

Introduced by: McGahan
Date: Nov. 18, 1980
Hearing: Dec. 16, 1980
Vote: Unanimous
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 80-61

AMENDING SECTION 4.04.060 OF THE BOROUGH CODE OF ORDINANCES IN REGARD TO THE PROHIBITION AGAINST THE USE OF PUBLIC MONIES OR IN-KIND SERVICES TO PROMOTE THE PASSAGE OF BALLOT PROPOSITIONS AND BOND ISSUES.

WHEREAS, the voters, by initiative election on October 3, 1978, approved Ordinance 78-43, codified as KPB 4.04.060, which prohibits the use of public monies to promote the passage of school bond issues; and

WHEREAS, the Assembly finds that public facilities, supplies and personnel should not be utilized to promote approval of public expenditure and bond issues; and

WHEREAS, the Assembly finds that the use of public facilities, services and personnel to promote approval of bond issues, is necessarily charged directly or indirectly to Borough expenditures and violates the intent of Ordinance 78-43;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Section 4.04.060 is amended to read:

A. 4.04.060 Prohibition of the use of Public Monies to Promote the Passage of Issues. The use of public monies, or facilities, equipment or supplies purchased with public monies, and services of public employees in-kind, to promote the passage of [SCHOOL] ballot propositions including public expenditures, appropriations, or bond issues is prohibited.

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B. In the context of this ordinance, the term promote is defined as an attempt to influence, whether affirmatively or negatively, the vote of the people upon ballot propositions or bond issues. The term promote does not encompass the following and similar activities: 1.) the publication, circulation or mailing of informational items or legal notices pertaining to proposed bond issues or ballot propositions, so long as any such literature distributed to the public, or to news media, fairly and fully presents information needed by the public to make an informed vote upon any ballot proposition or bond issue; 2.) the participation by Borough general government or school district personnel in public discussions, or interviews with news media, relating to proposed ballot propositions or bond issues.

C. Borough-owned schools, buildings and other facilities may be utilized for public meetings, discussions, and other assemblies by private groups supporting or opposing any ballot proposition or bond issue. General borough government and school district employees may arrange for public meetings and assemblies where the advantages and disadvantages of a proposed ballot proposition or bond issue are fairly presented by opponents and proponents of the item.

D. No posters, fliers or other printed material advocating or opposing a ballot proposition or bond issue may be displayed in any borough owned or controlled building or facility except in a single area of general public access designated by the building supervisor. Both proponents and opponents of the ballot item shall be accorded equal access to the space.

E. The constitutional rights of public employees to express their personal views on proposed bond issues and ballot propositions during public meetings or in interviews with news media shall not be abridged by this ordinance. However, any employee expressing his or her personal views shall clearly state that the statements reflect personal or professional beliefs only and do not represent the position of the Borough or the School District.

Section 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6th DAY OF January, 1980.

Paula Fisher
Assembly President

ATTEST:

Francis Bayma
Borough Clerk

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