

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2023-16

BALLOT PROPOSITION OCTOBER 3, 2023

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA PROPOSING TO AMEND ARTICLE II “THE ASSEMBLY”, SECTION 2.11 “PROHIBITIONS”, OF THE HOME RULE CHARTER OF THE CITY AND BOROUGH OF SITKA, BY PERMITTING SCHOOL BOARD MEMBERS TO HOLD MUNICIPAL EMPLOYMENT, OTHER THAN WITH THE SCHOOL DISTRICT, DURING THEIR TERM OF OFFICE AND THE YEAR AFTER VACATING OFFICE; AND, SUBMITTING THE QUESTION OF SUCH AN AMENDMENT TO THE QUALIFIED VOTERS AT THE REGULAR ELECTION ON OCTOBER 3, 2023

PASSED at the MUNICIPAL ELECTION on October 3, 2023

YES - 1253

NO - 378

1. CLASSIFICATION. All sections of this ordinance, except section 5 regarding the ballot proposition, are of a permanent nature, with section 4 intended to become a part of the Home Rule Charter of the City and Borough of Sitka (“Charter”), if approved by the qualified voters at the October 3, 2023, regular election.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. The purpose of this ordinance is to expand the persons eligible to hold the office of a school board member to include municipal employees, other than with the school district, during his/her term of office or for the period of one year after vacating his/her office, with the understanding that municipal employees, other than with the school district, shouldn’t be prohibited from being a school board member on the basis of an inherent conflict of interest and/or bias. The school district, although a department of the city and borough, is essentially autonomous from the city and borough as to management and operations. It follows that being a municipal employee, other than with the school district, does not create a disqualifying conflict of interest or bias.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Article II, entitled “The Assembly”, Section 2.11, entitled “Prohibitions”, of the Charter, is amended to read as follows (new language underlined; deleted language stricken):

* * *

**HOME RULE CHARTER
ARTICLE II
THE ASSEMBLY**

* * *

Section 2.11 Prohibitions

(a) **Other Public Office or Employment.** After December 2, 1971 no elected municipal officer shall hold any other elective public office, municipal office, or municipal employment during his/her term of office, nor shall he/she hold any compensated appointive municipal office or municipal employment for a period of one year after vacating his office, other than membership on a board or commission, except an elected school board member may hold municipal employment, other than with the school district, during his/her term of office or for the period of one year after vacating his/her office. The relationship of independent contractor for goods or services established through competitive bidding does not constitute municipal employment for the purposes of this section.

(b) **Relationship with Employees.** The assembly shall not recommend or direct the appointment or removal of any officer or employee of the municipal administration except as otherwise provided by this charter. Except for the purpose of inquiry, neither the assembly nor an individual assembly member may give, either publicly or privately, orders on administrative matters to a subordinate to the administrator.

(c) **Representation of Client.** No assembly member may represent any client before any municipal department or agency.

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5. BALLOT PROPOSITION. The following question shall be placed on the ballot at the regular election on October 3, 2023:

Shall the Home Rule Charter of the City and Borough of Sitka be amended to expand the persons eligible to hold the office of a school board member to include municipal employees of the City and Borough of Sitka?

Yes

No

Informational: See ordinance 2023-16. This amendment to the Home Rule Charter would allow municipal employees of the City and Borough of Sitka to be eligible to hold the office of a school board member. This would not apply to Sitka School District employees.

6. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.


The amendment to the Charter set forth in Section 4 hereof shall only become effective if the ballot proposition set forth in Section 5 hereof is approved by a majority of the qualified voters at the regular election held on October 3, 2023.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka,
Alaska this 25th day of July, 2023.



Steven Eisenbeisz, Mayor

ATTEST:



Sara Peterson, MMC
Municipal Clerk

1st reading: 7/11/2023

2nd and final reading: 7/25/2023

Sponsors: Mosher / Pike