Introduced by:	Council Member Dyment & Vice-Mayor Kenick
Introduction Date:	September 12, 2006
Public Hearing:	September 26, 2006 October 6, 2006
Action:	Passed
Vote:	5-1

CITY OF BETHEL, ALASKA

Ordinance #06-23

AN ORDINANCE DETAILING RESPONSIBILITIES OF CITY COUNCIL MEMBERS, MUNICIPAL OFFICERS, APPOINTED OFFICIALS, AND EMPLOYEES, OF THE CITY OF BETHEL AND CONFLICTS OF INTEREST.

WHEREAS the City of Bethel seeks to promote responsible and ethical behavior by City Council Members, Municipal Officers, Appointed Officials and employees of the city;

WHEREAS business decisions to invest in a community are based in part in that the community's reputation for having an honest, law abiding, and fair government;

WHEREAS it is a government's responsibility to earn the trust of it's citizens.

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Addition to Bethel Municipal Code Chapter 2.05 This ordinance shall become an additional chapter to the Bethel Municipal Code:

Chapter 2.05

RESPONSIBILITIES OF CITY COUNCIL MEMBERS, MUNICIPAL OFFICERS, APPOINTED OFFICIALS, AND EMPLOYEES; CONFLICTS OF INTEREST

SECTIONS:

2.05.010 CONDUCT IN OFFICE; INVESTIGATIONS.
2.05.020 OATH.
2.05.030 DELIVERY OF OFFICE.
2.05.040 REPORTS.
2.05.050 RESIGNATION.
2.05.060 CONFLICTS OF INTEREST.

2.05.010 Conduct in office; investigations.

A. Definitions

1. Municipal officers shall include the city manager, the city clerk and the city staff attorney of the city of Bethel.

2. City employees shall include all persons employed full or part time, in a permanent or temporary capacity, in an active or inactive status by the city of Bethel.
3. Appointed officials shall include all committee and commission members

The city manager shall have the power to inquire into the conduct of any office, department, officer, or employee of the municipality and to make investigations into municipal affairs and require that books, papers, and other evidence be made available for inspection. Failure to obey such orders to provide books or other documents or evidence may constitute grounds for the immediate discharge or suspension of any employee in accordance with the municipality's personnel policies, applicable law, or codes of conduct. The city council, by a majority vote, shall have the power to inquire into the conduct of any municipal officer, city council member, or appointed official about matters pertaining or possibly pertaining to administration of their duties which affect the operation of the affairs of the municipality.

2.05.020 Oath.

All ~~permanent~~ employees of the municipality shall before entering upon the duties of their office, individually take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his or her office and trust. This oath shall be filed in their personnel file.

2.05.030 Delivery of office.

Whenever an officer, appointed official, or employee leaves office or employment for any reason, he or she shall promptly deliver to his or her successor in office or to the mayor, manager, or other municipal official all municipal property, including books, working papers, records, money, equipment, and effects, that are in his or her custody, possession, or control.

2.05.040 Reports.

Every department head shall make a monthly report to the city council of the activities of the department for the preceding month and present a calendar of activities for the upcoming month. Subject to approval of the city manager, the department head may appoint someone familiar with the activities of the department to prepare and make the monthly report. Such monthly report shall include a report on the department's finances.

2.05.050 Resignation.

Resignations of municipal officers and appointed officials shall be made in writing and filed with the clerk. The clerk shall immediately notify the mayor or manager and city council. Appointed employees shall follow the resignation procedures in the city's personnel policies.

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2.05.060 Conflicts of interest.

~~A.Definitions~~

~~1.Municipal officers shall include the city manager, the city clerk and the city staff attorney of the city of Bethel.~~

~~2.City employees shall include all persons employed full or part time, in a permanent or temporary capacity, in an active or inactive status by the city of Bethel.~~

~~3.Appointed officials shall include all committee and commission members~~

~~B.~~A. Prohibitions.

1. No elected official, appointed municipal officer, committee or commission member or municipal employee shall use his or her office or official position for the primary purpose of obtaining financial gain for themselves or their spouse, child, parent or business with which he or she is associated or owns stock. This provision does not apply to financial gain from salary under the terms of employment.
2. No elected official (except in the case of a member of the city council where the presiding officer or city council rule otherwise as provided in Subsection (D) of this section), appointed municipal officer, appointed official or municipal employee shall participate in any official action in which he or she has a substantial financial interest. Prohibited participation includes voting as a member of the city council, taking part in debate, soliciting the vote of a member of the city council, or encouraging any municipal official or officer to act in a certain way.
3. No elected official, appointed municipal officer, appointed official or municipal employee may accept from any other elected official, appointed municipal officer, appointed official or municipal employee or any other person, money, gifts valued at more than $10.00, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not prohibit any person from accepting an award or bonus authorized by the city council to be given for meritorious service.
4. No elected official, appointed municipal officer, appointed official or municipal employee, and no other person shall give or offer to give money, gifts valued at more than $10.00, promises of future benefits, or any other thing of value to any elected official, appointed municipal officer, appointed official, or municipal employee for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not prohibit any person from voting for or participating in granting an award or bonus authorized by the city council to be given for meritorious service.

B ~~C.~~ Financial interests which may be conflicts of interest.

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The following is a list of examples of financial interests substantial enough that any member of the city council, appointed officer, appointed official or municipal employee who falls under any of the categories listed below should not vote or act on. The categories below are not meant to be a complete listing of all possible conflicts of interest. Any instances not covered below should come before the city council for a vote as the individual matters arise. A member of the city council, appointed officer, appointed official or municipal employee should abstain from voting or refrain from acting if:

1. He or she (or a member of his or her immediate family) individually, jointly, or in partnership with another has an interest in land or buildings, other than his or her residence, which will be affected by the vote or action.
2. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of one thousand dollars ($1,000.00) or more in value that will be affected by the vote or action.
3. He or she (or a member of his or her immediate family) is individually, jointly, or in partnership with another the owner of a business, or has an interest in a business of one thousand dollars ($1,000.00) or more that will be affected by the vote or action.
4. He or she (or a member of his or her immediate family) is a member of a board or directors or city council or an officer of, or holds a management position with an organization that has financial dealings of one thousand dollars ($1,000.00) or more in value with the municipality that will be affected by his or her vote or action.
5. He or she is an employee of an organization that has financial dealings of one thousand dollars ($1,000.00) or more in value with the municipality that will be affected by his or her vote or action.

C ~~D~~. Conflicts of interest and disclosure; city council members.

1. Each member of the city council shall disclose any financial interest he or she may have in any matter that comes before the city council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.
2. The mayor shall rule on the request of a member of the city council to be excused from voting on a matter in which the member has or believes he or she has a substantial financial interest, unless the mayor is the member making the request or has the same or a similar or related financial interest in the same matter, in which case the city council shall designate another council member who has no financial interest in the matter to rule on the request.
3. The decision of the mayor (or designated member of the city council) on the member's request to be excused from voting may be overridden by a majority vote of the city council. Neither the council member making the request nor any other council member, who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.

4. If any resident of the municipality believes that a member of the city council may have an undisclosed conflict of interest, the resident may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the mayor, any other member of the city council chosen by the resident requesting the meeting) and the council member who may have a conflict of interest. If, as a result of the confidential meeting, the member of the city council with the potential conflict or the mayor decides that the financial interest must be disclosed to the city council, the member of the city council shall disclose the interest to the city council as provided in Subsection D(1) above.
5. A member of the city council who has a substantial financial interest in a matter before the city council, and who has been excused from voting on that matter, may not participate as a council member in the debate on the matter. If the matter is discussed by the city council in executive session, the member shall be excluded during the executive session.
6. If a conflict of interest is discovered after an official action has been undertaken or completed, the city council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action or to take any other remedial steps necessary.

D ~~E~~. Conflicts of interest and disclosure; municipal officers, appointed officials, and employees.

1. Each municipal officer, appointed official and employee shall disclose any financial interest he or she may have in any matter that has come before the municipal officer, appointed official or employee for action in the course of his or her duties. If either the municipal officer, appointed official or employee making the disclosure, the mayor, (or, in the case of city employees, the city manager) concludes that the financial interest in question is substantial, then the municipal officer, appointed official or employee shall not act or participate in taking action on the matter.
2. Any resident of the municipality who thinks that a municipal officer, appointed official or employee may have an undisclosed conflict of interest may request a confidential meeting with the city manager (in the case of a city employee) or the mayor (in the case of a city municipal officer or appointed official) and the municipal officer, appointed official or employee who may have a conflict of interest. If, as a result of the confidential meeting, the municipal officer, appointed official or employee with the potential conflict concludes that he or she should refrain from acting on the matter, or the city manager (or the mayor) directs the municipal officer, appointed official or employee to refrain from acting on the matter, all proceedings of the meeting with the resident and the city manager (or mayor) will remain confidential. If neither the municipal officer, appointed official or employee

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nor the city manager (or mayor) decides that the municipal officer, appointed official or employee must refrain from acting, the resident may request the city council to consider the matter at its next regular meeting.

E ~~F~~. Violations.

1. Any member of the city council, who violates this chapter by knowingly refusing to disclose a financial interest as required by this section, may be censured by the city council. Such censure shall be made upon a two-thirds majority vote of the city council. No member of the city council may vote on any question of his or her own censure, but may participate in any discussion and debate on the matter.
2. Any municipal officer who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be terminated from employment by a 2/3 vote of the city council in accordance with the municipal officer's contract with the City of Bethel. The municipal officer has the right to address the city council before any vote on the matter.
3. Any appointed official who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be suspended or permanently removed from the committee or commission. Such removal or suspension shall be made upon a two-thirds majority vote of the city council. Any suspension shall be for a period of up to ninety days. The appointed official has the right to address the city council before any vote on the matter.
4. Any employee who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be terminated from employment by the city manager in accordance with the municipality's personnel policies and applicable law. The employee has the right to address the city manager before any decision on the matter.

SECTION 3. Effective Date. This chapter shall become effective upon passage by the Bethel City Council.

ENACTED THIS 6th DAY OF OCTOBER 2006, BY A VOTE OF 5 IN FAVOR AND 1 OPPOSED.

R. Thor Williams, Mayor

ATTEST:

Sandra Modigh, City Clerk