



## KENAI PENINSULA BOROUGH

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**MIKE NAVARRE**  
**BOROUGH MAYOR**

### MEMORANDUM

**TO:** Blaine Gilman, Assembly President  
Members of the Kenai Peninsula Assembly

**FROM:** Mike Navarre, Mayor *MN*

**DATE:** August 25, 2016

**SUBJECT:** Ordinance 2016-19- 01, An Ordinance Appropriating \$700 for Costs of Printing and Disseminating Information about Ballot Propositions 3 and 4 Concerning the Proposed Sales Tax Cap Increase to \$1,000 and a Phase Out of the Optional Senior Citizen Tax Exemption, to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Relating to Ballot Propositions (Mayor)

As was discussed during assembly consideration of Ordinances 2016-16 and 2016-24, the administration is planning to provide information to the public about the pending ballot propositions relating to the senior citizen tax exemption and sales tax cap changes.

Alaska Statute 15.13.145 prohibits the use of public funds to influence the outcome of an election. AS 15.13.145(b) further authorizes that public monies may be used to influence the outcome of an election if specifically appropriated for that purpose. The administration recently sought an informal opinion from the Alaska Public Offices Commission as to whether the proposed informational materials relating to the senior citizen property tax exemption and the sales tax cap increase may be considered as influencing the outcome of the election on these propositions. The commission staff tentatively concluded that the informational materials probably are not partisan but suggested that the administration could seek the appropriation of funds by the assembly to cover the costs of this information to clearly comply with AS 15.13.145(b).

Additionally, the 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 dissemination of prepared written information notwithstanding that code provision. While the administration believes this information does not violate the code, this ordinance would resolve any potential legal issue by authorizing the dissemination of the prepared materials. As some of these materials have been made available to the public the ordinance is made retroactively effective to September 1, 2016.

Your approval of this ordinance would be appreciated.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
100-27900 (FB)	
Acct. No.	100-11210-00000-43011
Amount	\$ 700.00
By: <i>pp</i>	Date: <i>8/26/16</i>
<i>But for CCE</i>	