

1910

Introduced by: President Arness
Date: September 2, 1975
Vote: 90.33 YES; 38.67 NO
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 75-45

A RESOLUTION RESPONDING TO THE REQUEST OF ALASKA PUBLIC OFFICES COMMISSION FOR INFORMATION PERTAINING TO CAMPAIGN LITERATURE.

WHEREAS, the borough administration, at the direction of its Mayor, put out an informational sheet concerning present facilities, proposed construction, and student capacity in Kenai Central High School, East Homer Elementary School, Soldotna Elementary School, and the Tyonek School prior to the election on ratification of the bond ordinance providing funding for the construction of additions to said schools; and

WHEREAS, after receipt of a complaint filed with respect to said "voter information" mailing, the Alaska Public Offices Commission wrote a letter dated March 20, 1975, to the Mayor of the Kenai Peninsula Borough alleging that the borough had printed and circulated material "which was designed to influence the outcome of the special Borough election held February 25, 1975", called his attention to AS 15.13.050 and AS 15.13.130 (3) of the Limitation of Campaign Spending and Disclosure Law, and enclosed necessary forms so that he might:

- "1. Register as a group;
- "2. Appoint a treasurer, and;
- "3. File a Contributions and Expenditures Report".

and requested that the report be filed by April 18, 1975; and

WHEREAS, the Borough Mayor advised the Commission by letter dated March 28, 1975, that after requesting directions from the

borough attorney he had been advised that the action taken in publication of the "voter information" sheet was not subject to AS 15.13 (citing the pertinent sections and explaining why they would not be applicable) and consequently did not file the requested reports; and

WHEREAS, Jeff Hiatt, Executive Director of Alaska Public Offices Commission, by letter dated August 7, 1975, addressed to Mr. James Arness, President, Kenai Peninsula Borough Assembly, requested that the assembly direct the borough clerk to furnish the Commission with the information requested and enclosed for review what was alleged to be a "complete record of this matter" consisting of several letters from the Commission demanding compliance even after the Mayor had clearly stated the differences of opinion regarding statutory interpretation; and

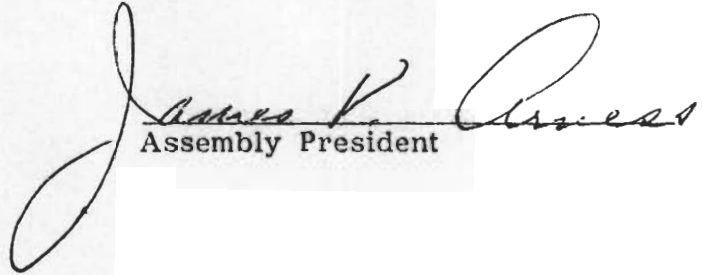
WHEREAS, the Commission has made at least two releases to newspapers concerning its claims against the Borough as shown by articles in the Anchorage Daily Times on Friday, June 20, 1975 (Page 14) and on Sunday, July 20, 1975 (Page 1), and the latter article reports that the Commission intended asking the borough assembly for such information although "two assistant attorneys general recommended dropping the complaint";

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

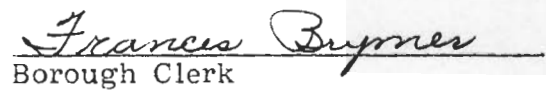
That the Assembly of the Kenai Peninsula Borough is not a judicial body, has no judicial powers, and has no judicial training, that the Alaska Election Campaign Commission was advised as early as its receipt of the letter dated March 28, 1975, from the Borough Mayor that there were vital differences in the interpretation of the statutory authority of the Commission and the statutory responsibility of the borough administration under AS 15.13 with respect to the distribution of the "voter information" sheet, and that it is the opinion of this assembly that if the Commission then remained of the same opinion after advising with the Office of the Attorney General, they should have sought a court action to secure a judicial determination of their authority rather than continuing to harass the borough administration with letters and to ask this assembly to furnish information.

Therefore, this assembly hereby goes on record as opposing extension of bureaucratic powers beyond statutory authority.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH THIS 2nd DAY OF SEPTEMBER, 1975.


Assembly President

ATTEST:


Borough Clerk

Kenai Peninsula Borough
Resolution 75-45
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