

Introduced by: Borough Assembly
Drafted by: Borough Clerk and Attorney
Introduced on: 06/16/2022
Public Hearing Date: 07/07/2022
Adopted on:07/07/2022

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2023-04**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING
VARIOUS SECTIONS OF TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.100
BOARDS, COMMITTEES RELEVANT TO APPOINTMENTS OF BOROUGH EMPLOYEES TO
DIFFERENT BOARDS, COMMITTEES, AND COMMISSIONS**

WHEREAS, it is the policy of the borough to uphold, promote, and demand the highest standards of ethics from all of its employees and officials, whether elected, appointed, or hired; and

WHEREAS, Borough officials and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants including the appearance of impropriety; and

WHEREAS, the Borough assembly feels that the proper operation of municipal government requires all boards and commission members to remain independent, impartial and responsible to the public; and

WHEREAS, currently, the Kodiak Island Borough has no regulation in place prohibiting borough employees from serving on borough boards, committees, and commissions.

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

Section 1: Sections 2, 3 and 4 of this ordinance are of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances.

Section 2: That Section 2.100.030 Appointments of the Kodiak Island Borough Code of Ordinances is amended to read as follows:

Section 2.100.030 Appointments

- A. Members of boards, committees, and commissions, except for members of the board of adjustment, members of the board of equalization, and elected service area board members, are appointed by the mayor and confirmed by the assembly unless otherwise specifically provided elsewhere in this code.

44 B. An appointment not confirmed by the assembly shall not become effective. The mayor
45 shall appoint a new applicant until an appointment is confirmed by the assembly. The
46 mayor may not appoint again the same person whose confirmation was failed by the
47 assembly for the same board, committee, or commission until the next annual appointment
48 process unless authorized by the assembly.

49 C. Except specifically provided in a Borough ordinance or resolution, Borough employees
50 may not be appointed to, and are prohibited from serving on non-elected boards,
51 committees, or commissions in the Kodiak Island Borough including boards, committees,
52 and commissions that were jointly established with the City of Kodiak. Borough employees
53 may continue to serve as ex-officio members as provided in KIBC 2.100.170.
54

55 **Section 3:** That Section 2.105.010 Created—Membership (Planning and Zoning Commission) of
56 the Kodiak Island Borough Code of Ordinances is amended to read as follows:
57

58 **Section 2.105.010 Created—Membership.**
59

60 There is created pursuant to AS [29.40.020](#) a planning and zoning commission, which shall consist
61 of seven members appointed by the mayor subject to confirmation by the assembly, except that
62 a member from a home rule or first class city shall be selected from a list of recommendations
63 submitted by the council. Commission membership shall be apportioned so that the number of
64 members from home rule or first class cities within the borough reflects the proportion of borough
65 population residing within those cities. Commission membership shall be reapportioned according
66 to the fluctuation of population within the borough and its home rule and first class cities by
67 resolution of the assembly at the expiration of the terms of commission members. ~~Borough~~
68 ~~employees may be appointed to serve on the planning and zoning commission unless they are~~
69 ~~employed by the community development department.~~ Nothing in this section prevents the mayor
70 from appointing additional persons to serve in an advisory or ex officio capacity without regard to
71 apportionment of borough population.
72

73 **Section 4:** That Section 2.145.010 Created—Membership (Solid Waste Advisory Board) of the
74 Kodiak Island Borough Code of Ordinances is amended to read as follows:
75

76 **Section 2.145.010 Created—Membership.**
77

78 There is created a solid waste advisory board that shall consist of seven borough residents,
79 inclusive of the city of Kodiak, who represent a cross-section of the social and economic structure
80 of the community. Preferably, two out of the seven seats shall be designated to representatives
81 from the construction and retail business community. All members are appointed in accordance
82 with KIBC [2.100.030](#) and shall meet the qualifications of KIBC [2.100.040](#). ~~Borough employees~~
83 ~~may be appointed to serve on the solid waste advisory board unless they are employed by the~~
84 ~~engineering and facilities department.~~ There will be five nonvoting ex officio members, one of
85 which shall be an assembly member appointed by the mayor; one shall be a KIB staff member
86 appointed by the manager; one shall be a representative from the United States Coast Guard

87 appointed by the base commanding officer; one city of Kodiak staff member appointed by the city
88 manager; and one high school student nominated by the Kodiak High School student council,
89 appointed by the mayor with a one-year term beginning April 30th. The student member shall be
90 exempt from the qualifications of KIBC 2.100.040(A). Each ex officio member may participate in
91 all discussions.

92
93 **Section 5. Savings Provision:** The changes implemented by this ordinance do not truncate
94 existing terms of office of any board, committee, or commission member. Any borough employee
95 who is a member of an appointed board, committee, or commission as of the effective date of this
96 ordinance may complete their current term. The amendments made by this ordinance shall only
97 apply to any board, committee, or commission appointment or reappointment made after the
98 effective date of this ordinance.

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100 **Effective Date:** This ordinance takes effect upon adoption.

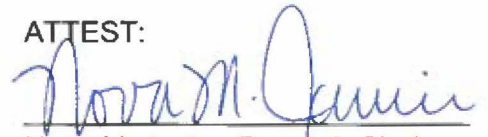
101
102 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
103 **THIS SEVENTH DAY OF JULY, 2022**

104
105 KODIAK ISLAND BOROUGH

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108
109 William Roberts, Mayor

110
111 ATTEST:

112 

113 Nova M. Javier, Borough Clerk

114
115 **VOTES:**

Ayes: Arndt, Smiley, Turner, Williams

Noes: Delgado, Griffin, Smith