

Introduced by: Holmdahl
Date: 06/07/16
Hearing: 07/26/16
Action: Enacted
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-23**

**AN ORDINANCE AMENDING KPB 22.40.055 TO CLARIFY WHEN AN ASSEMBLY
AGENDA ITEM MAY BE WITHDRAWN**

WHEREAS, borough code currently authorizes the sponsor of legislation to remove it from the agenda before the agenda is approved; and

WHEREAS, the code also provides that a majority of the assembly may withdraw an ordinance or resolution that has been introduced and set for hearing before the public hearing; and

WHEREAS, the code does not address whether a motion to introduce an ordinance may be withdrawn after it has been made but before the vote on that motion; and

WHEREAS, *Mason's Manual of Legislative Procedure (Mason's)*, which governs assembly procedures, provides that a motion may be withdrawn by the maker before the presiding officer states it to the body for action; and

WHEREAS, *Mason's* also provides that a motion may be withdrawn by majority vote after it has been stated to body but before the vote; and

WHEREAS, including these rules in the code as applied to motions to introduce ordinances and adopt resolutions will make them more readily available for reference by the assembly and public;

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

SECTION 1. That KPB 22.40.055 is hereby amended as follows:

22.40.055. Agenda–Withdrawn legislation.

A. After an assembly member moves to either introduce an ordinance or adopt a resolution, and before the presiding officer states it to the assembly for its determination, the mover may withdraw the motion. This may occur before, during or after public testimony is taken on the motion to introduce or adopt.

B. Once a motion to introduce an ordinance or adopt a resolution has been stated to the assembly for its determination by the presiding officer, but before the vote, it may be withdrawn by the maker only upon approval by a majority of the total membership of the assembly.

C. An ordinance [OR RESOLUTION] which has been introduced and set for hearing may be withdrawn only by motion approved by a majority of the total membership of the assembly. A motion to withdraw as provided in this subsection may only be made after introduction and before the public hearing. Only a sponsoring assembly member may move for the withdrawal of an ordinance [OR RESOLUTION] under this subsection.

D. The effect of withdrawal is to remove the pending resolution or ordinance from further consideration by the assembly. A motion to withdraw is not subject to reconsideration by the assembly.

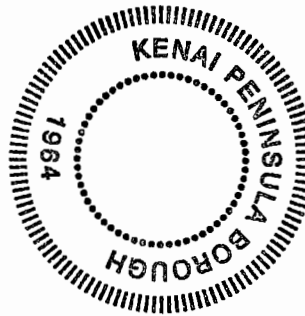
SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 26TH DAY OF JULY, 2016.


Blaine Gilman, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, Knopp, Ogle, Gilman
No: None
Absent: Welles