

ORDINANCE NO. 6192, AS AMENDED

**AN ORDINANCE TRANSFERRING BROADBAND UTILITY POWERS
TO THE FAIRBANKS NORTH STAR BOROUGH CONTINGENT UPON
THE BOROUGH ASSEMBLY REESTABLISHING THE CITY COUNCIL
AS THE BOARD OF ADJUSTMENT**

WHEREAS, the Fairbanks North Star Borough (FNSB) has expressed a desire to exercise broadband utility powers to allow it to receive and pass through federal and state funding to private enterprises to improve broadband services throughout the borough; and

WHEREAS, while the exercise of broadband utility powers is best and most efficiently done on an areawide basis, the FNSB does not have the legal authority to create a broadband utility; and

WHEREAS, the City of Fairbanks and the City of North Pole, as home rule municipalities, have the power to acquire, own, and operate public utilities; and

WHEREAS, the Alaska Constitution, Article X, § 13, authorizes a city located in a borough to transfer to the borough any of its powers or functions, unless prohibited by law or charter, and, in like manner, to revoke the transfer.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. The City of Fairbanks authorizes the transfer to the Fairbanks North Star Borough its power to provide support to broadband utility facilities and services, limited to the research, funding, and support of efforts that increase broadband internet access, including partnerships which provide broadband services as necessary to receive federal and state grants and to expend those funds to complete projects that deploy service to residents and businesses in areas lacking service.

SECTION 2. The transfer of these powers is contingent upon the City of Fairbanks acquiring the right to act as a Board of Adjustment for appeals involving property located within the City of Fairbanks as was established prior to the 2016 revocation by the Fairbanks North Star Borough.

SECTION 32. The effective date of this ordinance is the ____ day of February 2022.

Jim Matherly, Mayor

On the motion to POSTPONE INDEFINITELY:

AYES: Clark, Gibson, Rogers, Matherly
NAYS: Marney, Cleworth, Therrien
ABSENT: None
POSTPONED INDEFINITELY: January 31, 2022

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Paul Ewers, City Attorney

POSTPONED INDEFINITELY