

Introduced by: Sprague, Martin, Long, Glick
Date: 10/14/03
Hearing: 11/18/03
Action: Enacted
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-36**

**AN ORDINANCE AMENDING KPB 22.40.080 AND KPB 22.40.130 TO PROVIDE
SEPARATE AGENDA HEADINGS FOR SCHEDULED PRESENTATIONS
AND FOR UNSCHEDULED PUBLIC COMMENT ON NON-AGENDA ITEMS**

WHEREAS, the assembly agenda format provides only one opportunity at the beginning of each regular assembly meeting for public presentations and comments on non-agenda items; and

WHEREAS, this agenda section is allotted a total time of 20 minutes per meeting; and

WHEREAS, presentations made by individuals or groups at the request of the mayor or the assembly are generally given precedence, and this occasionally results in insufficient time for members of the public wishing to comment on non-agenda items; and

WHEREAS, there has been some confusion as to whether scheduled presentations are in fact agenda items and whether this time should be counted against the 20-minute aggregate time currently allotted to this portion of the agenda; and

WHEREAS, separating scheduled and unscheduled presentations will lessen this confusion and assure that members of the public wishing to comment on non-agenda items are given a greater opportunity to be heard;

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

SECTION 1. That KPB 22.40.080 is amended 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;
- J. [PUBLIC COMMENTS AND] Presentations with prior notice [(ITEMS OTHER THAN THOSE APPEARING ON THE AGENDA) (LIMITED TO 20 MINUTES TOTAL)];
- K. Public comments on items not appearing on the agenda (3 minutes per speaker; 20 minutes aggregate);

Items K. through V. are re-lettered as Items L. through W. respectively.

SECTION 2. That KPB 22.40.130 is amended as follows:

22.40.130. Agenda – Public presentations.

A. Public testimony and comment may be made without prior notice concerning legislation then being considered by the assembly in the form of an ordinance set for public hearing or resolution when the assembly considers the specific legislative items. The time allowed for public testimony is 3 minutes, individually or by agent. A person may give individual testimony and testify as an agent of another, but may not exceed 3 minutes total. Additional time may be granted by the president, upon motion and approval by the assembly, to a person testifying who possesses special knowledge or expertise on the matter being heard. The 3-minute limitation shall be strictly enforced by the president. At the request of an assembly member, with one week prior notice before an assembly meeting, teleconferencing may be set up from areas over 50 miles from the borough building on Binkley [AVENUE] Street in Soldotna. The agenda item [OF] on which the public wishes to testify will be specific and be limited to the same rules applied in this section. Arrangements for the teleconference will be made by the [B]orough [C]lerk.

B. Any member of the public desiring to make a formal presentation before the borough assembly at a regular meeting concerning a subject not contained in the assembly's agenda for that meeting shall give notice to the borough clerk by the deadline for submitting items for the agenda set by KPB 22.40.050 (C) and state the subject of the presentation. The total time permitted for formal


presentations with prior notice concerning a subject not contained in the assembly's agenda for that meeting shall be limited to ten (10) minutes per topic, regardless of the number of persons participating in the presentation. The assembly president may, with the concurrence of a majority of the assembly, allow additional time. This time limit shall not apply to formal presentations made at the request of the mayor or the assembly. This section does not preclude the borough clerk, with the approval of the assembly president, from scheduling presentations which will exceed 10 minutes prior to the beginning of an assembly meeting or before the assembly as a committee of the whole. Any other formal presentations shall be made as approved in the agenda.

[C. PUBLIC PRESENTATIONS OTHER THAN THOSE PROVIDED FOR IN THIS SECTION SHALL BE LIMITED TO FIVE (5) MINUTES.]


[D] C. The time limits for presentations established by this section do not include time used in responding to questions from [THE] assembly members.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF NOVEMBER, 2003.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

