

**PETERSBURG BOROUGH
ORDINANCE #2022-09**

AN ORDINANCE PROPOSING AN AMENDMENT TO SECTION 19.03A (PERSONAL FINANCIAL INTEREST AND NEPOTISM) OF THE HOME RULE CHARTER OF THE PETERSBURG BOROUGH, AND DIRECTING THAT THE PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE QUALIFIED VOTERS OF THE BOROUGH

WHEREAS, Section 19.03A, *Personal Financial Interest and Nepotism*, of the Borough Charter currently reads as follows (emphasis added):

Section 19.03 - Personal Financial Interest and Nepotism.

A. Prohibition. An elected borough officer may not participate in any official action in which the officer or a member of the officer's household has a substantial financial interest unless after disclosure of the interest the officer's participation is approved in a public meeting by the majority of the assembly. Borough officials shall publicly disclose their substantial financial interests as required by law.

; and

WHEREAS, this Section is applicable to all elected borough boards, which includes without limitation the Planning Commission, the Harbor and Ports Advisory Board, the Library Board, the Public Safety Advisory Board, and the Parks and Recreation Advisory Board; and

WHEREAS, this Section would purport to establish a procedure whereby a member of a borough board other than the assembly would be required to go to the assembly to have that member's financial interest disclosed and considered, rather than having the board upon which the member sits consider that interest; and

WHEREAS, in 2006, the Borough Charter Committee looked to the Haines Borough Charter when it drafted the home rule charter which was to be included in Peterburg's borough formation petition; and

WHEREAS, the Haines Borough Charter provides that elected officers' conflicts of interest are to be addressed by the body on which the officer sits (Haines Borough Charter, §18.01); and

WHEREAS, there is nothing in the minutes of the Charter Committee meetings which indicate that this matter was specifically discussed or considered, or that the Committee intended a substantive change from the typical procedure, like Haines', under which individual boards consider and address member conflicts; and

WHEREAS, as currently written, the language raises issues regarding its workability, as it is likely that by the time the assembly has the opportunity to consider a conflict disclosed by a member of another board, the matter at issue could have passed out of the board's purview; and

WHEREAS, nothing in this amendment would alter the substantive intent of Section 19.03A, to ensure that elected officials timely raise conflicts of interest and that those conflicts be considered and resolved by other borough officials prior to a member's participation; and

WHEREAS, Petersburg Borough Charter Section 18.02, entitled Election, specifies that any proposed charter amendment shall be submitted to the qualified voters of the Borough.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, that the following proposed amendment to the Home Rule Charter of the Petersburg Borough be submitted to the qualified voters of the Borough at the next regular or special election occurring more than 90 days after adoption of this ordinance.

Section 1. Classification: This is a non-code ordinance, however the proposed borough charter amendment set out below is of a permanent nature and, if approved by the voters, shall be reflected in the Petersburg Borough Charter.

Section 2. Purpose: The purpose of this ordinance is to propose a charter amendment to the Borough voters which would provide that a conflict of interest disclosed by a member of an elected borough board be considered and resolved by that board, rather than the assembly.

Section 3. Substantive Provisions:

a) Proposed Charter Amendment – Sections 19.03A of the Charter: The language proposed for deletion is struck through and the proposed addition is in **red and underlined**.

Section 19.03 - Personal Financial Interest and Nepotism.

A. Prohibition. An elected borough officer may not participate in any official action in which the officer or a member of the officer's household has a substantial financial interest unless after disclosure of the interest the officer's participation is approved in a public meeting by the majority of the **body**assembly. Borough officials shall publicly disclose their substantial financial interests as required by law.

.b) Submittal to Voters: The question to be submitted to the voters shall read substantially as follows:

Proposition #___

Providing that Conflicts of Interest Raised by Members of Elected Borough Boards be Addressed by the Board on Which the Officer Sits

Shall Section 19.03A of the Petersburg Borough Charter be amended to provide that when an elected borough officer discloses a substantial financial interest in a matter before the board on which the officer sits, that board shall consider and address that member's conflict of interest?

- YES
- NO

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

Section 5. Effective Date: This ordinance shall be effective upon adoption. The proposed borough charter amendment set forth herein, if approved by the voters, shall become effective immediately upon certification of the election results.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of _____, 2022.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective: Ordinance effective upon adoption. Charter Amendment effective upon Voter Approval and Certification of Election Results.