

Introduced by: McGahan
Date: Apr. 5, 1983
Vote: 9 Yes, 5 No
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 83-84

REQUESTING THE THIRTEENTH LEGISLATURE OF THE STATE OF ALASKA TO AMEND AS 29.23.080 TO ALLOW LOCAL OPTION IN METHODS OF FILLING A VACANCY ON THE ASSEMBLY AND TO COMPLY WITH AS 29.23.021(d) PROHIBITING APPOINTMENT OF AN ASSEMBLY MEMBER BY AND FROM A CITY COUNCIL.

WHEREAS, AS 29.23.080 provides that a vacancy on the Assembly is filled by the majority of the remaining Assemblymen; and

WHEREAS, it would be reasonable to provide that the vacancy should be filled by the candidate in the last election who received the second highest number of votes for that seat and had shown enough interest in the position to seek election thereto; and

WHEREAS, it would be more fitting that such a candidate receiving votes from the electorate of the district to be represented, should be chosen rather than having Assembly members from the entire Borough select the representative for a particular district; and

WHEREAS, it is desirable that the Alaska Statutes be modified to give as much local option as possible to local governing bodies; and

WHEREAS, the last sentence of AS 29.23.080 providing for filling of a vacancy on the Assembly by a councilman designated by the city council has been nullified by subsequent enactment of AS 29.23.021(d) specifically prohibiting a member of the Assembly of the Borough from being appointed "by and from the council of a city" in the Borough;

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

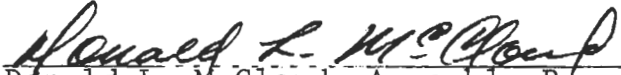
Section 1. That the Legislature and the Governor of the State of Alaska are hereby requested by the Kenai Peninsula Borough Assembly to amend AS 29.23.080 to read as follows:

Sec. 29.23.080. Assembly vacancies. The assembly shall provide by ordinance the manner in which a vacancy in assembly representation occurs. A vacancy is filled by the majority of the remaining assemblymen, or as otherwise provided by ordinance. The vacancy will be filled by [WHO DESIGNATE] a voter and, if the assembly seat vacated is other than an at-large seat, a resident of the borough area to which the seat was


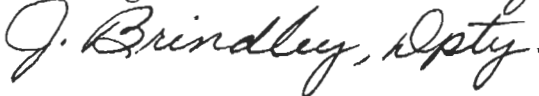
apportioned, to serve until the next regular election.
[HOWEVER, IF UNDER A BOROUGH APPORTIONMENT CITY
COUNCILMEN ARE APPOINTED AS ASSEMBLYMEN OR ELECTED TO
DUAL ASSEMBLY-COUNCIL SEATS, A VACANCY IN A
COUNCILMAN'S SEAT ON THE ASSEMBLY SHALL BE FILLED BY A
COUNCILMAN DESIGNATED BY A MAJORITY OF THE REMAINING
MEMBERSHIP OF THE COUNCIL TO SERVE UNTIL THE NEXT
REGULAR ELECTION.]

Section 2. That immediately on adoption of this resolution
the Clerk of the Kenai Peninsula Borough shall distribute copies
of this resolution to Governor William J. Sheffield, to Senators
Don Gilman and Paul Fischer, and to Representatives Hugh Malone,
Bette Cato, Milo Fritz, and Vern Hurlbert.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 5th DAY OF April, 1983.


Donald L. McCloud, Assembly President

ATTEST:


Borough Clerk

J. Brindley, Dpty.