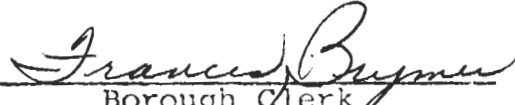


ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 81-5 of the Kenai Peninsula borough, this certification of the actions taken by me conforms with the rules and regulations governing ordinances.

1. Publication: Publication has been made by causing a summary of this ordinance to be inserted one time in a newspaper of general circulation in the borough. One copy of this ordinance as set for hearing, together with Notice of Hearing has been mailed to the city clerks of each first class city in the borough and to each postoffice in the borough with a request for posting on the City Hall and Post Office bulletin boards for 10 days immediately following receipt.
2. After adoption of this ordinance, one copy will be mailed to the city clerk of each first class city in the borough.

This ordinance was ENACTED by the assembly of the Kenai Peninsula Borough on the 14 day of April, 1981 and will become effective immediately.


Borough Clerk

Date: April 23, 1981

Introduced by: Davis
Date: Feb. 3, 1981
Hearing: April 14, 1981
Vote: Unanimous
Action: Enacted as Amended

KENAI PENINSULA BOROUGH

ORDINANCE 81-5

AMENDING CHAPTER 2.04 OF THE BOROUGH CODE OF ORDINANCES RELATING TO THE OFFICE OF THE BOROUGH MAYOR, AND MAKING TECHNICAL CORRECTIONS.

WHEREAS, the term of office, compensation, powers and duties of the Borough Mayor are set forth in Chapter 2.04 of the Borough Code of ordinances; and

WHEREAS, this chapter has not been revised in several years, and is out of date; and

WHEREAS, a certain portion of Chapter 2.04 of the Borough Code of ordinances may conflict with the doctrine of the separation of executive and legislative powers and functions;

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

Section 1. That Section 2.04.010 of the Borough Code of ordinances is amended to read:

2.04.010. Term of Office. The term of office of the Borough Mayor is 3 years. A person elected to the office of Borough Mayor shall serve no more than 2 consecutive terms. Election to the office of Borough Mayor for any fraction of a term in excess of 24 months shall be deemed to be election for a full term.

Section 2. That present Section 2.04.030 of the Borough Code of ordinances is repealed.

Section 3. That Chapter 2.04 of the Borough Code of ordinances is amended by adding a new section, to be numbered 2.04.030, which reads:

2.04.030. Powers and Duties of Mayor-Voluntary Succession. The Mayor shall designate an Administrative Officer to exercise the powers and duties of the office whenever the Mayor is unable to discharge those powers and duties due to his temporary disability or prolonged absence from the seat of government, or at such other times as the Mayor may authorize. The Mayor will inform

the President of the Assembly as to the Administrative Officer whom the Mayor has designated to discharge the Mayor's powers and duties at such time as the Mayor may authorize.

Section 4. That Section 2.04.040 of the Borough Code of ordinances is amended to read:

2.04.040. Powers and Duties--Involuntary Succession--Porcedure--Resumption. Whenever the Assembly President and two thirds of the members of the Assembly file a written document with the Borough Clerk showing good and sufficient cause that the Borough Mayor is unable to discharge the powers and duties of his office due to some disability (OR THAT THE TEMPORARY ABSENCE OF THE MAYOR FROM THE SEAT OF GOVERNMENT HAS CREATED A SITUATION WHERE THE EFFICIENT ADMINISTRATION OF THE BOROUGH REQUIRES APPOINTMENT OF AN ACTING MAYOR, THEN WITHOUT FURTHER ACT, THE ASSEMBLY PRESIDENT OR HIS DESIGNEE SHALL ASSUME THE POWERS AND DUTIES OF BOROUGH MAYOR.), then the Administrative Officer designated by the Mayor will exercise the powers and duties of Borough Mayor until such time as the Borough Mayor is able to resume his office. (THE BOROUGH MAYOR SHALL IMMEDIATELY RESUME THE POWERS AND DUTIES OF MAYOR UPON HIS RETURN TO THE SEAT OF GOVERNMENT IN THE CASE OF AN ABSENCE, OR IN THE EVENT OF DISABILITY, UPON THE AFFIRMATIVE VOTE OF TWO-THIRDS OR MORE OF THE MEMBERS OF THE ASSEMBLY PROVIDED HE CERTIFIES TO THE ASSEMBLY HIS ABILITY TO RESUME HIS DUTIES.) The Administrative Officer acting for the Mayor shall have the qualifications for the position of Mayor, but shall not have veto power. The actions of the Administrative Officer in exercising the powers and duties of the Borough Mayor shall be subject to the review of the Assembly President. No administrative staff shall be dismissed or replaced during the Mayor's absence except with the concurrence of a majority of the Assembly.

Section 5. That Section 2.04.050 of the Borough Code of ordinances is amended to read:

2.04.050. Powers and Duties--Transition Requirements. The Mayor shall keep (THE ASSEMBLY PRESIDENT OR HIS DESIGNEE) an Administrative Officer designated by the Mayor informed and up to date on the management of Borough affairs so that in the event of

(AN UNEXPECTED) the Mayor's absence or disability (REQUIRING ACTIONS UNDER SECTION 2.04.030 OR 2.04.040, THE ASSEMBLY PRESIDENT OR HIS DESIGNEE) the designated Administrative Officer may assume the duties of the Mayor without unnecessary disruption to the administration of the Borough.

Section 6. That Section 2.040.070 of the Borough Code of ordinances is amended to read:

2.04.070. Expenses--Hollidays-Sick Leave-Vacation.
For travel on official Borough business, the Mayor shall receive reimbursement for per diem, travel and other expenses on the same basis as Borough employees. (PURSUANT TO ORDINANCES OF THE KENAI PENINSULA IN SECTION 3.04.220A AND SECTION 3.04.220B, AND SUBJECT TO THE PROVISIONS OF SECTION 3.04.220B). The Mayor is entitled to paid holidays, sick leave, and vacation on the same basis as Borough employees, and hospitalization, retirement, medical and insurance benefits.

Section 7. That the Chapter 2.04 of the Borough Code of ordinances is amended to add a new section, to be numbered 2.04.080, which reads:

2.04.080 Vacancy-New Election. If the Mayor is unable to exercise the powers and duties of his office for a period in excess of 45 days, then the Assembly may, by resolution, declare the position vacant and schedule an election to fill the position.

Section 8. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 14 DAY OF April, 1981.

Paul A. Fischer
Paul Fischer, Assembly President

ATTEST:

Frances Bryner
Borough Clerk

Kenai Peninsula Borough
Ordinance 81-5
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