

ORDINANCE 92-49(A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF HOMER AMENDING CHAPTER 1.12 OF THE CITY  
CODE REGARDING CONFLICTS OF INTEREST

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THE CITY OF HOMER ORDAINS:

Section 1. Subparagraph (b) of § 1.12.010 of the Homer City Code is hereby amended to read as follows:

~~"Official action" means an action taken by an employee or elected official that in and of itself, results or may result in a change in the status of a property interest or of a municipal policy.~~ a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a city official or employee, whether such action or inaction is administrative, legislative, quasi-judicial, advisory, or otherwise.

Section 2. Section 1.12.010 of the Homer City Code is hereby amended by adding subparagraph (c) to read as follows:

(c) "City official" means a person who holds elective office under the ordinances of the city, or who is a member of a board or commission whose appointment is subject to confirmation by the city council.

Section 3. Section 1.12.020 of the Homer City Code is hereby amended to read as follows:

A city council member or Mayor with a substantial financial interest in an official action to be taken by the council has a conflict of interest.

Section 4. Section 1.12.030 of the Homer City Code is hereby amended to read as follows:

A city council member or Mayor with a conflict of interest under § 1.12.020 shall so declare to the body as a whole and ask to be excused from voting on the matter. However, a councilmember or Mayor with a conflict of interest, regardless of whether excused from voting, shall not be allowed to participate in discussion about the matter.

Section 5. Section 1.12.040 of the Homer City Code is hereby amended to read as follows:

The Mayor or, in his absence, the Mayor Pro-tem or other presiding officer, shall rule on a request by a city council member to be excused from voting on a matter because of a declared conflict of interest. The Mayor Pro-tem or other presiding officer shall rule on a request by the Mayor to be excused from participating in a matter because of a declared conflict of interest.

Section 6. A new § 1.12.070 is hereby added to the Homer City Code to read as follows:

A city official or employee who is a voting member of a city board or commission shall disclose any financial interest in any matter before the board or commission before debating or voting upon the matter, and may not participate in the debate or vote upon the matter unless the board or commission determines that a financial interest is not substantial as defined in § 1.12.010.

~~Section 7. A new § 1.12.080 is hereby added to the Homer City Code to read as follows:~~

~~Any determination concerning a conflict of interest made by a board or commission pursuant to § 1.12.070 may be appealed in writing to the city council by any member of the board or commission or the affected official or employee. The determination by the board or commission shall be given effect during the pendency of an appeal.~~

Section 78. A new § 1.12.080~~090~~ is hereby added to the Homer City Code to read as follows:

No city official or employee may testify before the city council or a city board or commission without first disclosing any financial interest which the official or employee has in the subject of the testimony. ~~This section does not authorize a voting member of a board or commission who is disqualified from participating under § 1.12.070 to testify before that board or commission. No city~~

~~official or employee shall represent another person before the board, commission, or council of which the official or employee is a member.~~

Section 89. This ordinance is of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 12<sup>th</sup> day of October, 1992

CITY OF HOMER

  
HARRY F. GREGOIRE, MAYOR

ATTEST:

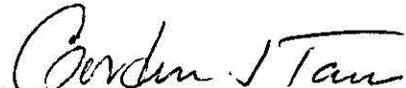
  
MARY L. SHANNON, CITY CLERK

AYES: 5  
NOES: -0-  
ABSTAIN: -0-  
ABSENT: 1

First Reading: 9/14/92  
Public Hearing: 9/29/92  
Second Reading: 10/12/92  
Effective Date: 10/13/92

Reviewed and approved as to form and content:

  
RICHARD LELAND  
CITY MANAGER

  
GORDON J. TANS  
CITY ATTORNEY

