

Introduced by: Assembly Member Branson
Requested by: Assembly Member Branson
Drafted by: Assembly Member Branson
Introduced: 01/03/2008
Public Hearing: 01/10/2008
Amended: 01/10/2008
Adopted: 01/10/2008

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2008-12**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
AMENDING KODIAK ISLAND BOROUGH CODE OF ORDINANCES
TITLE 2 ADMINISTRATION AND PERSONNEL CHAPTER 2.16 BOROUGH ASSEMBLY
SECTION 2.16.060 DECLARING AND FILLING VACANCIES**

WHEREAS, KIBC 2.16.060 A. 4 presently reads as follows:

The Assembly shall declare an assembly member's seat vacant when the assembly member misses more than four (4) unexcused consecutive regularly scheduled assembly meetings, or misses one-half (1/2) of all regular assembly meetings of the assembly in a six (6) month period, and

WHEREAS, this section of the borough code was last amended in May 1990; and

WHEREAS, between 1990 and 2006, the Assembly had not used this code section to declare any assembly member's seat to be vacant; and

WHEREAS, it has been brought to the attention of the Assembly that this section reads to require the Assembly to declare an assembly member's seat to be vacant, regardless of whether or not absences were excused by the Assembly, and whether or not the assembly member missed regularly scheduled, but canceled meetings; and

WHEREAS, it is in the best interests of the Kodiak Island Borough to clarify and amend this section to reflect Alaska Statutes 29.20.170; and

NOW, THEREFORE BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances.

Section 2: Title 2 *Administration and Personnel* Chapter 2.16 *Borough Assembly*, Section 2.16.060 *Declaring and Filling Vacancies* is amended to read:

2.16.060 Declaring and filling vacancies.

- A. The assembly shall declare an assembly member's seat vacant when the assembly member:
- ~~1. resigns and the assembly accepts the resignation;~~
 - ~~2. is convicted of a felony or an offense involving a violation of the oath of office;~~
 - ~~3. no longer physically resides in the borough; or~~

~~4. misses more than four (4) unexcused consecutive regularly scheduled assembly meetings, or misses one-half (2) of all regular assembly meetings of the assembly in a six (6) month period.~~


- (1) fails to qualify or take office within 30 days after election or appointment;
- (2) is physically absent from the municipality for 90 consecutive days unless excused by the governing body;
- (3) resigns and the resignation is accepted;
- (4) is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the governing body;
- (5) is convicted of a felony or of an offense involving a violation of the oath of office;
- (6) is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the governing body concur in expelling the person elected;
- (7) is convicted of a violation of AS 15.13;
- (8) no longer physically resides in the municipality and the governing body by two-thirds vote declares the seat vacant; this paragraph does not apply to a member of the governing body who forfeits office under AS 29.20.140 (a); or
- (9) if a member of the governing body, misses three consecutive held regular meetings and is not excused.

- B. If a member of the governing body misses one-half (1/2) of the meetings held in any year of his or her term office, each year between November 1 and October 31, the seat shall be automatically vacated.

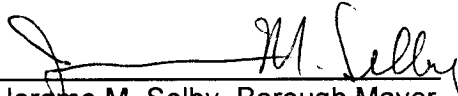
**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS TENTH DAY OF JANUARY, 2008**

KODIAK ISLAND BOROUGH

ATTEST:



Nova M. Javier, CMC, Borough Clerk



Jerome M. Selby, Borough Mayor