

# Kenai Peninsula Borough

## Legal Department

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### MEMORANDUM

**TO:** Ryan Tunseth, Assembly President  
Members, KPB Assembly

**THRU:** Peter A. Micciche, Mayor *PM*

**FROM:** Sean Kelley, Borough Attorney *SK*

**DATE:** March 5, 2026

**RE:** Ordinance 2026- 09 , Amending Borough Code, KPB 2.58.058 and KPB 4.30.060, Relating to Dual Service Prohibitions and Incompatibility of Offices  
(Mayor)

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The ordinance proposes to amend KPB Code by combining two sections in code related to dual service and incompatibility of offices. Combining the two sections into one section will eliminate confusion created by having two dual service prohibitions under two different titles of KPB Code. This proposal then eliminates the provision that an Assembly member is not eligible for employment with KPB until one year has elapsed from the date the member leaves the Assembly. Reviewing codes of the incorporated cities within KPB, it does not appear that any of the cities' codes contain a similar one-year prohibition. For example, the City of Seward's code at SCC 4.01.071 (Prohibitions) provides that "[n]o elected official of the city may hold any other compensated city office or city employment or elected position in the local, borough, state or federal government while in office." There is a one-year prohibition in state law related to state legislators serving in the executive branch but that prohibition is more specific and narrower than the current one-year prohibition in KPB Code as it largely centers on whether the position was created or given a salary increase while the legislator was a member of the legislature.

Your consideration is appreciated.