

MEMORANDUM

TO: Brent Hibbert, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *CP*

FROM: Colette Thompson, Borough Attorney *CT*

DATE: June 1, 2021

RE: Ordinance 2021-25, Amending KPB 2.58.058(A) to Clarify that Assembly Members may Serve on the Board of Equalization (Mayor)

The administration recently noticed that KPB 2.58.058(A) prohibits assembly members from serving on any borough board or commission. This was enacted in response to a determination that simultaneous service on these boards, such as service area boards, would be incompatible.

KPB 2.58.058(A) has never been construed to prohibit an assembly member from serving on the Board of Equalization. Alaska statutes clearly authorize assembly members' service on the BOE, and that statute supersedes the code. This ordinance would amend KPB 2.58.058(A) to clarify that it does not apply to assembly membership on the BOE.

Your consideration is appreciated.