

Introduced by: Schaefermeyer
Date: Feb. 3, 1981
Hearing: March 3, 1981 as Amnd.
Vote: 14 Yes, 2 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 81-1

PROVIDING THAT THE ASSEMBLY SHALL DETERMINE WHETHER A MEMBER HAS A CONFLICT OF INTEREST WHICH PRECLUDES HIS OR HER VOTE UPON AN ISSUE, UNLESS OTHERWISE PROVIDED BY ORDINANCE OR STATUTE.

WHEREAS, AS 29.23.555 requires the Assembly to enact a conflict of interest ordinance providing, among other matters, that an Assembly member shall disqualify himself from participating in any official action in which he or she has a substantial financial interest; and

WHEREAS, the Borough has enacted a conflict on interest ordinance codified as KPB 2.08.040A which provides that a member shall not vote upon any question in which he or she has a substantial direct or indirect financial interest; and

WHEREAS, the assembly has by Ordinance 80-66, enacted on January 20, 1981, specifically defined a conflict of interest in regard to the school district budget, but not otherwise; and

WHEREAS, the determination as to whether or not a conflict of interest exists is often subjective and the Assembly desires to provide a mechanism for determining by Assembly vote whether a conflict of interest exists and precluding an affected member from voting upon a matter before the assembly; in defined cases; and

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

Section 1. That Section 2.08.040A of the Borough Code is amended to read:

A. All Assembly members present at a meeting shall vote upon each question unless the Assembly for special reasons permits a member to abstain, except that no

Assembly member shall vote on a question in which the Assembly member has a substantial, direct or indirect financial interest. An Assembly member intending to abstain from voting shall state the reason for abstaining before the roll call. If a member is unsure as to whether his or her participation would constitute a conflict of interest, or if another member challenges a member's participation and vote upon a matter, then the Assembly shall determine by roll call vote whether the affected member's participation or vote on the issue would constitute a conflict of interest. If a question is raised under this subsection at any Assembly meeting, then the question shall be determined before the main question is voted upon. The affected Assembly member or members may not vote on the determination of conflict of interest. The Assembly shall determine conflict of interest only in those instances not otherwise specifically defined by ordinance or statute.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 3rd DAY OF March, 1981.

Paul A. Fischer
Paul Fischer, Assembly President

ATTEST:

Frances Bryner
Borough Clerk