

Introduced Popp  
Date: 01/04/00  
Action: Amended  
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2000-001**

**A RESOLUTION ADOPTING REVISIONS TO THE ASSEMBLY MANUAL**

**WHEREAS,** the Borough Assembly Manual was last updated in January 1999; and

**WHEREAS,** since that time, the Assembly has approved several amendments to the Borough Code relating to Assembly benefits and meeting procedures; and

**WHEREAS,** these revisions, along with several wording changes and technical corrections, have been incorporated into the attached revised Assembly Manual; and


**WHEREAS,** each of the changes made to the existing Assembly Manual have been previously approved by ordinance or are deemed to be clerical in nature;

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

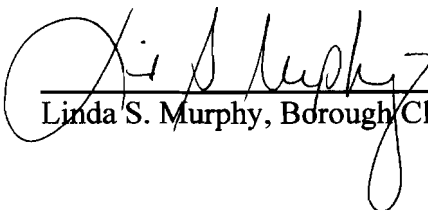
**SECTION 1.** That the revised Assembly Manual, attached and incorporated herein by reference, is hereby adopted.

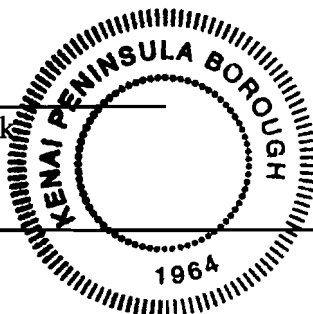
**SECTION 2.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 4TH DAY OF JANUARY, 2000.**

  
William Popp, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk



# ***KENAI PENINSULA BOROUGH***

## **ASSEMBLY MANUAL**

**Bill Popp, Assembly President**  
**Tim Navarre, Assembly Vice President**  
**Linda S. Murphy, CMC/AE, Borough Clerk**  
**Sherry Biggs, Deputy Borough Clerk**

**Adopted Res. 93-16, April 1993**  
**Amended: Res. 93-50, May 1993**  
**Res. 95-011, Feb. 1995;**  
**Res. 96-003, Jan. 1996**  
**Res. 96-020, Feb. 1996**  
**Ord. 98-78, Jan. 1999**  
**Res. 2000-001, Jan. 2000**

# ***KENAI PENINSULA BOROUGH***

## ***ASSEMBLY MANUAL***

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# ***KENAI PENINSULA BOROUGH***

## ***ASSEMBLY MANUAL***

### **I. ELECTION**

- A. File Declaration of Candidacy with Borough Clerk.
- B. File Financial and Campaign Disclosure Statements (available from Borough Clerk).
- C. Term of Office - Three years with first terms following reapportionment staggered. (KPB 22.30.030)
- D. An assembly member must be a resident registered voter of the district represented, and must have resided in that district at least 180 days prior to filing for office. (KPB 4.30.010)
- E. The candidate for an assembly seat receiving the greatest number of votes cast for that seat is elected. (KPB 4.10.070)
- F. Certification of Elections - See II (A), below.
- G. Recall:
  - 1. Reasons:
    - a. Misconduct in office.
    - b. Incompetence.
    - c. Failure to perform prescribed duties. (AS 29.26.250)
  - 2. Elected official cannot be recalled until after s/he has served 120 days of term of office for which elected or appointed. (AS 29.26.240)

### **II. SEATING OF NEW ASSEMBLY MEMBERS**

- A. The assembly certifies the election by resolution at a meeting conducted on the Tuesday following the election. (KPB 4.90.050; AS 29.26.070)
- B. Newly elected assembly members are sworn in at the meeting the election is certified.

- C. New assembly members' regular terms of office and assumption of duties commence on the Monday following certification of the members' election. (KPB 22.30.030)
- D. A vacancy created by a resignation is filled by appointment no later than the second meeting after the resignation is accepted. (KPB 22.30.060)

### **III. ELECTION OF OFFICERS AND APPOINTMENT OF COMMITTEES**

- A. The assembly elects the president by a majority vote of the qualified membership at the first regular meeting at which all newly elected members are eligible to be seated. The election may be postponed by majority vote of the authorized membership. (KPB 22.30.080)
- B. The president serves for one year unless earlier removed.
- C. Duties of the President:
  - 1. To open the session at the time at which the body is to meet by taking the chair and calling the members to order.
  - 2. To announce the business before the body in the order in which it is to be acted upon.
  - 3. To recognize the members entitled to the floor.
  - 4. To state and put to vote all questions which are regularly moved or which necessarily arise in the course of the proceedings, and to announce the result of the vote.
  - 5. To preserve order and decorum.
  - 6. To restrain the members when engaged in debate within the rules of order.
  - 7. To decide all points of order, subject to appeal, unless when in doubt he prefers to submit the question to the decision of the body.
  - 8. To inform the body when necessary, or when any question is raised, on any point of order or practice pertinent to the pending business.
  - 9. To sign or authenticate all acts, proceedings or orders of the body.
  - 10. To receive all messages and communications and announce them to the body.

11. Generally, to guide and direct the proceedings of the body, subject to the control and will of the body.
  12. To enforce all laws and regulations applicable to the body.
  13. To have general charge and supervision of the legislative chamber, galleries, committee rooms, and adjoining and connecting hallways and passages.
- D. Committees - The president appoints the chair and members for each standing and special committee. The president may also appoint a vice chair for each committee. Standing committees shall be created and members appointed at the beginning of each president's term and remain intact until changed by either the president or by assembly motion. Special committees are appointed to consider individual items or situations, and will be assigned a "self-destruct" date, at which time they will dissolve. (KPB 22.30.090)
1. The assembly may, by motion, create, abolish or combine any committee it deems appropriate and such action shall take precedence over any previous action of the president. (KPB 22.30.090 A.)
  2. Committees generally meet on the afternoons of the regularly scheduled Assembly meetings. Other meetings of committees may also be scheduled at the discretion of the chairperson of the committee.
  3. No quorum of committee members is necessary for committees to meet if the meeting was scheduled by the committee chair, properly noticed and attended by at least one member of the committee. The vice chairperson or any member of the committee shall conduct the meeting in the absence of the chairperson.
  4. All Assembly members may sit at any committee meeting table and take part in any committee's discussions.
  5. Only committee members may vote on committee actions and all such votes of committee members shall be reported to the Assembly. However, at the discretion of the committee chair, an additional vote may be taken including all members of the Assembly who took part in the committee's discussion, but this vote must be clearly distinguished from the committee's vote by the chair in the report to the Assembly.
- E. Vice President - Elected by a majority vote of the qualified membership of the assembly. (KPB 22.30.080)
- F. Parliamentarian - Appointed by the president. [Note: AS 29.20.380 designates the Clerk as the parliamentary advisor to the governing body.]

- G. In the absence of president and vice president, the finance committee chair, or other assembly member appointed by the president, shall serve as president pro tem. (KPB 22.30.070 E.)
- H. Non-Borough Committees - The president shall introduce a resolution listing the appointment or nomination for appointment to non-borough committees including, but not limited to: Cook Inlet Regional Citizens' Advisory Council, Cook Inlet Aquaculture Association, Kenai Peninsula College, Kenai River Special Management Area Advisory Board, and the Prince William Sound Regional Citizens' Advisory Council. The president may include in the resolution the name of one or more assembly members for each organization. The assembly may amend the resolution by adding or deleting names prior to adoption. (Res. 96-020, 2/20/96)

#### **IV. COMMUNICATIONS**

- A. Communications to legislators, the governor, state department personnel, or other official agencies purporting to represent an action or position of the assembly, shall only be transmitted by, or at the direction of, the president, or by direction of the assembly, and shall represent the action of or the majority opinion of the assembly.
- B. The use of Kenai Peninsula Borough stationery shall be limited to official communications and will not be used for individual correspondence by an assembly member. All communications on KPB stationery will be prepared by the borough clerk or her staff, who will route a copy to the president and keep a copy on file in the Clerk's records. KPB stationery will not be issued to assembly members.
- C. Telephone calling cards for assembly business may be issued to assembly members at the discretion of the assembly president. Telephone logs must support billing for reimbursement, commencing with FY 1993-94.

#### **V. REIMBURSEMENT FOR EXPENSES**

- A. Assembly members will receive \$200.00 per month (\$300.00 per month for the assembly president) to cover incidental expenses incurred during the performance of their duties as assembly member, (telephone, postal expenses, stationery, etc.).
- B. When sitting as a member of the board of adjustment or the board of equalization, assembly members are compensated at the rate of \$100.00 per session for each session, subject to a maximum payment of \$100.00 per day. This is in addition to the allowances for expenses provided in Section A., above. (KPB 22.30.110)

- C. Assembly members in Districts 1, 2, 3, 4, 5 and 7 will receive a car allowance of \$150.00 per month. Assembly members in Districts 6, 8 and 9 will receive \$250.00 per month. (KPB 22.30.130)
- D. In addition to the car allowance, assembly members will receive reimbursement on a mileage basis as outlined in borough ordinances and current personnel contracts for regular assembly meetings and other pre-authorized attendance at committee, commission and other special meetings or as a representative of the assembly at public hearings, provided that the mileage is actually driven.
- E. Meals will be reimbursed if incurred between committee or other official meetings of the assembly and regular assembly meetings occurring on the same day.
- F. Unless bona fide dietary considerations preclude an assembly member from eating meals provided by the borough, dinner expenses will not be reimbursed.
- G. Request for reimbursement of actual expenses incurred while on official assembly business must be accompanied by receipts.
- H. Assembly members will be reimbursed on a per diem basis while on official assembly business unless requests for reimbursement have been made under Item G.

## **VI. ASSEMBLY TRAVEL POLICY**

- A. Travel within the borough. (KPB 22.30.130)
  - 1. Any travel to and from Borough Assembly meetings, or committee members' travel to meetings of standing or special committees, or borough sponsored public hearings will be reimbursed at the rate of 45 cents per mile. You may submit for reimbursement on the expense sheets at assembly meetings once a month. Travel within the borough at the direction of the assembly or the president will also be reimbursed at 45 cents per mile.
  - 2. Other travel within the borough for other purposes; i.e. visiting parts of your district, or other districts, is intended to be a part of your monthly car allowance, and as such is not reimbursable at the mileage rate.
  - 3. Extraordinary circumstances may dictate exceptions to the above, but those will be reviewed on a case-by-case basis by the president of the assembly.
- B. Travel outside the borough (in and out of state).
  - 1. From time to time, an assembly member, or members, will have need to travel outside of the borough at borough expense. Any assembly member who



intends to travel outside the borough at borough expense must apply for and obtain, in advance of such travel if such travel was not previously included in the adopted budget, approval as follows:

- (a) The assembly president approves any travel outside the borough but inside the State of Alaska, and reports the approval to the assembly as soon as possible;
  - (b) The assembly by motion approves any travel outside the State of Alaska but inside the United States; and
  - (c) The assembly by resolution approves any travel outside the United States. (Res. 93-50 §1, 1993).
2. Any assembly member who travels outside of the State of Alaska at borough expense will be required to submit, in writing, a report of their activities and their perception of what benefit the borough may have gained from their travel. (Res. 93-50 §1, 1993).
  3. Reimbursement for per diem and travel expenses will be covered based upon borough ordinance and current personnel contracts. You may contact the Clerk's Office to establish the best system for handling compensation for your individual travel.
- C. Assembly members seeking to be appointed or elected to a position representing the assembly on a board or committee which may require travel reimbursement by the assembly shall have assembly approval by resolution prior to seeking or accepting such a position.
- D. Attendance at AML Conferences
1. The assembly will hold a workshop in October or the first part of November after elections to review the proposed Alaska Municipal League policy statement and resolutions. At this meeting or before, the assembly will draft and file as the KPB Assembly any resolutions that the assembly intends to introduce at the annual conference. (Res. 96-003 §1, 1996).
  2. The assembly president will make assignments to attend each of the four policy subcommittee sessions at the conference. The assembly president, or a spokesperson designated by the assembly president will cast the vote for directors, for support of policy statements or to make amendments that the assembly desires to submit on policy statements or resolutions. The assembly president or delegation head shall cast all votes for the borough and these votes should represent the opinions of the majority of the assembly members present. (Res. 96-003 §1, 1996).

3. The assembly recognizes that amendments to the policy statement or resolutions or new resolutions can arise at the conference. To this end the assembly members in attendance at the conference will meet the evening before the annual business meeting to determine a position on any new policy issues, resolutions, or proposed amendments. Although this session will be held at the conference site, members of the public may attend this session and are invited to do so. The procedure for deciding points first raised at the business meeting will be by a vote of all present assembly members who are seated with the designated spokesperson. Decisions for election of officers to AML will be handled in the same manner. (Res. 96-003 §1, 1996).

## **VII. ACTS REQUIRED TO BE BY ORDINANCE (AS 29.25.010)**

- A. Establish, alter or abolish municipal departments;
- B. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- C. Provide for the levying of taxes;
- D. Make appropriations and supplemental appropriations or transfer appropriations;
- E. Grant, renew, or extend a franchise;
- F. Adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map;
- G. Approve the transfer of a power to the borough from a city;
- H. Designate the borough seat;
- I. Provide for the retention or sale of tax-foreclosed property;
- J. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.050.
- K. Other ordinances may be required by specific statute or ordinance.

## **VIII. LEGISLATIVE ORDINANCE PROCEDURES**

- A. An ordinance is set for hearing by an affirmative vote of at least five (5) members.

1. An ordinance is normally set for hearing at the second meeting following introduction (This meeting must be at least 25 days following introduction) (KPB 1.12.010)
2. **EXCEPTION:** By 2/3 of the assembly (6 votes) public hearing may be held sooner, but not less than five (5) days after publication. (KPB 1.12.010)
3. **EXCEPTION:** An emergency ordinance can be heard at the same meeting that it is introduced:
  - a. An emergency ordinance must find that an emergency exists and state the facts upon which the emergency finding is based.
  - b. Adoption of an emergency ordinance requires the affirmative vote of at least 3/4 of the total assembly members (7) or all members present, whichever is less. (AS 29.25.030)
  - c. An enacted emergency ordinance is effective for 60 days. (AS 29.25.030)
4. Ordinances are introduced by one or more assembly members, committee of the assembly, or the mayor.
5. The sponsor is required to provide the borough clerk with a copy of each ordinance or resolution not later than 4:30 p.m. on the second Thursday preceding the assembly meeting at which the item is to be introduced. (KPB 22.40.050 C.)
6. Items may be added to the agenda only by approval of a 2/3 vote of the assembly. (KPB 22.40.050)
7. Any assembly member may request the borough attorney to draft an ordinance or resolution.
8. The borough attorney will review the legal form of ordinances and resolutions drafted by others.
9. Except for emergencies, ordinances proposed for introduction under normal procedures shall state the date of public hearing and shall be placed on the consent agenda unless removed by request of a member, the mayor, or a committee.
10. Debate of ordinances proposed for introduction which have been removed from the consent agenda shall be limited to the date of public hearing,

committee referral and committee reports. The vote shall be limited to whether to set for public hearing and the date.

11. Ordinances proposed for shortened time and emergency ordinances shall be open to public comment and may appear on the consent agenda. The justification for requesting shortened time shall be set forth in writing accompanying the ordinance.
12. An ordinance or resolution which has been introduced and set for hearing may be withdrawn only by motion approved by a majority of the total membership of the assembly. A motion to withdraw as provided in this section may only be made before public hearing and may only be made by a sponsoring assembly member. (KPB 22.40.055)
13. An ordinance or resolution which has failed may not be reintroduced for 60 days following the date of its defeat. A resolution or ordinance may be reintroduced prior to the 60-day limitation if it is sponsored by a committee. (KPB 22.40.060)
  - a. The 60-day limitation does not apply to defeat of a motion to introduce and set for hearing.
14. Notice of Reconsideration (KPB 22.40.185)
  - a. Must be given at the meeting at which the action is taken.
  - b. Immediate reconsideration is not allowed.
  - c. Not allowed if the action was passed by an affirmative vote of 3/4 or more of the membership.

## **IX. ASSEMBLY MEETING**

### **A. Regular Assembly Meetings.**

1. 7:00 p.m. on the first and third Tuesdays of each month. (KPB 22.40.010)

### **B. Special Meetings.**

1. May be held on call of the president or one-third of assembly members upon not less than 24 hours notice to each assembly member. (AS 29.20.160)

### **C. Public Presentations.**

1. A member of the public desiring to make a formal presentation before the assembly at a regular meeting concerning a subject not contained on the assembly's agenda for that meeting must give notice to the borough clerk no later than 4:30 p.m. on the second Thursday prior to the meeting. The total time permitted for formal presentations (other than those made at the request of the mayor or the assembly) is limited to 10 minutes per topic, regardless of the number of persons participating in the presentation. (KPB 22.40.130)

## **X. RULES OF PROCEDURE**

A. The legislative rules and procedures adopted by the assembly are Mason's Manual of Legislative Procedure (KPB 22.40.030)

1. EXCEPTION: Legislative matters require a majority vote of the total membership of full assembly (5 of 9 member assembly). (KPB 22.40.150; AS 29.20.160 (d))
2. EXCEPTION: Other statutory or ordinance requirements for specified method of voting.

B. Conflict of Interest. (AS 29.20.010 & KPB 22.40.140)

1. All assembly members must vote on each question unless excused or prohibited from voting because of a conflict of interest.
2. An assembly member must declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter.
3. The president of the assembly must rule on a request by a member of the governing body to be excused from voting.
4. The decision of the president on a request by a member to be excused from a vote may be overridden by the majority vote of the assembly (5 votes).
5. The affected assembly member or members may not vote on the determination of a conflict of interest.
6. A member of the assembly may not be compelled to vote on matters where there is a reasonable likelihood of a breach of privilege or confidence protected by law or where participation would create a serious appearance of impropriety.

C. Assembly action regarding improper activities by assembly members. (KPB 22.30.050)

Assembly members shall at all times conduct themselves in an exemplary manner, befitting the public service in which they are engaged. It is possible assembly members may engage in improper activities regarding their office. While these may not warrant removal from office, it is necessary that the assembly address such actions for possible censure. The following procedure is adopted within this manual for the reporting and handling of reported improper conduct.

1. Any actions that a person feels are improper may be reported to the assembly president. Should an individual assembly member learn of or receive a report of improper activity by an assembly member, that assembly member may so advise the president of the assembly.
2. The assembly president may make an investigation by contacting the person who made the report to establish the nature of the conduct and obtain any further details including a written statement, if appropriate.
3. Upon completion of gathering this information, the president of the assembly shall then contact the assembly member in question, and arrange a meeting to review the charges. After the meeting with the assembly member, the assembly president may then refer the matter to the policies and procedures committee.
4. The policies and procedures committee shall then conduct an informal hearing. If additional action is required, the policies and procedures committee shall make a report to the assembly as a whole. No further action shall occur without a motion.
5. The motion is subject to debate and the assembly member who is the subject of the censure motion has the privilege of the floor as in all other matters before the body.
6. The discussion and action on the motion does not require additional confrontation of witnesses for questioning.
7. Should the motion for censure pass, it shall be reduced to written form stating the basis for the motion and conduct for which censure was made and the borough clerk shall maintain that motion among the permanent records of the assembly.
8. In the event that the complaint or report is for activities of the assembly president, then the role of the assembly president in these procedures shall be handled by the assembly vice-president.

**XI. BOARD OF ADJUSTMENT AND BOARD OF EQUALIZATION**

- A. President of assembly presides.
- B. BOA and BOE hearings are ordinarily scheduled to be heard on the day of a regularly scheduled assembly meeting and are scheduled by the borough clerk at the direction of the assembly president. (KPB 21.20.410 A. and KPB 5.12.060 A.)