

Introduced by: Policies & Procedures Committee  
Date: 02/04/03  
Hearing: 03/11/03  
Action: Enacted as Amended  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2003-05**

**AN ORDINANCE AMENDING KPB CHAPTER 22.40 TO ELIMINATE THE  
REQUIREMENT THAT ELECTRONIC RECORDINGS CONSTITUTE THE  
OFFICIAL RECORD OF ASSEMBLY MEETINGS, AND TO PROVIDE THAT  
MINUTES SHALL BE PREPARED BY THE BOROUGH CLERK AND APPROVED BY  
THE ASSEMBLY**

**WHEREAS,** the borough code was amended in 1998 to eliminate the requirement that minutes be kept by the borough clerk and instead provided that the journal of assembly proceedings would be kept in the form of an electronic audio recording; and

**WHEREAS,** the code was also changed to provide that such electronic recordings would constitute the official record of each assembly meeting, which therefore required that the clerk permanently retain all such recordings; and

**WHEREAS,** the permanent retention of such recordings will use a large amount of storage space and also poses problems regarding tape degradation and quality; and

**WHEREAS,** for ease of administration and access to information regarding minutes, the borough's best interest would be served by requiring written minutes be kept and that tapes not constitute the permanent record of assembly meetings;

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

**SECTION 1.** That KPB 22.40.210 is hereby amended to read as follows:

**22.40.210. Journal contents — [MEETING SUMMARIES] Minutes approval.**

A. The journal of the assembly proceedings shall be kept by the assembly clerk [IN THE FORM OF AN ELECTRONIC AUDIO RECORDING, AS DESCRIBED IN KPB 22.40.215].

B. Draft [WRITTEN MEETING SUMMARIES] minutes of each meeting shall be sent to each assembly member in advance of the next meeting, unless additional time is granted by the assembly president for cause.

C. The draft minutes of each meeting shall be approved at the next succeeding meeting.

[C]D. [MEETING SUMMARIES] Approved minutes shall end with the following attestation signed and dated by the borough clerk: "The above represents [AN] accurate [SUMMARY] minutes of the Kenai Peninsula Borough Assembly meeting of (insert meeting date)."

[D]E. The assembly clerk shall send to the city clerk of each first-class and home rule city in the borough a copy of the meeting [SUMMERIES] minutes with a request to post for ten days.

**SECTION 2.** That KPB 22.40.215 is hereby repealed.

**[22.40.215. AUDIO RECORDING OF ASSEMBLY MEETINGS.**

A. ALL REGULAR AND SPECIAL MEETINGS OF THE FULL ASSEMBLY SHALL BE RECORDED BY THE BOROUGH CLERK USING REASONABLY RELIABLE ELECTRONIC RECORDING EQUIPMENT. SUCH ELECTRONIC RECORDINGS WILL CONSTITUTE THE OFFICIAL RECORD OF EACH SUCH ASSEMBLY MEETING. THE CLERK SHALL BE RESPONSIBLE FOR REQUIRING THE ELECTRONIC RECORDING EQUIPMENT TO BE OPERATED ONLY BY A PERSON PROPERLY TRAINED TO OPERATE SUCH EQUIPMENT.

B. SUCH RECORDINGS MAY BE MADE WITH EITHER AUDIO OR AUDIO AND VIDEO EQUIPMENT OR OTHER SIMILAR EQUIPMENT.

C. THE CLERK SHALL BE RESPONSIBLE FOR ENSURING THAT THE MEETING SUMMARIES OF EACH MEETING MAINTAINED PURSUANT TO KPB 22.40.210 SHALL CORRELATE THE ELECTRONIC RECORDING EQUIPMENT'S POSITION WITH DESCRIBED MEETING EVENTS.

D. THE CLERK SHALL ESTABLISH POLICIES, PROCEDURES AND STANDARDS, SUBJECT TO ASSEMBLY APPROVAL BY MOTION, TO ASSURE COMPLETE AND ACCURATE DUPLICATION OF THE ELECTRONIC RECORD AND TO PROVIDE FOR A UNIFORM SAFE METHOD OF PERMANENT PRESERVATION OF THOSE ORIGINAL ELECTRONIC RECORDS AND MEETING SUMMARIES WHICH ARE REQUIRED TO BE PRESERVED PURSUANT TO KPB CHAPTER 2.52.

E. IN THE EVENT THAT AN ELECTRONIC RECORDING IS NOT CREATED OR IS DESTROYED, THE MEETING SUMMARIES SHALL CONSTITUTE THE OFFICIAL RECORD OF AN ASSEMBLY MEETING.]

**SECTION 3.** That KPB 22.40.080 is hereby amended to read as follows:

**22.40.080. Agenda—Order of business.**

The order of business shall be:


- A. Call to order;
- B. Pledge of allegiance;
- C. Invocation;
- D. Roll call;
- E. Committee reports;
- F. Vacancy, designation or seating members (only when needed);
- G. Approval of agenda and consent agenda;
- H. Approval of minutes;
- I. Commending resolutions and proclamations;
- [I]J. Public comments and presentations (items other than those appearing on the agenda) (Limited to 20 minutes total);
- [J]K. Reports of commissions and councils;
- [K]L. Mayor's report;
- [L]M. Items not completed from prior agenda;
- [M]N. Public hearings on ordinances (Testimony limited to 3 minutes per speaker);
- [N]O. Unfinished business
  - 1. Postponed items
  - 2. notices to reconsider/rescind;
- [O]P. New business;
  - 1. Bid awards
  - 2. Resolutions
  - 3. Ordinances for introduction
  - 4. other (including addition of late items);
- [P]Q. Public comments and public presentations (Limited to 3 minutes per speaker);
- [Q]R. Assembly meeting and hearing announcements;
- [R]S. Assembly comments;
- [S]T. Pending legislation;
- [T]U. Informational materials and reports;
- [U]V. notice of the next meeting and adjournment.

**SECTION 4.** That this ordinance shall take effect immediately upon enactment.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 11TH DAY OF MARCH, 2003.**

  
 Pete Sprague, Assembly President

ATTEST:

  
 Linda S. Murphy, Borough Clerk

