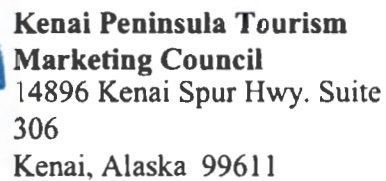
TO:

Kenai Peninsula Tourism Marketing Council
Debbie Speakman
14896 Kenai Spur Hwy
Kenai, AK 99611

Time Entry Notes	RATE	HOURS	LINE TOTAL
1/24 Updated new links containing SEO, update HTML template & Integrate google tag manager	135.00	5	675.00
March 2019 over-payment	-48.		-48.
TOTAL			627.00

Make all checks payable to NextLevel Media Development

January IT Support



DATE	INVOICE #
5/1/2020	150-838

Brenda Ahlberg
Community & Fiscal Projects Manager
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669

292

Kenai Peninsula Tourism Marketing Council

Expense Report

January 7 through March 31, 2020

Jan 7 - Mar 31, 20

Ordinary Income/Expense

Expense

5000 · Administration

Contract Services 941.91

Total 5000 · Administration 941.91

6000 · Marketing

6100 · Advertising

6101 · ATIA & SOA 2,700.00

6107 · Alaska Magazine 3,800.00

Total 6100 · Advertising 6,500.00

6420 · Online Expense

6425 · ATIA Email Leads 1,400.00

6422 · Social Media 2,621.31

6423 · Website Hosting & Updates 402.70

6420 · SEO - Digital Monitoring 16,454.00

Total 6420 · Online Expense 20,878.01

Total Expense 28,319.92

Kenai Peninsula Borough
Finance Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *CP*

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: May 6, 2020

RE: Revenue-Expenditure Report – April 2020

Attached is the Revenue-Expenditure Report of the General Fund for the month of April 2020. Please note that 83.33% of the year has elapsed, 82.18% of budgeted revenues have been collected, and 79.04% of budgeted expenditures have been made.

KENAI PENINSULA BOROUGH
Revenue Report
For the Period
April 1 through April 30, 2020

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 30,759,296	\$ 30,411,031	\$ 110,310	\$ (348,265)	98.87%
31200	Personal Property Tax	1,988,657	2,188,705	9,649	200,048	110.06%
31300	Oil Tax	7,347,971	7,343,975	-	(3,996)	99.95%
31400	Motor Vehicle Tax	712,000	314,795	21,611	(397,205)	44.21%
31510	Property Tax Penalty & Interest	499,969	565,016	30,009	65,047	113.01%
31610	Sales Tax	32,272,462	22,865,167	1,754,643	(9,407,295)	70.85%
33110	In Lieu Property Tax	3,600,000	78,795	-	(3,521,205)	2.19%
33117	Other Federal Revenue	185,000	69,975	-	(115,025)	37.82%
34110	School Debt Reimbursement	1,324,359	1,281,894	-	(42,465)	96.79%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	750,000	(105,930)	2,059	(855,930)	-14.12%
34210	Revenue Sharing	843,079	843,613	-	534	100.06%
37350	Interest on Investments	936,944	1,137,722	23,930	200,778	121.43%
38000	Trans From Other Funds	175,000	175,000	-	-	100.00%
39000	Other Local Revenue	300,000	348,591	20,872	48,591	116.20%
290	Solid Waste	800,000	404,979	8,598	(395,021)	50.62%
Total Revenues		\$ 82,649,737	\$ 67,923,327	\$ 1,981,680	\$ (14,726,410)	82.18%

KENAI PENINSULA BOROUGH
Expenditure Report
For the Period
April 1 through April 30, 2020

DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
Assembly:						
Administration	\$ 494,065	\$ 410,994	\$ 22,793	\$ 11,526	\$ 71,545	83.19%
Clerk	555,004	404,157	44,200	11,653	139,194	72.82%
Elections	113,910	91,221	220	18,948	3,741	80.08%
Records Management	269,852	188,448	19,282	17,476	63,928	69.83%
Mayor Administration	818,559	576,468	58,501	2,077	240,014	70.42%
Purch/Contracting/Cap Proj	625,305	489,255	67,089	4,000	132,051	78.24%
Human Resources:						
Administration	676,140	518,364	55,716	2,458	155,318	76.67%
Print/Mail	194,101	96,703	12,405	16,351	81,047	49.82%
Custodial Maintenance	119,209	87,498	9,923	-	31,711	73.40%
Information Technology	2,015,513	1,329,069	140,213	102,524	583,920	65.94%
Emergency Management	825,019	538,978	65,521	37,507	248,534	65.33%
Legal Administration	1,144,040	729,808	79,855	154,980	259,253	63.79%
Finance:						
Administration	501,884	404,536	43,577	990	96,357	80.60%
Services	1,012,211	703,418	68,994	914	307,879	69.49%
Property Tax	1,141,518	740,146	102,680	73,405	327,968	64.84%
Sales Tax	700,683	438,128	36,562	40,313	222,242	62.53%
Assessing:						
Administration	1,416,722	1,010,037	81,409	9,166	397,519	71.29%
Appraisal	1,983,326	1,320,819	129,011	9,451	653,055	66.60%
Resource Planning:						
Administration	1,264,985	831,134	83,073	27,109	406,742	65.70%
GIS	596,596	384,154	22,437	4,356	208,086	64.39%
River Center	769,721	376,918	44,577	6,451	386,352	48.97%
Senior Citizens Grant Program	608,969	496,784	76,736	112,185	-	81.58%
School District Operations	58,965,977	50,203,931	4,376,008	-	8,762,046	85.14%
Solid Waste Operations	8,993,901	5,698,549	1,456,479	996,016	2,299,336	63.36%
Economic Development	425,000	92,286	28,364	53,584	279,130	21.71%
Non-Departmental	2,653,316	2,089,494	16,596	254	563,568	78.75%
Total Expenditures	\$ 88,885,526	\$ 70,251,296	\$ 7,142,218	\$ 1,713,693	\$ 16,920,537	79.04%

Kenai Peninsula Borough
Finance Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *CP*

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: May 6, 2020

RE: Budget Revisions – April 2020

Attached is a budget revision listing for April 2020. The attached list contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay). Other minor transfers were processed between object codes within major expenditure categories.

911 DISPATCH

To purchase a Key Variable Loader required for radio functionality that was provided by AST in the past.

264-11255-00000-43019 (Software Licensing)		\$5,093.16
264-11255-00000-48120 (Office Machines)	\$5,093.16	

ASSESSING - APPRAISAL

To cover charge back costs for toner, and to also purchase safety vests for new appraisal staff.

100-11520-00000-43210 (Transport/Subsistence)		\$420.00
100-11520-00000-42210 (Operating Supplies)	\$400.00	
100-11520-00000-42250 (Uniforms)	\$20.00	

CENTRAL EMERGENCY SERVICES

To purchase replacement tires for emergency vehicles.

211-51610-00000-43750 (Vehicle Maintenance)		\$20,000.00
211-51610-00000-42360 (Motor Vehicle Repair Supplies)	\$20,000.00	

CENTRAL EMERGENCY SERVICES

To replace damaged fire hoses.

211-51610-00000-42263 (Training Supplies)		\$8,000.00
211-51610-00000-43210 (Transport/Subsistence)		\$4,000.00
211-51610-00000-43260 (Training)		\$1,400.00
211-51610-00000-48760 (Minor Fire Fighting Equipment)	\$13,400.00	

CENTRAL EMERGENCY SERVICES

To purchase Adobe Acrobat Pro for Kasilof Station 6.

211-51610-00000-43019 (Software Licensing)		\$375.00
211-51610-00000-42120 (Computer Software)	\$375.00	

CENTRAL EMERGENCY SERVICES

To have preliminary engineering and site analysis completed for the future CES station in order to fill out the EDA grant application.

211-51610-00000-40110 (Regular Wages)		\$40,000.00
211-51610-00000-43011 (Contract Services)	\$40,000.00	

CLERK'S OFFICE - ADMINISTRATION

To cover charge back costs for toner.

100-11120-00000-43210 (Transport/Subsistence)		\$120.00
100-11120-00000-42210 (Operating Supplies)	\$120.00	

FINANCE - SALES TAX

To cover an unanticipated computer monitor replacement.

100-11441-00000-43310 (Advertising)		\$390.95
100-11441-00000-48710 (Minor Office Equipment)	\$390.95	

HUMAN RESOURCES - ADMINISTRATION

To purchase additional file folders that are needed due to HIPPA regulations.

100-11230-00000-43310 (Advertising)		\$600.00
100-11230-00000-42210 (Operating Supplies)	\$600.00	

HUMAN RESOURCES - ADMINISTRATION

To cover charge back costs for toner.

100-11230-00000-43310 (Advertising)		\$200.00
100-11230-00000-42210 (Operating Supplies)	\$200.00	

PLANNING - ADMINISTRATION

To replace various office equipment such as computers and phones.

100-21110-00000-43210 (Transport/Subsistence)		\$4,000.00
100-21110-00000-48710 (Minor Office Equipment)	\$4,000.00	

RISK MANAGEMENT

To replace a Surface Pro computer that has failed.

700-11236-00000-43210 (Transport/Subsistence)		\$1,823.76
700-11234-00000-48710 (Minor Office Equipment)	\$1,823.76	

RISK MANAGEMENT

To cover costs of envelope printing.

700-11236-00000-43260 (Training)		\$23.54
700-11234-00000-43410 (Printing)	\$23.54	

APRIL 2020 CONT.**INCREASE DECREASE****RISK MANAGEMENT**

To cover an unexpected increase in Insurance Premium expenses.

700-11236-00000-43210 (Transport/Subsistence)		\$772.00
700-11234-00000-43510 (Insurance Premium)	\$772.00	

RISK MANAGEMENT

To cover AWWMA and Ergonomics training expense and to pay for a PACE subscription.

700-11236-00000-43260 (Training)		\$283.29
700-11234-00000-43920 (Dues and Subscriptions)	\$153.29	
700-11234-00000-43260 (Training)	\$130.00	

SOLID WASTE DEPARTMENT

To cover landfill utility expenses.

290-32570-00000-43011 (Contract Services)		\$12,000.00
290-32122-00000-43610 (Public Utilities)	\$12,000.00	

Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *HP*

THRU: Brandi Harbaugh, Finance Director *BD*

DATE: June 2, 2020

RE: Investment Report quarter ended 3/31/20

Attached is the Quarterly Investment Report of the Kenai Peninsula Borough for the quarter ending March 31, 2020.

Portfolio Statistics	Quarter Ended 12/31/19	Quarter Ended 3/31/20
Average Daily Balance	\$249,657,193	\$239,014,083
Earned Interest Yield	1.975%	1.545%
Duration in Years	1.99	2.00
Book Value	\$252,686,319	\$237,284,819
Market Value	\$253,886,225	\$240,768,268
Percent % of Market Value	99.53%	98.55%

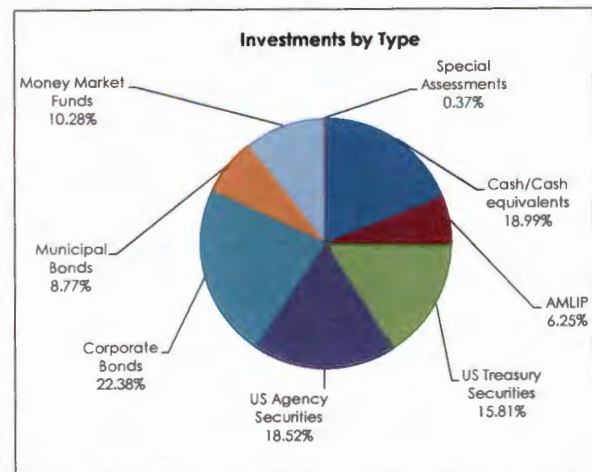
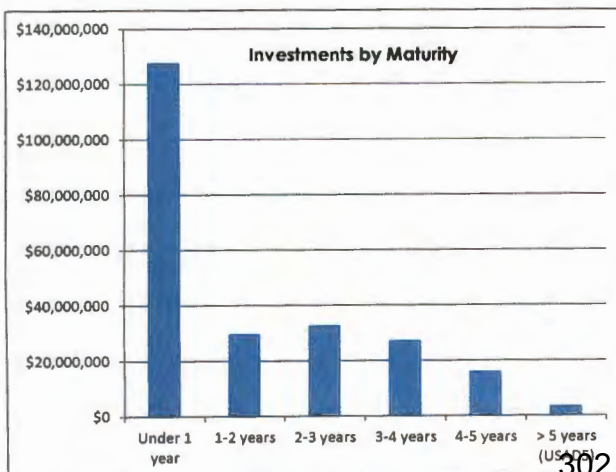
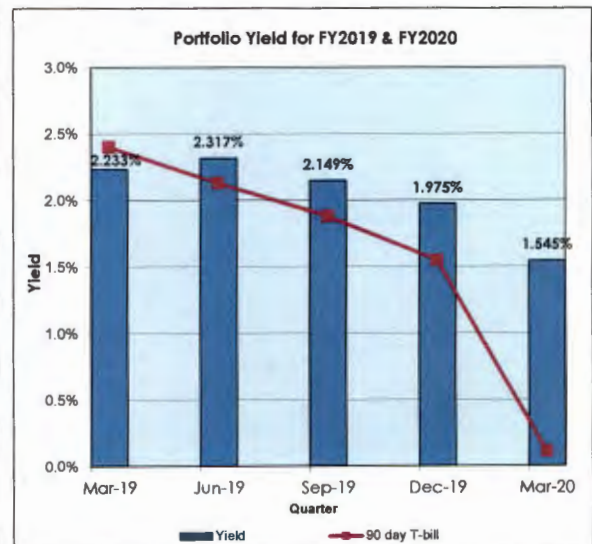
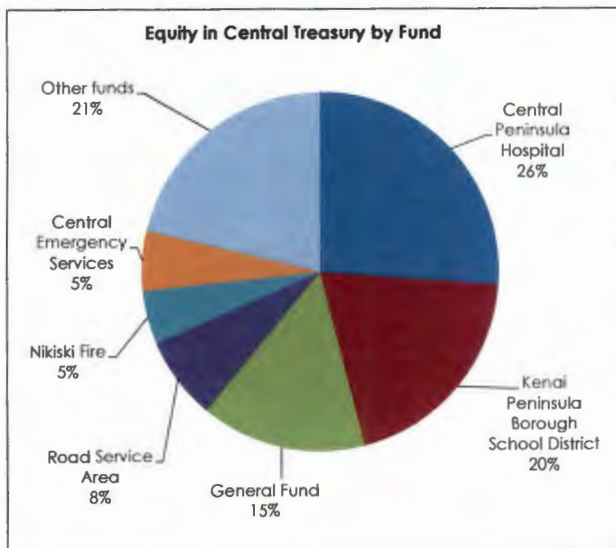
Investment Description	Yield quarter ending 12/31/2019	Yield quarter ending 3/31/2020	Market Value quarter ending 3/31/2020
Cash and Cash Equivalents	1.40%	0.15%	45,057,701
AMLIP	1.54%	0.62%	14,820,586
U.S. Treasury Securities	2.04%	2.01%	39,658,219
US Agencies	2.26%	2.20%	44,682,265
Corporate Bonds	2.45%	2.28%	53,639,134
Municipal Bonds	2.29%	2.29%	17,634,060
Money Market Mutual Funds	1.51%	0.26%	24,401,535
Special Assessments	5.55%	5.55%	874,768
Total			\$240,768,268

Major Categories:	Percentage of Portfolio	Book Value quarter ending 3/31/20
Bond related funds	5.35%	\$12,692,979
Hospital plant/equipment replacement funds (PERF)-unobligated	18.47%	43,834,567
School District	22.73%	53,930,539
Capital Project fund restrictions	17.66%	41,905,995
Special Revenue funds restrictions	18.03%	42,776,399
Internal Service/Agency fund restrictions	5.47%	12,970,685
General Fund	12.29%	29,173,655
Total	100.00%	\$237,284,819

INVESTMENT PORTFOLIO March 31, 2020

	Par Value	Purchase Price	Fair Value 3/31/2020
Investments by Borough Finance Director			
CORPORATE	15,500,000.00	15,606,876.00	15,516,595.00
COMMERCIAL PAPER	0.00	0.00	0.00
MUNICIPAL	0.00	0.00	0.00
AGENCY	19,250,000.00	19,333,661.50	19,473,810.00
US TREASURY - less than 1 year	8,500,000.00	8,480,130.63	8,523,105.00
Total Investment by Borough Finance Director:	43,250,000.00	43,420,668.13	43,513,510.00
Investment with External manager:			
CORPORATE	37,363,000.00	37,491,025.28	38,122,539.22
MUNICIPAL	17,255,000.00	17,557,688.70	17,634,060.10
AGENCY	24,290,890.17	24,621,451.76	25,208,454.65
US TREASURY	29,225,000.00	29,039,394.78	31,135,114.00
Total Security Investment with External manager:	108,133,890.17	108,709,560.52	112,100,167.97
TOTAL SECURITY INVESTMENTS	151,383,890.17	152,130,228.65	155,613,677.97
CASH & CASH EQUIVALENTS	84,279,821.69	84,279,821.69	84,279,821.69
SPECIAL ASSESSMENTS	874,768.26	874,768.26	874,768.26
TOTAL PORTFOLIO	236,538,480.12	237,284,818.60	240,768,267.92

Investment Portfolio - Purchase Price	\$ 152,852,928.08
Investment Portfolio - Fair Value 3/31/20	156,336,377.40
Fair Value Adjustment - 3/31/20	3,483,449.32
Fair Value Adjustment - 6/30/19	1,308,728.94
Change in Fair Value FY2020	\$ 2,174,720.38



Kenai Peninsula Borough Assembly Committees 2019 – 2020

ASSEMBLY COMMITTEES

- **Finance Committee**
Brent Hibbert, Chair
Tyson Cox, Vice Chair
Brent Johnson
- **Lands Committee**
Brent Johnson, Chair
Kenn Carpenter, Vice Chair
Norm Blakeley
- **Policies & Procedures Committee**
Willy Dunne, Chair
Hal Smalley, Vice Chair
Kenn Carpenter
- **Legislative Committee**
Hal Smalley, Chair
Jesse Bjorkman, Vice Chair
Willy Dunne
- **President Pro Tem**
Brent Hibbert
- **OTHER BOROUGH COMMITTEES**
- **School Board**
Tyson Cox
Brent Johnson, Alternate

SERVICE AREA BOARD LIAISONS

- **Anchor Point Fire & EMS** – Willy Dunne
- **Bear Creek Fire** – Kenn Carpenter
- **CES/CPEMS** – Norm Blakeley
- **Kachemak Emergency Service Area** – Willy Dunne
- **KPB Roads** – Kelly Cooper
- **Nikiski Seniors** – Jesse Bjorkman
- **Nikiski Fire** – Jesse Bjorkman
- **North Peninsula Recreation** – Jesse Bjorkman
- **Seldovia Recreational** – Willy Dunne
- **Seward/Bear Creek Flood** – Kenn Carpenter
- **South Kenai Peninsula Hospital** - Kelly Cooper, Willy Dunne
- **NON-BOROUGH COMMITTEES**
- **Cook Inlet Aquaculture**
Dale Bagley
- **Cook Inlet R.C.A.C.**
Grace Merkes, term expires April 2020
- **Kenai Peninsula Economic Development District**
Hal Smalley, term expires with office
- **Kenai Peninsula College Council**
VACANT, term expires with office
- **Kenai River Special Management Area Advisory Board**
Brent Hibbert, term expires with office
- **Prince William Sound R.C.A.C.**
Mako Haggerty, term expires May 2019
- **Kachemak Bay Research Reserve Community Council**
Willy Dunne, term expires with office