

**ORDINANCE NO. 6009, AS AMENDED**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE SECTION 50-461(c) POLITICAL ACTIVITY, TO CLARIFY THE PROHIBITION ON USE OF CITY RESOURCES TO SUPPORT PROPOSED LEGISLATION**

**WHEREAS**, Fairbanks General Code Chapter 50, Article XIII, Section 50-461 regulates political activity by city employees and elected officials; and

**WHEREAS**, as currently written, FGC Sec. 50-461(c) prohibits city employees and elected officials from using city property, material, or resource on behalf of any political organization or candidate; and

**WHEREAS**, Sec. 50-461(c) allows the city council to adopt a motion or resolution in support of a change of law, a ballot proposition, or other issue; and

**WHEREAS**, as currently written, Sec. 50-461(c) leaves open the possibility of an employee or elected official using city property, material, or resource to support a change of law, a ballot proposition, or other issues; and

**WHEREAS**, the current wording of Sec. 50-461(c) does not comport to the spirit of the ordinance; and

**WHEREAS**, the proposed amendment does not inhibit the free speech rights of employees and elected officials;

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** Fairbanks General Code Chapter 50, Article XIII, PROHIBITIONS, Section 50-461. Political activity, subsection (c), is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~striketrough~~ font]:

**ARTICLE XIII. PROHIBITIONS**

**Sec. 50-461. Political activity.**

\* \* \* \* \*

(c) No city employee or elected official shall use any city property, material, or resource on behalf of any political organization or candidate **or to take a position on any ballot proposition or proposed change to state or federal law.** ~~provided that the~~ The city council may by adopted motion or resolution direct that a position be taken on a change of law, a ballot proposition, or any other issue. However, no public funds will be spent to advocate

a position in an attempt to influence an election. Nothing in this section limits the free speech rights of employees or elected officials.

\* \* \* \* \*

**Section 2.** That the effective date of this ordinance shall be the \_\_\_\_ day of May 2016.

\_\_\_\_\_  
**John Eberhart, City Mayor**

AYES: Matherly, Cleworth  
NAYS: Gatewood, Pruhs, Huntington  
ABSENT: None  
FAILED: May 23, 2016

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul Ewers, City Attorney

FAILED