

Introduced	Drathman, Brown
Date:	4/8/97
Hearing:	5/6/97
Action:	Enacted
Vote:	Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 97-21**

**AN ORDINANCE AMENDING KENAI PENINSULA BOROUGH CHAPTER 21.20
COMPENSATING ASSEMBLY MEMBERS REGARDING
BOARD OF ADJUSTMENT HEARINGS**

WHEREAS, the Kenai Peninsula Borough Assembly Members comprise the Board of Adjustment; and

WHEREAS, in order to be available for this function, they must take time off from their daily work schedule; and

WHEREAS, compensation is appropriate to augment lost wages during the Board of Adjustment Hearings; and

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

SECTION 1. That Chapter 21.20.100. Board of adjustment hearing procedure be amended by adding a new subsection E to read as follows:

21.20.100 Board of adjustment hearing procedure.

A. The assembly president shall establish the date for consideration of the appeal by the board of adjustment on a date that is not less than 35 nor more than 90 days after the certification of the record by the planning director. The assembly may for good cause shown shorten or extend the hearing date.

B. The board of adjustment shall permit oral argument by any party who has filed a written brief. Oral argument shall not exceed 30 minutes per party, provided that the initial party may request to divide their oral presentation into an initial presentation and a rebuttal presentation. Extension of time for oral argument shall be granted only upon showing of exceptional circumstances. Oral argument shall be limited to the reasons advanced by that party within their brief(s) challenging the validity of the planning commission decision. Specifically:

1. No new facts or evidence shall be advanced during oral argument.
2. No questions shall be asked by any board members that would tend to elicit information not contained in the record.

3. No person, board member or party, shall refer to documents or other proceedings that are not a part of the record.

C. Oral argument shall be conducted in the following order:

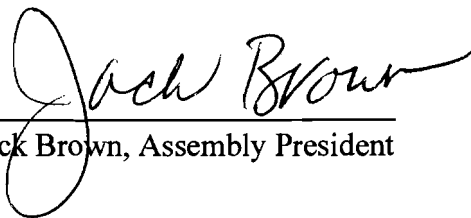
1. Appellant (the party who filed the appeal of the planning commission decision).
2. Appellee.
3. Appellant's rebuttal, if reserved by request prior to initial presentation.

D. The board of adjustment may undertake deliberations immediately upon the conclusion of the hearing on appeal or may take the matter under advisement and meet at such other time as is convenient for deliberations until a decision is rendered. Deliberations need not be public and may be in consultation with the Borough legal counsel.

E. Assembly members shall be compensated at the rate of \$100.00 per session for each session, in addition to allowances for expenses provided elsewhere in this code.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6th DAY OF MAY, 1997.



Jack Brown, Assembly President

ATTEST:



Shirley Olsen
Borough Clerk