

1 Introduced by: Assembly Member Dvorak and Assembly Member Skinner  
2 Drafted by: Assembly Member Dvorak  
3 Introduced on: 07/16/2020  
4 Public Hearing Date: 08/06/2020  
5 Adopted on: 08/06/2020  
6

7 **KODIAK ISLAND BOROUGH**  
8 **ORDINANCE NO. FY2021-13**  
9

10 **AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH PLACING A**  
11 **BALLOT PROPOSITION BEFORE THE VOTERS AT THE NEXT REGULAR MUNICIPAL**  
12 **ELECTION TO BE HELD ON OCTOBER 6, 2020, TO AUTHORIZE THE ASSEMBLY TO**  
13 **APPROPRIATE FUNDS FOR PAYMENT OF BOND DEBT FROM THE FACILITIES FUND**  
14 **OVER THE NEXT FIVE (5) FISCAL YEARS, SUBJECT TO A DEFINED ANNUAL LIMIT.**  
15

16 **WHEREAS,** in accordance with Kodiak Island Borough Code (KIBC) 3.10.120.~~(A)~~, the Facilities  
17 Fund is created as a special revenue fund separate from the general fund of the Kodiak Island  
18 Borough; and  
19

20 **WHEREAS,** KIBC 3.10.120.~~(D)~~ provides for specific limited use of this special revenue fund,  
21 furthermore requiring a ballot measure for other uses of the fund in accordance with KIBC  
22 3.10.120.~~(D)~~; and  
23

24 **WHEREAS,** it has been the predominant sentiment of the assembly that the assembly should  
25 not take substantial draws from the Facilities Fund without approval of the voters, even if those  
26 draws could be made in an otherwise legal manner according to the existing code framework;  
27 and  
28

29 **WHEREAS,** a majority of the assembly has been reluctant to address the matter of giving itself  
30 more control, in code, over the use of the Facilities Fund without taking such matters to the voters  
31 first; and  
32

33 **WHEREAS,** rather than proposing such a code change, which would open the possibility of the  
34 assembly using Facilities Funds to balance the Borough Budget in ways that the voters might not  
35 envision or be able to quantify at the time of the election, the Assembly has decided instead to  
36 place before the voters a specific proposal, authorizing the potential use of Facilities Funds over  
37 the next five (5) fiscal years, FY2022 until FY2026; and  
38

39 **WHEREAS,** this approach will allow voters the ability to make the most informed decision,  
40 whether to make certain Facilities Funds available for the express purpose of bond debt payments  
41 as an alternative to potentially raising taxes or further cutting borough services during those  
42 specified fiscal years by providing a discrete, one time, authorization to the assembly; and  
43

44 **WHEREAS,** if approved by 2/3 of the qualified voters during the 2020 election, the ultimate  
45 disposition of the specified Facilities Funds would be further subject to annual budget  
46 appropriation process by future assemblies, such that the assembly could decide whether or not  
to use those funds previously authorized by the voters for bond debt payments on a year by year

47 basis, but that the maximum amount allowable, in any given year, would be known ahead of time  
48 if so approved by voters,

49  
50 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**  
51 **BOROUGH THAT:**

52  
53 **Section 1:** This ordinance is not of general application and shall not be codified.

54  
55 **Section 2:** Notwithstanding any provision of KIBC 3.10.120 to the contrary, during five  
56 consecutive fiscal years from 2022 through 2026 the assembly may, by simple majority approval  
57 of an appropriations ordinance, appropriate and expend funds in the amounts listed in this section  
58 from the Facilities Fund for purposes of debt service. Appropriations authorized by this ordinance  
59 may include either principal or earnings or both. Appropriations authorized by this ordinance shall  
60 not be subject to further voter ratification. The amounts available for appropriation by the authority  
61 of this ordinance are in the following maximum amounts:

62  
63 FY2022 - \$3,100,000  
64 FY2023 - \$3,100,000  
65 FY2024 - \$3,100,000  
66 FY2025 - \$3,100,000  
67 FY2026 - \$2,100,000  
68

69 The authorization for appropriations in a particular fiscal year under this ordinance is limited to  
70 the specific fiscal year and cannot be carried over or accumulated. If an appropriation is not made  
71 in a particular fiscal year, then the authorization for that year set out in this ordinance lapses and  
72 the appropriation is not authorized by this ordinance.

73  
74 **Section 3:** An election is to be held on October 6, 2020 in the Kodiak Island Borough and the  
75 following proposition shall be submitted to the qualified voters for approval or rejection. A 2/3  
76 majority of those voters, qualified and voting in favor of the proposition, shall be required for  
77 approval.

78  
79 PROPOSITION NO. 1

80 Shall the Kodiak Island Borough Assembly be authorized to make grants from the Facilities  
81 Fund, for bond payments in annual amounts not to exceed the following schedule.

82  
83 FY2022 - \$3,100,000  
84 FY2023 - \$3,100,000  
85 FY2024 - \$3,100,000  
86 FY2025 - \$3,100,000  
87 FY2026 - \$2,100,000  
88

89  YES  
90  NO  
91

92 **Section 4:** Section 3 of this ordinance shall become effective immediately upon adoption.  
93 Section 2 of this ordinance shall become effective upon certification of the results of the Regular

94 Municipal Election of October 6, 2020, but only if the proposition set forth in Section 3 receives  
95 approval of a 2/3 majority of the voters voting on the question.

96  
97 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
98 **THIS SIXTH DAY OF AUGUST, 2020.**  
99

100 KODIAK ISLAND BOROUGH

ATTEST:

101  
102  
103 \_\_\_\_\_  
104 William Roberts, Mayor

\_\_\_\_\_  
Alise L. Rice, Borough Clerk

106  
107 **VOTES:**

108 Ayes: Dvorak, Kavanaugh, Schroeder, and Skinner

109 Noes: Arndt