



ORDINANCE SERIAL NO. 2011-04

AN ORDINANCE PLACING THE QUESTION OF EXEMPTION FROM
THE ALASKA PUBLIC OFFICIAL FINANCIAL DISCLOSURE LAW (AS 39.50)
BEFORE THE BOROUGH VOTERS FOR THE 2011 REGULAR ELECTION
AND PROVIDING FOR LOCAL ADOPTION OF PUBLIC OFFICIAL DISCLOSURE

WHEREAS, the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

WHEREAS, in 2007, the State of Alaska amended its public official financial disclosure law in a manner that significantly increases the burden on local public officials; and

WHEREAS, the Alaska Public Official Financial Disclosure statutes (Alaska Statutes Chapter 39.50) authorize municipalities to “opt-out” of the state law by a majority vote at a regular municipal election; many of Alaska’s 200+ communities have elected to “opt-out” of the state system without negative effects; and

WHEREAS, it is the intent of the Borough Assembly to create its own financial disclosure provisions and forms for public official disclosure using the State of Alaska Public Official Financial Disclosure Statement used prior to the 2007 amendment.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Purpose. The purpose of this ordinance is to place before the voters of the Aleutians East Borough the question, “shall the Aleutians East Borough opt out of the Alaska Public Offices Commission (APOC) disclosure requirements as provided in Alaska Statute 39.50 and create its own financial disclosure provisions and forms for public official disclosure using the State of Alaska, Public Official Financial Disclosure Statement used prior to the 2007 amendment?”

The following question will be placed on the ballot for voter consideration at the October 4 2011 regular municipal election. The proposition must

receive an affirmative vote from a majority of the qualified voters voting on the question to be approved.

Information: Current changes to state law have had the unintended effect of limiting the number of individuals who will seek public office. Some of the information required actually conflicts with other laws that require confidentiality on the part of certain professions. Many Alaskan communities have exercised their right to "opt-out" of the new state financial disclosure requirements, and have adopted their own financial disclosure requirements similar to what the state required prior to the 2007 changes.

PROPOSITION
THE ALEUTIANS EAST BOROUGH TO ADOPT ITS OWN
FINANCIAL DISCLOSURE FORM AND EXERCISE ITS RIGHT TO
'OPT-OUT' OF CURRENT STATE DISCLOSURE LAWS

Shall the Aleutians East Borough opt out of the Alaska Public Offices Commission (APOC) disclosure requirements as provided in Alaska Statute 39.50 and create its own financial disclosure provisions and forms for public official disclosure using the State of Alaska, Public Official Financial Disclosure Statement used prior to the 2007 amendment?

YES

NO

A "YES" vote would exempt the Aleutians East Borough from AS 39.50 reporting requirements and require the Aleutians East Borough to create and adopt its own financial disclosure statement and forms for public official disclosure using the State of Alaska, Public Official Financial Disclosure Statement used prior to the 2007 amendment.

A "NO" vote would mean that Borough public officials remain subject to AS 39.50 of Alaska Statutes, relating to financial disclosure, without local control.

Section 3. Effectiveness. This ordinance shall become effective upon adoption of the Aleutians East Borough and signature of the mayor and approved by a majority vote of the regular election of the Aleutians East Borough to be held on Oct. 4, 2011.

INTRODUCED: 4/23/11
ADOPTED: 6/6/11


Stanley Maek, Mayor
Date: 6/6/11

ATTEST:

Lina Oude

CLERK

Date: 6/16/11