

Introduced by: Vice Mayor Robb  
Date: May 27, 2014  
Public Hearing: June 10, 2014  
Action: Passed  
Vote: 7-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance #14-15**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE, PERSONNEL RULES AND REGULATIONS CHAPTERS 3.04.010, DEFINITIONS AND 3.64.050, SPECIAL PROVISIONS EMPLOYMENT OF RELATIVES**

**WHEREAS**, the BMC has a very broad definition of relative, which can inhibit hiring of qualified employees;

**WHEREAS**, the scope should be narrowed to immediate family members;

**WHEREAS**, an existing employee should not lose his or her job due to political activity or advancement of an immediate family member;

**WHEREAS**, immediate family members should not be in a supervisor/subordinate relationship at work;

**WHEREAS**, there is a need to protect the city from blatant nepotism;

**NOW, THEREFORE BE IT ENACTED**, by the City Council of Bethel Alaska as follows:

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

**SECTION 2. Amendment.** The Bethel Municipal Code Sections 3.04.010 and 3.64.050 are amended as follows (new language is underlined and ~~old language is stricken out~~):

#### **3.04.010 Definitions.**

As used in this title:

A. "Appointment" means those methods by which a person is designated to fill a specific vacant position.

B. "At will" means an employment relationship that can be terminated by either the employee or the employer at any time for any reason or no reason, with or without notice.

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C. "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience or skill, and such other characteristics that the same title, the same test of fitness and the same range of compensation apply to each position in the group.

D. "Classification" means the process of obtaining adequate position descriptions, gathering necessary additional information, making comparison with other position descriptions and with class specifications, etc., and finally, of taking official action by allocating a position to a particular pay range.

E. "Classification plan" means the orderly arrangement into classes of all positions in the city service, and a listing of class title, class codes and pay ranges assigned to each class.

F. "Department" means a city department as authorized by municipal ordinance. Authorized departments are administration, finance, fire, police, public works, and community services.

G. "Department head" means the highest supervisory position of a city department.

H. "Discipline" means a procedure or action taken to correct deficient performance; or punishment for not following set policies and procedures; or an action taken against an employee to maintain order and control.

I. "Employee" means any person in the employ of the city who is not within the collective bargaining unit and whose activities are directed by the city.

J. "Examination" means objective evaluation of skills, experience, education and other characteristics demonstrating the ability of a person to perform the duties required of a position.

K. "Immediate family" means the employee's ~~spouse~~ husband or wife, domestic partner, significant other, children, stepchildren, mother, father, step mother, step-father, mother-in-law, father-in-law, brothers or sisters. ~~It also includes other family members who reside permanently with the employee.~~

L. "Manager" means the city manager or his/her designee.

M. "Personnel office" means that office designated by the city manager to take care of and be responsible for personnel matters within the city job service.

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N. "Position" means the duties and responsibilities assigned to an employee requiring full-time or part-time employment.

O. "Promotion" means a change in status of an employee from a position of one (1) class to a position of another class having a higher salary range.

P. "Rehire" means an appointment into a position in the same class of positions from which the employee separated in good standing, or into a position in a parallel class.

Q. "Reinstatement" means replacement of an employee into a position in the same class occupied previously or a parallel class when there has been no break in service, for one (1) of the following reasons:

1. Timely return from military leave or as otherwise required by law;
2. Return of an employee from authorized injury leave or leave without pay.

R. "Relative" means any person who is related by marriage or blood to an applicant or employee.

S. "Separation" means cessation of the work relationship between the city and an employee for any reason including death, dismissal, layoff, resignation and retirement.

T. "Suspension" means an enforced unpaid leave for disciplinary reasons or pending investigation of charges made against an employee.

U. "Temporary employee" means an employee appointed on a temporary or interim basis to a position and subject to the provisions of these rules.

v) "Supervisory" being in the same chain of command.

### **3.64.050 Employment of relatives. Immediate Family members.**

~~No person may be employed in a position in any department who is a relative of the city manager, the department head, or a member of the city council. No person may be employed in a position supervised by a relative. No person may be employed in a position in any department who is a relative of another employee in the department, without the written, advance approval of the city manager.~~

~~The city manager may, at any time, re-evaluate the effect of having relatives working in the same department on the performance of either relative and the operation of the~~

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~~department involved. This re-evaluation may result in the transfer or termination of one (1) of the affected parties.~~

a. No person may be employed in any position who is an immediate family member of the city manager.

b. No person may be hired in any position who is an immediate family member of the department head; nor can any person be hired, promoted, or transferred into a department head position while that department employees an immediate family member.

c. No person may be hired as a management employee as defined by 3.12.070 who is an immediate family member of a member of the city council.

d. No person may be hired, transferred, or otherwise put into a position to be a direct supervisor or direct report of an immediate family member.

e. If two employees marry or otherwise become related, as defined by immediate family member, neither of the employees will be allowed to hold supervisory authority over the other one.

f. The city may, at any time, correct appointments and continued employment prohibited in this section by transfer, layoff, demotion or termination of employment. (1) In doing so, the City Manager shall take such corrective action which has the least adverse impact on the employees necessary to cure the prohibited appointment or continued employment, provided such corrective action shall always be in the best interests of the city.

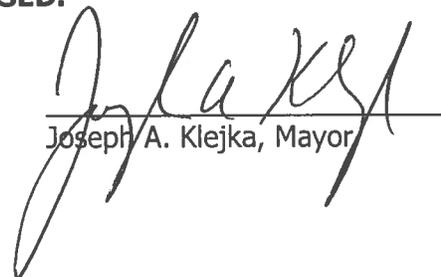
**SECTION 3. Effective Date.** This Ordinance shall become effective upon the passage by the Bethel City Council.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL ALASKA, THIS 10<sup>th</sup> DAY OF JUNE, BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
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Lori Strickler, City Clerk

City of Bethel, Alaska

  
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Joseph A. Klejka, Mayor

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Introduced by: Interim City Manager  
Moyer  
Date: July 22, 2014  
Public Hearing: August 12, 2014  
Action: Passed  
Vote: 6-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance #14-17**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 4.20 PURCHASING**

**THEREFORE BE IT ORDAINED** by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

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

**SECTION 2. Amending BMC Title 4.20** The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.20.100 Competitive sealed proposals.

A. Conditions for Use. When the purchasing agent determines, in writing, that the use of competitive sealed bidding is either not practicable or not advantageous to the city, a contract may be entered into by use of the competitive sealed proposal method.

B. Request for Proposals. Proposals shall be solicited through a request for proposals.

C. Public Notice. Adequate public notice of the request for proposals shall be given in the same manner as provided in BMC 4.20.090(C).

D. Receipt of Proposals. No proposals shall be handled so as to permit disclosure of the identity of any offeror or the content of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award. The name of the proposer may be disclosed to the City Council upon presentation of a negotiated contract for review and possible approval.

E. Evaluation Factors. The request for proposals shall state the relative importance of price and other evaluation factors. The evaluation factors shall include a statement that

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any local business submitting a proposal shall receive a five (5) percent preference in evaluating the proposed price.

F. Discussion with Responsible Offerors and Revisions to Proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors, or of any information derived from proposals submitted by competing offerors.

G. Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city, taking into consideration price and the evaluation factors set forth in the evaluation. The contract file shall contain the basis on which the award was made.

**SECTION 5. Effective Date.** This section shall become effective August 13, 2014.

**ENACTED THIS 12<sup>TH</sup> DAY OF AUGUST 2014, BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
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Lori Strickler, City Clerk

  
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Joseph A. Klejka, Mayor