

Introduced by: Policy and  
Procedures Comm.  
Date: 5/18/93  
Hearing: 6/15/93  
Action: Enacted as Amended  
Vote: Unanimous

KENAI PENINSULA BOROUGH  
ORDINANCE 93-25

**AN ORDINANCE AMENDING LEGISLATIVE PROCEDURES CONCERNING  
FILLING VACANCY CREATED BY AN ASSEMBLY MEMBER MOVING OUT OF  
DISTRICT AND SUCCESSION OF ASSEMBLY OFFICERS**

**WHEREAS**, the Kenai Peninsula Borough Assembly adopted Resolution 93-16 on April 20, 1993, which adopted the *Assembly Manual, 1993*; and

**WHEREAS**, some provisions of the manual require ordinance amendments;

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

**SECTION 1.** That KPC 22.30.040 is amended to read:

**22.30.040. Resignations - Vacancies.**

A. A seat shall be determined vacant when the clerk notifies the assembly that the person elected:

1. failed to qualify or take office within 30 days after election or appointment;
2. is deceased, or that a court of competent jurisdiction has entered a decree of presumption of death;
3. resigned.

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

1. is physically or mentally unable to perform the duties of the office;
2. is convicted of a felony;
3. missed three consecutive regular meetings unless excused;
4. is convicted of an offense involving a violation of the oath of office;
5. Ceases to be a registered or qualified voter;
6. Ceases to physically reside in the borough.

C. An assembly member who is elected from one district and who moves his permanent residence to a different district must submit a letter of resignation no more than 30 days after ceasing to be a resident of the district from which he was elected [MAY CONTINUE TO SERVE ONLY UNTIL THE NEXT REGULAR ELECTION AT WHICH TIME THE SEAT WILL BE CONSIDERED VACANT]. If a letter of resignation is not submitted within

30 days, the seat shall be deemed to be vacant at the end of that time.

**SECTION 2.** That KPC 22.30.060 is amended to read:

**22.30.060. Appointment.**

- A. Vacancies shall be filled by appointment in accordance with Alaska Statutes.
- B. The clerk shall prepare a notice of vacancy stating that a vacancy has occurred for a specific seat and advising interested members of the public as to the procedure for filing as a candidate for appointment.
- C. The applicant for appointment shall file with the borough clerk a declaration of candidacy. An applicant must reside within and be a registered voter of the borough election district for which appointment is sought. The clerk shall forward to the assembly president all declarations received and the assembly shall choose one person from the applicants submitted at the assembly's next regular meeting.
- D. The vacancy shall be filled by the majority of the remaining assembly members no later than second meeting after the resignation is accepted unless there are 45 days or less remaining until the next regular election.

**SECTION 3.** That KPC 22.30.070 is amended to read:

**22.30.070. Titles and succession of officers.**

- A. The title of the presiding officer of the assembly is "president of the assembly."
- B. The title of the deputy presiding officer of the assembly is "vice-president of the assembly."
- C. The title of the presiding officer's appointed advisory on parliamentary law and procedure is "parliamentarian".
- D. The vice president of the assembly shall assume the duties of the president in the president's absence.
- E. The president shall appoint an assembly member to serve as "president pro tem" who shall assume the duties of the president in the absence of both the president and vice president.

**SECTION 4.** That this ordinance takes effect immediately upon its enactment except that Section 1 will become effective on September 30, 1993.

**ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 15th DAY OF JUNE, 1993.**

  
Betty J. Glick, Assembly President

ATTEST:

  
Gaye J. Vaughan, Borough Clerk