

Introduced by: Mayor
Date: 04/05/11
Hearing: 05/03/11
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-08**

**AN ORDINANCE WAIVING THE PUBLIC VOTER APPROVAL REQUIREMENT IN
KPB 5.04.110 FOR THE HOMER SOLID WASTE TRANSFER FACILITY CAPITAL
IMPROVEMENT PROJECT**

WHEREAS, KPB 5.04.110 requires voter approval of capital improvement projects costing more than \$2,050,000 where the capital improvement project is to be financed with borough funds; and

WHEREAS, the requirement does not apply to grants for capital improvement projects; and

WHEREAS, as the current Homer landfill permit prohibits the disposal of solid waste in the landfill after August of 2013, construction of a solid waste transfer facility in the Homer area is necessary for the public to have continuous access to a local solid waste disposal facility; and

WHEREAS, based on preliminary designs it is known that this project will cost significantly more than \$2,050,000; and

WHEREAS, the assembly listed this project first in the "Kenai Peninsula Borough State Funding Priorities – 2011" which was approved in Resolution 2011-001; and

WHEREAS, the borough administration and assembly have actively sought funding from the state to pay for the needed transfer facility; and

WHEREAS, whether sufficient funds will be provided by the state to pay the cost of this facility will likely not be known until at least 30 days after the end of the legislative session; and

WHEREAS, it is important that the soil work and preliminary construction begin as soon as possible in order to complete the project before the deadline for closing the existing landfill in the Homer area; and

WHEREAS, waiting until the regular election in October to obtain voter approval for the expenditure of these funds will cause the borough to lose the benefit of the 2011 construction season and render timely completion of this project virtually impossible; and

WHEREAS, initiative 05-01 amending KPB 5.04.110 requiring a supermajority voter approval for borough capital projects has been held invalid by the superior court both as to the 60 percent supermajority requirement and the voter approval requirement; and

WHEREAS, waiving the voter approval requirement in this case is in the best interest of the borough as the timely completion of this project is very important for public health and safety, and waiving this requirement would enable work on the project to commence promptly such that it should be completed prior to the August 2013 deadline;

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

SECTION 1. In consideration of the above information and findings, the voter approval requirement contained in KPB 5.04.110 is hereby waived for the Homer Solid Waste Transfer Facility capital improvement project.

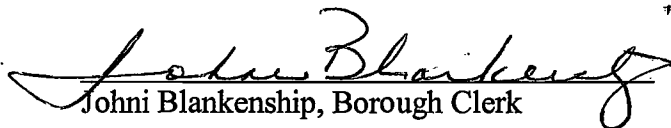
SECTION 2. That this ordinance takes effect immediately upon its enactment.

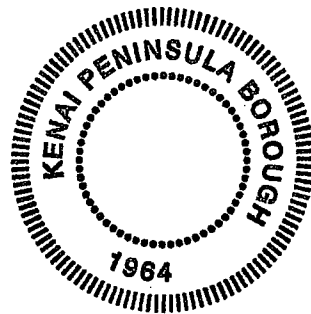
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF MAY, 2011.



Gary Knopp, Assembly President

ATTEST:


Johni Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None