

MEMORANDUM

TO: Grace Merkes, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Bill Smith, Assembly Member

DATE: July 24, 2008

SUBJECT: Ordinance 2008-17 (Substitute), amendment changing the voter approval requirement from 60 percent to a simple majority

In my opinion, the 60 percent voter approval requirement included in the KPB 5.04.110 is improper in that it enables a minority of the voters to dictate whether or not a project shall be approved. By requiring 60 percent voter approval, 40 percent plus one of the voters can defeat a proposition. In my view, this is contrary to our generally accepted democratic principles in which the majority, meaning a simple majority, has the power to pass propositions and elect candidates. This amendment would change the 60 percent voter approval requirement to a simple majority. We have been challenged to trust the voters, and this amendment places our faith in a majority vote. Your support would be appreciated.

➤ Amend the title as follows:

AN ORDINANCE AMENDING KPB 5.04.110 AND KPB 16.16.085 TO EXCLUDE GRANT FUNDS FROM THE AMOUNTS CONSIDERED IN DETERMINING WHETHER A BOROUGH OR NORTH PENINSULA RECREATION SERVICE AREA CAPITAL IMPROVEMENT PROJECT MUST BE SUBMITTED TO THE VOTERS, AMENDING KPB 5.04.110 TO REQUIRE A SIMPLE MAJORITY VOTER APPROVAL, AND AMENDING KPB 16.16.085 TO INCREASE THE AMOUNT THAT MAY BE SPENT WITHOUT VOTER APPROVAL ON CAPITAL IMPROVEMENT PROJECTS IN THE NORTH PENINSULA RECREATION SERVICE AREA FROM \$500,000 TO \$1,000,000

➤ Amend Section 1 as follows:

5.04.110. Major capital improvement projects—Referendum required.

A. All capital improvement projects to be constructed or acquired by the Borough must be approved by the voters of the borough at a regular or special election, before the project is constructed or acquired if the total project cost is more than \$1,000,000.00, including architectural, engineering, inspection, design, administration or any other cost. This section applies to all proposed capital improvement projects to be financed with borough funds which are not the proceeds of a bond issue approved by voters. This section does not apply to either insurance covering the repair or replacement of damaged Borough capital improvements or to grants for capital improvement projects. A capital improvement project that is proposed to be built in phases shall include the projected cost of all phases as the total project cost for purposes of this ordinance.

B. When the total projected cost of a capital improvement project as defined in this section is more than \$1,000,000.00 it must receive an affirmative vote by no less than **[60 PERCENT] a simple majority** of the affected voters at a Borough election for such a project to be approved.

A handwritten signature in black ink, appearing to read "Bill DeFina". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.