

**Lake and Peninsula Borough
Ordinance 13-07**

An Ordinance Amending the Lake and Peninsula Borough Charter, Section 2.08(E), Providing for Submission of the Proposed Amendment to the Voters, and an Effective Date.

The Borough Assembly of Lake and Peninsula Borough finds and determines that:

1. The Charter, at Article II, Section 2.02(E), presently provides that actions of the Assembly must be adopted by a majority of the total membership of the Assembly.

2. There have been cases in which the Assembly has been unable to act because while a quorum might be present, persons disqualified from voting by reason of a conflict of interest make it impossible for the Assembly to act. That is, a majority of the members may be present at a meeting, but a majority of the total membership cannot vote.

3. There have been cases in which the combination of excused and unexcused absences by assembly members have further complicated situations in which assembly members had conflicts of interest.

4. Superior Court Judge Steve Cole, in a case to which the Lake and Peninsula Borough is not a party, has determined that the common law "rule of necessity" which would allow the Borough Assembly to act by less than a majority of the total membership of the Assembly is not available. While Judge Cole's decision is not binding on the Borough, it creates a cloud on Assembly actions where a majority of the total membership of the Assembly is unavailable.

5. The requirement of a majority of the total membership is a limitation the Borough chose to impose on itself, in part to help assure no one region of the Borough dominates another. It was never intended to operate as an obstacle to getting the Borough's business done.

THEREFORE, BE IT ENACTED by the Assembly of the Lake and Peninsula Borough:

Section 1. Classification

This is a non-code ordinance

Section 2. General Provisions

A. The Lake and Peninsula Borough Charter, Section 2.08(E), is amended to read:

Actions of the assembly are adopted by a majority of the total membership of the body, except that the assembly may provide by ordinance for a lower voting requirement where there are two or more absences or disqualifications. The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded "Yes" or "No" except that if a vote is unanimous it may be recorded as "Unanimous."

B. The amendment to the Charter shall be submitted to the voters at the next regular or special election occurring 45 days or more after adoption of this ordinance.

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption. The proposed charter amendment shall take effect thirty (30) days following certification of an election if the proposed amendment is approved by sixty-six percent (66.00%) of the qualified voters voting on the issue.

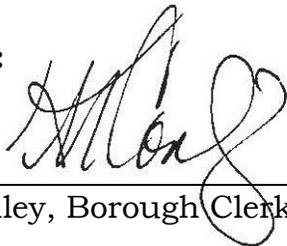
ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 20th day of August, 2013.

IN WITNESS THERETO:



Glen R. Alsworth, Sr., Mayor

ATTEST:



Kate Conley, Borough Clerk

Introduced:	August 20, 2013
Public Hearing:	August 20, 2013
Enacted:	September 17, 2013
Ayes:	Alsworth, Alvarez, Kalmakoff, Olsen, Pope-Ravenmoon, Salmon
Nays:	none
Not Voting:	none
Absent:	Seybert