

**CITY OF WASILLA
RESOLUTION SERIAL NO. 10-28**

A RESOLUTION OF THE WASILLA CITY COUNCIL MOVING PREVIOUSLY APPROPRIATED FUNDS IN THE AMOUNT OF \$5,000 TO PROVIDE FOR PUBLIC INFORMATION ON CITY BALLOT PROPOSITION 1 THAT WILL BE VOTED ON AT THE OCTOBER 5, 2010, REGULAR CITY ELECTION.

WHEREAS, Ordinance Serial No. 10-22(SUB)(AM) placed Proposition 1 on the City's ballot for the October 5, 2010, Regular City Election; and

WHEREAS, if passed, Proposition 1 would exempt the City from Alaska Public Offices Commission financial disclosure and reporting rules under AS 39.50 thereby placing municipal officers and candidates under the City's financial disclosure and reporting rules that may be adopted by the city voters in the October 5, 2010, Regular City Election; and

WHEREAS, in 2008 the Alaska Legislature amended requirements of AS 39.50 to require municipal officers and candidates to report not only the sources of their income over \$1,000, but also the amounts of their income over \$1,000; and

WHEREAS, the amounts of income required to be reported under the new rules include such things as salary, social security, interest, dividends, rental income and money from retirement funds such as IRA's; and

WHEREAS, that financial disclosure information will be placed on the State of Alaska's internet site; and

WHEREAS, compliance with the new State disclosure requirements has discourage citizens from participating in public service, especially the Planning Commission; and

WHEREAS, decreasing the quantity and quality of those willing to participate in public service for the City of Wasilla will be a significant detriment to the citizens of Wasilla; and

WHEREAS, it is in the best interest of the of the City of Wasilla to provide information to the public on Ballot Proposition 1; and

WHEREAS, AS 15.13.145(b) requires money spent by a municipality to influence the outcome of a ballot proposition to be specifically appropriated for that purpose.

NOW, THEREFORE, BE IT RESOLVED, that the City of Wasilla approves the transfer of previously appropriated funds in the amount of \$5,000 for the purpose of providing public information on Ballot Proposition 1; and

BE IT FURTHER RESOLVED, funds be transferred to the following account:

001-4115-411-50-50 City Council – Printing and Binding \$5,000

BE IT FURTHER RESOLVED, the source of funding is as follows:

001-4115-411.50-81 City Council –Travel \$5,000

ADOPTED by the Wasilla City Council on August 23, 2010.


VERNE E. RUPRIGHT, Mayor

ATTEST:


KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Hall, Harris, Katkus, Larson and Woodruff in favor. Seat D Vacant.



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RESOLUTION SERIAL NO. 10-28: MOVING PREVIOUSLY APPROPRIATED FUNDS IN THE AMOUNT OF \$5,000 TO PROVIDE FOR PUBLIC INFORMATION ON CITY BALLOT PROPOSITION 1 THAT WILL BE VOTED ON AT THE OCTOBER 5, 2010, REGULAR CITY ELECTION.

Agenda of: August 23, 2010
Originator: Mayor Verne Rupright

Date: August 13, 2010

Route to:	Department	Signature/Date
	City Attorney	
X	Finance Director	<i>[Signature]</i>
X	Interim Deputy Administrator	<i>[Signature]</i>
X	City Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR VERNE E. RUPRIGHT: *[Signature]*

FISCAL IMPACT: yes \$5,000 or no Funds Available yes no

Account name/number:

From: 001-4115-411.50-81 City Council, Travel
To: 001-4115-411-50-50 City Council, Printing & Binding

Attachments: Proposed Resolution Serial No. 10-28 (2 pp)
Flyer from APOC *Opting Out of Reporting Requirements Under A.S. 39.50, Public Official Financial Disclosure* (4 pp)

SUMMARY STATEMENT: Ordinance Serial No. 10-22(SUB)(AM) was adopted by the City Council on August 9, 2010, which directs the City Clerk to submit the question of exemption from the Alaska Public Offices Commission financial disclosure law (A.S. 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.

In order to educate the voters on the ballot question, the City must follow guidelines set forth in A.S. 15.13.145. This resolution will allow the City to educate the public and report the expenditure of money under A.S. 15.13.040.

It is planned for the informational flyer to include the questions that were provided in the staff report attached to Ordinance Serial No. 10-22(SUB)(AM).

STAFF RECOMMENDATION: Adoption of Resolution Serial No. 10-28.

Opting Out of Reporting Requirements Under Alaska Statute 39.50, Public Official Financial Disclosure

In response to numerous requests from municipalities and individuals subject to Alaska Statute 39.50, the Public Official Financial Disclosure (POFD) law, the Alaska Public Offices Commission (APOC) has prepared the following information on how a municipality may opt out of these reporting requirements.

Under the same law that requires your municipal officials to file Public Official Financial Disclosure Statements, there is an option for a municipality to exempt their officials from reporting.

The authority to opt out of the POFD reporting requirements can be found in AS 39.50.145, Alaska's Public Official Financial Disclosure Law:

Sec. 39.50.145. Participation by municipalities. A municipality may exempt its municipal officers from the requirements of this chapter if a majority of the voters voting on the question at a regular election, as defined by AS 29.71.800(20), or a special municipality-wide election, vote to exempt its municipal officers from the requirements of this chapter. The question of exemption from the requirements of this chapter may be submitted by the city council or borough assembly by ordinance or by initiative election. (§ 16 ch 25 SLA 1975; am § 1 ch 211 SLA 1975; am § 62 ch 74 SLA 1985)

Some municipalities have chosen to discontinue the reporting requirement entirely and some municipalities have chosen to opt out but to create a simpler version of the requirements and forms.

If your municipality votes to opt out of the reporting requirements, the information is no longer required by the state. If your municipality votes to opt out of the POFD law and substitute a simplified version of financial disclosure reporting requirements, there will be no further requirement for you to provide the information to the Alaska Public Offices Commission.

Of those municipalities that have opted out of the current Public Official Financial Disclosure reporting requirements under AS 39.50, some have modified previous APOC forms and now administer their own version of financial disclosure reporting.

PROCESS FOR OPTING OUT

- Step 1:** The question of exemption from AS 39.50 is submitted by your city council or borough assembly, by ordinance or by initiative election. The city council must approve the ordinance to place the question of exemption from the law on the ballot. (See attached sample language.)
- Step 2:** Educate voters on the ballot question. There are specific guidelines under state law that a municipality must follow if municipal funds are to be used to influence the outcome of a ballot proposition or question. (See AS 15.13.145 below)
- Step 3:** Voters decide at a regular or special municipality-wide election whether or not to opt out of AS 39.50.
- Step 4:** If a majority of voters decide to opt out of POFD reporting requirements, your municipal officials are no longer subject to AS 39.50.
- Step 5:** You must provide APOC with a copy of the official election results indicating that your municipality is no longer subject to the POFD law administered by APOC. Your officials and candidates will not be required to file POFD statements the following year.
- (If a majority of voters decide not to opt out of the POFD reporting requirements, your officials will continue reporting under AS 39.50.)

PROCESS FOR OPTING OUT

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- Step 2:** Educate voters on the ballot question. There are specific guidelines under state law that a municipality must follow if municipal funds are to be used to influence the outcome of a ballot proposition or question. (See AS 15.13.145 below)
- Step 3:** Voters decide at a regular or special municipality-wide election whether or not to opt out of AS 39.50.
- Step 4:** If a majority of voters decide to opt out of POFD reporting requirements, your municipal officials are no longer subject to AS 39.50.
- Step 5:** You must provide APOC with a copy of the official election results indicating that your municipality is no longer subject to the POFD law administered by APOC. Your officials and candidates will not be required to file POFD statements the following year.

(If a majority of voters decide not to opt out of the POFD reporting requirements, your officials will continue reporting under AS 39.50.)

MUNICIPAL APPROPRIATION OF FUNDS TO INFLUENCE THE OUTCOME OF AN ELECTION

Sec. 15.13.145. Money of the state and its political subdivisions. (a) Except as provided in (b) and (c) of this section, each of the following may not use money held by the entity to influence the outcome of the election of a candidate to a state or municipal office:

(1) the state, its agencies, and its corporations;

(2) the University of Alaska and its Board of Regents;

(3) municipalities, school districts, and regional educational attendance areas, or another political subdivision of the state; and

(4) an officer or employee of an entity identified in (1) - (3) of this subsection.

(b) Money held by an entity identified in (a)(1) - (3) of this section may be used to influence the outcome of an election concerning a ballot proposition or question, but only if the funds have been specifically appropriated for that purpose by a state law or a municipal ordinance.

(c) Money held by an entity identified in (a)(1) - (3) of this section may be used

(1) to disseminate information about the time and place of an election and to hold an election;

(2) to provide the public with nonpartisan information about a ballot proposition or question or about all the candidates seeking election to a particular public office.

(d) When expenditure of money is authorized by (b) or (c) of this section and is used to influence the outcome of an election, the expenditures shall be reported to the commission in the same manner as an individual is required to report under AS 15.13.040 . (§ 24 ch 48 SLA 1996)

SAMPLE ORDINANCE FOR PLACING THE QUESTION OF EXEMPTION FROM THE AS 39.50, PUBLIC OFFICIAL FINANCIAL DISCLOSURE LAW ON THE BALLOT

ORDINANCE NO. _____

THE BOROUGH / CITY OF _____ ORDAINS:

That the question of whether or not to exempt municipal officers and candidates for elective office from the requirements of the State of Alaska Public Official Financial Disclosure Law (AS 39.50) shall be placed on the ballot

(1) *at the regular election to be held on _____ (date of the election).*

- OR -

(2) *at a special election called for that purpose and scheduled to be held on _____ (date of special election).*

SAMPLE BALLOT LANGUAGE FOR PLACING THE QUESTION OF EXEMPTION FROM THE PUBLIC OFFICIAL FINANCIAL DISCLOSURE LAW (AS 39.50) ON THE BALLOT

OFFICIAL BALLOT

BOROUGH/CITY OF _____ DATE: _____ PROPOSITION NUMBER _____

Shall the municipal officers and candidates for elective office of the Borough/City of _____ exempt from the requirements of the AS 39.50, Public Official Financial Disclosure Law

YES ____
NO ____

SAMPLE ORDINANCE FOR PLACING THE QUESTION OF EXEMPTION FROM THE AS 39.50, PUBLIC OFFICIAL FINANCIAL DISCLOSURE LAW ON THE BALLOT

ORDINANCE NO. _____

THE BOROUGH / CITY OF _____ ORDAINS:

That the question of whether or not to exempt municipal officers and candidates for elective office from the requirements of the State of Alaska Public Official Financial Disclosure Law (AS 39.50) shall be placed on the ballot

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OFFICIAL BALLOT

BOROUGH/CITY OF _____ DATE: _____ PROPOSITION NUMBER _____

Shall the municipal officers and candidates for elective office of the Borough/City of _____ exempt from the requirements of the AS 39.50, Public Official Financial Disclosure Law

YES ____
NO ____