

Introduced By: Mayor & City Council Members
Date: June 10, 2009
Public Hearing: June 24, 2009
Action: Enacted
Vote: 4 Yes, 0 No, 1 Absent

CITY OF SOLDOTNA
ORDINANCE 2009-022

AN ORDINANCE PROVIDING FOR A VOTE ON THE QUESTION OF EXEMPTING CITY OF SOLDOTNA MUNICIPAL ELECTED AND APPOINTED OFFICIALS FROM THE PROVISIONS OF THE STATE OF ALASKA FINANCIAL DISCLOSURE STATUTES (AS 39.50) AND ESTABLISHING LOCAL FINANCIAL DISCLOSURE GUIDELINES

WHEREAS, the Alaska Legislature has statutory provisions relating to the disclosure and reporting of financial and business interests of public officials, which includes municipal elected and appointed officials and candidates for elective municipal office; and

WHEREAS, the recently revised requirements have become intrusive and unreasonable, and have created a hardship for recruiting and/or keeping municipal elected and appointed officials in our community; and

WHEREAS, Alaska Statutes provide that a municipality may exempt its municipal officers and candidates for elective municipal office from the requirements of AS 39.50 if the majority of those voting on the question at a regular or special election vote to exempt its municipal officers and candidates for elective municipal office from such state requirements ; and

WHEREAS, the Alaska Public Offices Commission (APOC) intends to place the financial disclosure information, including the amount of income, on its internet site; and

WHEREAS, the Soldotna City Council 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 City Council 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 Soldotna City Council believes that the voters of the City of Soldotna should be given the opportunity to decide whether or not the municipal officers of the City and candidates for elective municipal office should be exempt from the requirements of AS 39.50 but subject to financial disclosure requirements established under local guidelines.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

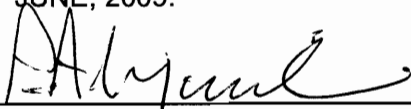
Section 1. That municipal officials and candidates for elective municipal office of the City of Soldotna, Alaska shall be exempt from AS 39.50, State of Alaska Public Official

Financial Disclosure Law, and that local guidelines shall be established for the disclosure of financial interests and conflicts of interest, if approved by the voters.

Section 2. The Soldotna City Clerk is hereby directed to place on the ballot for the regular city election of October 6, 2009, with the appropriate proposition number designated by the City Clerk, the following question:

“Shall the City of Soldotna exempt its municipal officers and candidates for elective municipal office from the State of Alaska requirements set forth in AS 39.50 regarding reporting and financial disclosure requirements, business and conflicts of interest provisions and INSTEAD, adopt its own local ordinance establishing guidelines and filing requirements related to financial disclosure and conflicts of interest?”

ENACTED BY THE CITY COUNCIL THIS 24TH DAY OF JUNE, 2009.



Peter A. Micciche, Mayor

ATTEST:



Teresa Fahning, City Clerk



MEMORANDUM

To: Mayor Micciche / Council Members
From: Teresa Fahning, City Clerk *TF*
Thru: Larry Semmens, City Manager
Date: June 10, 2009
Subject: Ordinance 2009-022 – Exempting City of Soldotna Officials from Alaska Financial Disclosure Statutes

The Alaska Legislature enacted sweeping additions and changes to the financial disclosure requirements and the governor signed this Comprehensive Ethics Act into law in 2007.

Effective in 2008, these new rules require candidates for elective office and public officials to identify sources of income over \$1,000, as well as the amount of the income, thereby requiring all business owners to list how much money his/her business makes and to report such income as salary, social security, interest, dividends, rental income and retirement money (IRAs, etc.). This statute also invades the privacy of those people doing business WITH the candidate or municipal official.

Within the City of Soldotna, these new rulings have limited those people willing to serve their local municipalities, and it appears that it will become more and more difficult to find residents willing to step up to the plate for positions that hold little or no financial gain and that are time consuming and difficult, at best.

Should the State of Alaska decide to post the information it receives on the Internet, many people are concerned with identity theft and having their personal and immediate family's information posted for the world to see. Soldotna has had one member of its Planning and Zoning Commission resign because of the new State rules. Others in the city have indicated they are now not willing to serve in government because the new rules invade too much into their privacy.

According to the Alaska Public Offices Commission (APOC), about one-half of Alaska's 200+ cities and boroughs have voted to be exempt from the State disclosure requirements. Some of those communities are Homer, Seward, Kenai, Kodiak, Cordova, Dillingham, Galena, Nenana, Palmer, Valdez, Whittier and the Bristol Bay Borough.

Under State law, the Mayor, City Council Members, City Manager and Planning and Zoning Commissioners are required to file. Under the State rules, the report must also include financial disclosure for the person's spouse, domestic partner or dependent children.

The City of Soldotna would adopt its own financial disclosure rules by ordinance, and would use its own financial disclosure form. The City financial disclosure forms would be available for inspection by the public at the office of the City Clerk.

The City Council believes passing the proposition will increase the number of people willing to serve in local government. The City Council further believes that expanding the base of citizens willing to serve in local government is a great benefit to the community.