

Introduced by: Glick  
Date: Apr. 1, 1986  
Hearing: May 6, 1986  
Vote: 15 Yes, 1 No  
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 86-29 (Substitute)

AMENDING KPB CODE OF ORDINANCES TO ADD A SECTION CONCERNING ASSEMBLY ACTION IN THE EVENT OF ASSEMBLY MEMBER MISCONDUCT.

WHEREAS, it is possible that assembly members may engage in improper actions or misconduct in their office as assembly members during their assembly terms; and

WHEREAS, it is necessary that the assembly address such actions for possible censure; and

WHEREAS, it is necessary to adopt procedural rules for the reporting and disposition of reports of such conduct;

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

Section 1. That KPB 2.08 is amended by adding a new section to read as follows:

2.08.075 Assembly--Action taken--Improper Conduct by assembly members. A. Alleged improper actions of assembly members may be reported to the assembly president; regardless of whether the reporter has personal knowledge of such actions, or is the recipient of a report of such actions.

B. The assembly president may make an investigation of such reported improper actions, by contacting the person who made the report or witnessed the action, to establish the nature of the conduct, and obtain any further details, including written statements, if appropriate.

C. Upon completion of such investigation, the assembly president may then contact the assembly member whose conduct is the subject of the investigation, and arrange a meeting to review the charges. After the meeting with the assembly member, the assembly president may then refer the matter to the Policies and Procedures Committee.

D. Upon referral by the assembly president, the Policies and Procedures Committee shall then conduct an informal hearing on the matter. If additional action is required, the Committee shall make a report to the

Assembly. The report shall state what actions of the assembly member are alleged to be improper.

E. Upon submission to the assembly, the matter is a subject for a motion of censure. No further action may be taken without such a motion.

F. The motion is subject to debate. The assembly member who is the subject of the censure motion has the privilege of the floor as in all other matters before the body.

G. The discussion and action on the motion do not require an evidentiary hearing, or confrontation of witnesses for questioning.

H. Should the motion for censure pass, it shall be reduced to written form, stating the basis for the motion and the conduct for which censure was made. The Borough clerk shall maintain that motion among the permanent records of the assembly.

I. If the reported improper conduct is that of the assembly president, the assembly vice-president is the proper party to receive the reports of improper conduct, conduct the investigation, and refer the matter to the Policies and Procedures Committee, as described above,

J. This section applies to actions of censure or reprimand, and is not to be construed as a limitation on the right of the assembly to remove a member from the assembly upon grounds set forth by statute or ordinance.

Section 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6th DAY OF May, 1986.

  
Betty J. Glick, Assembly President

ATTEST:

  
Borough Clerk