

Introduced by: Corr
Date: Feb. 15, 1983
Hearing: Mar. 15, 1983
Vote: 14 Yes; 1 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 83-12

CHANGING THE ORDER OF BUSINESS FOR THE CONDUCT OF BOROUGH ASSEMBLY MEETINGS BY PROVIDING FOR THE ACCEPTANCE OF RESIGNATIONS AND FOR DECLARING VACANCIES AND FOR FILLING VACANCIES AND SEATING NEW MEMBERS AND REPEALING CONFLICTING SECTIONS.

WHEREAS, Alaska Statutes 29.23.570 provides that an assembly shall declare an elective office vacant when a member resigns and the resignation is accepted, and that an office is vacated upon declaration of vacancy; and

WHEREAS, KPB 2.16.010 appears to permit either the permissive declaration of a vacancy by resolution upon acceptance of a resignation in subpart (B)(3) or the dispensing of the declaration where the vacancy is by death or resignation in Subsection C and leaves the effective date to the resigning member Subsection D; and

WHEREAS, the number of assembly members necessary to constitute a quorum to conduct business and the number of votes necessary to take actions may be affected by the order on the agenda in which resignations and designations become effective; and

WHEREAS, the acceptance of a resignation, the declaration of a vacancy, and the designation of a voter to fill the vacancy may all be accomplished by motion rather than resolution;

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

Section 1. That Subsection 2.16.010 B is hereby amended as follows:

B. The Assembly shall [MAY], by motion, [RESOLUTION] declare a seat to be vacant when the person elected:

1. Fails to qualify or take office within 30 days after election or appointment;

2. Is physically absent from the municipality for a 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 consecutive regular meetings unless excused;

7. Convicted of a felony or of an offense involving a violation of 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.

10. Dies, and the Clerk so informs the Assembly.

Section 2. That Subsection 2.16.010 C is hereby repealed.

Section 3. That Subsection 2.16.010 D is hereby amended as follows:

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 4. That Subsection 2.08.120 E is hereby amended as follows:

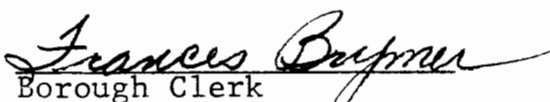
E. Vacancy, designation, or seating of [NEW] assembly members;

Section 5. That this ordinance takes effect on the date of its adoption.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1983.


Donald L. McCloud, Assembly President

ATTEST:


Borough Clerk

Kenai Peninsula Borough
Ordinance 83-12
Page 2 of 2 Pages