



# Fairbanks North Star Borough

DEPARTMENT OF PUBLIC WORKS

Rural Services Division

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## MEMORANDUM

**TO:** Fairbanks North Star Borough Assembly

**THRU:** Bryce Ward, Mayor *OK for BW*

**FROM:** David Bredlie, Director *DB*  
Department of Public Works

**DATE:** December 10, 2020

**SUBJECT:** Ordinance 2020- 38  
To Remove Powers from the Ballaine Lake Service Area

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Attached for your consideration is a proposed ordinance to remove powers from the Ballaine Lake Service Area. The Ballaine Lake Service Area is currently only providing Sewage Disposal and Treatment. The first power to be removed is Parks and Recreation. The Ballaine Lake Service Area was established in 1971 and included parks and recreation powers, in 1972 the borough acquired areawide parks and recreation powers by election which superseded the service areas park and recreation powers. The second power to be removed is Water Supply and Distribution. College Utilities has been providing water to the service area since approximately 1979 and holds the Certificate of Public Convenience and Necessity for the area.

I urge the adoption of this ordinance.

1 By: Bryce J. Ward, Mayor  
2 Introduced: 12/10/2020  
3

4 FAIRBANKS NORTH STAR BOROUGH

5  
6 ORDINANCE NO. 2020 – 38  
7

8 AN ORDINANCE AMENDING FNSBC 14.24.010 TO REMOVE POWERS FROM THE  
9 BALLAINE LAKE SERVICE AREA, AND CHANGING THE TITLE OF CHAPTER 14.24 FNSBC  
10 TO REMOVE THE WORDS 'PARKS AND RECREATION'  
11

12 WHEREAS, College Utilities holds a Certificate of Public Convenience and  
13 Necessity No 97 (CPCN) which includes the Ballaine Lake Service Area; and  
14

15 WHEREAS, College Utilities is providing water service to the Ballaine Lake  
16 Service Area; and  
17

18 WHEREAS, The Ballaine Lake Service Area cannot provide water service to  
19 the area due to the CPCN held by College Utilities; and  
20

21 WHEREAS, The Ballaine Lake Service Area was established by ordinance on  
22 November 4, 1971 and included the power to provide parks and recreation services; and  
23

24 WHEREAS, The Borough acquired parks and recreation powers by election,  
25 October 3, 1972; and  
26

27 WHEREAS, Pursuant to state law, on acquisition of an areawide power, a  
28 second class borough succeeds to all of the rights, powers, and duties of any service  
29 area with respect to that power; and  
30

31 WHEREAS, The Ballaine Lake Service Area is currently only providing  
32 sewage disposal and treatment to the service area.

*AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT*

*Text to be added is underlined*

*Text to be deleted is [BRACKETED, CAPITALIZED]*

33 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
34 North Star Borough:

35  
36 Section 1. This ordinance is of a general and permanent nature and shall  
37 be codified.

38  
39 Section 2. The title of Chapter 14.24 FNSBC, Utilities – Parks and  
40 Recreation, is amended to read as follows:  
41 Utilities [– PARKS AND RECREATION]

42  
43 Section 3. FNSBC 14.24.010, Ballaine Lake Service Area – Creation and  
44 powers, is amended to read as follows:

45 A. There is established a service area within the borough designated the “Ballaine  
46 Lake Service Area,” including that portion of the borough as shown on the corresponding  
47 map in the clerk’s office.

48 B. The Ballaine Lake Service Area [WILL]shall have the power to provide a sewage  
49 disposal and treatment system. [THE FOLLOWING SERVICES TO THE RESIDENTS OF  
50 THE AREA:

- 51 1. A WATER SUPPLY AND DISTRIBUTION SYSTEM;
- 52 2. A SEWAGE DISPOSAL AND TREATMENT SYSTEM;
- 53 3. PARKS AND RECREATION.]

54  
55 Section 3. Effective Date. This ordinance is effective at 5:00 p.m. on the  
56 first Borough business day following its adoption.

57  
58 ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

59  
60 \_\_\_\_\_  
61  
62 Presiding Officer

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be *added* is underlined  
Text to be *deleted* is [BRACKETED, CAPITALIZED]

63  
64 ATTEST:  
65  
66 \_\_\_\_\_  
67 April Trickey, CMC  
68 Borough Clerk

APPROVED:  
Approved by JSD  
\_\_\_\_\_  
Jill S. Dolan  
Borough Attorney

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be *added* is underlined  
Text to be *deleted* is [BRACKETED, CAPITALIZED]