


KENAI PENINSULA BOROUGH

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DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Bill Smith, Assembly Member 

DATE: July 5, 2011

SUBJECT: Ordinance 2011-24, amending KPB 22.30.030(C) regarding term limits for assembly members

This memorandum replaces my memo on page 83 of the packet. Following are amendments I would like to propose that would limit the total allowed service of an assembly member to nine years without an interruption in service of at least 180 days. I agree that the current maximum allowed service of two terms, which includes partial terms, and required three year waiting period, barely allows enough time to learn what the job entails and to represent borough interests on state and national levels. The current language could limit a person's service on the assembly to less than two years, and then prohibit them from running again for three years. This does no favors for the voters. In my view, limiting the total relatively uninterrupted service to nine years would achieve the goal of providing for regular turnover on the assembly while allowing assembly members to serve enough time to develop the knowledge and skills needed to properly represent the interests of the borough residents. Changes to the proposed ordinance are shown in bold.

- Amend the title as follows:

AN ORDINANCE AMENDING KPB 22.30.030(C) TO LIMIT THE TERMS THAT MAY BE SERVED BY ASSEMBLY MEMBERS TO [~~THREE~~] **TWO** FULL TERMS **WITH A MAXIMUM OF NINE CONSECUTIVE YEARS**, AND REQUIRING A BREAK IN SERVICE OF AT LEAST 180 DAYS, SUBJECT TO APPROVAL OF THE VOTERS

- Amend the 4th whereas clause as follows:

WHEREAS, limiting consecutive terms served on the assembly to two terms, **where the terms may be much less than three years each**, [DOES] **may** not provide adequate time for assembly members to learn all that is appropriate and necessary understand all of the aspects of the assembly's role and the borough government; and

- Delete the 5th, 6th and 7th whereas clauses as follows:

[WHEREAS, THIS IS PARTICULARLY TRUE IN LIGHT OF THE POTENTIALLY SHORTENED TERMS WHERE THE TERM LIMIT PROVISION APPLIES TO ALL OR A PORTION OF A THREE YEAR TERM; AND

WHEREAS, IT ALSO REDUCES THE ABILITY OF NEW ASSEMBLY MEMBERS TO LEARN FROM MORE EXPERIENCED ASSEMBLY MEMBERS ABOUT THE ROLES AND RESPONSIBILITIES OF ASSEMBLY MEMBERS; AND

WHEREAS, INCREASING THE LIMITATION ON TERMS OF OFFICE TO THREE TERMS WOULD PROVIDE ADEQUATE TIME FOR MEMBERS WHO ARE REELECTED TO GAIN MORE KNOWLEDGE AND BETTER REPRESENT THEIR CONSTITUENTS IN THEIR SERVICE AS ASSEMBLY MEMBERS; AND]

- Amend Section 1 as follows:

SECTION 1. That KPB 22.30.030(C) shall be amended as follows:

22.30.030. - Terms of office.

- A. The full term of office for assembly members is 3 years.
- B. The regular term of office for an assembly member begins on the first Monday following the certification of that member's election by assembly resolution and of the member's swearing in.
- C. No person who has completed **[THREE] two full** [CONSECUTIVE] terms on the assembly without an interruption in service of at least 180 days may serve another term or portion of a term until a period of 180 days [3 YEARS] has passed since the end of that person's service. [SECOND CONSECUTIVE TERM OF OFFICE.] **No person may serve uninterrupted successive terms of office, or commence to serve a term, which would result in the person serving in excess of nine consecutive years upon completion of any term of office.** [FOR PURPOSES OF THIS SUBSECTION (C), A "TERM" INCLUDES A REGULAR FULL THREE-YEAR TERM OF OFFICE FOR AN ASSEMBLY MEMBER, OR ANY PORTION OF A REGULAR TERM OF OFFICE SERVED BY APPOINTMENT OR ELECTION TO THE REMAINDER OF AN UNEXPIRED TERM VACATED BY ANOTHER PERSON, OR ANY TERM SERVED BY ELECTION THAT IS LESS THAN THREE YEARS BECAUSE OF A CHANGE IN ASSEMBLY COMPOSITION, MEMBERSHIP STRUCTURE, DISTRICTING OR APPORTIONMENT.]

- Amend Section 2 as follows:

SECTION 2. That a proposition shall be placed on the ballot for the regular borough election scheduled to be held on October 4, 2011, to read as follows:

Proposition No. _____

Shall ordinance 2011-24, **be approved? This would increase the existing two-term limit on assembly service, which includes full or partial terms, to a limit of two full three-year terms plus any partial terms for a maximum limit of nine years service on the assembly without interruption of at least 180 days. It would also prohibit [PROHIBITING] a borough assembly member from serving on the assembly again [AFTER SERVING THREE FULL THREE-YEAR TERMS WITHOUT INTERRUPTION] until at least 180 days of not serving on the assembly has passed instead of the current three year waiting period. [, BE APPROVED?]**

YES _____ (A yes vote approves this ordinance.)

NO _____ (A no vote would defeat this ordinance.)

- Amend Section 3 as follows:

SECTION 3. That section 2 of this ordinance takes effect immediately upon its enactment. That section 1 of this ordinance shall take effect either upon certification of the October 4, 2011, regular election or October 14, 2011, whichever occurs later, if the proposition in section 2 is approved by a majority of the voters voting on this ordinance [IN THE REGULAR BOROUGH ELECTION OF OCTOBER 4, 2011].