

CITY OF GUSTAVUS, ALASKA

ORDINANCE NO. 2009-18

AN ORDINANCE OF THE CITY OF GUSTAVUS PLACING A BALLOT QUESTION ON THE OCTOBER 6TH, 2009 GENERAL ELECTION BALLOT OF WHETHER OR NOT CITY COUNCIL MEMBERS AND CANDIDATES FILING FOR CITY COUNCIL BE EXEMPT FROM THE ALASKA PUBLIC OFFICIAL FINANCIAL DISCLOSURE LAW (ALASKA STATUTE 39.50).

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

SECTION 1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to be part of the Gustavus municipal code of the city of Gustavus, Alaska upon election certification.

SECTION 2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected thereby.

SECTION 3. PURPOSE AND FINDINGS. The City of Gustavus seeks to reduce the reporting burden for serving council members and to encourage a greater number of community members to run for, and serve in, elected office by exempting the City of Gustavus from the State of Alaska Public Official Financial Disclosure Law (Alaska Statute 39.50). The City of Gustavus has adopted a Conflict of Interest Ordinance 02.20.90 – 02.20.99 and a Policy and Procedure on Conflict of Interest which carefully addresses the issue of conflict of interest issue for local municipal officers. APOC reporting requirements can discourage participation in local government and can be unduly invasive of the personal privacy of candidates and elected officials in small towns and villages. Alaska statute AS 39.50.145 provides that a municipality may exempt its officers and candidates from APOC reporting requirements by a majority vote of those voting in a special municipal election. Voting for an exemption would not be unique to Gustavus as roughly half of Alaska's 200+ communities have voted to be exempt from state disclosure requirements. These are primarily small, rural communities

SECTION 4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the City of Gustavus that the following ballot question be placed on the October 6th, 2009 General Election Ballot and shall read substantially as follows:

PROPOSITION NO. 1
EXEMPT COUNCILMEMBERS AND ELECTION CANDIDATES FROM THE
REQUIREMENT OF THE STATE OF ALASKA PUBLIC OFFICIAL FINANCIAL
DISCLOSURE LAW (ALASKA STATUTE 39.50)

Shall the Gustavus Municipal Code be amended by adding:

1. Section **02.20.25 Alaska Public Official Financial Disclosure Exemption**
City of Gustavus Council Members shall be exempt from the financial disclosure reporting requirements of the State of Alaska Public Official Financial Disclosure Law (Alaska Statute 39.50).

2. Section **5.10.105 Alaska Public Official Financial Disclosure Exemption**
Candidates for City Council shall be exempt from the financial disclosure reporting requirements of the State of Alaska Public Official Financial Disclosure Law (Alaska Statute 39.50)?

YES

NO

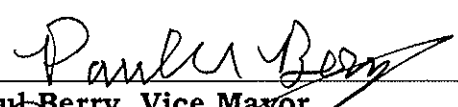
Section 5. EFFECTIVE DATE. This ordinance shall become effective immediately on certification of election results that show a majority of ballots cast by qualified voters approve ballot proposition no. 1.

DATE INTRODUCED: May 14th, 2009

DATE OF PUBLIC HEARING: June 11th, 2009

PASSED and APPROVED by the Gustavus City Council this 11th day of June, 2009.

William Unkel, Mayor



Paul Berry, Vice Mayor



Wayne Howell, Council Member



Sandi Marchbanks, Council Member



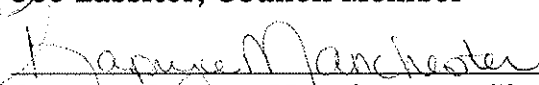
John Nixon, Council Member



Joe Lassiter, Council Member



Lou Cacioppo, Council Member



Attest: Kapryce Manchester, City Clerk