

Introduced by:	Mayor
Date:	06/21/22
Hearing:	07/05/22
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-19-02**

**AN ORDINANCE APPROPRIATING FUNDS FOR THE COSTS OF DISTRIBUTING
INFORMATION ABOUT THE BALLOT PROPOSITION SEEKING VOTER
APPROVAL FOR THE ISSUANCE OF BONDS TO PAY FOR THE CENTRAL
EMERGENCY SERVICE AREA FIRE STATION #1 PROJECT TO ENSURE
COMPLIANCE WITH LEGAL RESTRICTIONS ON THE USE OF BOROUGH FUNDS
AND ASSETS RELATED TO BALLOT PROPOSITIONS**

WHEREAS, the Kenai Peninsula Borough (Borough) administration and Central Emergency Service Area Board have requested an appropriation of \$ \$3,500 to cover the costs of informing the public of the needs and impacts associated with the proposition seeking voter approval for the issuance of bonds to pay for the Central Emergency Service Area Station #1 project; 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 \$3,500 is hereby appropriated from the Central Emergency Service Area Fund, fund balance account 211.00000.00000.27910, to account number 211.51610.23CES.49999, which may be used to influence the outcome of the election on October 4, 2022, on the ballot proposition concerning the proposed issuance of Services Area general obligation bonds to pay for the cost of Central Emergency Services Fire Station #1 project in the Central Emergency Service Area.

SECTION 2. Notwithstanding KPB 4.10.100, the mayor and his staff are authorized to publicly distribute information related to the issuance of general obligation bonds to pay for the cost of educational capital improvements in the borough with costs not to exceed the appropriated funds.

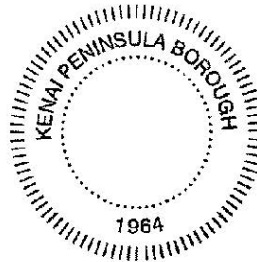
SECTION 3. This ordinance shall be effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JULY, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Ecklund, Elam, Hibbert, Tupper, Johnson
No: None
Absent: Derkevorkian