

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Peter Ribbens, Assembly President
Members, KPB Assembly

FROM: Tyson Cox, Assembly Member *TRC*

DATE: April 3, 2025

RE: Ordinance 2025-07, Amending KPB 4.10.100 Relating to the Use Of Public Monies on Ballot Propositions to Mirror State Law (Cox)

I originally spoke with Mr. Kelley about alternatives to making an exception to KPB 4.10.110 after our meeting in Homer last August because of questions surrounding Ordinance 2024-16. I felt it was confusing for both, assembly and community members, when the Assembly approved funds for an informational and promotional campaign with an ordinance requiring an exception to the KPB code.

Recently Mr Kelley forwarded me this code amendment ordinance that will align this section of code with State law to require a specific appropriating ordinance in order to use public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees, in kind, to influence the outcome of ballot propositions.

Due to uncertainty surrounding the term "influence" as used in AS 15.13.145, even when providing informational materials regarding potential advantages, disadvantages, benefits, or drawback, the KPB has historically enacted ordinances that contain a "notwithstanding exception" to the prohibition contained in KPB 4.10.110. The need to consistently enact a "notwithstanding exceptions" to KPB Code indicates that the code may need to be amended.

This ordinance will amend KPB code to accomplish the same outcome as before, but without needing a "notwithstanding exception" to do so.

Your consideration is appreciated.