

Introduced by: Elson
Date: March 20, 1979
Hearing: April 17, 1979
Vote: Unanimous
Action: enacted

KENAI PENINSULA BOROUGH

ORDINANCE 79-12

AMENDING SECTION 2.12.040 OF THE BOROUGH CODE OF ORDINANCES TO PROVIDE FOR NON-WEIGHTED VOTING ON APPEALS TO THE BOARD OF EQUALIZATION AND THE BOARD OF ADJUSTMENT.

WHEREAS, the Borough Code of ordinances currently provides that all actions taken by the Assembly while sitting as the Board of Equalization or as the Board of Adjustment shall be determined by weighted voting; and

WHEREAS, in hearing appeals, the Assembly sits as an administrative agency and not as a legislative body; and

WHEREAS, the present section of the Borough Code of ordinances does not comport with an Attorney General's ruling;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Section 2.12.040 of the Borough Code of ordinances is hereby amended to read as follows:

2.12.040 Apportionment of Members and Votes--
Applicability.

A. The weighted voting system provided in Section 2.12.020 shall be applicable to all legislative actions of the assembly. [WITHOUT REGARD TO AS 07.20.070(d) INCLUDING ACTIONS TAKEN WHEN SITTING AS A BOARD OF EQUALIZATION OR AS A BOARD OF ADJUSTMENT.]

B. Weighted voting shall not be used in deciding appeals before the assembly sitting as a board of equalization or as a board of adjustment.

Section 2. That this Ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 17 DAY OF April, 1979.


JoAnn Elson, Assembly President

ATTEST:


Borough Clerk