

Kenai Peninsula Borough  
Finance Department

**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Kenn Carpenter, Assembly Member  
Charlie Pierce, Borough Mayor

**FROM:** Brandi Harbaugh, Finance Director

**DATE:** August 8, 2019

**SUBJECT:** Ordinance 2019-19-07, 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 for Residential Rentals, to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Carpenter, Mayor)

The administration is planning to provide information to the public about a pending ballot proposition that, if approved by voters, would increase the maximum amount of a sale subject to the borough sales tax to \$1000 except for residential rents.

Alaska Statute 15.13.145 prohibits the use of public funds to influence the outcome of an election, except that AS 15.13.145(b) allows public funds to be used to influence the outcome of an election if specifically appropriated for that purpose by municipal ordinance. The administration is seeking an appropriation of \$1,500 by the assembly to cover the costs of printing and distributing information about the ballot proposition to explicitly and fully comply with AS 15.13.145(b). The information would be factual and the printed material would be distributed at public meetings throughout the borough at which members of the public could share their views on the ballot proposition. Additionally, borough code prohibits the use of borough funds or public employees' in-kind services to promote the passage of ballot propositions. This ordinance would authorize the distribution of printed and electronic information by staff notwithstanding the code provision. While the administration believes the distribution of this information would not violate the code, this ordinance would resolve any potential legal issues by authorizing the dissemination of any prepared materials.

Your approval of this ordinance would be appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>100.00000.00000.27910</u>
Amount:	<u>\$1,500.00</u>
By: <u>pp</u>	Date: <u>8/8/19</u>