

## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2015-49 on second and final reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-49

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE CHAPTER 4.06 "PROCEEDS FROM RAW WATER SALE CONTRACTS" BY MODIFYING SECTION 4.06.102 "REIMBURSING EXPENDITURES FROM OTHER FUNDS RELATING TO THE SALE OF RAW WATER, MAINTENANCE OF RAW WATER DISTRIBUTION INFRASTRUCTURE, OR RETENTION OF WATER RIGHTS", SECTION 4.06.103 "EXPENDITURE OF NEW ASSETS OF THE RAW WATER SALE FUND", AND SECTION 4.06.104 "ALLOCATION OF REVENUES FROM SALES OF RAW WATER AT GARY PAXTON INDUSTRIAL PARK"

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to amend sections 102, 103 and 104 of chapter 4.06 of the Sitka General Code to allow for the City Administrator to disburse funds from raw water sale contracts without the need for Assembly approval.

4. ENACTMENT, NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka section 4.06.102, 103 and 104 are amended to read as follows (new language underlined; deleted language stricken):

Chapter 4.06

Proceeds from Raw Water Sale Contracts

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4.06.102 Reimbursing expenditures from other funds relating to the sale of raw water, maintenance of raw water distribution infrastructure, or retention of water rights

Any fund of the city and borough of Sitka which expends funds in order to facilitate the sale of raw water, negotiate raw water sale contracts, construct or maintain raw water distribution infrastructure, or pursue legal or regulatory action to maintain water rights may request of the administrator up to \$50,000, or the assembly for amounts exceeding this amount, that such expenditures be reimbursed out of the assets of the raw water sale fund. Upon approval of the request, such reimbursements will be accomplished by the finance department. Such requests may be made whenever appropriate, but shall not be made on a basis more often than quarterly. The assembly and administrator will consider recommendations from the GPIP board prior to disbursing funds.

43 **4.06.103 Expenditure of net assets of the raw water sale fund.**

44 At any time, the administrator or the assembly of the city and borough of Sitka may authorize the  
45 transfer of the net assets of the raw water sale fund to any other fund within the city and borough  
46 of Sitka to be used for expenditures deemed appropriate by the assembly. The assembly will  
47 consider recommendations from the GPIP board and administrator prior to transferring raw water  
48 sale fund assets. For purposes of this section, net assets shall be defined as the assets of the raw  
49 water sale fund, less any liabilities. Any contractually mandated deposits for exclusive rights to  
50 purchase raw water from the city and borough of Sitka shall be defined as deposits until such  
51 deposits are either earned through application towards future water sales or through the  
52 expiration of the time period to exercise such rights.

53 **4.06.104 Allocation of revenues from sales of raw water at Gary Paxton Industrial Park.**

54 In the allocation of revenues from the raw water sale fund, the assembly and administrator will  
55 strive to ensure that the GPIP has adequate resources to market, manage and administer the  
56 assets of the park with the goal of maximizing economic returns to the community. Further, the  
57 assembly will allocate funds as it deems appropriate to other departments of the CBS.

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59 5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the  
60 date of its passage.

61 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of  
62 Sitka, Alaska this 27<sup>th</sup> day of October, 2015.

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Mim McConnell, Mayor

66 ATTEST:

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70 Sara Peterson, CMC

71 Municipal Clerk

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