

HAINES BOROUGH, ALASKA

ORDINANCE 08-03-179

Adopted

AN ORDINANCE OF THE HAINES BOROUGH PLACING ON THE OCTOBER 7, 2008 ELECTION BALLOT THE QUESTION OF EXEMPTION FROM THE ALASKA PUBLIC OFFICIAL FINANCIAL DISCLOSURE LAW (AS 39.50).

WHEREAS, the Public Official Financial Disclosure Law (AS 39.50) allows municipalities to exempt their officials from the law's requirements by a majority vote at any area-wide municipal election; and

WHEREAS, the borough assembly must approve an ordinance to place the question of exemption from the law on the ballot; and

WHEREAS, roughly half of Alaska's 200+ communities have successfully elected to be exempt from the Public Official Financial Disclosure Law, with no apparent ramifications; and

WHEREAS, the new Alaska Public Offices Commission (APOC) requirements have become too intrusive and unreasonable, which has created a hardship for keeping and recruiting municipal elected and appointed officials in our community; and

WHEREAS, the importance and necessity of public officials avoiding conflicts of interest is substantially addressed within the Haines Borough Code, therefore, providing a level of protection for the public interest; and

WHEREAS, the borough assembly believes in the public's right to know the financial and business interests of the persons who seek and hold public office; and

WHEREAS, the borough assembly desires to establish adequate local provisions relating to disclosure of business and financial interests and conflicts of interest; and

WHEREAS, local provisions can be enacted by ordinance to assure public access, accountability, and continue the public trust by requiring officials in their official acts to disclose private or business interests; and

WHEREAS, this change will still protect the public from the influence of undisclosed private or business interests, permit public access to information necessary to judge the credentials and performance of those who seek and hold public office, while allowing certain rights of privacy for our citizens seeking to hold public office; and

WHEREAS, the borough assembly wishes this issue be placed on the ballot, in substantial form as shown below, for voter approval at the October 7, 2008 municipal election.

THEREFORE BE IT ORDAINED BY THE BOROUGH ASSEMBLY OF THE HAINES BOROUGH, ALASKA:

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not become a part of the Haines Borough Code of Ordinances.

Section 2. It is hereby determined to be for a public purpose and in the public interest of the Haines Borough to place the question of exemption from the Public Official Financial Disclosure Law (AS 39.50) on the October 7, 2008 regular municipal election ballot.

Section 3. Upon successful voter ratification, Haines Borough municipal officers and candidates for elective office will be exempt from the financial disclosure reporting requirements of AS 39.50 but will continue to be subject to the Haines Borough Code of Ethics (HBC 2.06).

Section 4. The Borough shall submit the following proposition to the qualified voters of the Haines Borough at the October 7, 2008 general election. The proposition must receive an affirmative vote from a majority of the qualified voters voting on the question to be approved.

PROPOSITION NO. 1

EXEMPT MUNICIPAL OFFICIALS AND ELECTION CANDIDATES FROM THE REQUIREMENT OF THE STATE FINANCIAL DISCLOSURE LAWS, AND ESTABLISH OWN FORM AND GUIDELINES

Shall the Haines Borough exempt its municipal officers and candidates for elective office from the State of Alaska Public Official Financial Disclosure Law (AS 39.50), and adopt a form of its own to reflect locally adopted guidelines related to financial disclosure and conflicts of interest?

YES


NO

A "YES" vote would exempt Haines Borough elected and appointed officials from the requirements of chapter 39.50 of the Alaska Statutes, (State of Alaska Public Official Financial Disclosure Law) relating to disclosure statements and conflicts of interest, and requires establishment of a local form and guidelines.

A "NO" vote would continue to require Haines Borough elected and appointed officials follow Chapter 39.50 of the Alaska Statutes, (State of Alaska Public Official Financial Disclosure Law), relating to disclosure statements and conflicts of interest.

Section 5. Section 3 of this ordinance becomes effective only if the proposition described in Section 4 is approved by a majority of the qualified voters voting on the proposition at the October 7, 2008 general election. The remaining sections of this ordinance shall become effective upon adoption by the Haines Borough Assembly.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE BOROUGH ASSEMBLY OF HAINES, ALASKA, THIS 13th DAY OF APRIL, 2008.


Fred Shields, Mayor

ATTEST:


Julie Cozzi, Borough Clerk

Introduction: 03/11/08
First Public Hearing: 04/08/08
Second Public Hearing: 04/22/08
Third Public Hearing: 05/13/08 ADOPTED

