

**Application to the Kenai Peninsula Borough Clerk for the Recall of
Gary Superman, Kenai Peninsula Borough Assembly Member,
District 3 – Nikiski**

Gary Superman violated his oath of office. Specifically: 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.”

Gary Superman violated Alaska Statute 29.45.670 when he voted to pass KPB Ordinance 2005-09. By doing so, he attempted to increase the borough wide sales tax rate, and consciously choose to ignore statutory requirement for voter approval of such action. In 2006, he supported the summary language for ballot Proposition 2 in an attempt to have voters legitimize his previous unlawful act.

Gary Superman also violated KPB Code 5.04.110 when he voted to pass 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 has repeatedly ignored the Constitution, state law and borough code. The grounds for recall are incompetence, misconduct of office and failure to perform his prescribed duties in a lawful manner.