

**NORTHWEST ARCTIC BOROUGH  
ORDINANCE 18-02**

**AN ORDINANCE OF THE NORTHWEST ARCTIC BOROUGH ASSEMBLY ADOPTING CHAPTER 10.20 OF THE BOROUGH CODE ESTABLISHING THE BOROUGH COMMUNITY UTILITY ASSISTANCE PROGRAM, AND FOR RELATED PURPOSES.**

**WHEREAS:** Northwest Arctic Borough communities struggle with the high costs of operation and maintenance of water and sewer systems; and

**WHEREAS:** in many Borough communities, the high costs of water and sewer make customer rates exorbitantly expensive, and delinquency rates are jeopardizing the continued viability of community systems; and

**WHEREAS:** in coordination with its regional partners, Maniilaq Association and the Alaska Native Tribal Health Consortium, the Borough wishes to create a program to assist Borough villages with technical assistance and financial support for water and sewer systems; and

**WHEREAS:** because the cost of such a program will be significant, the program must be authorized on an annual basis through a budget appropriation; and

**WHEREAS:** the Borough Assembly wishes to adopt a code ordinance establishing the general framework for a Community Utility Assistance Program to provide technical assistance and financial support for Borough community water and sewer systems.

**NOW THEREFORE BE IT ENACTED** by the Northwest Arctic Borough Assembly as follows:

**Section 1:** Chapter 10.20 of the Borough Code establishing the Borough Community Utility Assistance Program is adopted as follows:

**10.20.010 Community Utility Program Created.**

A. There is established a northwest arctic borough community utility assistance program. The borough establishes the community utility program in order to help improve the health, safety, and welfare of borough villages and residents by providing financial and administrative assistance for water and sewer systems in order to foster affordable service and sustainable utility systems.

B. The Borough's intent is to provide assistance to borough communities while communities remain responsible for ownership, operation, and maintenance of water and sewer systems.

C. This program will not provide a mechanism for the borough to take ownership or control of community utilities. Communities will remain solely accountable for ownership and operation of water and sewer systems.

**10.20.020 Subject to Annual Appropriation.**

The borough community utility assistance program is subject to annual appropriations from the borough assembly through approval and adoption of the borough's annual operating budget. In the event that the borough assembly does not allocate funds for the community utility assistance program, it will be suspended until such time that funds are allocated through the annual operating budget.

**10.20.030 Subject to Annual Agreements.**

A. In the event that the assembly funds the program for the upcoming fiscal year, communities that wish to participate in the program must enter into agreements with the borough prescribing the terms and conditions for participation in the community utility assistance program.

B. Upon the assembly's appropriation of funds for the program for an upcoming year, the mayor is authorized to execute annual agreements with communities for that year and related service agreements with third-party providers.

C. Communities that do not execute an annual agreement or breach the agreement will not be eligible to participate in the program.

D. Agreements must stipulate that communities are responsible for maintaining the maximum number of eligible and paying customers; with the goal of ensuring that at least seventy-five percent of eligible residence are non-delinquent, paying customers. Agreements must also mandate that delinquent customers will be shutoff.

E. Agreements must stipulate that communities will maintain their own emergency service account that is adequate to meet reasonably-foreseeable emergencies for a 12-month period.

**10.20.040 Functions.**

In coordination with its regional partners, the borough community utility assistance program shall provide the following assistance:

- A. Financial assistance for participating villages.
- B. Technical advice and assistance for operation and maintenance of water and sewer systems.
- C. Training for community operators and utility workers.
- D. Guidance for preventative maintenance.
- E. Third-party billing for enrolled communities with water and sewer system billing services and collection from customers. Fees will be collected and refunded to the communities after a service fee has been deducted. Collection from delinquent accounts will remain the sole responsibility of the communities.
- F. Contract services for certified public accountant and payroll services for the community's utility operators.
- G. Promoting the maximum number of paying utility customers.

**10.20.050 Community Utility Coordinator.**

The borough community utility coordinator will be responsible for administering the community utility assistance program and working in coordination with Maniilaq, the Alaska Native Tribal Health Consortium, participating communities, and other regional partners.

**Section 2:** This Code Ordinance shall become effective July 1, 2018.

**PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF APRIL 2018.**



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**Carl Weisner, Assembly President**

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF APRIL 2018.**



**Clement Richards, Sr., Mayor**

**SIGNED AND ATTESTED TO THIS 24<sup>th</sup> DAY OF APRIL 2018.**

 for

**Stella Aitoruk, Borough Clerk**

**ATTEST:**

**First Reading: April 3, 2018.**

**Second Reading: April 24, 2018.**

