

Introduced by: Assembly member Stutes
Requested by: Assembly member Stutes
Drafted by: Assembly member Stutes
Introduced: 01/20/2011
Public Hearing: 02/03/2011
Amended: 02/03/2011
Adopted: 02/03/2011

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**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2011-11**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL CHAPTER 2.20 BOROUGH
MAYOR SECTION 2.20.040 DUTIES AND CHAPTER 2.25 BOROUGH ASSEMBLY BY
INSTITUTING SECTION 2.25.040 REPRESENTATION OF ASSEMBLY POSITION TO
REQUIRE ASSEMBLY DISCUSSION OR APPROVAL BEFORE STATING OR
ANNOUNCING THE POSITION OF THE BOROUGH IN ANY WRITTEN OR ELECTRONIC
COMMUNICATION OR GIVING TESTIMONY BEFORE ANY LEGISLATIVE OR
REGULATORY BODY AS A REPRESENTATIVE OF THE KODIAK ISLAND BOROUGH**

WHEREAS, the Mayor acts as a ceremonial head of the Borough and neither the Mayor nor individual Assembly members has authority to determine or establish policy on issues of interest to the Borough; and

WHEREAS, the Assembly is responsible for establishing Borough policy by ordinance, resolution, or other actions; and

WHEREAS, communications initiated or signed by the Mayor which appear to announce the Borough's policy or position on issues of public interest could be misleading or prejudicial to the Borough's interest if the Assembly has not discussed the issues or established a policy or position on the issue in question; and

WHEREAS, requiring the Mayor or Assembly members to obtain Assembly discussion or approval before stating or announcing the position of the Borough on a given issue would avoid or reduce the potential for confusion or misunderstanding;

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 3: Title 2 *Administration and Personnel* Chapter 2.20 *Borough Mayor* Section 2.20.040 *Duties* is hereby amended as follows:

2.20.040 Duties.

A. The mayor shall act as ceremonial head of the borough. The mayor shall preside at all assembly meetings, and sign ordinances and other documents on the borough's behalf upon assembly authorization. The failure of the mayor to sign an ordinance or resolution does not invalidate them.

B. Before claiming to speak for the borough, borough assembly, and/or borough residents or announcing the position of the borough in any written or electronic

49 communication, the mayor must obtain authorization from the assembly or base such
50 communication on a good faith belief that the mayor is speaking on behalf of the
51 assembly. This subsection shall not be interpreted as restricting the mayor's right to
52 state his or her personal opinion on any issue.

53 BC. Members of boards, committees, and commissions, except for members of the board of
54 adjustment, members of the board of equalization, and elected service area board
55 members, are appointed by the mayor and confirmed by the assembly in accordance with
56 KIBC 2.100.030.

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58 **Section 3:** Title 2 *Administration and Personnel* Chapter 2.25 *Borough Assembly* is
59 hereby amended by instituting Section 2.25.040 *Representation of assembly*
60 *position* as follows:

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62 **2.25.040 Representation of assembly position.**

63 **A.** The official position of the assembly is that taken as a result of debate and vote,
64 with the prevailing majority forming the official position.

65 **B.** Views and opinions of individual members of the assembly are not the official
66 position of the assembly.

67 **C.** The assembly may authorize a member of the assembly to serve as the official
68 assembly spokesperson on a given issue.

69 **D.** Before claiming to speak for the borough, borough assembly, and/or borough
70 residents or announcing the position of the borough in any written or electronic
71 communication, any assembly member must obtain authorization from the assembly.

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73 **Section 3:** This ordinance shall become effective upon adoption.

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75 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
76 **THIS THIRD DAY OF FEBRUARY, 2011**

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KODIAK ISLAND BOROUGH

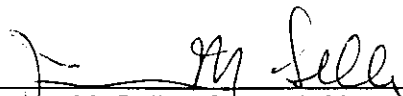
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Jerome M. Selby, Borough Mayor

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ATTEST:

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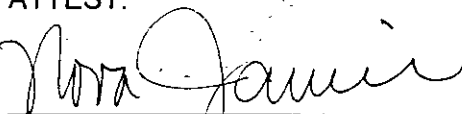
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Nova M. Javier, MMC, Borough Clerk