

Introduced by: McCloud
Date: May 20, 1975
Hearing: June 17, 1975
Vote: 94 Yes, 39.33 No.
Action: Enacted
Further Action: Reconsidered, Amended,
and Readopted July 15,
1975.

KENAI PENINSULA BOROUGH

ORDINANCE 75-39

AN ORDINANCE PLACING ON THE BALLOT FOR THE NEXT GENERAL ELECTION THE QUESTIONS AS TO WHETHER THE KENAI PENINSULA BOROUGH SHOULD BE EXEMPT FROM THE PROVISIONS OF THE FINANCIAL DISCLOSURE STATUTES (AS 39.50) AND FROM THE PROVISIONS OF THE ELECTION CAMPAIGN FUND DISCLOSURE STATUTES (AS 15.13) REQUIRING REPORTING OF CONTRIBUTIONS AND EXPENDITURES FOR POLITICAL CAMPAIGNS.

WHEREAS, the provisions of AS 39.50 require municipal officers, including mayor, assemblymen, school board members, and members of planning and zoning commission, to file reports concerning finances and also the finances of spouses, dependent children, or nondependent children living with them with respect to the source of all income over \$100, including capital gains, identity of each business in which any of them was a stockholder, owner, officer, director, partner, proprietor, or employee, the identity and nature of each interest owned by any of them in any business, the identity and nature of each interest in real property, including an option to buy, any loan or loan guarantee made to any of them, the identity of each trust in which any of them held a beneficial interest, and other such financial information normally considered of a private and confidential nature; and

WHEREAS, AS 39.50.145 provides that a municipality may exempt its municipal officers from the requirements of the chapter if a majority of the voters voting on the question at a general election

vote to exempt its municipal officers from such requirements; and

WHEREAS, the positions covered require a great expenditure of time in the public interest and most of them receive little or no payment therefor; and

WHEREAS, compliance and participation in AS 39.50 would drastically discourage and limit the number of parties willing to donate a great part of their time to public service to the detriment of the Kenai Peninsula Borough; and

WHEREAS, AS 15.13 requires reporting of contributions to political candidates of over \$100 (including contributions of goods or services), limits campaign contributions, and requires detailed reporting of campaign expenditures; and

WHEREAS, the bookkeeping involved, the technicalities of reporting required with criminal penalties assessed for failures, and the invasion of privacy would discourage contributing to local campaigns, expenditures in local campaigns, and even obtaining competent candidates willing to run for office in the Kenai Peninsula Borough; and

WHEREAS, AS 15.13.010 provides that a municipality may exempt itself from the requirements of the chapter if a majority of the voters at a general election vote to exempt the municipality; and

WHEREAS, enforcement of either AS 15.13 or AS 39.50 in elections in the Kenai Peninsula Borough would only penalize, handicap, and discourage the honest, and could and probably would be evaded by the dishonest; and

WHEREAS, the Assembly of the Kenai Peninsula Borough believes that the voters of the Kenai Peninsula Borough should be given the opportunity to decide whether or not either or both of these laws should be applicable to public offices within the Kenai Peninsula Borough; Now Therefore,

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1: There shall be placed on the ballot for the regular borough election of October 7, 1975, with appropriate proposition number to be designated by the Clerk, the following question:

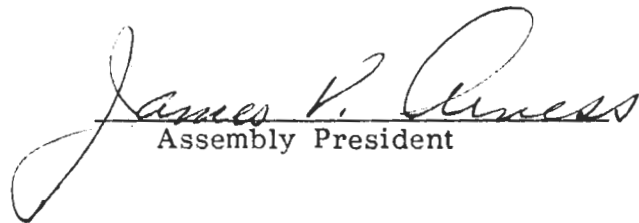
"Shall the municipal officers of the Kenai Peninsula Borough be exempt from the provisions of state law (AS 39.50) relating to conflicts of interest or financial disclosure of candidates and holders of municipal offices?"

Section 2: There shall be placed on the ballot for the regular borough election of October 7, 1975, with appropriate proposition number to be designated by the Clerk, the following question:

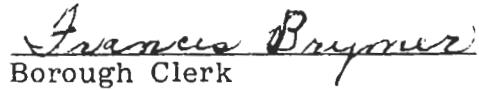
"Shall the elected municipal officers of the Kenai Peninsula Borough be exempt from the provisions of state law (AS 15.13) relating to election campaign fund disclosure or to reporting of contributions and expenditures in election campaigns?"

Section 3: This ordinance shall be effective on the day after passage, and the exemptions, or either of them, shall become effective on ratification by the electorate.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH THIS 15th DAY OF July, 1975.


Assembly President

ATTEST:


Borough Clerk

