

Introduced by:	Policies & Procedures Committee
Date:	May 7, 1991
Hearing:	June 18, 1991
Vote:	8 Yes, 7 No
Action:	Failed
Reconsidered:	July 9, 1991
Postponed:	July 9, 1991 (Referred to Policies & Procedures Committee
Postponed:	August 20, 1991
Postponed:	September 17, 1991
Hearing:	October 8, 1991
Vote:	11 Yes, 1 No
Action:	Enacted as Amended

## KENAI PENINSULA BOROUGH

### ORDINANCE 91-22

#### **AMENDING CHAPTER 22.40 OF THE BOROUGH CODE TO ADD A PROVISION CLARIFYING PROCEDURES FOR RECONSIDERATION OF ASSEMBLY ACTIONS**

**WHEREAS**, some confusion has arisen as to which assembly actions are subject to reconsideration and which are not;

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

**Section 1:** That KPB 22.40.180 (C) is hereby repealed.

**Section 2:** That KPB 22.40 is amended by adding a new section to read as follows:

22.40.185 Reconsideration--procedure. A. Notice of reconsideration of final assembly action on any matter must be given before adjournment of the meeting at which final action on the matter was taken. A motion for reconsideration of an adopted or defeated amendment to an ordinance or resolution may be made, but only if made prior to final assembly action on a matter.

B. An item for which notice of reconsideration was timely made shall be placed on the agenda for the next regular meeting, or special meeting called to consider that matter, and cannot be taken up at the meeting from which the action to be reconsidered was taken.

C. Assembly member debate, limited to the reasons for granting reconsideration, shall be permitted before calling the vote of whether to reconsider.

D. Action to reconsider a matter is taken by a positive vote of the majority of the total membership of the assembly.

E. The effect of granting reconsideration is to bring the entire matter back to the assembly in the form that it appeared prior to the final vote on the matter, and to reopen the matter for further amendment, including reconsideration of amendments made before final action on the matter being reconsidered.

F. No matter may be reconsidered if it has already been subject to a motion to reconsider, regardless of whether that motion to reconsider failed or passed.

G. A matter which was decided by a vote of three-fourths or more of the membership of the assembly is not subject to reconsideration under this section.

H. Notice of reconsideration may not be given where the effect would be to remove the action from the control of the assembly, including, but not limited to, situations where action must be taken by a certain time specified by law or procedural rules.

I. The provisions of Mason's Manual of Legislative Procedure, 1989 Edition, sections 450, 453 (4-7 & 9), 454, 457, 459, 462 (2), 463-466, 467 (2-4 & 6-7), 469 (4-6), 472 to end, are not adopted by the assembly and shall not control assembly action.

**Section 3.** That KPB 22.40.150 is amended to read as follows:

22.40.150 Voting--number required. A. The following actions by the assembly require a positive vote by two-thirds of the total authorized membership:

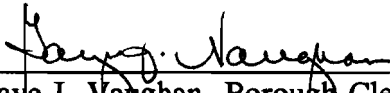
1. To override a veto by the mayor;
2. Motions to suspend the rules.

B. The vote prescribed by Mason's Manual of Legislative Procedure (1979 edition) 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.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS  
8th DAY OF OCTOBER, 1991.

  
James W. Skogstad, Assembly President

ATTEST:

  
Gaye J. Vaughan, Borough Clerk