

Introduced by: McClure, Mayor
Date: 07/05/11
Hearing: 08/02/11
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-27**

AN ORDINANCE ABOLISHING THE LOWELL POINT EMERGENCY SERVICE AREA, REPEALING KPB CHAPTER 16.45, AND PROVIDING FOR THE SUBMISSION TO THE SERVICE AREA VOTERS OF A PROPOSITION APPROVING THE ABOLISHMENT OF THIS SERVICE AREA

WHEREAS, the Lowell Point Emergency Service Area (“LPESA”) was established in Ordinance 2003-03 by the Kenai Peninsula Borough Assembly and approved by the voters of the service area to provide emergency services to the community of Lowell Point on the eastern Kenai Peninsula immediately south of the city of Seward; and

WHEREAS, the LPESA encompasses the Lowell Point area on the eastern Kenai Peninsula immediately south of the City of Seward; and

WHEREAS, the Lowell Point Volunteer Fire Department was in existence prior to the establishment of the LPESA and the members expect that it will continue if the the LPESA is dissolved; and

WHEREAS, this small community is in need of volunteers and the members of the board of directors are precluded from being members of the Lowell Point Volunteer Fire Department as they would have conflicting interests; and

WHEREAS, the rates levied by the Kenai Peninsula Borough for insurance coverages including Workers Compensation consume a substantial portion of the service area budget; and

WHEREAS, the community of Lowell Point established a non-profit corporation, Lowell Point Community Council, Inc. which was working towards providing fire protection services in the Lowell Point area before formation of the service area; and

WHEREAS, the community currently provides for the emergency needs of the area through the Lowell Point Community Council; and

WHEREAS, the Lowell Point Community Council is eligible for funds through the Community Revenue Sharing Program; and

WHEREAS, Alaska Statute 29.35.450(c) requires that the abolishment of a service area that provides fire protection services must be approved by the majority of the voters residing in the service area who vote on the question; and

WHEREAS, at its meeting of June 14, 2011 the Lowell Point Emergency Service Area Board adopted LPESA Board Resolution 2011-084 supporting dissolution of the Lowell Point Emergency Service Area;

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

SECTION 1. That KPB Chapter 16.45, Lowell Point Emergency Service Area, is hereby repealed and the service area is abolished.

SECTION 2. That a ballot proposition shall be placed before Lowell Point Emergency Service Area voters at the next regular election to read as follows:

PROPOSITION No. _____

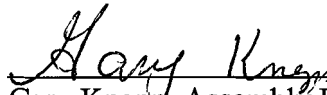
Shall Ordinance 2011-27, providing for the abolishment of the Lowell Point Emergency Service Area, be approved?

Yes ____ [A YES vote will abolish the Lowell Point Emergency Service Area.]

No ____ [A NO vote will leave the Lowell Point Emergency Service Area in existence.]

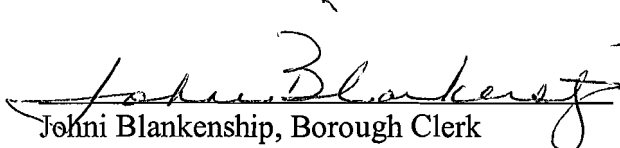
SECTION 3. That section 2 of this ordinance takes effect immediately upon its enactment, and section 1 shall take effect July 1, 2012 if the ballot proposition in section 2 is approved by a majority of the voters voting on the question.

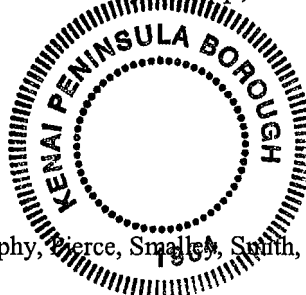
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF AUGUST, 2011.



Gary Knopp, Assembly President

ATTEST:


John Blankenship, Borough Clerk



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