



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: Colette G. Thompson, Borough Attorney *CT*

DATE: December 22, 2012

SUBJECT: Proposed amendment to ordinance 2011-19-24, appropriating \$100,000 to fund restoration projects at anadromous stream crossings

Upon further review of this ordinance it is my view that the ordinance should be modified to better clarify the authority the borough is exercising when having these projects performed and that the projects in fact will be consistent with that authority. Accordingly, I recommend that the assembly amend this ordinance as follows:

- Amend the third whereas clause as follows:

WHEREAS, the borough receives revenues from the State of Alaska's fish tax, such revenues averaging approximately \$729,162 per year, depending upon the success of the commercial fishing industry for each year, which may be used to help reduce the effect of fisheries business activities on the borough including the expense of any municipal service per AS 29.60.450; and

- Insert two new whereas clauses after the fourth existing whereas clause as follows:

WHEREAS, Alaska statute 29.35.010(8) authorizes the borough to acquire, manage, control use, and dispose of property which includes borough rights-of-way; and

WHEREAS, installing culverts in borough rights-of-way is an exercise of this power; and

- Amend section one as follows:

SECTION 1. That \$100,000 is appropriated from the general fund fund balance to account no. 100.94910.12KWF.43011, to fund a grant agreement with the Kenai Watershed Forum to support culvert restoration projects at anadromous stream crossings within borough rights-of-way in areas of the borough outside of city limits.

Your favorable consideration of this amendment would be appreciated.