



**KENAI PENINSULA BOROUGH**

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**MEMORANDUM**

DALE BAGLEY  
MAYOR

**TO:** Pete Sprague, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** *E.D.* Dale Bagley, Mayor

**FROM:** *Shane* Shane Horan, Borough Assessor  
*Colette* Colette Thompson, Borough Attorney

**DATE:** September 7, 2004

**SUBJECT:** Ordinance 2004-05 (Mayor Substitute), revising procedures for appeals to the board of equalization

The administration respectfully requests that the assembly amend the mayor's substitute as shown below:

- ▶ Amend Section 1, paragraph E, as follows:

E. Except as provided below, all motions submitted by either party to the board of equalization must be submitted to the borough clerk in writing no later than seven days before the scheduled hearing. The opposing party shall have three business days to respond to any motion filed with the clerk. Any motion or opposition thereto must be accompanied by a certificate of service certifying that a true and correct copy of the motion or opposition was served on the opposing party by fax, in person, or first-class mail at the last known address or fax number. The president of the assembly, or in his or her absence, the vice-president, is authorized to decide each submitted motion. The decision may be reviewed by the full [ASSEMBLY] board at the discretion of the president or vice-president, as appropriate. For good cause shown, including without limitation the bad faith conduct of the other party or new evidence which could not reasonably be obtained before the seven-day deadline with the exercise of due diligence, a party may submit a motion to the board no less than two business days before the scheduled hearing. In this instance, the president, or in the president's absence the vice-president, shall provide the opposing party with a reasonable opportunity to oppose the motion prior to issuing a decision.

- ▶ Amend the final sentence of Sections 3 and 4 as follows:

Both parties shall be given an [EQUAL] opportunity of equal time to respond to all questions asked of either party by any board member.

- ▶ Amend Section 6 by deleting the first sentence.
- ▶ Finally, please note that the underlined term "valuation" in the second line of Section 5 is not new and should not be underlined.

Thank you for your consideration of these amendments.