

Introduced by: Davis, Hudson,
Fischer and Douglas
Date: February 17, 1976
Hearing: March 16, 1976
Vote: 31 Yes, 105.5 No
Action: Defeated March 16, 1976

KENAI PENINSULA BOROUGH

ORDINANCE 76-10

AN ORDINANCE PROVIDING FOR SELECTION BY THE ASSEMBLY OF AN ACTING ASSEMBLY MEMBER TO FILL A VACANCY IN A SEAT REPRESENTING AREAS OUTSIDE OF FIRST CLASS CITIES.

WHEREAS, vacancies in seats of representatives from first class cities to the assembly are filled by action of the appropriate first class city; and

WHEREAS, there has been a difference of opinion as to the interpretation of the intent of KPB 2.16.060 with respect to whether city members of the assembly could make nominations for vacancies in seats representing areas outside first class cities in addition to nominees selected by non-city assembly members; and

WHEREAS, this has led to difficulty in filling such vacancies and resulting in lengthy, unproductive, and unconvulsive assembly sessions; and

WHEREAS, since assemblymen representing areas outside of cities have no control or authority over appointment to fill vacancies to seats representing cities, and many feel that more authority and control in filling vacancies in seats representing areas outside of first class cities should be reposed in incumbent members of such seats or by voters from areas outside first class cities; Now Therefore,

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

Section 1. That KPB 2.16 is hereby repealed and reenacted to read as follows:

Chapter 2.16

ASSEMBLY VACANCIES

2.16.010 Resignation--Notice required--Effective when

Any assembly member elected from the area outside first class cities (hereinafter in this chapter called "non-city assembly member") who intends to resign from the assembly shall, whenever possible, so indicate in writing to the borough clerk at least 30 days prior to the date of the contemplated resignation. The resignation shall be effective on the date designated in the notice.

2.16.020 Notice of vacancy--Required when--Preparation

Upon the receipt of the notice of intent to resign as provided in Section 2.16.010 or upon the discovery of the existence of a vacancy in the representation outside first class cities, whichever is earlier, the the borough clerk with the advice of the borough attorney shall prepare a notice of vacancy.

2.16.030 Notice of vacancy--Contents. The notice of

vacancy shall contain:

- A. A statement that a vacancy has occurred, specifying the assembly seat for which candidates will be accepted;
- B. The qualifications for borough assembly member;
- C. The procedure for filing declaration of candidacy and conflict of interest statement;
- D. The place for such filing, which shall be of the office of the borough clerk;
- E. The deadline for such filing, which shall be the 6th day from the date of first publication; and
- F. Any further information deemed appropriate by the clerk or attorney.

2.16.040 Notice of vacancy--Posting and publication required.

The borough clerk shall cause a copy of the notice of vacancy to be

posted in each post office in the borough and shall cause the notice to be published at least once in a newspaper or newspapers of general circulation in the borough. Proof of proper publication and posting shall be obtained and filed by the borough clerk at the expiration of the deadline for the submission of petitions, or as soon thereafter as practicable.

2.16.050 Selection--By non-city assembly members. Upon the expiration of the deadline for filing of declaration of candidacy, the remaining non-city assembly members shall meet separately and may recommend the candidate or from the list of candidates, certified to them by the borough clerk, 1 or more persons who in their opinion would best represent the constituency of the resigning assemblyman.

2.16.060 Selection--By assembly. Upon submission of the recommendation by the non-city assembly members, the assembly as a whole shall designate a candidate recommended by such non-city assembly members to fill the vacant seat, or the assembly may reject the recommendation of the non-city assembly members. If the recommended candidate or candidates are rejected by the assembly, the non-city assembly members may, if they choose, recommend a different candidate or candidates from the clerk's list and if so the assembly will again consider the selection. This process will continue until a candidate is designated to fill the vacancy or until the non-city assembly members refuse to make further recommendation.

2.16.070 Call of special election--Cancellation if seat filled by assembly.

A. Upon receipt of notice of the death of a non-city assembly member, upon receipt of notice of intention of a non-city assembly member to resign, or upon declaration of vacancy by the assembly of a non-city assembly seat for any other reason, if any such event occurs before July 1, the borough clerk shall immediately, and without the necessity of further authority than this ordinance, publish required notice and make preparation for a special election by voters from outside first class cities to be held on a Tuesday preceding a regular assembly meeting as soon as possible after 30 days after publication of such notice.

B. In the event the assembly fills such vacancy in accordance with the provisions of KPB 2.16.060 at the first regular assembly meeting following the publication of notice of such special election, the

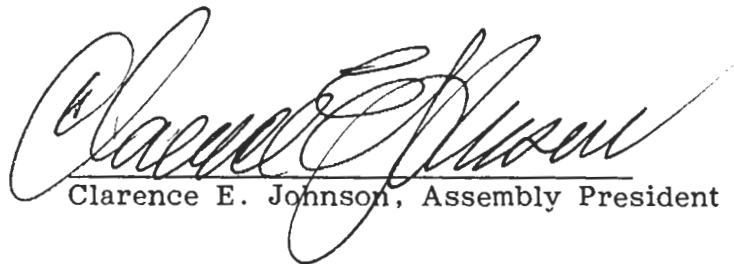
borough clerk will publish notice of cancellation of said election; otherwise, the vacancy will be filled by election.

C. If any event mentioned in subparagraph A occurs after June 30, then no special election will be held, but the clerk will certify the list of candidates to the assembly and appointment may be made in accordance with sections 050 and 060 of this chapter.

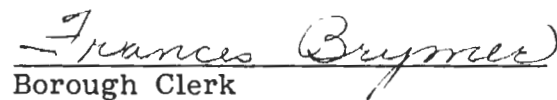
Section 2. This ordinance shall become effective on the day following its enactment.

DEFEATED

~~ADOPTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH THIS 16th DAY OF March, 1976.


Clarence E. Johnson, Assembly President

ATTEST:


Borough Clerk