

From Grace Merkes, 38300 Stans St in Sterling AK. PO Box 8 907-398-9811

Assembly Members, Mayor Pierce & Appointed Mayor Navarre

Please read my comments for the "Special Meeting" scheduled for Sept. 11, 2022 at the Kenai Peninsula Borough building at 1:00 P.M. Title 29.20.020 gives the public the right to be heard at all Meetings as follows; "Meetings of all municipal bodies shall be public as provided in AS 44.62.310. The governing body shall provide reasonable opportunity for the public to be heard at regular and special meetings."

My first comment is that I believe it is illegal to call a "Special Meeting" with very little reasonable public notice. I don't even know if there was any notice given to the public, especially on a Saturday which is not reasonable. According to Ak. Statute there must be at least 24 hours, reasonable, public notice given for a "Special Meeting".

"Special Meetings "can only be called if the item to be discussed is "Time Sensitive". From the notice I received, the items to be discussed are not so "Time Sensitive" that it couldn't have waited till a week day or evening, instead on a Sunday afternoon.

If this Special Meeting is held, and a motion is made to go into Executive Session, I would ask that the majority of the assembly members vote NO.

I believe the two items to be discussed at the "Special Meeting" in Executive Session should be discussed with the Assembly's legal counsel in order to get his legal opinion. No "Special Meeting" is required to make a decision on the two items the assembly is considering to discuss.

In regard to the first item on the agenda, no one knows what was discussed or what is being asked to be released to the public. What kind of issues have Attorney/Client privilege. Was the information about personnel or finances for the KPB? If it was personnel, was the person noticed of his right to have the issue discussed in public or in Executive Session? I do not support releasing the "confidential attorney privileged information" regarding any case unless it is Court ordered,

On the second item to be discussed, I do not agree that the information discussed in Executive Session should be released. According to the Open Meetings Act, most Executive Sessions must be confidential. I can't believe some assembly members are even considering going "public" with confidential information! A law suit against the Kenai Peninsula Borough and the Assembly Members, regarding these two issues, could be very expensive.

Another issue; I know only the 2 items noticed for the "Special Meeting" can only be discussed but I also want to say I believe the appointment of Mike Navarre is also illegal, and could be challenged in court by the public. The assembly should move to reconsider that appointment and give due process to appointing the next temporary Mayor. There was no notice given to the public in advance and the public process was flawed. The best interests of the public were not met.

**Turner, Michele**

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**From:** K, E, & E Martin <keeconstructionllc@yahoo.com>  
**Sent:** Sunday, September 11, 2022 10:03 AM  
**To:** Hibbert, Brent; Derkevorkian, Richard; %20jbjorkman@kpb.us; Cox, Tyson; Elam, Bill; Ecklund, Cindy; Johnson, Brent; Chesley, Lane; Tupper, Mike; Pierce, Charlie; G\_Notify\_AssemblyClerk  
**Subject:** <EXTERNAL-SENDER>Obligation to Spirit & Intent

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**Members of the Assembly, Please Follow the Spirit & Intent of this Statute at all times ! Ed Martin Jr.**

**2021 Alaska Statutes  
Title 44. State Government  
Chapter 62. Administrative Procedure Act  
Article 6. Open Meetings of Governmental Bodies.  
Sec. 44.62.312. State policy regarding meetings.**

**Universal Citation:** AK Stat § 44.62.312 (2021)

(a) It is the policy of the state that

(1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies that serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;

(6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.

(b) AS 44.62.310(c) and (d) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and to avoid exemptions from open meeting requirements and unnecessary executive sessions.

KEE Construction, LLC