

Today a group of people submitted applications for the recall of Kenai Peninsula Borough Mayor John Williams and Borough Assembly member Gary Superman. The Borough Clerk now has two weeks to accept or reject the applications.

Soldotna, AK (September 12, 2006) -- When elected officials within borough government willingly and repeatedly break the law, who do you call? Certain members of the assembly have often been quoted saying, "If you don't like it, sue us", whenever one of their unlawful positions is challenged. If you are rich, you can go to court and file suit against the borough. If not, you can use tools that, fortunately, were built into State Statute and Borough Code by our thoughtful founding fathers. When corruption, incompetence or other wrongdoing occur, citizens have the option of recalling elected public officials.

This is exactly what a group of citizens did on Tuesday September 12, 2006, when they submitted applications for the recall of Borough Mayor John Williams and Borough Assembly member Gary Superman. The Borough Clerk now has two weeks to accept or reject the applications.

Applications allow only 200 words to justify a recall but sponsors were eager to elaborate. "There are a whole list of unlawful acts performed by certain members of the Borough Assembly and the Administration that will come out as the recall process moves forward. There is ample evidence available now to support the recall of the mayor and every member on the Assembly," said Ruby Kime, Alternate Prime Sponsor of the Recall Williams Petition.

"The most recent unlawful act is the approved summary for Proposition 2 on the October 3rd Municipal election ballot. The Mayor and Assembly claim in their ballot summary language that a no vote on Proposition 2 will allow them to raise the borough wide sales tax rate to 3%. The borough's convoluted logic is

not only confusing to the public but unlawful in concept. Ballot Proposition 2 is only about the public accepting or rejecting KPB Ordinance 2005-09 and not about raising the sales tax rate," said Mike McBride an issue spokesperson.

This ordinance became the subject of a referendum in 2005 when members of the Alliance of Concerned Taxpayers objected to the assembly unlawfully passing a borough wide sales tax rate increase without a public vote as required by Alaska State Statute 29.45.670. Everyone should read that statute to see how clear the law really is on this issue. The vote on Proposition 2 is a chance for the people to decide the fate of Ordinance 2005-09, but not the sales tax issue as borough officials now claim.

"A referendum is NOT an ordinance. This is an important distinction, because AS 29.45.670 defines the vote necessary for increasing sales tax must come from an ordinance put before the people at an election. There is no provision in statute or code for enacting a sales tax increase as the result of a vote on a referendum. This is another unlawful effort by the Williams Administration and Assembly to use one unlawful act to legitimize a previous unlawful act," McBride continued.

"This issue has never been about what the additional tax money might be used for or whether the tax increase is really necessary. This is about the public demand for honest, law abiding elected officials serving on the borough assembly and in our administration," Kime continued.

John Williams is also charged with ignoring state statute and borough code for continued rejection of initiative petitions that Williams and others in borough government do not like. "The William's administration has repeatedly used obscure and irrelevant court decisions that poorly support his position, thereby

denying citizens their Constitutional right to petition their government," concluded McBride.

John Williams and others on the assembly have been outspoken opponents of the capital projects and sales tax caps approved by voters in 2005. Once these ballot propositions were certified they became borough code with the same weight in law as any law approved by the assembly. "Elected officials may not like certain laws, but they are duty bound to abide by them," concluded Kime.

John Williams has repeatedly ignored and even actively campaigned AGAINST the people's expressed will, thus violating the intent clearly stated in Article One, Section Two of the Constitution of the State of Alaska, "All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole."

John Williams introduced KPB Ordinance 2006-22 and KPB Resolution 2006-073. In each case, he was aware that total project cost would be above the maximum authorized limit set by the 2005 citizens' initiative and chose to ignore the requirement for voter approval. Gary Superman and others on the assembly voted to pass these measures in clear violation of KPB Code 5.04.110.

"These people may not like all the laws they swore an oath of office to follow, but that does not give them the right to repeatedly ignore them. There are proper procedures for changing the law. Disdain for and total disregard of the law is not one of them," said Vicki Pate, Prime Sponsor of the Recall Superman Petition.

Pate went on to say, "There are consequences when elected public officials break the law. Recall is the proper channel for punishing such wrong-doing."

"Once this assembly and mayor have been replaced with law abiding citizens, we can begin an open and honest discussion about taxes, quality of education and defining necessary services. If the public supports the repeal of Ordinance 2005-09 by voting YES on Proposition 2, it will send a clear message to future assemblies and administrations that WE THE PEOPLE demand honest, open government," Pate concluded.