

Introduced Brown  
Date: 01/18/00  
Hearing: 02/15/00  
Action: Enacted as Amended  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2000-03**

**AN ORDINANCE AMENDING KPB 22.30.040 PRESCRIBING  
WHEN VACANCIES OCCUR ON THE ASSEMBLY**

**WHEREAS,** Alaska Statute 29.20.170 sets out nine events which shall result in a vacancy in an elected office unless otherwise provided by ordinance; and

**WHEREAS,** in Ordinance 86-81, the assembly modified the borough code to coincide with the provisions in state statutes; and

**WHEREAS,** in Ordinance 90-29, an ordinance which revised and recodified many ordinances concerning the borough assembly and its procedures, amended without explanation the vacancy provisions in the code; and

**WHEREAS,** the assembly finds the borough's best interests are served by requiring that an elected seat be declared vacant for any of the nine reasons provided in state statute;

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

**SECTION 1.** That KPB 22.30.040 shall be amended to read as follows:

22.30.040. Resignations—Vacancies.

A. [A SEAT SHALL BE DETERMINED VACANT WHEN THE CLERK NOTIFIES THE ASSEMBLY THAT THE PERSON ELECTED:] The governing body shall declare a seat on the assembly to be vacant when the person elected:

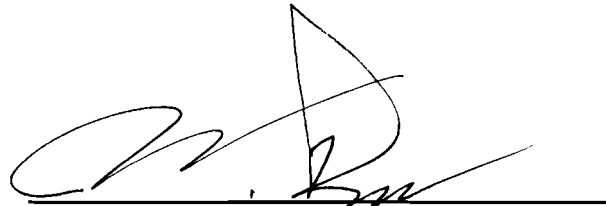
1. [FAILED] fails to qualify or take office within 30 days after election or appointment;
2. [IS DECEASED, OR THAT A COURT OF COMPETENT JURISDICTION HAS ENTERED A DECREE OF PRESUMPTION OF DEATH;] is physically absent from the municipality for 90 consecutive days unless excused by the governing body;
3. [RESIGNED.] resigns and the resignation is accepted;

- [B. THE ASSEMBLY MAY, BY MOTION, DECLARE A SEAT TO BE VACANT WHEN THE PERSON ELECTED:]
- [1]4. [I]is physically or mentally unable to perform the duties of [THE] office as determined by two-thirds vote of the governing body;
- [2]5. [I]is convicted of [A] any felony or of an offense involving a violation of the oath of office;
6. is convicted of a misdemeanor described in AS 15.56 and two-thirds of the members of the governing body concur in expelling the person elected;
7. is convicted of a violation of AS 15.13;
8. no longer physically resides in the municipality and the governing body by two-thirds vote declares the seat vacant; this paragraph does not apply to a member of the assembly who forfeits office as provided in AS 29.20.140(a) as now enacted or may be hereinafter amended; or if a member of the assembly misses three consecutive regular meetings and is not excused.
- [3. MISSED THREE CONSECUTIVE REGULAR MEETINGS UNLESS EXCUSED;
4. IS CONVICTED OF AN OFFENSE INVOLVING A VIOLATION OF THE OATH OF OFFICE;
5. CEASES TO BE A REGISTERED OR QUALIFIED VOTER;
6. CEASES TO PHYSICALLY RESIDE IN THE BOROUGH.]

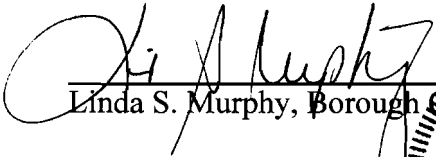
C. An assembly member who is elected from one district and who moves his permanent residence to a different district must submit a letter of resignation no more than 30 days after ceasing to be a resident of the district from which he was elected. If a letter of resignation is not submitted within 30 days, the seat shall be deemed vacant at the end of that time.

**SECTION 2.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF FEBRUARY, 2000.**

  
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 William Popp, Assembly President

ATTEST:

  
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 Linda S. Murphy, Borough Clerk

