



KENAI PENINSULA BOROUGH

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DAVE CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Milli Martin, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *MS* David R. Carey, Borough Mayor
ST Colette Thompson, Borough Attorney

FROM: *SB*
Scott Bloom, Assistant Borough Attorney

DATE: June 25, 2009

SUBJECT: Ordinance 2009-31
Mayor's Participation in Assembly Decisions in a Manager Form of Government

Alaska Statute 29.20.250(b) provides that in a manager form of government, the mayor may vote in the case of a tie. Additionally, AS 29.20.160 requires a majority of the total membership of a governing body to adopt an action. As you know, the borough has nine assembly members, and five votes are required to adopt an action. It appears that if only eight assembly members vote on an action item and the result is a 4 to 4 tie, under AS 29.20.250(b) the mayor has a choice on whether to vote. The mayor could choose to break the tie and cast a vote in favor of the action which would then be adopted by the assembly, or the mayor could abstain from voting and the action would fail.

The Borough Clerk, Johni Blankenship, communicated with the Matanuska Susitna Borough Clerk who confirmed that under their manager form of government, the mayor has the option of voting when there is a tie amongst assembly members as described above.