

1 CITY OF HOMER
2 HOMER, ALASKA

3 ORDINANCE 86-22(s)

4 AN ORDINANCE OF THE COMMON COUNCIL OF HOMER, ALASKA,
5 REGARDING CONFLICT OF INTEREST REPEALING CHAPTER
6 1.12 AND SECTION 1.24.050g AND REENACTING CHAPTER
7 1.12, CONFLICT OF INTEREST, AND SECTION 1.24.050g
8 OF THE COUNCIL BY-LAWS.

9 WHEREAS, Alaska Statute 29.20.010 provides that all home rule
10 and general law municipalities must adopt a conflict of interest
11 ordinance; and

12 WHEREAS, it is necessary and appropriate to adopt a conflict
13 of interest ordinance for the City of Homer whereby requirements of
14 compliance are easily accessible to all City Councilmembers, City
15 Officials and other City employees;

16 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

17 Section 1. Chapter 1.12 of the Homer Municipal Code is hereby
18 repealed in its entirety and reenacted as Chapter 1.12, Conflict
19 of Interest, to read as follows:

20 CHAPTER 1.12

21 CONFLICT OF INTEREST

22 Section 1.12.010 Definitions. In this chapter, unless other-
23 wise provided or the context otherwise requires, the following
24 shall have the meanings set forth below.

- 25 a. "Substantial financial interest," means an interest
26 that is:
1. an interest that will result in immediate financial gain or
 2. An interest that will result in financial gain which will occur in the reasonably foreseeable future.
- b. "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.

1 Section 1.12.020 Council member conflict of interest. A City
2 Council member with a substantial financial interest in an official
action to be taken by the council has a conflict of interest.

3 Section 1.12.030 Procedure for declaring. A city council
4 member with a conflict of interest under Section 1.12.020 shall so
declare to the body as a whole and ask to be excused from voting on
5 the matter. However, a city council member with a conflict of
interest, regardless of whether excused from voting, shall not be
6 allowed to participate in discussion about the matter.

7 Section 1.12.040 Presiding officer to rule. The Mayor or, in
his absence, the mayor pro-tem or other presiding officer, shall
8 rule on a request by a city council member to be excused from
voting on a matter because of a declared conflict of interest.

9 Section 1.12.050 Governing body may override. A decision of
10 the mayor or other presiding officer under Section 1.12.040 may be
overridden by a majority vote of the city council.

11 Section 1.12.060 City employees and other city officials. A
12 city employee, or a city official other than a member of the city
council, may not participate in an official action in which he has
13 a substantial financial interest, as defined in Section 1.12.010
(a) and (b).

14
15 Section 2 Section 1.24.050g of the Homer Municipal Code is
16 hereby repealed in its entirety and reenacted to read as follows:

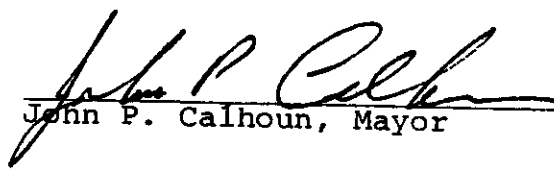
17 g. Conflict of interest:

18 A member of the council shall declare a substantial financial
interest the member has in an official action and ask to be excused
19 from a vote on the matter. The mayor or other presiding officer
shall rule on the request, however, the decision may be overridden by
20 the majority vote of the council. Should a Council person fail to
declare a substantial financial interest and ask to be excused from
21 voting on the matter, after it has been established that he or she
has a substantial financial interest, the Council may move to
22 disqualify that member from voting by a majority vote of the body.
A Council member with a conflict of interest regardless of whether
23 excused from voting, shall not be allowed to participate in
discussion about the matter. "Substantial financial interest" and
24 "official action," for the purpose of this by-law, shall have the
meaning set forth in Section 1.12.010 a. and b. of the Municipal
Code.

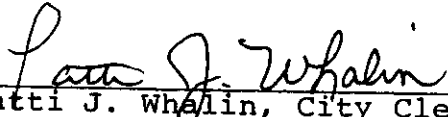
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Dated at Homer, Alaska this day of , 1986.

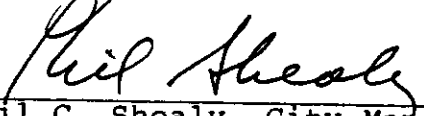
CITY OF HOMER

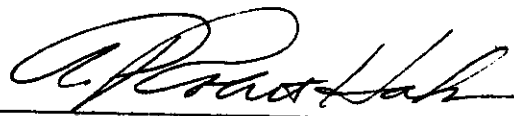

John P. Calhoun, Mayor

ATTEST:


Patti J. Whalin, City Clerk

Reviewed and Approved as to form and content:


Phil C. Shealy, City Manager


A. Robert Hahn, City Attorney

First Reading: 7/28
Public Hearing: 8/11
Second Reading: 8/25
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