

Introduced by: Bagley, Mayor
Date: 11/25/14
Hearing: 01/06/15
Action: Enacted
Vote: 5 Yes, 4 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2014-38**

AN ORDINANCE AMENDING KPB 1.12.010 TO PROVIDE THAT ORDINANCES SHALL BE HEARD AT LEAST 13 DAYS AFTER INTRODUCTION EXCEPT AMENDMENTS TO THE BOROUGH CODE SHALL BE HEARD AT LEAST 25 DAYS AFTER INTRODUCTION, AND AMENDING KPB 5.04.050 TO REQUIRE TWO PUBLIC HEARINGS BE HELD BEFORE APPROVING THE ANNUAL BUDGET

WHEREAS, Alaska Statute 29.25.020 establishes the procedure governing the enactment of ordinances and requires that a summary of the ordinance be published at least five days before the public hearing; and

WHEREAS, KPB 1.12.010 provides that at least 25 days shall pass after introduction before the public hearing is held on an ordinance except for emergency ordinances or when a shorter period of at least five days is approved by a two-thirds vote of the assembly; and

WHEREAS, the assembly normally meets two times each month and the 25 day waiting period typically results in a four week wait between introduction and hearing; and

WHEREAS, most ordinances appropriate either grant funds or general fund dollars, approve land leases or sales, or amend the borough code; and

WHEREAS, most of the ordinances that do not change the code are routine borough business; and

WHEREAS, the ordinance that appropriates the budget for the fiscal year is not routine and requiring at least two public hearings before enactment of the budget ordinance best serves the public interest; and

WHEREAS, providing for all ordinances except those that change the borough code and approve the fiscal year budget to be heard at least 13 days after introduction will enable the borough to conduct routine business more efficiently; and

WHEREAS, if the assembly determines that more than 13 days is needed before an ordinance is heard it can set the hearing for a later date or postpone it during the hearing;

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

SECTION 1. That KPB 1.12.010 is hereby amended as follows:

1.12.010. Statutory authority.

[REFERENCE] Statutory authority for provisions governing the enactment of ordinances and resolutions is AS 29.25.010 through AS 29.25.060[050], "Municipal Enactments" [FOR APPLICABLE PROVISIONS OF AUTHORITY]. Except as otherwise provided below, t[T]he requirements of AS 29.25.020 and AS 29.25.030 as they now exist and [AS THEY] may be amended hereafter are made a part of this chapter by reference, [; EXCEPT HOWEVER, A] After the initial introduction at any [REGULAR OR SPECIAL] meeting of the assembly of an ordinance, other than an emergency ordinance or one that adds to, amends, or repeals any provision in the Kenai Peninsula Borough Code, at least [25] 13 days shall be allowed to pass before the public hearing and assembly vote occurs. For ordinances that add to, amend, or repeal any provision in the Kenai Peninsula Borough Code at least 25 days shall be allowed to pass before the public hearing and assembly vote occurs. A minimum of two public hearings shall be scheduled for the ordinance approving the annual budget as provided in KPB 5.04.050. Except that by an affirmative vote of two-thirds of the authorized vote, an ordinance may be introduced and set for public hearing not less than 5 days after publication. In no event shall the requirements for publication or any other notice of hearing required by law be violated.

SECTION 2. That KPB 5.04.050 is hereby amended as follows:

5.04.050. Budget proposal—Public hearing—Notices required.

The assembly shall set [A] dates for two [A] public hearings on the budget proposal. Notice of the hearings shall be published in a newspaper of general circulation in the borough not less than 1 week before each [THE] hearing. The assembly clerk shall cause the notice to be published, shall mail a copy to the city clerk of each city in the borough with a request that it be posted on the city hall bulletin board, and shall also mail a copy to each post office in the borough with the request that it be posted on the post office lobby bulletin board.

SECTION 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF JANUARY, 2015.

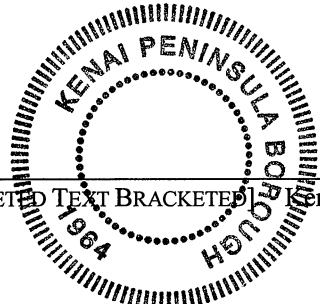
Dale Bagley

Dale Bagley, Assembly President

ATTEST:

Johni Blankenship

Johni Blankenship, MMC, Borough Clerk



Yes: Cooper, Gilman, Johnson, McClure, Bagley

No: Haggerty, Ogle, Welles, Wolf

Absent: None