



## **KENAI PENINSULA BOROUGH**

144 North Binkley Street • Soldotna, Alaska 99669-7520  
Toll-free within the Borough: 1-800-478-4441  
**PHONE:** (907) 262-4441 • **FAX:** (907) 262-1892  
[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

**DAVID R. CAREY**  
**BOROUGH MAYOR**

### **MEMORANDUM**

**TO:** Gary Knopp, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** *DK* David R. Carey, Mayor

**FROM:** *[Signature]* Colette G. Thompson, Borough Attorney  
Holly B. Montague, Deputy Borough Attorney

**DATE:** May 3, 2011

**SUBJECT:** Ordinance 2011-08, waiving the voter approval requirement for capital projects

KPB 5.04.110 has been held invalid by the superior court. While the case is on appeal to the Supreme Court it should be acknowledged that the law is invalid and that this ordinance is not being presented with the belief that KPB 5.04.110 is valid, but rather in recognition that the issue is on appeal.

**WHEREAS,** initiative 05-01 amending KPB 5.04.110 requiring a supermajority voter approval for borough capital projects has been held invalid by the superior court both as to the 60% supermajority requirement and the voter approval requirement;