

Introduced by: Sprague, Martin, Smalley
Date: 03/24/09
Hearing: 04/21/09
Action: Enacted
Vote: 8 Yes, 1 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2009-18**

**AN ORDINANCE AMENDING KPB 2.32.010 TO REVISE PROCEDURES FOR HIRING
AND DISMISSING THE BOROUGH ATTORNEY**

WHEREAS, the Kenai Peninsula Borough code currently provides that the borough attorney is appointed by and under the supervision of the mayor, and that the assembly confirms the appointment pursuant to KPB Chapter 2.20; and

WHEREAS, pursuant to AS 29.20.360 the attorney serves at the pleasure of the appointing authority, which is currently the mayor; and

WHEREAS, on occasion the assembly and the mayor seek legal advice that may present conflicts for the attorney, as the attorney serves at the pleasure of the mayor; and

WHEREAS, at least one other second class borough has established a system where the attorney is appointed by the mayor and the assembly, which also confirms the mayor's appointment, and is subject to termination only upon recommendation of the mayor, which must be approved by a majority of the assembly; and

WHEREAS, this system mitigates concerns that legal opinions may be biased in favor of the mayor by making the attorney accountable to both the mayor and the assembly;

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

SECTION 1. That KPB 2.32.010 is hereby amended as follows:

2.32.010. Established—Borough attorney appointment, removal, and authority.

There is established a legal department in the executive branch of the Kenai Peninsula Borough. The principal executive officer of the department shall be the borough attorney who is appointed and dismissed by the mayor with the consent of the majority of the assembly [AND HE SHALL BE APPOINTED BY, AND UNDER THE SUPERVISION OF THE MAYOR].

SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF APRIL, 2009.

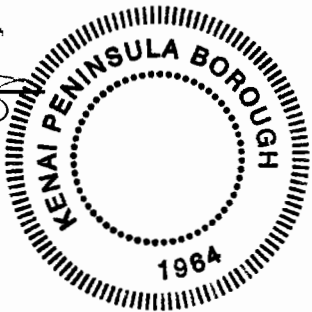


Milli Martin, Assembly President

ATTEST:



John Blankenship, Borough Clerk



Yes: Fischer, Knopp, Long, Smalley, Smith, Sprague, Superman, Martin
No: Pierce
Absent: None