

Introduced by: Knopp  
Date: 06/07/11  
Hearing: 07/05/11  
Action: Postponed as Amended Until 08/02/11  
Date: 08/02/11  
Action: Enacted as Amended  
Vote: 8 Yes, 1 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2011-24**

**AN ORDINANCE AMENDING KPB 22.30.030 TO REDEFINE A FULL TERM OF  
OFFICE WITH RESPECT TO ASSEMBLY TERM LIMITS**

**WHEREAS**, in October 2009 the Kenai Peninsula Borough voters approved Initiative Ordinance 2009-02 placing limitations on the consecutive terms that may be served by assembly members; and

**WHEREAS**, Alaska Statute 29.26.190 provides that the effect of an initiative approved by the voters may not be modified or negated within two years after its effective date if adopted in an initiative election; and

**WHEREAS**, the effective date of Initiative Ordinance 2009-02 was October 13, 2009; and

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

**WHEREAS**, requiring a three-year waiting period before an assembly member may serve another term is too burdensome as it would prevent the voters or assembly from considering a termed-out member to fill a midterm vacancy where that former assembly member may be the only or best-qualified candidate interested in serving; and

**WHEREAS**, imposing a 180-day waiting period before a termed-out assembly member may serve in office is consistent with the 180-day waiting period required before a mayor may serve again after being termed out of office;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That KPB 22.30.030 shall be amended as follows:

**22.30.030. Terms of office.**

- A. The full term of office for assembly members is 3 years. No person who has completed two consecutive full terms on the assembly may serve another term or portion of a term until a period of 180 days has passed since the end of his second consecutive full term of office. A full term of office means the regular term of office for assembly and does not include portions of a term served by appointment or election to the remainder of an unexpired term vacated by another person or to a truncated term resulting from assembly redistricting.
- 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 TWO CONSECUTIVE TERMS ON THE ASSEMBLY MAY SERVE ANOTHER TERM OR PORTION OF A TERM UNTIL A PERIOD OF 3 YEARS HAS PASSED SINCE THE END OF THAT PERSON'S SECOND CONSECUTIVE TERM OF OFFICE. FOR PURPOSES OF THIS SUBSECTION (C), A "TERM" INCLUDES A REGULAR 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.]

**SECTION 2.** This Ordinance shall take effect on October 14, 2011, or upon preclearance by the U.S. Department of Justice, whichever occurs later.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF AUGUST, 2011.**

*Gary Knopp*

Gary Knopp, Assembly President

ATTEST:

*Johni Blankenship*  
Johni Blankenship, Borough Clerk



Yes: Haggerty, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp  
 No: Johnson  
 Absent: None