

Introduced by: Mayor
Date: 07/18/17
Hearing: 08/01/17
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2017-19-02**

**AN ORDINANCE APPROPRIATING \$1,500 FOR COSTS OF PRINTING AND
DISTRIBUTING INFORMATION ABOUT THE BALLOT PROPOSITION FOR THE
PROPOSED DEBT ISSUANCE OF \$5 MILLION TO FINANCE REPLACING THE
BOROUGH ADMINISTRATION BUILDING'S HEATING, VENTILATION AND AIR
CONDITIONING SYSTEMS TO ENSURE COMPLIANCE WITH LEGAL
RESTRICTIONS ON THE USE OF BOROUGH FUNDS AND ASSETS RELATED TO
BALLOT PROPOSITIONS**

WHEREAS, the assembly approved Ordinance 2017-16 providing for submission of a ballot proposition to the qualified voters of the Kenai Peninsula Borough, to authorize the issuance of debt in the amount of \$5,000,000 to finance replacement of the borough administration building mechanical heating, ventilation and air conditioning ("HVAC") systems; and

WHEREAS, the administration plans to prepare 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 100.11210.18HVA.43011, which may be used to influence the outcome of the election on October 3, 2017, on the ballot proposition concerning the proposed debt issuance to finance replacement of the borough administration building's HVAC systems.

SECTION 2. Notwithstanding KPB 4.10.100, the mayor and his staff are authorized to publicly distribute informational hand-outs and make presentations related to the ballot proposition authorizing the debt issuance to finance replacement of the borough administration building's HVAC systems provided all costs do not exceed \$1,500.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF AUGUST, 2017.

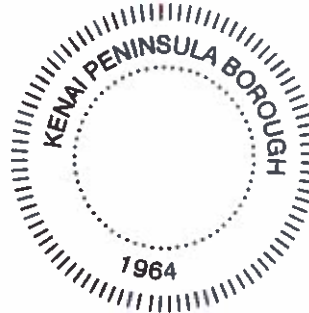


Kelly Cooper, Assembly President

ATTEST:



Jonni Blankenship, MMC, Borough Clerk



Yes: Bagley, Carpenter, Dunne, Fischer, Hibbert, Ogle, Schaefer, Welles, Cooper
No: None
Absent: None