

CODE ORDINANCE

By: Assemblymember Church
Introduced: 08/07/07
Public Hearing: 08/21/07
Defeated: 08/21/07

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 07-125**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 25.05.090 PROHIBITION ON USE OF PUBLIC MONEYS TO PROMOTE PASSAGE OF BALLOT PROPOSITIONS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 25.05.090 is hereby amended to read as follows:

(A) The use of public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees in kind, to promote the passage of ballot propositions including public expenditures, appropriations or bond issues is [PROHIBITED] **allowed, subject to Assembly approval.**

(B) The term "promote" means an attempt to influence, whether affirmatively or negatively, the vote of the people upon ballot propositions or bond issues. The term "promote" does not encompass the following and similar activities:

(1) the publication, circulation or mailing of informational items or legal notices pertaining to proposed bond issues or ballot propositions, so long as any literature distributed to the public, or to news media, fairly and fully presents information needed by

the public to make an informed vote upon any ballot propositions or bond issue;

(2) the participation by borough general government or school district personnel in public discussions, or interviews with news media, relating to proposed ballot propositions or bond issues;

(3) the borough administration may prepare and disseminate an informational brochure **or other materials** regarding propositions or bond issues placed on the ballot by the borough assembly which accords [EQUAL] **the** presentation of facts [SUPPORTING AND OPPOSING] **regarding** the proposition or bond issue.

(C) Borough-owned schools, buildings, and other facilities may be utilized for public meetings, discussions, and other assemblies by private groups supporting or opposing any ballot proposition or bond issue. General government and school district employees may arrange for public meetings and assemblies where the advantages and disadvantages of a proposed ballot proposition or bond issue are fairly presented by opponents and proponents of the item.

(D) [NO] **P**osters, fliers or other printed material advocating or opposing a ballot proposition or bond issue may be displayed in any borough-owned or controlled building or facility [EXCEPT IN A SINGLE AREA OF GENERAL PUBLIC ACCESS DESIGNATED BY THE BUILDING SUPERVISOR.] Both proponents and opponents of the ballot item shall be

accorded equal access to the space.

(E) The constitutional rights of public employees to express their personal views on proposed bond issues and ballot propositions during public meetings or in interviews with news media shall not be abridged by this title. However, any employee expressing personal views shall clearly state that the statements reflect personal or professional beliefs only and do not represent the position of the borough or the school district.

Section 3. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

DEFEATED by the Matanuska-Susitna Borough Assembly this 21 day of August, 2007.

FAILED UNANIMOUSLY: Woods, Church, Bettine, and Kluberton