

Introduced by: Mayor  
Date: 08/23/22  
Hearing: 09/06/22  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2022-19-13**

**AN ORDINANCE ACCEPTING AND APPROPRIATING CONGRESSIONALLY  
DIRECTED SPENDING GRANT FUNDS FROM THE ENVIRONMENTAL  
PROTECTION AGENCY, APPROPRIATING THE REQUIRED TWENTY PERCENT  
MATCH FUNDS FROM THE GENERAL FUND, AND RE-ALLOCATING STATE AND  
LOCAL FISCAL RECOVERY FUNDS FROM THE SOLID WASTE DEPARTMENT TO  
SCHOOL PAY-GO AND CYBERSECURITY PROJECTS**

**WHEREAS,** the United States Congress passed the federal budget with congressionally directed spending which allocated \$3,360,000; and

**WHEREAS,** on April 18, 2022 the Kenai Peninsula Borough (“Borough”) received notification that the request for congressionally directed spending for the Leachate Project was funded from the Environmental Protection Agency at the Central Peninsula Landfill; and

**WHEREAS,** the funds are issued as a grant and require a 20 percent match of \$840,000 in local funds which were not previously budgeted for in the Borough’s Fiscal Year 2023 (FY23) budget; and

**WHEREAS,** the funds have been verified and are available within the General Fund; and

**WHEREAS,** the Leachate Project previously had State and Local Fiscal Recovery Funds allocated to it that cannot be used as match funds, and an amount equal to the match requirement will need to be re-allocated to other projects; and

**WHEREAS,** previously appropriated American Rescue Plan Act (“ARPA”) grant funds equal to the match requirement of \$840,000 will be re-allocated to other eligible projects; and

**WHEREAS,** \$225,000 in ARPA funds are being redirected for cybersecurity upgrades boroughwide; and

**WHEREAS,** \$615,000 in ARPA funds are being redirected for school-based projects for negatively impacted communities, or school-based pay-go projects for school maintenance projects that meet all criteria allowable under the U.S. Department of Treasury’s Final Rule for ARPA State and Local Fiscal Recovery Funds Program; and

**WHEREAS,** future distribution to specific school-based project(s) for negatively impacted communities or school-based projects or school-based pay-go projects for school maintenance must be first approved by assembly resolution prior to any use of the appropriated funds;

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

**SECTION 1.** That the mayor is hereby 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 the amount of \$3,360,000 received from the Environmental Protection Agency for the Central Peninsula Landfill Leachate Project as congressionally directed is appropriated to account 411.32122.LEACH.49999 for the Central Peninsula Landfill Leachate Project and related expenditures.

**SECTION 3.** That the amount of \$840,000 is appropriated from the General Fund fund balance to be transferred to account 411.32122.LEACH.49999 to provide match funds for the Central Peninsula Landfill Leachate Project.

**SECTION 4.** That \$225,000 in previously appropriated American Rescue Plan Act grant funds are redirected to account 271.11231.SLF06.49999 for boroughwide cybersecurity improvements.


**SECTION 5.** That \$615,000 in previously appropriated American Rescue Plan Act grant funds are redirected to account 400.78050.SLF07.49999 for school-based projects for negatively impacted communities or school-based projects or school-based pay-go projects for school maintenance. Funds appropriated to this account for school-based projects may only be distributed and spent upon assembly approval, by resolution, of a specific project or list of projects.

**SECTION 6.** That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.


**SECTION 7.** That Section 1, 2, 3 and 6 of this ordinance shall be effective retroactively to July 1, 2022.

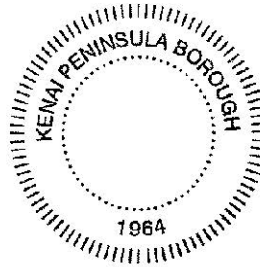
**SECTION 8.** That Sections 4 and 5 of this ordinance shall be effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF SEPTEMBER, 2022.**

  
Brent Johnson, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson  
No: None  
Absent: None