

Introduced by: Borough Manager  
Requested by: Borough Assembly  
Drafted by: Borough Attorney  
Introduced: 07/21/2011  
Public Hearing: 08/04/2011  
Adopted: 08/04/2011

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2012-04**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
AMENDING KODIAK ISLAND BOROUGH CODE OF ORDINANCES TITLE 2  
ADMINISTRATION AND PERSONNEL CHAPTER 2.105 PLANNING AND ZONING  
COMMISSION SECTION 2.105.010 CREATED – MEMBERSHIP; TITLE 2  
ADMINISTRATION AND PERSONNEL CHAPTER 2.145 SOLID WASTE ADVISORY  
BOARD SECTION 2.145.010 CREATED – MEMBERSHIP; TITLE 3 REVENUE AND  
FINANCE CHAPTER 3.35 REAL PROPERTY TAX SECTION 3.35.050 BOARD OF  
EQUALIZATION; AND TITLE 7 ELECTIONS CHAPTER 7.20 QUALIFICATIONS OF  
VOTERS AND CANDIDATES SECTION 7.20.020 CANDIDATE QUALIFICATIONS**

**WHEREAS,** a Borough employee should not be denied the opportunity to serve as a member of a Borough board or commission solely by reason of being employed by the Borough, and except as limited by the specific qualifications for board membership provided by ordinance; and

**WHEREAS,** the Planning and Zoning Commission and the Board of Equalization each have the authority to make certain decisions binding on the Borough; and

**WHEREAS,** the Solid Waste Advisory Board makes advisory recommendations to the Assembly; and

**WHEREAS,** decisions by these boards and commissions should be made on the prepared record and evidence presented; and

**WHEREAS,** Borough employees should not be denied the opportunity to serve on service area boards.

**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:** The Kodiak Island Borough Code of Ordinances Title 2 *Administration and Personnel* Chapter 105 *Planning and Zoning Commission* Section 2.105.010 *Created – Membership* shall be amended to read as follows:

**2.105.010 Created – Membership.**

There is created pursuant to AS 29.40.020 a planning and zoning commission, which shall consist of seven members appointed by the mayor subject to confirmation by the assembly, except that a member from a home rule or first class city shall be selected from a list of recommendations submitted by the council. Commission membership shall be

50 apportioned so that the number of members from home rule or first class cities within the  
51 borough reflects the proportion of borough population residing within those cities.  
52 Commission membership shall be reapportioned according to the fluctuation of population  
53 within the borough and its home rule and first class cities by resolution of the assembly at  
54 the expiration of the terms of commission members. **Borough employees may be**  
55 **appointed to serve on the planning and zoning commission unless they are employed**  
56 **by the community development department.** Nothing in this section prevents the mayor  
57 from appointing additional persons to serve in an advisory or ex officio capacity without  
58 regard to apportionment of borough population.  
59

60 **Section 3:** The Kodiak Island Borough Code of Ordinances Title 2 *Administration and*  
61 *Personnel* Chapter 145 *Solid Waste Advisory Board* Section 2.145.010  
62 *Created – Membership* shall be amended to read as follows:  
63

64 **2.145.010 Created – Membership.**

65 There is created a solid waste advisory board that shall consist of seven borough  
66 residents, inclusive of the city of Kodiak, who represent a cross-section of the social and  
67 economic structure of the community. Preferably, two out of the seven seats shall be  
68 designated to representatives from the construction and retail business community. All  
69 members are appointed in accordance with KIBC 2.100.030 and shall meet the  
70 qualifications of KIBC 2.100.040. **Borough employees may be appointed to serve on the**  
71 **solid waste advisory board unless they are employed by the engineering and facilities**  
72 **department.** There will be four nonvoting ex officio members, one of which shall be an  
73 assembly member appointed by the mayor; one shall be a KIB staff member appointed by  
74 the manager; one shall be representative from the United States Coast Guard appointed by  
75 the ISC commanding officer; and one city of Kodiak staff member appointed by the city  
76 manager. Each ex officio member may participate in all discussions.  
77

78 **Section 4:** The Kodiak Island Borough Code of Ordinances Title 3 *Revenue and Finance*  
79 Chapter 3.35 *Real Property Tax* Section 3.35.050 *Board of Equalization* is  
80 hereby amended as follows:  
81

82 **3.35.050 Board of equalization.**

83 2. Qualifications. Members and alternate members should be appointed on the basis of  
84 their expertise in real and personal property appraisal, the real estate market, the personal  
85 property market, and other fields related to their functions as board members. Each member  
86 shall be a qualified voter of the borough and shall remain a resident of the borough while in  
87 office. **Borough employees may be appointed to serve on the board of equalization**  
88 **unless they are employed by the finance or assessing departments.**  
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90 **Section 5:** The Kodiak Island Borough Code of Ordinances Title 7 *Elections* Chapter  
91 7.20 *Qualifications of Voters and Candidates* Section 7.20.020 *Candidate Qualifications* is  
92 hereby amended as follows:  
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94 7.20.020 Candidate qualifications.

95 A. Candidates for mayor, assembly, and school board must be qualified voters of the  
96 borough and residents of the borough for one year at the time of filing.


- 97 B. A person may not serve simultaneously as mayor and as a member of the assembly, as
- 98 mayor and a member of the school board, or as a member of the assembly and member of
- 99 the school board.
- 100 C. No elected official of the borough, **except members of service areas boards**, may hold
- 101 any other compensated borough office or borough employment, or elected position in the
- 102 state or federal government, while in office.
- 103 D. No person shall be a candidate for more than one assembly seat at any election.
- 104 E. Candidates for service area boards must be qualified voters of the borough and residents
- 105 of the service area for at least 30 days immediately preceding filing for office.
- 106 F. Candidates shall provide proof that they are eligible, or shall be eligible by the date of the
- 107 election, to be recognized as a candidate for any election.
- 108 G. Write-in candidates for mayor, assembly, and school board shall file an Alaska Public
- 109 Offices Commission (APOC) official financial disclosure statement with the clerk as required
- 110 by the provisions of AS 39.50.

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112 **Section 6:** This ordinance shall become effective upon adoption.

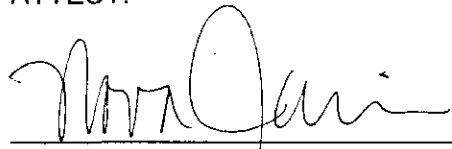
113  
114 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**

115 **THIS FOURTH DAY OF AUGUST, 2011**

116  
117 KODIAK ISLAND BOROUGH

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122 Jerome M. Selby, Borough Mayor

123  
124 ATTEST:

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128 Nova M. Javier, MMC, Borough Clerk