



KETCHIKAN GATEWAY BOROUGH

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OFFICE OF THE BOROUGH CLERK

NOTICE OF DETERMINATION Application for Initiative Petition Proposing Repeal of Nonareawide Library Powers

John Harrington
261 Potter Road
Ketchikan, AK 99901

Dear Mr. Harrington:

On June 9, 2022, you filed an application for an initiative petition seeking to submit a ballot proposition to the voters to repeal the Borough's nonareawide library powers with an effective date of January 1, 2024, if ratified by the qualified voters on the October 4, 2022, Borough election.

The application, along with a proposed resolution, was filed with the Borough Clerk in accordance with AS 29.26.110, more specifically:

- An application for petition was submitted to the Clerk's Office on June 9, 2022.
- Contact Person: John Harrington, 261 Potter Road, Ketchikan, AK 99901.
- Alternate Contact: Darlene Dollimont-Svenson, 14861 North Tongass Highway, Ketchikan, AK 99901.
- The application was signed by ten registered voters.

Having reviewed the application for petition and having received a legal review of its validity in accordance with AS 20.26.110, I hereby certify the application is in proper form and that the matter:

1. Is not restricted by AS 29.26.100.

The proposed initiative measure does not dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules.

2. Includes only a single subject.

The proposed initiative measure relates solely to the repeal of the Borough's nonareawide library power

3. Relates to a legislative rather than an administrative matter.

The initiative seeks to repeal a nonareawide power – the formation of which was a legislative action for a public purpose. Therefore, the repeal of the power is a legislative matter.

4. Would be enforceable as a matter of law.

AS 29.35.210 authorizes second class boroughs to exercise a power not otherwise prohibited by law if the power has been approved at an election by a majority of the voters living in the borough but outside all cities in the borough.

The Borough's adoption of nonareawide library powers was initiated by a series of resolutions – Resolution 632, 633, and 634 – and the ballot proposition to grant a nonareawide power to provide library services in the area of the Borough outside of cities was ratified by the voters on October 1, 1985.

The adoption of the power was enforceable, and the repeal of the same power utilizing the same process is therefore enforceable as a matter of law.

I will prepare the petition in accordance with AS 29.26.120 and will notify you in writing when the petition books are available for the sponsors to pick up. The notification will include further instruction regarding the petition. You will be responsible to notify the sponsors of the availability of the petition books. You may add additional sponsors at any time prior to the filing of the petition by submitting the name of the sponsor to me. Instructions will be provided by my office to each sponsor.

In order for the petition to be certified, based on the requirements in AS 29.26.130, the sponsors will need to secure the signatures of 287 registered Borough voters residing in the area outside the cities of Ketchikan and Saxman.

This determination is subject to judicial review.

Signed and sealed this 23rd day of June, 2022.



Kacie Paxton, MMC, Borough Clerk

