

Introduced by:	Popp
Date:	March 17, 1998
Hearing	April 21, 1998
Action:	Enacted
Vote:	5 Yes, 4 No
Reconsideration:	Filed by Navarre
Action:	Enacted as amended
Date:	May 5, 1998
Vote:	7 Yes, 2 No

**KENAI PENINSULA BOROUGH
ORDINANCE 98-10**

**AN ORDINANCE AMENDING KPB CHAPTER 22.40 TO ESTABLISH
A PROCEDURE FOR WITHDRAWING ORDINANCES AND
RESOLUTIONS BEFORE PUBLIC HEARING**

WHEREAS, KPB 22.40.050(B) allows a sponsor to remove from the agenda an ordinance that is to be introduced, or a resolution that is to be considered for adoption, before the agenda is approved, unless the item has been carried over or postponed from a previous agenda; and

WHEREAS, Alaska Statute 29.25.020 requires the assembly hear all public comment on ordinances set for hearing and then to consider all ordinances after the public hearing; and

WHEREAS, the assembly finds that it is in the best interests of the borough to provide a procedure for withdrawing ordinances and resolutions by majority vote of the assembly following public hearing, which would be a consideration of the ordinance as required by statute;

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

SECTION 1. That KPB 22.40.055 shall be adopted as follows:

22.40.055. Agenda -- withdrawn legislation.

An ordinance or resolution which has been introduced and set for hearing may be withdrawn only by motion approved by a majority of the total membership of the assembly. A motion to withdraw as provided in this section may only be made before public hearing. Only a sponsoring assembly member may move for the withdrawal of an ordinance or resolution under this section. The effect of withdrawal is to remove the pending resolution or ordinance from further consideration by the

assembly. A motion to withdraw is not subject to reconsideration by the assembly.

SECTION 2. That KPB 22.40.060 shall be amended to read as follows:

22.40.060. Agenda — Defeated legislation — Reintroduction — Committee only.

An ordinance or resolution which has been introduced to the assembly and either defeated or withdrawn as provided in KPB 22.40.055 after consideration and public hearing may not be reintroduced for a period of 60 days by a member or the mayor. This prohibition does not apply if a committee has voted by a majority of its membership to reintroduce an item.

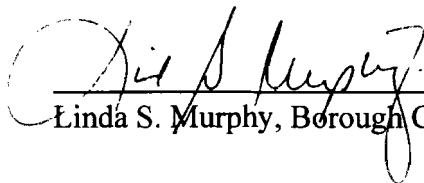
SECTION 3. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5th DAY OF MAY, 1998.



Jack Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

