



KENAI PENINSULA BOROUGH

144 N. BINKLEY ST • SOLDOTNA, ALASKA • 99669-7520

PHONE: (907) 714-2160 • FAX: (907) 714-2388

Toll-free within the Borough: 1-800-478-4441, Ext. 2160

EMAIL: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP, CMC
BOROUGH CLERK**

June 17, 2009

James Mellot, Prime Sponsor
PO Box 2764
Kenai, Alaska 99611

RE: Application for Initiative Petition

Dear Mr. Mellot:

On June 3, 2009, The Clerk's Office received an application for an initiative petition. For clarity, the proposed initiative has been assigned a number and is designated as follows:

- No. 2009-02 Seeking to Limit Terms of Office for the Assembly to Two Consecutive Terms

AS 29.26.110 provides that, when reviewing an application for an initiative petition, the clerk must address the following requirements and/or prohibitions:

Is the matter restricted by AS 29.26.100?

The initiative does not appear to be restricted by AS 29.26.100 or Article XI, Section 7, of the Alaska Constitution.

Does it include a single subject?

The initiative is limited specifically to assembly term limits, effective dates, and severability. Therefore, the initiative does not violate the single subject rule.

Does it relate to a legislative rather than to an administrative matter?

The initiative proposes continued enforcement of a major public policy or purpose regarding qualifications for service on the borough assembly. Therefore, the initiative does not violate the legislative matter rule.

Would it be enforceable as a matter of law?

If enacted, this ordinance would be enforceable as a matter of law.

James Mellott - Certification of Initiative Petition
June 17, 2009

It should be noted; however, that the proposed ordinance erroneously stated that KPB 22.30.030 (C) is "amended" to read as provided therein. As the proposed wording in KPB 22.30.030 (C) is identical to the existing wording, there is no amendment offered. A revised ordinance was requested from the alternate prime sponsor on June 15, 2009, that detailed a technical correction to the term "amended," as it is incorrect. A revision was received on June 15, 2009 omitting the term "amended."

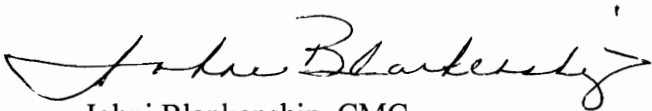
For the reasons stated above and provided that a technical correction was made to the proposed ordinance regarding the improper statement that KPB 22.30.030 (C) is "amended," your application for an initiative petition has been certified.

Petition packets will be prepared by the Clerk's Office and will be available for you and your sponsors to pick up in the Clerk's Office on Wednesday, July 1, 2009. You are responsible for notifying the petition sponsors regarding petition availability. The Clerk's Office will mail petition packets to any sponsor who requests that the petition be mailed.

An objective summary of the petition will be prepared by the Clerk's Office.

I have enclosed your \$100.00 deposit, per KPB 4.130.020. If you have any questions, please contact me at your convenience.

Sincerely,



Johni Blankenship, CMC
Borough Clerk

cc: Patricia Falkenberg, Alternate Sponsor, P. O. Box 3293, Kenai, AK 99611
Mike McBride, via email
Milli Martin, KPB Assembly President
Members of the Assembly
Mayor Dave Carey
Colette Thompson, Borough Attorney

enclosure