

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Blaine Gilman, Assembly President
Brent Johnson, Vice President

MEMORANDUM

TO: Blaine Gilman, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Brandii Holmdahl, Assembly Member (B) for B.H.

DATE: May 26, 2016

RE: Ordinance 2016-~~23~~, amending KPB 22.40.055 to clarify when an agenda item may be withdrawn

This ordinance would codify rules in *Mason's Manual of Legislative Procedure*, which governs assembly procedures, describing when a motion to adopt or introduce may be withdrawn by the maker. It also codifies when withdrawal requires assembly consent.

Currently the code provides that an ordinance or resolution may be removed from the agenda by the sponsor before the agenda is approved, and that a majority of the assembly can withdraw an ordinance or resolution after the motion to introduce has been approved but before public hearing.

Recently an assembly member moved to introduce an ordinance, and public hearing on the introduction motion was held and continued to the next meeting due to the midnight deadline. The assembly member wished to withdraw the motion at the next meeting before more public testimony was taken on the motion to introduce. Under *Mason's* the assembly member could withdraw that motion before the presiding officer had stated it for the assembly to act upon. This process is not spelled out in code. In my view, putting this in the code makes this process clearer for the public and the assembly.

The intent is to clarify that if it becomes obvious to the maker of the motion that this is a matter the maker does not wish to pursue then it can be withdrawn even during public testimony on the motion to adopt or introduce. It does not allow withdrawal during the public hearing held on an ordinance after it has been introduced and set for hearing as state statute requires the assembly to hear all persons wishing to be heard during that public hearing.

Additionally, this codifies that a motion to introduce an ordinance or to adopt a resolution may be withdrawn after it has been stated to the assembly for action but only with consent of the majority of the assembly and before the vote. This also corrects existing language that could cause confusion about motions relating to ordinances as opposed to resolutions.

Your favorable consideration would be appreciated.