

Introduced by: Mayor
Date: 06/15/21
Hearing: 08/03/21
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-25**

**AN ORDINANCE AMENDING KPB 2.58.058 (A) TO CLARIFY THAT ASSEMBLY
MEMBERS MAY SERVE ON THE BOARD OF EQUALIZATION**

WHEREAS, KPB 2.58.058 was enacted in Ordinance 85-95 to prohibit assembly members from serving on any borough board or commission; and

WHEREAS, the whereas clauses indicate that serving in both capacities would be considered as holding incompatible offices; and

WHEREAS, Alaska Statute 29.45.200 specifically provides that the governing body sits as a board of equalization for the purpose of hearing an appeal from a determination of the assessor or it may delegate this authority to one or more boards appointed by it; and

WHEREAS, KPB 2.58.058(A) has not been construed to prevent assembly members from serving on the Board of Equalization; and, as this provision in the Alaska Statutes specifically authorizes assembly members to serve on the Board of Equalization, it supersedes the borough code provision; and

WHEREAS, to avoid confusion KPB 2.58.058(A) should be amended to clarify that assembly members may serve on the Board of Equalization;

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

SECTION 1. That KPB 2.58.058(A) is hereby amended as follows:

2.58.058 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.
- 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.

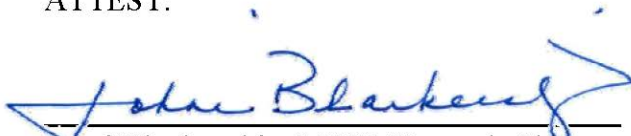
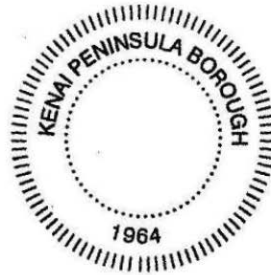
SECTION 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF AUGUST, 2021.



Brent Hibbert, Assembly President

ATTEST:


Jonni Blankenship, MMC, Borough Clerk

Yes: Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert
No: None
Absent: None