

Introduced by: Mayor
Date: July 15, 1975
Hearing: August 19, 1975
Vote: 44 "Yes" to 78 "NO"
Action: FAILED

KENAI PENINSULA BOROUGH

ORDINANCE 75- 47

AN ORDINANCE AMENDING KPC 05.15.040 TO MAKE A FURTHER EXCEPTION TO THE USE OF ROBERT'S RULES OF ORDER TO PROVIDE THAT MATTERS BEFORE THE KENAI PENINSULA BOROUGH ASSEMBLY WON'T DIE WHEN MEMBERS' TERMS EXPIRE AND FURTHER PROVIDING THAT NO MEMBER MAY VOTE IN FAVOR OF ANY ACTION FOR WHICH PUBLIC HEARING IS REQUIRED BY LAW UNLESS HE WAS A DULY QUALIFIED ASSEMBLYMAN WHEN SUCH A PUBLIC HEARING WAS HELD.

WHEREAS, KPC 05.15.040 adopts as rules of procedure for the Kenai Peninsula Borough assembly Robert's Rules of Order excepting that an item which has been considered and rejected by the assembly may be reintroduced no sooner than 60 days following such rejection or veto and thereafter may only be reintroduced following a general election; and

WHEREAS, this section lacks clarity in that there are several different additions of Robert's Rules of Order, that it does not make clear that the exception applies in case of veto by the Mayor, and that it does not clearly specify that it is after a second rejection that it may only be reintroduced following a general election; and

WHEREAS, KPC 18.05.05 requires that 25 days shall be allowed to pass after initial introduction of any ordinance before the public hearing thereon; and

WHEREAS, unless the rules are suspended an ordinance must be introduced on or before the second meeting in August in order to obtain adoption before the October elections; and

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WHEREAS, it is normal in the Kenai Peninsula Borough to have one or more run-off elections for assemblymen from the areas outside cities, and in the event of such run-off elections, no new ordinance could be introduced before the first meeting in November (assuming that city appointees have then been appointed and all new appointed and elected assemblymen are present for qualification and installation); and

WHEREAS, under these rules no ordinances can be introduced for four regular meetings (unless the rules are suspended) which does not provide the most efficient government of the borough and may, through oversight, cause passage of ordinances which might be attacked as void because of failure to comply with the rules; and

WHEREAS, it does appear important that all members voting in favor of an action for which the law requires a public hearing should have been duly qualified members at the time such hearing took place; Now, Therefore,

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. KPC 05.15.040 is hereby repealed and amended to read as follows:

Sec. 05.15.040. Adoption of Robert's Rules of Order.
The Borough Assembly hereby adopts as its rules of procedure Robert's Rules of Order Newly Revised; except, however, that an item which has been considered and rejected by the Assembly or vetoed by the Mayor may be re-introduced no sooner than 60 days following Assembly rejection or veto by the Mayor, and if such an item is rejected or vetoed a second time, it may not be re-introduced thereafter until after the following general election; and also excepting that no unfinished business at the time of an adjournment closing a session ending the term of all or some of the members shall fall to the ground, providing, however, that no member may vote favorably on any action for which the law requires a public hearing unless that member were a duly qualified member at a time when such a public hearing was held.

Section 2. This ordinance shall become effective on the day after enactment.

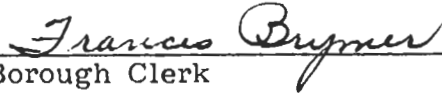
FAILED

~~ADOPTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH THIS 19 DAY OF August, 1975.



Assembly President

ATTEST:



Borough Clerk

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Ordinance Failed

