

Kenai Peninsula Borough
Assembly

MEMORANDUM

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

FROM: Kelly Cooper, Assembly Member (B) for K.C.

DATE: February 7, 2019

RE: Ordinance 2019-02, Amending KPB Title 3 to Enact Local Provisions for Protection of Whistleblowers (Cooper), Clarification of Intent

The memorandum of January 10, 2019 describing this ordinance identified employees and "potential bidders" as being protected by the ordinance. Concerns have been raised by borough staff that this ordinance should not be construed to provide special rights for potential bidders or additional avenues for them to challenge purchasing procedures and processes. Potential bidders already have appeal rights in the borough purchasing code at KPB 5.28.320 and are not granted unique rights under this ordinance.

Instead, this ordinance provides protections to employees and other persons who report a matter of public concern from being disqualified from eligibility to bid on contracts, receive land under a borough ordinance or other listed items because they made such a report. This is subject to the limitations and conditions described in the ordinance. It does not give additional unique rights to potential bidders nor does it reduce their rights.

Thank you.