



Office of the Borough Clerk

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Brent Johnson, President
Borough Assembly

STATEMENT FROM THE KENAI PENINSULA BOROUGH ASSEMBLY

This statement is provided after motion(s) and approval by the body, pursuant to KPB 2.90.030(D), to publicly disclose information received and discussed in executive session and waive specific aspects of Attorney-Client Privilege with regard to the below information.

On July 11, 2022, a Borough employee, through counsel, reported allegations of harassment by Kenai Peninsula Borough (Borough or KPB) Mayor Charlie Pierce. Due to the fact that there was no external complaint filed in an administrative forum or court of law, the report was investigated as an internal, confidential, personnel matter under the Borough's internal *Bullying, Harassment, Discrimination and Retaliation Prevention Policy*. The Borough hired the law firm of Ashburn & Mason to investigate the allegations pursuant to the above referenced Borough policy. On July 26, 2022, Ashburn & Mason provided its confidential investigative report the Borough Attorney that corroborated the complainant's report and found the claims credible.

On August 23, 2022, during the KPB Assembly's regularly scheduled meeting the Assembly went into executive session to provide the Borough Attorney specific direction to participate in mediation and direction regarding not to exceed mediation costs and settlement ranges. The Borough agreed to pay full mediation costs up to \$10,000. The settlement ranges will not be disclosed because disclosure could negatively impact Borough finances and opportunity for early resolution of this matter. In an effort to avoid costs associated with a threatened lawsuit, the confidential mediation will attempt to reach a resolution of the reported violation of the Borough's *Bullying, Harassment, Discrimination and Retaliation Prevention Policy*. As part of a potential mediated resolution, Mayor Pierce was asked to consider submitting his voluntary resignation because a voluntary resignation could provide greater opportunity for pre-suit resolution of this dispute in that it could provide a meaningful return to work opportunity for the complainant, which is the foremost focus of the internal process under Borough policy.

At the KPB Assembly's special meeting on September 11, 2022, called by Assembly President Johnson on September 9, 2022, and after discussing this matter—including whether to disclose confidential information received in executive session and waive specific aspects of Attorney-Client Privilege in this matter—the KPB Assembly voted on public record and approved this statement.

Brent Johnson

Brent Johnson, Assembly President

ATTEST:

John Blankenship
John Blankenship, MMC, Borough Clerk

