

Presented by: Committee of the Whole
Introduced: 11-06-75
Referred to:

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 340

A RESOLUTION DECLARING THE FORFEITURE OF THE OFFICE OF ASSEMBLYMAN BY LENARD (LEN) SEVDY ON THE GROUNDS THAT HE IS NOT QUALIFIED TO HOLD THE INCOMPATIBLE POSITIONS OF ASSEMBLYMAN AND A POSITION OF COMPENSATION UNDER THE SCHOOL BOARD OF THE CITY AND BOROUGH SCHOOL DISTRICT.

WHEREAS, in the regular municipal election held on October 7, 1975, Lenard (Len) Sevdy was elected to the office of assemblyman from District 3 of the City and Borough of Juneau, and

WHEREAS, the results of said election were certified by the assembly of the City and Borough of Juneau on October 14, 1975, and

WHEREAS, on October 23, 1975 Lenard (Len) Sevdy demanded he be sworn in and seated as assemblyman, and

WHEREAS, on October 23, 1975 the assembly, without waiving its right to later determine the qualifications of Mr. Sevdy to continue to hold office, seated Mr. Sevdy, and

WHEREAS, Mr. Sevdy was in the employment of the school board of the City and Borough of Juneau School District at and prior to his being seated on the assembly, and

WHEREAS, Mr. Sevdy has refused to voluntarily resign his position of employment with said school district, and

WHEREAS, Mr. Sevdy has, on, and after October 24, 1975 performed services for said school district, and

WHEREAS, Mr. Sevdy has accepted compensation from said school district for such services, and

WHEREAS, Mr. Sevdy has continued to occupy both a position as assemblyman and a position of compensated employment with the school district, and

WHEREAS, Mr. Sevdy, by the operation of law, in his capacity as assemblyman will be faced with making decisions on, and approving or disapproving, requests from the

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school board for approval of school board decisions and requests, including, but not limited to, requests for funds for the operation of the schools, requests for construction of new school buildings, requests for rehabilitation, remodeling and major repair of school buildings, requests for concurrence in school board-approved school designs and requests for acquisition of school sites, and

WHEREAS, there exists a conflict of interest when an employee of the school board has the authority to pass judgment on decisions on budgetary requests and policy and planning decisions of his employer-school board, and

WHEREAS, such conflicts cause the position of school board employee and the office of assemblyman to be incompatible, and

WHEREAS, no person may occupy incompatible positions, and

WHEREAS, Mr. Sevdy is not qualified to continue to hold the office of assemblyman as he occupies a position which is incompatible with that of assemblyman;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. Lenard (Len) Sevdy is hereby declared to have forfeited his office of assemblyman under City and Borough Charter section 3.7(a)(1) and the seat to which he was elected is hereby declared to be vacant.

2. This resolution shall be effective upon adoption.

Adopted this 9th day of December, 1975.



Mayor

Attest:



Clerk