

Introduced by: Dimmick  
                  McGahan  
Date:           Oct. 8, 1985  
Hearing:       Dec. 3, 1985  
Vote:           15 No, 1 Yes  
Action:         Defeated

KENAI PENINSULA BOROUGH

ORDINANCE 85-78

AMENDING CHAPTER 2.08 OF THE BOROUGH CODE OF ORDINANCES TO PROVIDE THAT ACTIONS BY THE ASSEMBLY SHALL BE TAKEN BY MAJORITY VOTE OF THE ENTIRE ASSEMBLY.

WHEREAS, Borough ordinances previously specified a majority vote of the entire Assembly was necessary to take action; and

WHEREAS, Ordinance 85-17 amended that requirement as to some actions; and

WHEREAS, confusion has arisen as to whether certain motions require nine votes or not to pass; and

WHEREAS, the Alaska statutes favor the requirement of a majority of the entire assembly to enact legislation; and

WHEREAS, the revision of Title 29 reiterates this requirement by stating that actions of the assembly should be taken by a majority vote of the total membership of the assembly; and

WHEREAS, the assembly finds that representative democracy and public policy favor the action by a majority of those elected to a legislative body; and

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

Section 1. That Section 2.08.070 of the Borough Code of Ordinances is repealed and reenacted to read:

2.08.070 Assembly--Quorum--Conduct of business--Vote. No business of the assembly shall be conducted in the absence of a quorum. A quorum consists of a majority of the total number of members who have qualified to serve on the assembly. Legislative actions of the assembly in the form of ordinances or resolutions or substantive motions to amend ordinances or resolutions are adopted by a majority of the total membership of the body. The vote prescribed in Mason's Manual of Legislative Procedure is sufficient to carry all other matters and motions except where a controlling statute or another ordinance specifies a vote to be taken in a particular manner. All assembly members in the quorum shall vote on all questions except that no assembly member may vote on a question which involves a substantial direct or indirect financial interest.

Kenai Peninsula Borough  
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Section 2. That this ordinance takes effect immediately upon its enactment.

DEFEATED  
~~ENACTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON  
THIS 3RD DAY OF DECEMBER, 1985.

Betty J. Glick, Assembly President

ATTEST:

  
Borough Clerk