

Introduced by: Hibbert  
Date: 05/04/21  
Hearing: 05/18/21  
Per KPB 1.12.010 rescheduled to 06/01/21  
Action: Enacted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2021-21**

**AN ORDINANCE AMENDING KPB 22.40.050 TO AUTHORIZE THE BOROUGH  
CLERK TO INSERT ADVISORY BOARD RECOMMENDATIONS IN  
PENDING LEGISLATION**

**WHEREAS**, resolutions and ordinances often contain blank spaces in the whereas clauses to be filled in with recommendations made by borough boards such as service area boards, advisory planning commissions, and the Planning Commission; and

**WHEREAS**, prior to the assembly's final action on any such legislation such boards often hold a meeting, make a recommendation, and their recommendation is submitted to the clerk's office; and

**WHEREAS**, during the assembly meeting that the legislation is being considered by the assembly, a motion must be made to amend the blank clause and fill it in with the recommendation received from the named board or board(s); and

**WHEREAS**, preparing the memo to the assembly with the proposed amendment, ensuring that an assembly member makes the motion to amend and that it is voted on at the correct time is time consuming for staff and the assembly; and

**WHEREAS**, requiring the clerk to submit both a short memo to the assembly informing them that the revision was made as authorized by this section of code and verbally informing the assembly and public during the assembly meeting will clarify for the record that the amendment was made and provide an opportunity for assembly members to raise any questions or make motions prior to final action on the legislation; and

**WHEREAS**, amending the code to authorize the clerk to revise the legislation by inserting the advisory board's recommendation and deleting the blank would improve efficiency by saving time for the assembly, the public and staff;

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

**SECTION 1.** That KPB 22.40.050 is hereby amended as follows:

**22.40.050. Agenda Development Procedure Mailing.**

- A. Ordinances, resolutions and other items of business to be introduced and considered by the borough assembly shall be placed on a meeting agenda prepared by the borough clerk.
- B. The sponsor of an ordinance for introduction or resolution for adoption may remove an item from the agenda before the agenda is approved unless the item has been carried over or postponed from a previous agenda.
- C. Except for emergency legislation or legislation for which a special meeting has been called, the mayor, an assembly member or committee of the assembly proposing to place a legislative matter on the agenda of a regular assembly meeting shall provide or communicate a copy of such matter to the borough clerk by 4:30 P.M. of the second Thursday preceding the meeting at which the matter is to be introduced or considered for assignment of the next sequential number in the order received or such other reasonable time as is established by the assembly president considering intervening holidays, press deadlines, and mail delivery schedules. An outline agenda containing the titles and numbers of such matters and photo copies of those matters shall be made available to any person requesting it the following work day.
- D. Any items not placed on the agenda by the deadline, other than unnumbered commendation or similar items, shall be deferred until the next assembly meeting, unless two-thirds of the whole assembly votes to consider the item.
- E. Resolutions and ordinances set for hearing which contain blanks or incomplete information shall not be placed on the agenda unless supporting documentation clearly setting forth 1) the reason why the omitted information is not available, and 2) the reason why the item must be placed on the agenda before the omitted information has been obtained is attached.
- F. The borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. For purposes of this section, the term "advisory board" shall include advisory planning commissions, service area boards, and the borough planning commission. This shall also include written recommendations from the board of directors of a corporation contracted to operate the provision of services for a borough service area. Prior to final action on the legislation the clerk shall provide (1) a memorandum to the assembly; and, (2) verbally inform the

assembly during the assembly meeting that this blank has been filled in and may be amended by the assembly prior to final action on the matter.

G. The clerk shall prepare the agenda under the direction of the presiding officer. A meeting packet, containing all legislative items and supporting documentation, shall be mailed by first class mail or sent by electronic media or otherwise delivered to each assembly member and the municipal clerk of each city within the borough no later than the Tuesday preceding each assembly meeting.

[G] H. A copy of the agenda, and any legislative item and/or supporting documentation so requested, shall be provided to chambers of commerce, commissions and councils. Copies of the agenda and legislative items comprising a mini-packet shall be made available for the public.

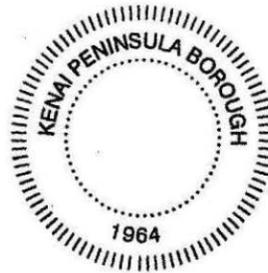
**SECTION 2.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF JUNE, 2021.**



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Brent Hibbert, Assembly President

ATTEST:

  
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Jonni Blankenship, MMC, Borough Clerk

Yes: Bjorkman, Carpenter, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert

No: None

Absent: Chesley