

December 31, 2009

President Pete Sprague, and
Members of the Kenai Peninsula Borough Assembly

Re: Ord. 2009-53

Dear President Sprague and Members,

Ordinance 2009-53 is, in my humble view, a very dangerous piece of legislation! And I urge a NO vote on January 5th. My rationale follows, however, I would like preface it with noting that I believe Mr. Knopp and Mr. Pierce brought this forward in a sincere effort to resolve a very difficult situation, and I commend them for that.

Over the 9 years that I served on the Borough Assembly I do not recall that we never had to deal with this kind of situation. It is a very difficult and unfortunate one.

Borough ordinances are the Borough's laws. They make up the Borough book of Codes. The Chief of Staff, as the right arm of the duly elected mayor is responsible to implement those policies established by the Assembly and certainly should be well aware of conflict issues because the Mayor is elected.

Regardless of the last whereas in this ordinance, the ordinance sets a huge precedent and opens in my view a Pandora's box. Once an ordinance like this is passed, it is too easy to do it again and again. It opens the potential for abuse, especially in the future. Webster's defines ordinance as follows: **1 a** : an authoritative decree or direction : **ORDER b** : a law set forth by a governmental authority; *specifically* : a municipal regulation.

The Chief of Staff, is not only President of Chumley's Inc., but also has an interest in a subsidiary business that is now winning contracts with the Roads Department, a department that Mr. Chumley is directly responsible for under the Mayors job description for his position. Were there conflict of interest filings for those?

Mayor Carey ran on a very strong platform of transparency, and I believe he has tried very hard to maintain that transparency. This ordinance does not support that transparency and I have to assume he will oppose it for that reason.

What is in the best interest of the borough at large and the boroughs tax payers? I do not believe it is Ord. 2009-53.

It is my hope that the Assembly will vote this ordinance down, and instead direct the Assembly President to write a letter to the Mayor citing the Assembly's concern at what occurred, and request close adherence to the code.

Very Sincerely,

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