

HAINES BOROUGH, ALASKA
ORDINANCE No. 12-05-290

An Ordinance of the Haines Borough Assembly placing on the October 2, 2012 Election ballot the adoption of Haines Borough Financial Disclosure Laws and 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 state law on the ballot; and

WHEREAS, roughly half of Alaska's 200+ communities have elected to be exempt from the Public Official Financial Disclosure Law; and

WHEREAS, the 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, upon passage of Proposition 1, the Haines Borough Code shall provide a substantial level of protection for the public interest against conflict of 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, on October 14, 2008, the borough assembly adopted Ordinance 08-09-189, establishing local financial disclosure reporting requirements to become effective immediately upon voter approval to exempt the borough from the requirements of AS 39.50;

WHEREAS, these local financial disclosure procedures would still protect the public from the influence of private or business interests, and 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 to place this matter on the ballot, in substantial form as shown below, for voter approval at the October 2, 2012 municipal election,

NOW, 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 2, 2012 regular municipal election ballot.

Section 3. Upon successful voter ratification, Haines Borough municipal officers and candidates for elective office will be exempt from the Alaska financial disclosure reporting requirements of AS 39.50 but shall immediately become subject to the local financial disclosure requirements established by Ordinance 08-09-189.

Section 4. The Borough shall submit the following proposition to the qualified voters of the Haines Borough at the October 2, 2012 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
ESTABLISH HAINES BOROUGH FINANCIAL DISCLOSURE LAWS REQUIRING DISCLOSURE OF FINANCIAL AND BUSINESS INTERESTS; ESTABLISH PENALTIES FOR FAILURE TO COMPLY WITH LOCAL LAW; AND EXEMPT MUNICIPAL OFFICIALS AND ELECTION CANDIDATES FROM THE REQUIREMENT OF THE ALASKA FINANCIAL DISCLOSURE LAWS.

Shall the Haines Borough adopt Haines Borough financial disclosure laws requiring disclosure of financial and business interest; establish penalties for failure to comply with local financial disclosure laws; and exempt municipal officials and election candidates from the requirement of the Alaska Financial Disclosure law (AS 39.50)?

YES


NO

A "YES" vote would ratify the Haines Borough financial disclosure requirements established by Haines Borough Financial Disclosure Laws and, at the same time, exempt Haines Borough elected/appointed officials and candidates from the Alaska financial disclosure requirements. A "yes" vote will *not* eliminate the reporting requirements but will simply move them to the local level.

A "NO" vote would continue to require Haines Borough elected/appointed officials and candidates to follow Alaska law relating to financial disclosure statements, and Haines Borough Financial Disclosure Laws establishing Haines Borough reporting requirements will not be ratified. A "no" vote means the reporting will stay at the state level.

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 2, 2012 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 14th DAY OF AUGUST, 2012.


Stephanie Scott, Mayor

ATTEST:


Julie Cozzi, MMC, Borough Clerk

Introduction:	05/08/12
First Public Hearing:	05/29/12 – Referred to the Government Affairs & Services Committee
Second Public Hearing:	07/10/12 – Adopted
Reconsidered:	07/24/12 – Reconsidered Motion to Adopt Postponed to 08/14/12
Amended/Adopted	08/14/12