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| Introduced by: | Carpenter, Mayor      |
| Date:          | 08/20/19              |
| Hearing:       | 09/03/19              |
| Action:        | Enacted               |
| Vote:          | 8 Yes, 1 No, 0 Absent |

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-19-07**

**AN ORDINANCE APPROPRIATING \$1,500 FOR THE COSTS OF PRINTING AND  
DISTRIBUTING INFORMATION ABOUT THE BALLOT PROPOSITION SEEKING  
VOTER APPROVAL TO INCREASE THE MAXIMUM AMOUNT OF A SALE  
SUBJECT TO THE BOROUGH SALES TAX TO \$1,000, EXCEPT RESIDENTIAL  
RENTS, TO ENSURE COMPLIANCE WITH LEGAL RESTRICTIONS ON THE USE  
OF BOROUGH FUNDS AND ASSETS RELATED TO BALLOT PROPOSITIONS**

**WHEREAS,** the assembly approved ordinance 2019-15, providing for the submission of a ballot proposition to the qualified voters of the Kenai Peninsula Borough concerning the proposed increase to the maximum amount of a sale subject to the borough sales tax to \$1,000, except for residential rents; and

**WHEREAS,** the administration is preparing educational information relating to this ballot proposition which is intended to be factual and objective; and

**WHEREAS,** AS 15.13.145 prohibits municipalities from influencing the outcome of an election concerning a ballot proposition unless funds have been specifically appropriated for that purpose by municipal ordinance; and

**WHEREAS,** KPB 4.10.100 prohibits the use of public funds, facilities, equipment or supplies purchased with public funds, and services of public employees in-kind to promote the passage of a ballot proposition; and

**WHEREAS,** the determination of what explicitly constitutes influencing or supporting passage of a ballot proposition is an undefined, subjective area; and

**WHEREAS,** to avoid potential expenses should a complaint be filed alleging that the borough's material and presentations were intended to promote or influence the outcome of the election, an appropriation of sufficient funds to pay costs of preparing and disseminating the material and acknowledging that they may be seen as intended to influence the outcome of the election is in the best interest of the borough;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

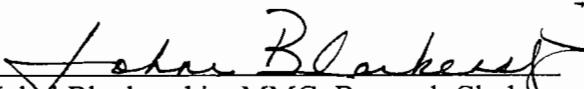
**SECTION 1.** The sum of \$1,500 is hereby appropriated from the General Fund, fund balance account 100.00000.00000.27910, to account number 100.11210.20TAX.43011, which may be used to influence the outcome of the election on October 1, 2019, on the ballot proposition concerning the proposed increase to the maximum amount of a sale subject to the borough sales tax to \$1,000, except for residential rents.

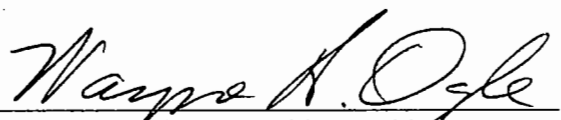
**SECTION 2.** Notwithstanding KPB 4.10.100, the mayor and his staff are authorized to publicly distribute hand-outs and make presentations related to the proposed change to the sales tax cap in the ballot proposition with costs not to exceed the appropriated funds.

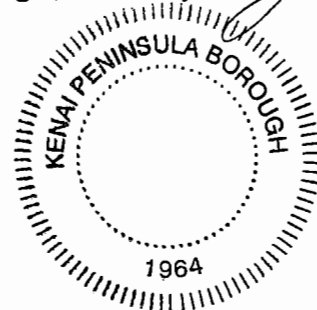
**SECTION 3.** This ordinance shall become effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF SEPTEMBER, 2019.**

ATTEST:

  
John Blankenship, MMC, Borough Clerk

  
Wayne H. Ogle, Assembly President



Yes: Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle

No: Bagley

Absent: None