

Blankenship, Johni

From: Carey, Dave
Sent: Tuesday, August 04, 2009 4:50 PM
To: Bannock, Duane
Cc: Wilcox, Susan; Chumley, Hugh; Blankenship, Johni
Subject: RE: Required advertizing

Great, Duane.

You are too speedy.

From: Bannock, Duane
Sent: Tuesday, August 04, 2009 4:44 PM
To: Carey, Dave; Wilcox, Susan; Chumley, Hugh
Cc: Thompson, Colette
Subject: Required advertizing

Agenda Item M. 7
 Committee P&P
 Page Number 85

Good Afternoon,

Today, in the Policy & Procedures Committee meeting Ms. Martin questioned the advertizing and notice requirements in KBP Code 17.08.010 and asked that it include the 'local area' of the parcel in question.

I did a quick search of the on-line KPB Code and found 28 different hits to 'General Circulation' but this definition seems to be a good standard:

5.08.060. Legal advertising.

- A. All legal notices and other advertising published on behalf of the Kenai Peninsula Borough must be ordered by purchase order duly authorized, in accordance with the borough purchasing procedures.
- B. Every legal notice or other advertisement pertaining only to the central peninsula area will be placed in a weekly or daily newspaper of general circulation located in that area. Legal advertising that pertains only to the Homer area will be published in a newspaper of general circulation located in the Homer area; and legal advertisements pertaining to the Seward area will be published in a newspaper of general circulation located in the Seward area. Legal advertising that pertains especially to Homer and Seward areas shall be included in local newspaper of general circulation in the borough, either for broader coverage of interested persons, or in the event that Homer and Seward do not have a local newspaper.
- C. Legal advertising of borough-wide significance will be published in a newspaper of general circulation within the borough.
- D. A newspaper of general circulation is defined as a publication that:
 1. is published in newspaper format;
 2. is distributed at least once a week for at least 50 weeks each year within the affected area as designated in this subsection B and C of the section, excluding a period when publication is interrupted by a labor dispute or by a natural disaster or other casualty that the publisher cannot control; and has a total paid circulation or paid distribution of at least 500 copies, or 10 percent of the total population of the affected area as designated by subsections B and C of this section, whichever is less;
 3. holds a second-class mailing permit from the United States Postal Service;
 4. is not published primarily to distribute advertising; and
 5. is not intended primarily for a particular professional or occupational group.
- E. Other advertising published outside the borough will be published in the appropriate newspapers

as determined by the mayor.

F. Failure of a published legal advertisement to conform to a purchase order as to required dates or sequence of publication or content will void the purchase order. In the event that the borough incurs additional costs due to a nonconformity, the publisher (or newspaper) responsible for that advertising will be held liable for those costs.

G. Type size for all legal advertisements will be determined by the mayor and specified in any requests for proposals to publish.

(Ord. No. 93-36, §§ 1, 2, 1993; Ord. No. 81-8, §§ 1, 2, 1981; Ord. No. 80-12, § 1, 1980; Ord. No. 79-71, § 1, 1979)

Perhaps in Ordinance 2009-38, we could suggest amending the language to read:

“Notice of the parcels proposed....shall be published per KPB Code 5.08.060 [TWICE IN A DESIGNATED PUBLICATION OF GENERAL CIRCULATION]” (Section 1 Ordinance 2009-38 KBP 17.08.010 B)

Similar language could be used in Section 11 KPB 17.50.040 and other areas where notice and advertizing are required. It may take a bit more time that I have today to locate all the KPB code references but if we offered to the Assembly this evening that a comprehensive code review of that subject was forthcoming, it may overcome the objection and ensure passage of Ordinance 2009-38

Duane Bannock
Program Manager

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