

Introduced by: Davis
Date: December 2, 1980
Hearing: January 6, 1980
Vote: 6 Yes, 9 No
Action: Defeated w/Reconsideration 1-20
Action: Enacted 1/20—11 YES; 5 NO

KENAI PENINSULA BOROUGH

ORDINANCE 80-66

AMENDING SECTION 2.08.040 OF THE BOROUGH CODE OF ORDINANCES RELATING TO ABSTENTION FROM VOTING BY ASSEMBLY MEMBERS ON SCHOOL APPROPRIATIONS IN CASES OF CONFLICT OF INTEREST.

WHEREAS, Alaska Statute 29.23.060(d) provides that all Assembly members shall vote on all matters before the Assembly except where there are special reasons or a conflict of interest; and

WHEREAS, the Borough Code of Ordinances should be consistent with provisions of the State Statutes; and

WHEREAS, every Assembly member is subject to provisions of State financial disclosure laws, as directed by the voters of the Borough; and

WHEREAS, Assembly members should not have a personal interest in appropriations or other financial measures which are brought before the Assembly; and

WHEREAS, from time to time, persons employed by the Borough School District, or whose spouses are employed by the Borough School District, have been elected to the Assembly; and

WHEREAS, such employment constitutes a personal financial interest in School District appropriations and the Assembly finds that this interest constitutes a conflict of interest in regard to Assembly action upon School District expenditures.

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Section 2.08.040 of the Borough Code is amended by adding a new subsection to be numbered 2.08.040(B) which reads:

B. A School District employee may not be denied the right to serve as an elected municipal official because of his employment by the School District. However, such service shall be deemed to constitute a conflict of interest with regard to Assembly action upon School District appropriation measures, bond issues and equipment purchases, and the affected Assembly members shall be required to abstain from voting on School District appropriation measures, bond issues and equipment purchases. An elected municipal official whose spouse is employed by the School District also shall be deemed to have a conflict of interest and shall be required to abstain from voting upon any School District appropriation measures, bond issues or equipment purchases.

Section 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 20 DAY OF January, 1981.

Paul A. Fischer
Paul Fischer, Assembly President

ATTEST:

Francis Bryner
Borough Clerk