

Kenai Peninsula Borough

Legal Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*

FROM: Sean Kelley, Borough Attorney *SK*

DATE: February 15, 2024

RE: Ordinance 2024-05, Amending Borough Code to Add a New Section of Code Relating to Public Notice Requirements and Amending Various Sections of Code to Provide for Alternative Methods of Public Notice (Mayor)

This code amendment Ordinance will amend Kenai Peninsula Borough (“KPB”) Code to provide for alternative methods of public notice in instances where Alaska Statutes do not require publication in a newspaper of general circulation. These amendments will add flexibility to public notice requirements but will not mandate that any department or service area change current practices. The code changes do not prohibit continued publication in a newspaper; rather, the amendments provide for alternatives to newspaper publication in certain instances and are aimed to reach a diverse constituency within the KPB.

This Ordinance will add a new section of code, KPB 1.08.180. This change moves provisions of current KPB 5.08.060 relating to legal advertising under the KPB's general provisions chapter and then repeals KPB 5.08.060. In addition, KPB 1.08.180 includes a new subsection B relating to acceptable forms of public notice. Subsection B states that unless a code provision or state law provides otherwise, a publication requirement under borough code is satisfied through the following methods of notice:

1. Either, publication prominently placed on the borough's webpage OR publication in a newspaper of general circulation; and
2. Posting the notice at the borough administration building, at a service area's principal administration building if the notice is specific to a service area, other public facilities or private facilities that allow for public posting OR posting the notice on a social media platform regularly maintained and operated by the borough as an official social media account of the Kenai Peninsula Borough.

Such notice ensures publication – either on the borough's webpage or in a newspaper – and public posting – either at a prominent building location or on one of the borough's social media platforms – of all public notices.

A comparison table of publication requirements in KPB code and State law is attached.

Your consideration is appreciated.