



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: All CBS Board, Commission, and Committee Members

From: Municipal Clerk Sara Peterson *SP*

Cc: Municipal Attorney Brian Hanson

Date: February 13, 2018

Subject: Abstention from voting – not allowed

Our office has become aware of an increasing number of Board, Commission, and Committee members who have expressed a desire to abstain from voting on issues. *Abstaining is not allowed.*

Historically, all CBS Boards, Commissions, and Committees have operated under the same procedures and guidelines as the City and Borough of Sitka Assembly. With regards to voting, "Section 2.10 Voting" of the City and Borough of Sitka Home Rule Charter states that each Assembly member must vote unless excused by an affirmative vote of remaining members. "Unless otherwise prohibited by this charter, each assembly member shall vote on each question before the assembly for consideration unless excused by an affirmative vote of all remaining assembly members able to vote on the question."

In addition, Alaska Statutes Title 29 (Municipal Government) "Section 20.160(d) Procedures of governing bodies" reads, "Actions of a governing body are adopted by a majority of the total membership of the body. Each member present shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be recorded "unanimous"."

All CBS Board, Commission, and Committee members *shall vote on each question* unless excused for conflict of interest reasons by the remaining members. Failure to comply, may result in removal from the respective Board, Commission, or Committee by the Assembly.

Sitka General Code Section 1.04.080 speaks to conflict of interest. If a member feels he/she has a conflict and wishes to be excused, the process is as follows:

- At the beginning of the agenda item, *before debate*, the member discloses the suspected conflict of interest. The conflict of interest must be financial, not perceived bias.
- The presiding officer (Chair) makes the decision if there is in fact a conflict of interest. The Board, Commission, or Committee may override the decision of the presiding officer.
- If excused, the member then leaves the table and does not participate in debate or voting.

I hope this helps provide clarification on the issue of abstention. Please feel free to contact our office at 747-1811 or 747-1826 with questions.