

**CITY OF WASILLA
ORDINANCE SERIAL NO. 10-22(SUB)(AM)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL DIRECTING THE CITY CLERK TO SUBMIT THE QUESTION OF EXEMPTION FROM THE ALASKA PUBLIC OFFICES COMMISSION FINANCIAL DISCLOSURE LAW (AS 39.50) TO THE QUALIFIED VOTERS OF THE CITY AT THE OCTOBER 5, 2010, REGULAR CITY ELECTION AND PROVIDING FOR LOCAL ADOPTION OF A CITY OF WASILLA DISCLOSURE AND CONFLICT OF INTEREST LAW.

WHEREAS, in 2008 when changes occurred in state law (Alaska Statute 39.50), it had the unintended effect of limiting the number of individuals who will seek public office, to include members of the City Council and the Planning Commission; and

WHEREAS, some of the information currently required by the Alaska Public Offices Commission conflicts with other laws which require confidentiality on the part of certain professions; and

WHEREAS, state law (Alaska Statute 39.50.145) allows communities to exercise their right to "opt-out" of the state financial disclosure requirements; and

WHEREAS, this ordinance allows for the adoption of the City's own disclosure and conflict of interest code if the ballot proposition shown in Section 2 is approved by City voters.

Section 1. Classification. Sections 5 and 6 of this ordinance are of a general and permanent nature and shall become part of the city code if Proposition No. 1 is approved by the voters and upon certification of the October 5, 2010, regular City election. All other sections of this ordinance are non-code.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

Section 2. Submission to voters. The City Clerk shall submit the following proposition to the qualified voters of the city at the regular election of October 5, 2010. The proposition shall read as follows:

Proposition No. 1

**Exemption from Alaska Public Offices Commission Requirements and
Creating a City Disclosure and Conflict of Interest Statement Process**

Shall the City of Wasilla municipal officers and candidates for municipal office be exempt from the State of Alaska requirements under Alaska Statutes 39.50, regarding reporting financial disclosure requirements, business and conflicts of interests provisions and INSTEAD, be required to file a City of Wasilla Disclosure and Conflict of Interest Statement, according to Wasilla Municipal Code 2.10, that will be subject to public disclosure, as well as be subject to local laws regarding conflicts of interest?

Section 3. Proposition. The proposition shall be printed on a ballot and the following words shall be added as appropriate and next to a square provided for marking the ballot for voting by hand or machine:

Proposition No. 1	YES
	NO

Section 4. Ballot Summary. Wasilla Municipal Code, Section 2.12.020, Financial Disclosure, requires a candidate for municipal office and municipal officers (Mayor, Council Members, and Planning Commissioners) to file a report under Alaska Statute 39.50, of their financial and business interests, and the financial and business interests of their spouse, dependent children and non-dependent children living with them. Currently, these reports must be filed with the City Clerk no later than March 15 of each

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year and are public records and are available for review by members of the public upon request at the Office of the City Clerk.

In 2008, the Alaska Legislature amended state law to require reporting the amount of income over \$1,000 (how much they make) in addition to the source of income over \$1,000 (where the income comes from). The State of Alaska also intends to put that financial disclosure information, including the amount of income, on its internet site.

When these changes to Alaska Statute 39.50 occurred, the City began to show a decline in the number of people interested in serving on the City Council and Planning Commission. In some instances, the information currently required by the State, conflicts with other laws which require confidentiality on the part of certain professions.

State law (Alaska Statute 39.50.145) allows a municipality to exempt its municipal officers and candidates from the reporting requirements of state law, if a majority of voters voting on the question approve of the exemption. Exempting the City of Wasilla from State reporting requirements would mean that municipal officers and candidates would file their annual reports under the requirements of the city code, shown in section 5 of this ordinance rather than state law.

Section 5. Adoption of Chapter. Upon adoption of Proposition No. 1 and certification of the October 5, 2010, regular City, WMC 2.10, Disclosure and Conflict of Interest, is adopted as follows:

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

Chapter 2.10 DISCLOSURE AND CONFLICT OF INTEREST

2.10.010 Definitions.

2.10.020 Report of financial and business interests.

2.10.030 Contents of statement.

2.10.040 Modified requirements for professionals.

1.85.050 Refusal or failure to disclose.

1.85.060 Conflicts of interest prohibited.

2.10.010 Definitions.

When used in this chapter, the following words or phrases shall have the meanings set forth in this section:

“Commission member” means a person appointed a city commission.

“Covered individual” means a municipal officer or candidate and the municipal officer’s or candidate’s spouse, domestic partner, dependent children and non-dependent children residing with the officer or candidate.

“Domestic partner” means a person who is cohabitating with another person in a relationship like a marriage but that is not a legal marriage.

“Employee” means any person in the employ of the city who is subject to these rules and whose activities are directed by the city.

“Financial interest” means the receipt of financial benefit or the expectation of receiving financial benefit. A financial interest includes a financial interest of any member of the person’s household. A person has a financial interest in an organization if he or she has an ownership interest in the organization, is a director, officer or employee of the organization. A financial interest also includes appearance as an

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attorney or a party plaintiff or defendant, or as a real party in interest, in any lawsuit, master's hearing or other legal proceeding in which the city is a party plaintiff or defendant or otherwise has a direct interest. A financial interest does not include (i) an affiliation with an organization solely as a volunteer, club member, or the like; or (ii) a personal or financial interest of a type which is generally shared in common with the public or a large class of citizens.

"Health care provider" means an acupuncturist licensed under AS 08.06, an audiologist or speech language pathologist licensed under AS 08.11, a chiropractor licensed under AS 08.20, a dental hygienist licensed under AS 08.32, a dentist licensed under AS 08.36, a nurse licensed under AS 08.68, a dispensing optician licensed under AS 08.71, a naturopath licensed under AS 08.45, an optometrist licensed under AS 08.72, a pharmacist licensed under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a physician or physician assistant licensed under AS 08.64, a podiatrist licensed under AS 08.64, a psychologist or psychologist associate licensed under AS 08.86.

"Household" includes anyone whose primary residence is in the employee's, commissioner's or municipal officer's home, including non-relatives.

"Municipal officer" means the mayor, members of the city council, and members of the planning commission.

"Official action" means a recommendation, decision, approval, disapproval, vote or other similar action, including inaction by an employee whether such action is administrative, legislative, quasi-judicial, advisory or otherwise.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

“Source of income” means an employer, other person, or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, limited liability company, corporation, professional corporation or other business entity in which the reporting person, spouse, domestic partner, dependent children or nondependent children residing with the reporting person, or a combination of them, hold a controlling interest, that proprietorship, partnership, limited liability company, corporation, professional corporation or other business entity may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers, or if WMC 2.10.040 applies. In all other cases, the clients or customers of the proprietorship, partnership, limited liability company, corporation, professional corporation or other business entity shall be listed as sources of income of the covered individual.

2.10.020 Report of financial and business interests.

A. A candidate for mayor or city council shall file a disclosure statement under this chapter with the city clerk, at the time of filing a nominating petition or letter of intent to seek elective office unless an annual statement is already on file for that calendar year. If a person is seeking appointment to the city council, the applicant shall file a disclosure statement at the time of filing a letter of intent. The clerk shall not accept a nominating petition or letter of intent unless it is accompanied with a disclosure statement and is otherwise in compliance with the requirement of this chapter.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

B. Within 30 calendar days of appointment to the planning commission, each appointee shall file a disclosure statement with the city clerk.

C. Municipal officers shall file a disclosure statement under oath with the city clerk, not later than April 15 of each year that he or she holds office.

2.10.030 Contents of disclosure statement.

A. The statement filed by a municipal officer or candidate under this chapter shall be an accurate representation of the financial affairs of the municipal officer or candidate and shall also reflect the business interests and sources of income for the officer's or candidate's spouse, domestic partner, dependent children, and non-dependent children residing with the officer or candidate (covered individual), to the extent those sources of income or business interests are ascertainable by the officer or candidate. Household goods and personal effects shall not be identified.

B. The statement filed shall include the following information relating to the covered individual:

1. The source of all income over five thousand dollars (\$5,000) during the preceding calendar year, received by the covered individual, including taxable and nontaxable capital gains, except that a source of income that is a gift must be included if the value of the gift exceeds two hundred fifty dollars (\$250);

2. The identity, by name and address, of each business in which the covered individual has an interest or was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year, except that an interest of less than five thousand dollars (\$5,000) in the stock of a publicly traded corporation need not be included;

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

3. The identity and nature of each interest in real property within the City limits, including leases, rentals and options to buy, which is owned, held, or possessed at any time during the preceding calendar year by the covered individual;

4. The identity of each trust or other fiduciary relation in which the covered individual held a beneficial interest exceeding five thousand dollars (\$5,000) during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;

5. Any loan or loan guarantee of more than five thousand dollars (\$5,000) made to the covered individual, and promissory note signed or debt obligation incurred by the covered individual of more than five thousand dollars (\$5,000), and the identity of each lender, guaranteed party, payee, or other creditor to whom the covered individual owed more than five thousand dollars (\$5,000); this subsection requires disclosure of a loan, loan guarantee, note or indebtedness only if the loan, guarantee, or note was made, or the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, note or indebtedness was more than five thousand dollars (\$5,000) at any time during the preceding calendar year. Credit cards accounts, revolving charge accounts, health care bills and obligations, child support, and alimony claims and obligations are exempt from this paragraph and shall not be required to be reported;

6. A list of all contracts and offers to contract with a municipality, the state, or a political subdivision or instrumentality of the state during the preceding calendar year held, bid, or offered by the covered individual;

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

7. A list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar year by the covered individual;

8. A list of all contracts, bids, or offers to contract with the city during the preceding calendar year which are made, offered or agreed to by the covered individual;

9. A description of each business or financial dealing, transaction, or arrangement over five thousand dollars (\$5,000) by a covered individual entered into with any municipal officer of the city; and

10. If a covered individual as defined in WMC 2.10.010 is a sole proprietor or a member of a partnership or limited liability company, or a shareholder in a corporation or a professional corporation in which the covered individual holds a controlling interest, or the owner of a controlling interest in another business entity, then the disclosures required this section apply to the covered individual's sole proprietorship, partnership, limited liability company, corporation, professional corporation, or other business entity.

C. The statement shall be filed with the city clerk on a form approved by city council.

D. All statements required to be filed by this chapter are open to the public for inspection and shall be kept for six (6) years from the date of filing.

2.10.040 Modified requirements for professionals.

Notwithstanding other provisions of this chapter, municipal officials and spouses, domestic partners, and dependents of municipal officers are not required to disclose, as sources of income, the names of individual patients or clients who receive professional services. This exemption shall not apply to the identity of any corporation or other

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

business entity having a contract with the professional producing income of five thousand dollars (\$5,000) or more for services to its members or a defined group, nor to the identity of clients receiving services that do not fall within the covered individual's field of professional expertise.

2.10.050 Refusal or failure to disclose.

A. If a candidate for mayor or city council fails or refuses to file the statement required by WMC 2.10.020, his or her candidate filing shall be refused by the city clerk.

B. A municipal officer who submits a late filing shall be fined as provided for in WMC 1.20.030. The city clerk shall furnish the city council a report of any late annual filings.

C. A municipal officer that refuses or fails to comply with the requirements of this chapter, shall forfeit his or her office. The city clerk shall notify the city council of this violation.

D. A municipal officer who refuses or knowingly fails to make a required disclosure of information as provided in this chapter or who files a statement containing false or misleading information knowing it to be false or misleading, shall be guilty of a violation and upon conviction is punishable by a fine as provided for violations in WMC 1.20.030.

E. A municipal official need only make an affirmative good faith effort to obtain the required information to be disclosed. If the spouse, domestic partner, or dependent of the municipal official refuses to provide such information, the municipal

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official is only required to disclose the information they are aware of or within his power or control.

2.10.060 Conflicts of interest prohibited.

A. A municipal officer or employee of the city may not solicit or receive money for advice or assistance given in the course of their official duties for the city.

B. A municipal officer or employee of the city may not represent a client before the city council for a fee.

C. A municipal officer or employee of the city may not accept a gift, loan, gratuity, or other valuable consideration, or a promise of any of them, with the understanding or agreement, expressed or implied, that he or she will cast a vote or given an opinion, decision, or judgment in a particular manner, in a matter, question, cause, or proceeding which then is or may by law come or be brought before him or her, or with the understanding or agreement that the officer or employee will, in his or her official capacity, act in a particular manner to produce or prevent a particular result.

D. A city council or commission member may not vote on any question in which he or she has a substantial direct or indirect financial interest. Direct or indirect financial interests shall be disclosed to the mayor or presiding officer prior to discussion and a vote on the question. In the event that a council or commission member believes there is a reasonable belief that a conflict exists by another council or commission member, the member shall announce the potential conflict of interest on behalf of another member. The mayor or presiding officer shall rule whether the financial interest exists and whether the member shall be excused from the vote. A decision by the mayor or presiding officer may be overridden by a majority vote of the members

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present, excluding the member deemed to have the possible conflict. A council or commission member who has been excused from voting on a matter under this subsection shall abstain from the discussion on the matter.

1. Whether the direct or indirect financial interest is substantial shall be determined by the mayor or presiding officer on a case-by-case basis, with evaluation of these factors:

- a. Whether the financial interest is a substantial part of the consideration;
- b. Whether the financial interest directly and substantially varies with the outcome of the official action;
- c. Whether the financial interest is immediate and known or conjectural and dependent on factors beyond the official action;
- d. Whether the financial or private interest is significant monetarily; and
- e. Other factors deemed appropriate by the mayor or presiding officer under the specifics of the disclosure and the nature of the action taken before the council or commission.

E. A municipal officer or employee of the city may not use, or permit others to use, any property owned by the city for profit or personal use or benefit, except:

- 1. When available to the public generally, or to a class of residents, on the same terms and conditions;
- 2. When permitted by written personnel policies approved by the city; and
- 3. When, in the conduct of official business, used in a relatively minor way for personal convenience.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

F. A municipal officer or employee of the city shall not take or participate in official action on matters, other than minor or routine issues, affecting a former employer for a period one year from the date of termination of the prior employment.

G. A city employee may not participate in an official action in which he or she, or a member of his or her household, has a substantial financial interest.

H. A municipal officer or employee of the city who leaves municipal service may not for one (1) year after leaving municipal service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the city if the person participated personally and substantially in the matter through the exercise of official action. This restriction on employment after leaving municipal service does not prohibit the city from contracting with a former city employee, or municipal officer on a matter on behalf of the city. The city council may waive application of this restriction by motion upon determination that a proposed action is not adverse to the public interest.

I. A current or former municipal officer, commissioner or employee may not disclose or use information gained in the course of, or by reason of, the person's official duties that could reasonably result in the receipt of any substantial personal or substantial financial benefit for the person or his or her immediate family member unless the information has also been disseminated to the public.

J. A current or former municipal officer or employee may not use or disclose without appropriate authorization, information acquired in the course of official duties that is confidential.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

K. If any section or provision of this chapter is held to be contrary to law by a court of competent jurisdiction, that section or provision shall be deemed invalid. All other sections and provisions of this chapter shall continue in full force and effect.

L. The city clerk shall notify each municipal officer, commissioner, and employee about this chapter annually and at the time of entering into their duties of office or employment.

Section 6. Amendment of subsection. WMC 1.20.030.C, Disposition of scheduled offenses – Fine Schedule, is amended by adding a table entry for WMC 2.10.050, as follows:

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
<u>WMC 2.10.050</u>	<u>Disclosure and Conflict of Interest Statement; late filing</u>	<u>\$100</u>
<u>WMC 2.10.050</u>	<u>Disclosure and Conflict of Interest Statement; false statements</u>	<u>\$500</u>

Section 7. Effective date. Sections 5 and 6 of this ordinance shall take effect if Proposition No. 1 is approved by the voters and upon certification of the October 5, 2010, regular City election. All other sections of this ordinance are effective upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on August 9, 2010.

ATTEST:


 VERNE E. RUPRIGHT, Mayor



KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Holler, Katkus, Larson and Woodruff. Harris absent. Seat D vacant.

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CITY OF WASILLA
LEGISLATION STAFF REPORT

ORDINANCE SERIAL NO. 10-22(SUB) AN ORDINANCE DIRECTING THE CITY CLERK TO SUBMIT THE QUESTION OF EXEMPTION FROM THE ALASKA PUBLIC OFFICES COMMISSION FINANCIAL DISCLOSURE LAW (AS 39.50) TO THE QUALIFIED VOTERS OF THE CITY AT THE OCTOBER 5, 2010, REGULAR CITY ELECTION AND PROVIDING FOR LOCAL ADOPTION OF A CITY OF WASILLA DISCLOSURE AND CONFLICT OF INTEREST LAW.

Agenda of: August 9, 2010

Date: July 28, 2010

Originator: Richard Payne, City Attorney and Kristie Smithers, City Clerk

Route to:	Department	Signature/Date
X	City Attorney	<i>RKP</i>
X	Finance Director	<i>W. [unclear] 7/29/10</i>
X	Interim Deputy Administrator	<i>W. [unclear]</i>
X	City Clerk	<i>K. Smithers</i>

REVIEWED BY MAYOR VERNE E. RUPRIGHT: _____

FISCAL IMPACT: yes\$ or no

Funds Available yes no

Account name/number: none

Attachments: Proposed Ordinance Serial No. 10-22(SUB) (14 pp)

SUMMARY STATEMENT:

In reviewing the requirements of reporting for professionals, the below changes are proposed within this Substitute Ordinance Serial No. 10-22(SUB):

2.10.040 Modified requirements for professionals.

Notwithstanding other provisions of this chapter, municipal officials and spouses, domestic partners, and dependents of municipal officers health care providers, certified public accountants, stock brokers or financial advisors and attorneys are not required to disclose, as sources of income, the names of individual patients or clients who receive professional services. ~~Covered individuals who are the spouses or domestic partners of health care providers, certified public accountants, stock brokers or financial advisors and attorneys are not required to disclose the names of their professional spouse's or domestic partner's individual patients or clients who receive professional service.~~ This exemption shall not apply to the identity of any corporation or

other business entity having a contract with the professional producing income of five thousand dollars (\$5,000) or more for services to its members or a defined group, nor to the identity of clients receiving services that do not fall within the covered individual's field of professional expertise. **However, notwithstanding the aforementioned, a municipal official need only make an affirmative good faith effort to obtain the required information to be disclosed. If the spouse, domestic partner, or dependent of the municipal official refuses to provide such information, the municipal official is only required to disclose the information they are aware of or within his power or control.**

STAFF RECOMMENDATION: Adoption of Ordinance Serial No. 10-22(SUB).



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

ORDINANCE SERIAL NO. 10-22: AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, DIRECTING THE CITY CLERK TO SUBMIT THE QUESTION OF EXEMPTION FROM THE ALASKA PUBLIC OFFICES COMMISSION FINANCIAL DISCLOSURE LAW (AS 39.50) TO THE QUALIFIED VOTERS OF THE CITY AT THE OCTOBER 5, 2010, REGULAR CITY ELECTION AND PROVIDING FOR LOCAL ADOPTION OF A CITY OF WASILLA DISCLOSURE AND CONFLICT OF INTEREST LAW.

Agenda of: June 28, 2010

Date: June 17, 2010

Originator: Marvin Yoder, Interim Deputy Administrator

Route to:	Department	Signature/Date
	City Attorney	<i>RR</i>
	Finance Director	<i>Marvin Yoder 6/17/2010</i>
	Interim Deputy Administrator	<i>Marvin Yoder</i>
	City Clerk	<i>Tomita</i>

REVIEWED BY MAYOR VERNE E. RUPRIGHT: *Verne E. Rupright*

FISCAL IMPACT: yes \$ or no

Funds Available yes no

Account name/number: ###-####-###-##-##

Attachments: Sample City Financial Disclosure Statement (pp11)

SUMMARY STATEMENT:

The City Council has been considering an ethics code rewrite for more than a year. This Ordinance was developed to meet the council's wish for an ethics code and to exempt City Council and Planning Commission members from the Alaska Public Office Commission (APOC) regulations.

The Mayor, City Council and Planning Commission members must file reports with the APOC at the time of filing or appointment to office and annually thereafter. Meeting the requirements of the City of Wasilla ethics code and also be required to follow the APOC regulations is somewhat redundant and could create confusion.

Many municipalities are already exempt from APOC requirements to include the City of Kenai (which this proposed ordinance is modeled after). The Cities of Fairbanks,

Palmer, Kodiak, Homer, Valdez and about 9 other smaller municipalities are also exempt and this year the Ketchikan Gateway Borough is asking their voters to opt out of APOC requirements. Many other municipalities are considering placing the question before the voters this fall.

What would Ballot Proposition A do if passed? Ballot Proposition A would only exempt the City from that portion of State law (AS 39.50) that refers to Public Official Disclosure. Instead, public official disclosure would be governed by a city law (WMC 2.10), which would be effective upon passage of the voters and certification of election by the Council. At that time, a City public disclosure form would be filed instead of a State form.

Why be exempt from the State rules? Since 2008 when additional requirements were added to the State regulations, many residents have been discouraged to serve on the City Council and the Planning Commission. Wasilla has already had one member appointed to its Planning Commission resign because of the State rules.

With the change in law, the State of Alaska intends to post filed statements on the Internet; people are concerned with identity theft and having their personal and immediate family's information posted on the Internet for everyone to view. Other members of the public have indicated they are now not willing to serve in government because the new rules invade too much into their privacy.

The rules adopted by the State of Alaska require a lot more personal and family information to be reported. For example, the new rules require reporting not just sources of income over \$1,000, but the amount of income too. That means a business owner who wishes to serve on the City Council or Planning Commission has to list how much money his/her business makes.

Some business owners do not wish to have to report the amount of income of their business and others, such as retirees, do not wish to report the amount they are drawing from their retirement funds, such as IRAs. There is also concern by some business owners that a list of their clients and customers will be posted on the Internet.

What are the main differences between the State rules and those proposed by the City? The State rules require people reporting to list the amount of their income instead of just sources of income over \$1,000. That means a person owning a business who, for example, serves on the Planning Commission must report how much money his business makes. Under the proposed City's rules, he/she would report the business as a source of income over \$5,000 rather than stating the amount of money made. The State's reporting requirements also require reporting the amount of income from such things as rental property, retirement funds, and interest on bank accounts.

The State's rules require filing an "exit" report when a person leaves office even if they have already filed a financial disclosure form for that year. The City's rules will not require an exit report.

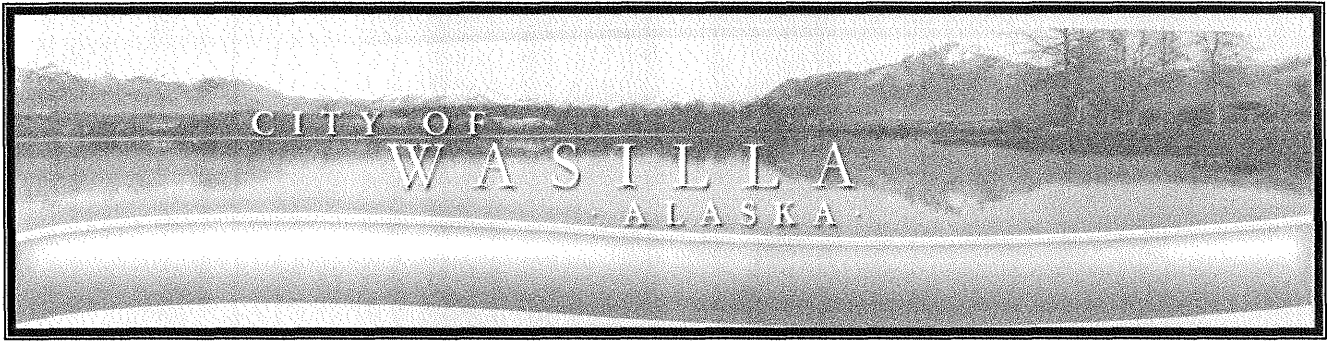
Unlike the State, the City's rules will require municipal officers and candidates to report all contracts with the City of Wasilla and other municipal officers of the City of Wasilla.

The State of Alaska intends on posting the information contained in a person's financial disclosure form on its website. The City of Wasilla will not post them on the Internet, but will have them available upon request at the office of the City Clerk at Wasilla City Hall.

What happens if Proposition A passes? The City of Wasilla will apply its own financial disclosure rules shown in WMC 2.10 and would use its own financial disclosure form. The City financial disclosure forms would be available for inspection by the public at the office of the City Clerk. The Administration believes by adopting the City's own reporting requirements, that it balances the public's right to know about the financial interests of municipal office holders and the office holders' rights of privacy. With the adoption of Proposition A by the voters, this will increase the number of people willing to serve in local government and run for the offices of City Council and Mayor and serve on the Planning Commission. The City Council further believes that expanding the base of citizens willing to serve in local government is a great benefit to the community.

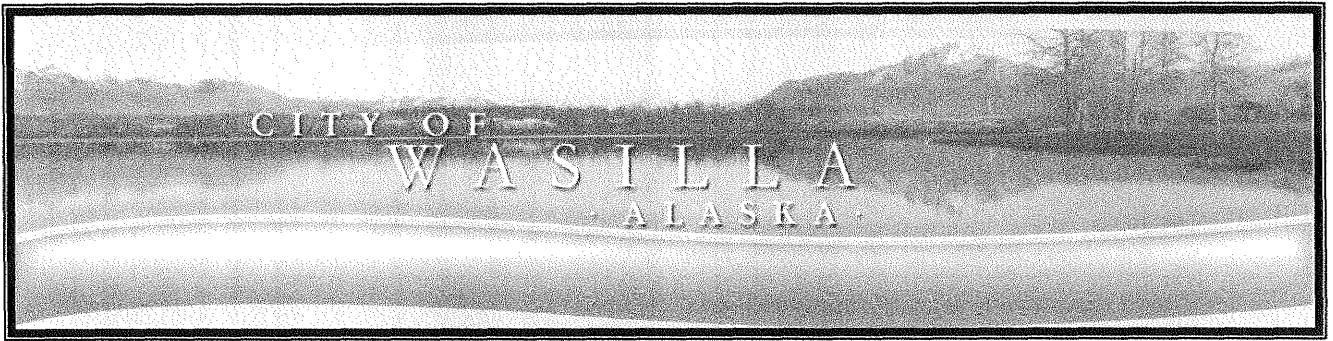
What happens if Proposition A fails? The City of Wasilla would follow the current State of Alaska financial disclosure rule and the State financial disclosure form would be used. The financial information reported on those forms would be posted on the State's Internet site. The Administration believes that requiring such disclosures will drastically reduce the quality and quantity of people willing to serve in local government, such as being on the Planning Commission, or run for City Council and Mayor positions; less citizen participation hurts local government.

STAFF RECOMMENDATION: Adopt of Ordinance Serial No. 10-22 and let the voters decide on Proposition A at the regular City Election of October 5, 2010.



**CITY OF WASILLA
2011 PUBLIC OFFICIAL FINANCIAL DISCLOSURE STATEMENT
BACKGROUND INFORMATION**

- This report is for City of Wasilla Planning Commission members, City of Wasilla candidates, and incumbent Mayor and Council Members.
- This report is for the preceding calendar year, so **include any information about financial interests held between January 1, 2010 and December 31, 2010.**
- You must show your financial interests and those held by your spouse, domestic partner, non-dependent children residing with you, or dependent children during the preceding calendar year.
- If you, your spouse, domestic partner, non-dependent child residing with you or dependent child (“covered individual”) is a sole proprietor, member of a partnership or limited liability company, shareholder in a corporation or a professional corporation in which the covered individual holds a controlling interest, or the owner of a controlling interest in another business entity, then the disclosures required under this form also apply to the covered individual’s sole proprietorship, partnership, limited liability company, corporation professional corporation or the business entity.
- Health care providers as defined in WMC 2.10.010, certified public accountants, stock brokers, or financial advisors, attorneys and their spouses or domestic partners are not required to disclose, as sources of income, the names of individual patients or clients who received professional services. This exemption shall not apply to the identify of any corporation or other business entity having a contract with the professional producing income of \$5,000 or more for services to its members or a defined group, nor to the identity of clients receiving services that do not fall within the professional’s field of expertise.
- If additional pages are needed, please copy the page showing the schedule needed and include your name at the top of each extra page.
- **SIGN AND DATE THIS REPORT ON THE LAST PAGE.**
- Submit completed forms to the Office of the City Clerk annually by April 15 of each year, 30-calendar days within appointment to office, or at the time of filing a nominating petition.
- Late filings will be subject to fines up to \$500 per WMC 1.20.030.C.
- Need assistance? Contact the Wasilla City Clerk at 907.373.9090 or at clerk@ci.wasilla.ak.us.
- This form was approved by the Wasilla City Council Resolution Serial No. 10-xx.



2011 PUBLIC OFFICIAL FINANCIAL DISCLOSURE STATEMENT

Name: _____

Occupation: _____

Mailing Address: _____
(Current Street Address or Post Office Box)

(City/Town and Zip Code)

Phone Number: _____ **Fax:** _____

Office Held: Mayor City Council Seat _____ Planning Commission

Candidate for the Office of: Mayor City Council Seat _____

Term: From: _____ to _____

Type of Statement (Check One):

CANDIDATE STATEMENT Must be filed with your nominating petition

INITIAL STATEMENT For newly appointed municipal officers due within 30 calendar days of appointment

ANNUAL STATEMENT Due by April 15 of each year.

Spouse or Domestic Partner: _____

Dependent Children: _____

Non-Dependent Children Residing With You: _____

**SCHEDULE A
SOURCES OF INCOME OVER \$5,000**

Salaried Employment

If NONE reportable, check box

Report the name of each employer who paid you, your spouse, domestic partner, non-dependent children residing with you, or dependent children more than \$5,000 during calendar year 2010.

Name of filer, spouse, domestic partner or child: _____

Employer's Name: _____

Name of filer, spouse, domestic partner or child: _____

Employer's Name: _____

Name of filer, spouse, domestic partner or child: _____

Employer's Name: _____

Name of filer, spouse, domestic partner or child: _____

Employer's Name: _____

Self-Employment

If NONE reportable, check box

List the name and address of each self-employment business that was a source of income of more than \$5,000 for you, your spouse, domestic partner, non-dependent children residing with you, or dependent child during calendar year 2010.

If the business is non-retail, list the first and last name of each client or customer who paid the business over \$5,000.

Self-employment includes: sole proprietor, partnership, limited liability company, shareholder in a professional corporation; or if you held (individually or with another family member) more than 50% of the stock in a corporation.

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Retail Non-Retail (If you check non-retail, list clients/customers below.)

Name of client/customer: _____

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Retail Non-Retail (If you check non-retail, list clients/customers below.)

Name of client/customer: _____

Schedule A – continued
SOURCES OF INCOME OVER \$5,000

Rental Income

If NONE reportable, check box

List the first and last name of each tenant from whom over \$5,000 was received during calendar year 2010.

Dividends and Interest

If NONE reportable, check box

Report the name of the source of all dividends, interest and capital gains over \$5,000 earned during **CALENDAR YEAR 2010** such as Dean Witter Money market Acct. or CD's in ABC Bank.

- List the name(s) of the asset(s) (not in a retirement account) which paid you, your spouse, domestic partner or child dividends, interest or capital gains of more than \$5,000 last year such as IBM stock or Cordova Municipal Bonds.
- (Report the assets of a retirement account or trust on page 7).

Recipient (filer, spouse, domestic partner or child)

Name of Source of Income

Other Income

If NONE reportable, check box

List each source of income over \$5,000 not listed elsewhere on this statement, including income from public assistance, worker's compensation, unemployment, the name of the buyer of real property; social security; retirement; the name of the person who paid alimony or child support; government entitlements; honoraria and shared living expenses.

Recipient (filer, spouse, domestic partner or child)

Name of Source

Gifts

If NONE reportable, check box

List the source of gifts which have a value of or cumulative value of more than \$250 **except** gifts received from a spouse, domestic partner, parent, child, sibling, grandparent, aunt, uncle, niece or nephew. **Some** examples of gifts include: cash, a debt that is forgiven, scholarships, and discounts not extended to the general public.

Recipient (filer, spouse, domestic partner or child)

Name of Source

**SCHEDULE B
BUSINESS INTERESTS**

Business Interests

If NONE reportable, check box

Report all business interests even if they were not sources of income to you, your spouse, domestic partner, non-dependent child residing with you, or dependent child during **calendar year 2010**.

- List ownership interests of more than \$5,000 as a shareholder in publicly traded stocks that are not listed elsewhere on this form. (A list of the names of publicly traded stocks such as IMB or Intel may be listed by name only on a separate page.)
- List ownership interests in non-publicly traded companies such as a sole proprietor, shareholder, owner, partner, officer, or director including ownership interests in Native corporations.
- List interests in limited liability companies.
- List director or officer position in profit and non-profit organizations.

Describe the business activity with sufficient detail to tell a reader what the organization actually does.

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

**SCHEDULE D
BENEFICIAL INTEREST IN TRUSTS & RETIREMENT ACCOUNTS
EXCEEDING \$5,000**

Trusts & Retirement Accounts

If NONE reportable, check box

Report each beneficial interest in a trust or retirement account held by you, your spouse, domestic partner, non-dependent children residing with you, or dependent children that exceeded \$5,000 during **calendar year 2010**. Retirement accounts include *employee benefit accounts (pension and profit-sharing accounts), and retirement accounts (IRA, 401K, SEP or Keogh)*. Assets of a trust or retirement account include stocks, bonds, mutual funds, cash accounts, CD's, real property.

- Name the trustor (the *person or employer* who provided the funds or assets for the trust or retirement account).
- If a trust or retirement account is self directed, also list *the assets by name such as IBM stock or Templeton Growth Fund*.

Name of filer, spouse, domestic partner or child:

Extent of Interest (Percent)

Name of the person, employer or entity who provided the funds or assets (Trustor).

Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust.

Name of filer, spouse, domestic partner or child:

Extent of Interest (Percent)

Name of the person, employer or entity who provided the funds or assets (Trustor).

Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust.

Name of filer, spouse, domestic partner or child:

Extent of Interest (Percent)

Name of the person, employer or entity who provided the funds or assets (Trustor).

Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust.

Name of filer, spouse, domestic partner or child:

Extent of Interest (Percent)

**SCHEDULE E
LOANS, LOAN GUARANTEES, AND DEBTS OF \$5,000 OR MORE AND
NATURAL RESOURCE LEASES**

Loans, Loan Guarantees, and Debts

If NONE reportable, check box

Report the name of each creditor or lender to whom more than \$5,000 was owed during **calendar year 2010** by you, your spouse, domestic partner, non-dependent children residing with you, or dependent children.

List financial obligations including mortgages on property sold during **calendar year 2010**; loans that have been guaranteed; mortgage, boat and auto loans; business and personal loans; escrows; student loans; signature loans; and promissory notes. Loans include secured, unsecured and contingent loans. Do not report credit card obligations or revolving charge accounts, alimony, child support payments or medical bills.

Name of Debtor (filer, spouse, domestic partner or child)	Name of Lender/Creditor/Guarantor
Name of Debtor (filer, spouse, domestic partner or child)	Name of Lender/Creditor/Guarantor
Name of Debtor (filer, spouse, domestic partner or child)	Name of Lender/Creditor/Guarantor
Name of Debtor (filer, spouse, domestic partner or child)	Name of Lender/Creditor/Guarantor
Name of Debtor (filer, spouse, domestic partner or child)	Name of Lender/Creditor/Guarantor
Name of Debtor (filer, spouse, domestic partner or child)	Name of Lender/Creditor/Guarantor

Natural Resource Leases

If NONE reportable, check box

List all natural resource leases, including mineral, timber, or oil leases bid, held, or offered during **calendar year 2010**. Report this information for yourself, your spouse, domestic partner, non-dependent children residing with you, or dependent child who was a sole proprietor, a partnership or professional corporation of which you are a member, or a corporation in which you or your family members listed above (or a combination of them) held a controlling interest.

Leaseholder	Nature of Lease
Indicate: Bid, held, or offer made	Identity of Lease and Description

**SCHEDULE F
GOVERNMENT CONTRACTS AND LEASES**

Contracts and Offers to Contract

If NONE reportable, check box

List all contracts and offers to contract with the state or instrumentality of the state or a municipality during **calendar year 2010** held, bid or offered. Report this information for yourself, your spouse, domestic partner, non-dependent children residing with you, or dependent children who was a sole proprietor, a partnership or professional corporation of which you are a member, or a corporation in which you or your family members listed above (or a combination of them) held a controlling interest.

Name(s) of Contractor

Contracting Agency/Department

Indicate: Bid, held or offer made

Contract number and description

Name(s) of Contractor

Contracting Agency/Department

Indicate: Bid, held or offer made

Contract number and description

**SCHEDULE G
CONTRACTS AND OFFERS TO CONTRACT WITH THE CITY OF WASILLA**

Contracts and Offers to Contract

If NONE reportable, check box

List all contracts and offers to contract with the City of Wasilla during **calendar year 2010** held, bid or offered. Report this information for yourself, your spouse, domestic partner, non-dependent children residing with you, or dependent children who was a sole proprietor, a partnership or professional corporation of which you are a member, or a corporation in which you or your family members listed above (or a combination of them) held a controlling interest.

Name(s) of Contractor

Contracting Agency/Department

Indicate: Bid, held or offer made

Contract number and description

Name(s) of Contractor

Contracting Agency/Department

Indicate: Bid, held or offer made

Contract number and description

Name(s) of Contractor

Contracting Agency/Department

Indicate: Bid, held or offer made

Contract number and description

SCHEDULE H
BUSINESS OR FINANCIAL DEALINGS OVER \$5,000 WITH ANY
MUNICIPAL OFFICER OF THE CITY OF WASILLA

Business or Financial Dealing

If NONE reportable, check box

List all business or financial dealing over \$5,000 with any municipal officer of the City of Wasilla during **calendar year 2010**. Report this information for yourself, your spouse, domestic partner, non-dependent children residing with you, or dependent children who was a sole proprietor, a partnership or professional corporation of which you are a member; or a corporation in which you or your family members listed above (or a combination of them) held a controlling interest.

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

Name of filer, spouse, domestic partner or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

CERTIFICATION

I certify under penalty of perjury the information in this Statement is to the best of my knowledge, true, correct and complete. I acknowledge a person who makes a false sworn certification which he or she does not believe to be true is guilty of perjury.

SIGNATURE

DATE

Printed Name of Filer

Place where Signed

File this Statement with:

**Wasilla City Clerk
Wasilla City Hall
290 E. Herning Avenue
Wasilla, AK 99654**

Telephone: 907.373.9090

Fax: 907.373.9092

Email: clerk@ci.wasilla.ak.us

If filing by fax or email, must follow-up with original.