

ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 81-81 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 18 day of August, 1981 and will become effective immediatly.

Frances Beyer
Borough Clerk

Date: 8-18-81

Introduced by. Mayor
Date: July 21, 1981
Hearing: August 18, 1981
Vote: Unanimous
Action: Enacted as Amended

KENAI PENINSULA BOROUGH

ORDINANCE 81-81

REVISING TITLE 2 OF THE BOROUGH CODE TO CONFORM WITH CURRENT STATE LAW REGARDING APPORTIONMENT OF THE ASSEMBLY, PROVIDING REIMBURSEMENT FOR NECESSARY EXPENSES, AND PROVIDING PROCEDURES TO FILL VACANCIES ON THE ASSEMBLY.

WHEREAS, the Borough Code of ordinances currently provides for the election of Assembly members at-large for the Borough and for the appointment of Assembly members by the councils of first class cities and further provides for the weighting of each Assembly member's vote; and

WHEREAS, the Assembly was apportioned into districts, each Assembly member having one vote, by order by the State Department of Community and Regional Affairs DATED June 20, 1980, and the current Assembly has been elected in accordance with that order; and

WHEREAS, statutes regarding the composition of the Assembly were amended by the State Legislature during the 1980 session; and

WHEREAS, other technical corrections should be made to the Borough Code in order to conform the Code to subsequent actions of the Borough Assembly and to sound administrative practice;

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

Section 1. That Section 2.12.020 of the Borough Code is repealed and re-enacted to read:

Section 2.12.020. Assembly - Composition. The Assembly shall consist of sixteen (16) members selected from four election districts. Each member shall have one (1) vote.

A. District No. 1, including the State voting precincts of Bear Creek, Cooper Landing, Hope, Moose Pass, Seward No. 1, and Seward No. 2, shall be represented by two (2) seats, designated seats A and B.

B. District No. 2, which includes the State voting precincts of Kalifonsky, Ridgeway, Soldotna No. 1, Soldotna No. 2, Sterling and Tustumena, which shall be entitled to five (5) seats, designated seats A, B, C, D, and E.

C. District No. 3, which includes the State voting precincts of Kenai No. 1, Kenai No. 2, Kenai No. 3, Nikiski No. 1, Nikiski No. 2, and Tyonek, which shall be represented by five (5) seats, designated seats A, B, C, D, and E.

D. District No. 4, including the State voting precincts of Anchor Point, Diamond Ridge, English Bay, Fritz Creek, Halibut Cove, Homer No. 1, Homer No. 2, Ninilchik, Port Graham and Seldovia, which shall be represented by four (4) seats, designated seats A, B, C, and D.

E. Each candidate for the office of Assembly member shall file for, and if selected, occupy a specifically designated seat. Each candidate shall be a resident of the district in which he or she runs and shall be voted upon at-large by the voters of that district only.

Section 2. That Section 2.12.030 of the Borough Code of ordinances is repealed and re-enacted to read:

Section 2.12.030. Terms of Office. A. The full term of office for Assembly members is three years. Vacancies shall be filled by appointment as provided by Alaska statute.

B. The regular term of office for an Assembly member begins on the first Monday following the certification of that member's election by Assembly resolution and of the member's swearing in.

Section 3. That Section 2.12.040 of the Borough Code of ordinances is repealed and re-enacted to read:

Section 2.12.040. Apportionment and Reapportionment.

A. Not later than two (2) months after the official report of a federal decennial census, the Borough Assembly shall determine and declare by resolution

whether the existing apportionment of the Borough meets the standards prescribed by Alaska Statutes.

B. The Borough Assembly shall provide, by ordinance, for a change in the existing apportionment of the Assembly whenever it determines that the Assembly is misapportioned. Not later than the first regular election occurring after the report of each federal decennial census, the Assembly shall propose and submit to the voters of the Borough at that regular election or at a special election called for the purpose, one or more forms of borough assembly representation, including at least one plan of borough assembly representation which includes the election of assembly members from election districts. Any plan for representation by districts shall include a plan for the apportionment of assembly seats.

C. The Borough Assembly shall, within thirty (30) days of certification of the results of the election held on the proposed form of representation, enact an ordinance providing for its composition, for the form of assembly representation, and for the apportionment of assembly seats, which correspond to the proposed form of representation receiving majority approval of the voters.

D. If the Assembly is presented with a petition signed by not less than fifty (50) registered voters who are residents of the Borough, and requesting the Assembly to determine whether the existing apportionment meets the standards prescribed by state statute and containing evidence that the existing Assembly is misapportioned, then the Assembly shall, within two (2) months of receipt of the petition, make a determination of whether it is properly apportioned. If the Assembly finds it is not properly apportioned, then it shall adopt an ordinance providing for reapportionment within six (6) months of its determination and submit that ordinance to the voters for approval by a majority of the votes cast.

E. A change in Assembly apportionment or composition shall become effective with the first regular election for members of the Assembly held more than sixty (60) days after approval of a reapportionment ordinance by the voters.

Section 4. That Section 2.12.080 of the Borough Code of ordinances is amended to read:

Section 2.12.080. Compensation - Per Diem and Travel Expenses. For travel involved in attending scheduled meetings of the Assembly or in attending meetings as a member of a special committee, Assembly members shall receive reimbursement for per diem and travel expenses on the same basis as Borough employees. (PURSUANT TO ORDINANCES OF THE KENAI PENINSULA BOROUGH SECTION 3.04.220 A, B, and D).

Section 5. That current Chapter 2.16 of the Borough Code or ordinances is repealed and re-enacted to read:

Section 2.16.010. Resignation - Other Vacancy - Notice - Effective Date. A. Any Assembly member who intends to resign from the Assembly shall, when feasible, inform the Clerk in writing at least thirty (30) days prior to the date of the contemplated resignation.

B. The Assembly may, by resolution, declare a seat to be vacant when the person elected:

1. Fails to qualify or take office within thirty (30) days after election or appointment.
2. Is physically absent from the municipality for a ninety (90) day period unless excused by the Assembly.
3. Resigns and his resignation is accepted.
4. Is physically or mentally unable to perform the duties of his office.
5. Is removed from his office with good cause directly involving the integrity or welfare of the Borough.
6. Misses three (3) consecutive regular meetings unless excused.
7. Convicted of a felony or of an offense involving his oath of office.
8. An Assembly member who is elected from one

district and who moves to a different district may continue to serve only until the next regular election.

9. An Assembly member who ceases to be a registered voter immediately forfeits his office.

C. In the event that a seat is vacated by the death or resignation of an Assembly member, then the Assembly need not declare the seat vacant by resolution. The Clerk shall inform the Assembly of the vacancy in this instance.

D. A resignation shall be effective on the date designated in the notification from the Assembly member, unless the Assembly otherwise provides. A vacancy due to death shall become effective on the date when the Clerk notifies the Assembly of the vacancy. A seat declared vacant by the Assembly shall be considered vacant immediately upon declaration by the Assembly.

Section 2.16.020. Assembly Member - Method for Filling Vacancies. A. Vacancies shall be filled by appointment as provided by Section 2.12.030(B).

B. When the Assembly vacancy is to be filled by appointment, then the Clerk shall prepare a notice of nomination stating that a vacancy has occurred for a specific seat and advising interested members of the public as to the procedure for placing their name in nomination.

C. When a seat is to be filled by appointment, then the applicant shall file with the Borough Clerk a petition for nomination containing the signatures of at least ten (10) registered voters residing within the election district in which the member is to be appointed. An appointed member shall reside within the Borough election district for which he seeks appointment. The Clerk shall forward to the Assembly President all petitions which have received the necessary number of signatures and the Assembly shall choose one person from the applicants submitted at the Assembly's next regular meeting. The vacancy shall be filled by the majority of the remaining Assembly members.

Section 6. This ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 18th DAY OF August, 1981.

Paula Fischer
Paul Fischer, Assembly President

ATTEST:

Frances Byrner
Borough Clerk