

Introduced by: Mayor
Date: 03/17/26
Hearing: 04/21/26
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2026-09**

AN ORDINANCE AMENDING BOROUGH CODE, KPB 2.58.058 AND KPB 4.30.060, RELATING TO DUAL SERVICE PROHIBITIONS AND INCOMPATIBILITY OF OFFICES

WHEREAS, in an attempt to eliminate confusion created by having different requirements in different titles of borough code, this ordinance amends and combines two sections of borough code related to dual service prohibitions and incompatibility of offices; and

WHEREAS, the amendments retain the prohibition against assembly service and compensated borough office or borough employment while eliminating the one-year moratorium on employment after service due to the fact that it unnecessarily constrains hiring practices; and

WHEREAS, hiring decisions are merit-based with director-level hiring decisions being subject to appointment by the Mayor and Assembly confirmation; and

WHEREAS, the amendments retain prohibitions against serving in incompatible offices;

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

SECTION 1. That this ordinance amends KPB Code and will be codified.

SECTION 2. That KPB 2.58.058 is hereby amended to read as follows:

2.58.058. Dual service prohibitions; incompatibility of offices [PROHIBITION OF DUAL SERVICE ON ASSEMBLY AND BOROUGH BOARDS AND COMMISSIONS, AND ON ASSEMBLY MEMBERS' ELIGIBILITY FOR EMPLOYMENT BY THE BOROUGH]

A. [NO ASSEMBLY MEMBER MAY SERVE ON ANY BOROUGH BOARD OR COMMISSION EXCEPT THAT ASSEMBLY MEMBERS ARE AUTHORIZED TO SERVE ON THE BOROUGH BOARD OF EQUALIZATION.]

A borough assembly member may not:

1. Serve on any borough board or commission while in office except that assembly members are authorized to serve on the borough Board of Equalization;

2. Serve on the school board or as a member of a city council of any incorporated city within the borough while in office; or
 3. Hold any other compensated borough office or borough employment, or elected position in the state or federal government while in office.
- B. [AN ASSEMBLY MEMBER SHALL NOT BE ELIGIBLE FOR EMPLOYMENT FOR WHICH A WAGE IS PAID BY THE BOROUGH UNTIL ONE YEAR HAS ELAPSED FROM THE DATE THE MEMBER LEAVES THE ASSEMBLY. THIS DOES NOT PRECLUDE APPOINTMENT OF ASSEMBLY MEMBERS WITHIN THE ONE-YEAR PERIOD TO BOROUGH BOARDS OR COMMISSIONS FOR WHICH A PER DIEM AMOUNT, BUT NO WAGE, IS PAID. WHILE AN ASSEMBLY MEMBER MAY NOT SIMULTANEOUSLY SERVE AS AN ASSEMBLY MEMBER AND BOROUGH MAYOR, NOTHING IN THIS PROVISION SHALL RENDER AN ASSEMBLY MEMBER INELIGIBLE TO RUN FOR BOROUGH MAYOR AND, IF ELECTED, TO SERVE AS BOROUGH MAYOR AT ANY TIME.] A person may not serve simultaneously as:
1. Mayor and as a member of the assembly;
 2. Mayor and a member of the school board; or
 3. Mayor and a member of any borough board or commission.
- C. A borough employee may not serve in incompatible offices. For purposes of this section, “incompatible offices” means public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, results in any of the following with respect to those offices held:
1. The subordination of one public office to another.
 2. The supervision of one public office by another.
 3. A breach of duty of public office.

Unless there is a specific code provision authorizing such service, incompatible offices include without limitation borough employees or volunteer and borough service area board membership.

SECTION 3. That KPB 4.30.060 is hereby repealed:

[4.30.060. PROHIBITIONS.

- A. A PERSON MAY NOT SERVE SIMULTANEOUSLY AS MAYOR AND AS A MEMBER OF THE ASSEMBLY, AS MAYOR AND A MEMBER OF THE SCHOOL BOARD, AS A MEMBER OF THE ASSEMBLY AND MEMBER OF THE SCHOOL BOARD, OR AS A MEMBER OF THE ASSEMBLY AND A MEMBER OF THE CITY COUNCIL OR THE MAYOR OF ANY INCORPORATED CITY WITHIN THE KENAI PENINSULA BOROUGH.
- B. A BOROUGH ASSEMBLY PERSON MAY NOT HOLD ANY OTHER COMPENSATED BOROUGH OFFICE OR BOROUGH EMPLOYMENT, OR ELECTED POSITION IN THE STATE OR FEDERAL GOVERNMENT WHILE IN OFFICE.

C. A BOROUGH EMPLOYEE MAY NOT SERVE IN INCOMPATIBLE OFFICES. FOR PURPOSES OF THIS SECTION, INCOMPATIBLE OFFICES MEANS PUBLIC OFFICES HELD BY A PUBLIC OFFICIAL WHICH, WHEN THE OFFICIAL IS PERFORMING THE DUTIES OF ANY OF THE PUBLIC OFFICES HELD BY THE OFFICIAL, RESULTS IN ANY OF THE FOLLOWING WITH RESPECT TO THOSE OFFICES HELD:

1. THE SUBORDINATION OF ONE PUBLIC OFFICE TO ANOTHER.
2. THE SUPERVISION OF ONE PUBLIC OFFICE BY ANOTHER.
3. A BREACH OF DUTY OF PUBLIC OFFICE.

INCOMPATIBLE OFFICES SHALL INCLUDE WITHOUT LIMITATION SERVICE AREA EMPLOYEES AND BOARD MEMBERSHIP OF ANY SERVICE AREA FOR WHICH THE EMPLOYEE WORKS OR THAT PROVIDES THE SAME OR SIMILAR SERVICES AS THAT SERVICE AREA, AND GENERAL FUND BOROUGH EMPLOYEES AND MEMBERSHIP ON THE BOARD OF ANY SERVICE AREA FOR WHICH THE EMPLOYEE REGULARLY PROVIDES SERVICES.]

SECTION 3. That if any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances will not be affected.

SECTION 4. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2026.

Ryan Tunseth, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent: