

Introduced by: Council Member Albertson
Introduction Date: September 10, 2019
Public Hearing: September 24, 2019
October 8, 2019
Action: Passed
Vote: 5-0

CITY OF BETHEL, ALASKA

Ordinance #19-19

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 2.50, CITY OFFICERS GENERALLY AND REPEALING AND REPLACING 2.60, BOARD OF ETHICS IN THE BETHEL MUNICIPAL CODE

WHEREAS, the Bethel City Council, acting as the Board of Ethics finds the provisions of chapter 2.06 to be confusing and difficult to process;

WHEREAS, it is in the best interest of the community members and our public officials to have clear and concise code provisions to help ensure fair processing and evaluation of ethical complaints;

WHEREAS, the council further finds the submission of a complaint to an attorney acting as a hearing officer examiner as opposed to a lay board, more ;

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 permanent and general in nature and shall be placed in the Bethel Municipal Code

SECTION 2. Amendment The Bethel Municipal Code Section 2.05, is amended as follows (new language is underlined and ~~old language is stricken out~~).

Chapter 2.05

CITY OFFICERS GENERALLY

Sections:

- 2.05.010 Definitions.
- 2.05.020 Oath.
- 2.05.030 Resignation.
- 2.05.040 Conflicts of interest and code of ethics – Generally.
- 2.05.050 Improper influence in grants, contracts, or leases.
- 2.05.060 Representative of the city of Bethel.

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- 2.05.070 Outside employment restricted.
- 2.05.080 Report of financial and business interests.
- 2.05.090 Contents of statement.
- 2.05.100 Modified requirements for professionals.
- 2.05.110 Administration and inspection.
- 2.05.120 Records, public information.
- 2.05.130 Refusal or failure to disclose.
- 2.05.140 Application of state statutes.
- 2.05.150 Conflict of interest – Elected city officials.
- 2.05.160 Conflict of interest – Municipal employee.
- 2.05.170 Procedure for declaring potential conflicts of interest – City manager.
- 2.05.180 Conflict with collective bargaining agreement.
- 2.05.190 Employment prohibited.
- 2.05.200 Political activity.
- 2.05.210 Procedures for violation reporting.
- 2.05.220 Conformity to law.

2.05.010 Definitions.

As used in this chapter, the following definitions shall apply:

- A. "Appointed body" means any municipal commission, board, or committee created by ordinance or resolution with members of the public appointed subject to the confirmation by the city council.
- B. "Appointed official" means a board or commission member appointed by the mayor subject to confirmation by the city council.
- C. "City official" means a person who holds elective office under the ordinances of the city, or who is a member of a board or commission whose appointment is subject to confirmation by the city council.
- D. "Elected official" means a person holding an elective office subject to municipal elections under this code.
- E. "Financial interest" includes the receipt of a pecuniary benefit or the expectation of a pecuniary benefit.
 - 1. A financial interest of a person includes a financial interest of any member of the person's household.
 - 2. A person has a financial interest in an organization if the person:
 - a. Has an ownership interest in the organization; or

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b. Is a director, officer or employee of the organization.

3. Whether a financial interest is substantial is determined on a case-by-case basis.

F. "Hired consultant and contractors" means a person or organization hired by the city as an independent contractor and not as an employee.

G. "Immediate family member" means:

1. The spouse of the person;
2. Another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
3. A child, including a stepchild and an adoptive child, of the person;
4. A parent, sibling, grandparent, aunt or uncle of the person; and
5. A parent or sibling of the person's spouse.

H. "Municipal employee" means any person employed by the city, whether full time or part time, temporary or permanent, but excluding elected officials and appointed officials.

I. "Municipal officer" includes the city manager, city attorney and city clerk.

J. "Source of income" means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them holds a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them holds a controlling interest.

2.05.020 Oath.

All municipal officers and city officials 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.

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2.05.0XX Prohibited conduct.

~~A. Municipal employees and city officials may not discriminate, harass, bully or engage in abusive conduct or retaliate against another individual while in their official capacity.~~

~~B. A council member shall not make false statements on which the council, city staff or other agencies rely to establish policy or make important decisions. A council member violates this rule if he/she knows it is untrue, or if the person has knowledge that would lead a reasonable person of ordinary prudence to conclude that the statement is untrue.~~

~~C. A council member shall not divulge confidential information until or unless:~~

- ~~1. The council itself has made the information public; or~~
- ~~2. The reason for the confidentiality has passed.~~

2.05.030 — Resignation.

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

2.05.040 Conflicts of interest and code of ethics – Generally.

A. A person subject to the requirements of this chapter may not:

1. Use their official position or office for the primary purpose of obtaining personal financial gain or financial gain for an immediate family member or business with which the person is associated or in which the person owns stock. This provision does not apply to financial gain from salary under the terms of employment.
2. No city official shall use the implied authority of office or position for the purposes of unduly influencing the decision of others, or promoting a personal interest within the community. City officials will refrain from using their title except when duly representing the city in an authorized capacity. Unless duly appointed by the council to represent the interest of the full council, councilmembers shall refrain from implying their representation of the whole by the use of their title.
3. Solicit or receive money for advice or assistance given in the course of the officer's or employee's employment or relating to that employment.
4. Represent a client before the city council for a fee, ~~except employee members of the unions pursuant to labor agreements.~~ Serve as a paid consultant on a private

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interest or as a paid representative of any person or entity before a municipal department, utility, or elected or appointed public body of the City.

5. Solicit or accept a gift if it can be reasonably inferred that the gift is intended to influence the elected official's independence of judgment in the exercise of official duties.

a. An item is a "gift" under this subsection if it is:

i. Money, an item of value, service, loan, travel or hospitality accommodation, entertainment, or employment; and

ii. Provided to an elected official, or to another person or entity designated by the elected official, for less than full value.

b. Unless rebutted by other factors, food or beverage for immediate consumption is presumed not to be given under circumstances in which it could be reasonably inferred that they are intended to influence the elected official's independence of judgment in the exercise of official duties.

c. The following unsolicited gifts are allowed; provided, that if disclosure is required, the gift disclosure form is timely filed with the municipal clerk within thirty (30) days of the receipt of the gift:

i. Payment for a business meal offered as a courtesy in the context of municipal duties; provided, that such meals shall not be accepted on a basis so frequent from any one (1) source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. No disclosure is required.

ii. A discount or price available to public sector officials generally, or to a large business category of public officials to which the elected officials belong. No disclosure is required.

iii. A monetary gift or award presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or nonprofit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift or award in excess of one hundred fifty dollars (\$150).

iv. A perishable gift for immediate consumption or display, from member(s) of the public expressing general gratitude or holiday cheer. No disclosure is required.

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v. In-state travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any municipal expense for the travel. No disclosure is required. Out of state gifts of travel and hospitality related to providing or obtaining information primarily of matters related to the duties of the elected official are allowed. Gifts in this category in excess of two hundred fifty dollars (\$250) shall be disclosed to the council prior to acceptance.

d. Gifts that are not connected with the recipient's status as an elected official are outside the scope of this chapter and no disclosure is required.

6. No city official may vote on any question in which the member has a direct or indirect substantial financial interest. Direct or indirect financial interest shall be disclosed to the presiding officer prior to the discussion on the question, for a ruling on a request from the member with the financial interest to be excused from discussion vote. The decision of the presiding officer on a request by a member of the governing body or an appointed body to be excused from a vote may be overridden by the majority vote of the body. If there are not at least four (4) members in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four (4) members qualified to vote on the matter are in attendance.

7. No city official, 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.

8. No city official, municipal officer or municipal employee may disclose information he or she knows to be confidential concerning employees of the city, city property, city government, or other city affairs, including but not limited to confidential information disclosed during an executive session, unless authorized or required by law to do so.

B. Nothing in this section is intended to limit the scope of additional restrictions, prohibitions and disclosure requirements applicable to municipal employees, appointees and elected officials under this chapter.

2.05.050 Improper influence in grants, contracts, or leases.

A. A municipal officer or municipal employee, or immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a substantial personal or substantial financial interest in a city grant, contract, or lease if the municipal officer or

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public employee may take or withhold official action that affects the award, execution, or administration of the city grant, contract, or lease.

B. The prohibition in subsection A of this section does not apply to a city grant, contract, or lease competitively solicited unless the employee:

1. Is employed by the department or division awarding the grant, contract, or lease, or is employed by the department or division for which the grant, contract, or lease is let;
2. Takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

C. A municipal employee shall report in writing to his/her supervisor any personal or financial interest held by the employee, or an immediate family member, in a city grant, contract, or lease that is awarded, executed, or administered by the department or division served by the employee.

D. The city council may provide a waiver from this section as provided in BMC 4.20.240.

2.05.060 Representative of the city of Bethel.

City officials, municipal officers, and municipal employees of the city of Bethel shall support the direction of the city council when representing the city of Bethel or acting on behalf of the city. All such individuals shall clearly make known any personal communication or action which contradicts city council direction as representing their own personal views and/or ideas.

2.05.070 Outside employment restricted.

Municipal employees shall not engage in any employment or self-employment which is incompatible with or in conflict with his/her public employment. A public employee who wishes to engage in other employment or self-employment shall request prior approval from the city manager. If the manager determines that the employment is not incompatible and is not in conflict with the proper discharge of official duties, the manager may give written approval. Any change in an employee's approved outside service or employment activities must be reported to the city manager. If the employee is the city manager, city attorney, or city clerk, the employee shall request approval from the city council, which will have the responsibility for determining compatibility, and, upon a determination that the services or employment are not incompatible or in conflict with official duties, may approve the services or employment in writing.

2.05.080 Report of financial and business interests.

A. A candidate for elective municipal office shall file a statement under oath with the city clerk, at the time of filing a nominating petition and declaration of candidacy,

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specifying the candidate's business interests and income sources, and shall file a similar statement of income sources and business interests with the city clerk not later than April fifteenth (15th) of each year that they hold office.

B. The city manager and any appointed councilmember and planning commissioner shall file a statement under oath with the city clerk, within thirty (30) days after appointment to office, specifying sources of business interests and income.

2.05.090 Contents of statement.

A. The statement filed by the city manager, elected official, planning commissioner or candidate under this chapter shall be an accurate representation of the financial affairs of the business interests and sources of income for the officer or the officer's immediate family, to the extent those sources of income or business interests are ascertainable by the officer or candidate.

B. The statement filed shall include the following information relating to the filer's immediate family living in the household excluding filer's dependent children:

1. The source of all income of five thousand dollars (\$5,000) during the preceding calendar year, including taxable capital gains, except that a source of income that is a gift must be included if the value of the gift exceeds two hundred fifty dollars (\$250);
2. The name and address of each business entity owned or in which an interest was held during the preceding calendar year, including a statement of the nature of the interest owned or held, except that an interest held in a retirement account or an interest of less than five thousand dollars (\$5,000) in the stock of a publicly traded corporation need not be included;
3. The name and address of each business in which the filer is an officer, director, manager, or employee during the preceding calendar year;
4. The identity and nature of each interest in real property located within the city limits, including an option to buy, owned at any time during the preceding calendar year;
5. A list of all contracts, bids, or offers to contract with the city during the preceding year, including those made through a proprietorship, partnership, or corporation in which the filer or an immediate family member, or a combination of them, holds a controlling interest.

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2.05.100 Modified requirements for professionals.

Notwithstanding other provisions of this chapter, medical and psychiatric doctors, attorneys, psychologists or other professionals are not required to disclose as sources of income the names of individual patients or clients who receive professional services normally considered to be confidential. This exemption shall not apply to the identity of any corporation or other business entity having a contract with the professional producing income of five thousand dollars (\$5,000) or more for services to its members or a defined group, nor to the identity of clients receiving services that do not fall within the candidate's or official's field of professional expertise.

2.05.110 Administration and inspection.

The city clerk shall administer the provisions of this chapter. The clerk shall prepare and keep available for distribution standardized forms on which the reports required by this chapter shall be filed. The city clerk may make such alterations to the forms as may be necessary.

2.05.120 Records, public information.

All statements required to be filed by this chapter are public records.

2.05.130 Refusal or failure to disclose.

A. If a candidate fails or refuses to file the statement required by this chapter, his or her filing shall be refused or, if previously accepted, shall be returned and his or her name shall be withheld or removed from the filing records of candidates.

B. A person who refuses or knowingly fails to make a required disclosure of information as provided in this chapter or who files a statement containing false or misleading information knowing it to be false or misleading shall be guilty of a violation and upon conviction is punishable by a fine as provided for violations in Chapter 1.08 BMC and may be removed from the office in which they are seated.

2.05.140 Application of state statutes.

A. Nothing in this chapter is intended to curtail, modify, or otherwise circumvent the application of the Alaska Statutes to any conduct involving bribery or other offenses against public administration.

B. All municipal officers as defined by AS 39.50 are exempt from the provisions of AS 39.50 relating to conflicts of interest or financial disclosures.

2.05.150 Conflict of interest – Elected city officials.

A. Except as provided herein a city official may not participate in any official action in which the official or a member of the official's immediate family has a substantial financial interest. For purposes of this section participation shall not include discussing

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the matter with city officials or addressing the city council as a private citizen, but shall include voting and participating in the debate as a councilmember.

B. A city official shall disclose any substantial financial interest in any matter before the body, prior to debating or voting upon the matter. Any official of the body may raise a question concerning another member's financial interests, in which case the member in question shall disclose relevant facts concerning the official's financial interests in the subject of the action.

C. Whether the direct or indirect financial interest is substantial shall be determined by the presiding officer on a case-by-case basis, with evaluation of these factors:

1. Whether the financial interest is a substantial part of the consideration;
2. Whether the financial interest directly and substantially varies with the outcome of the official action;
3. Whether the financial interest is immediate and known or conjectural and dependent on the factors beyond the official action;
4. Whether the financial or private interest is monetarily significant;
5. Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council body, or commission.

D. After a city official has made known any substantial financial interest in any question to be voted upon by the body:

1. The officer shall ask to be excused from the debate and vote on the matter;
2. The presiding officer shall rule on the request;
3. The decision of the presiding officer shall be final unless overridden by a majority vote of the body.

E. In the event that the official with a substantial financial interest is the presiding officer, the request shall be ruled upon by a vote of the body. An official may not participate in the matter if the presiding officer or a majority vote of the body determines the financial interest is substantial. Neither the city official making the request nor any other city official, 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.

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2.05.160 Conflict of interest – Municipal employee.

A municipal employee shall not participate in an official action in which the employee or a member of the employee’s immediate family has a substantial financial or private interest. A municipal employee shall disclose, in written narrative form, to their supervisor the employee’s financial or private interest in official action and the financial or private interest of any member of the employee’s immediate family as defined in BMC 2.05.010(E), if the employee’s duties could influence the official action.

A. Whether the municipal employee is prohibited from participation in official action due to substantial financial or private interest shall be determined by the city manager with evaluation of these factors:

1. Whether the financial or private interest held by the employee or a family member is a substantial part of the official action under consideration;
2. Whether the financial or private interest varies directly and substantially with the outcome of the official action;
3. Whether the financial or private interest is monetarily significant;
4. Whether the public disclosure requirements applicable to municipal employees under this chapter have been fully met;
5. Whether public disclosure of the municipal employee’s financial or private interest and management of the potential for conflict of interest are sufficient to maintain the integrity of the decision making process.

B. The determination of the city manager shall be filed with the municipal clerk as a public record.

C. A complaint to the city manager or mayor for conflict of interest based on substantial financial or private interest in official action by a municipal employee shall be filed as a notice of potential violation under BMC 2.05.210.

2.05.170 Procedure for declaring potential conflicts of interest – City manager.

The city manager who has or may have a substantial financial interest in an official action shall disclose the facts concerning the manager’s financial interests to the city council prior to taking any official action. If the city council determines the manager has a substantial financial interest in the action, the city council shall excuse the manager and assign another city employee to the matter.

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2.05.180 Conflict with collective bargaining agreement.

In the event any section or provision in this chapter conflicts with an applicable collective bargaining agreement for a public employee, the collective bargaining agreement shall control with respect to that employee.

2.05.190 Employment prohibited.

No member of the council may be employed by the city in any capacity within a twelve- (12-) month period immediately following the term of that individual unless the member is employed as a hired consultant or contractor and a waiver has been provided by the city council as described in BMC 4.20.240.

2.05.200 Political activity.

The following limitations shall apply to political activity:

A. Departments, boards, and commissions of municipal government shall not:

1. Expend municipal funds for the support, opposition or endorsement of candidates for any elected government office.
2. Expend municipal funds for paid advertisement which advocates or promotes a particular position, or solicits members of the public to advocate or promote a particular position, on legislation or other action pending before the council.
3. Permit an administrative division of municipal government to endorse or oppose candidates for elected federal, state, municipal or other local office even if such endorsement does not include expenditure of funds. This prohibition applies to municipal employees while on duty and to the use of municipal property or facilities in a manner not made available to members of the public.
4. Authorize that money held by the municipality be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.
5. Actively campaign or prepare, publish, broadcast, or distribute by any means material of a partisan nature on any ballot measure, including referendums, initiatives, bond issues or other special elections.

B. Subject to restrictions in AS 15.13.145 on the use and expenditure of municipal funds to influence the outcome of a ballot proposition or question, the city manager may designate in advance, in writing, one (1) or more executive employees to appear before the council, appointed public bodies of the municipality, community councils, civic organizations, and media representatives in support of or in opposition to any ballot measure coming before the voters in a municipal election. The designated executive

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employees shall be selected from among the employees with principal responsibility for carrying out policies and programs relevant to the ballot measure.

C. The limitation against dissemination of partisan materials on bond measures does not apply to municipal employees asked to assist an elected official in the preparation of ballot measures or to respond to inquiries from an elected official concerning any ballot measure.

D. A municipal employee shall not serve as a member of the Bethel city council or in elective office of the state, federal, or another local government. A municipal employee who is elected to one (1) of these offices shall resign immediately from municipal employment. This section is not intended to modify 29.20.630 or prohibit an employee from being a member of the Lower Kuskokwim School Board or Advisory School Board.

E. For purposes of this section, public safety volunteers, hired consultants or contractors are not considered municipal employees (BMC 3.64.060).

2.05.210 Advisory opinions

A. Upon the written request of an elected official or municipal officer, the city attorney shall issue an advisory opinion interpreting this chapter. The requester shall supply any additional information requested by the city attorney in order to issue the opinion.

B. The city attorney may offer oral advice if delay would cause substantial inconvenience or detriment to the requester. Within two (2) working days after providing the oral advice, the city attorney shall provide a brief written statement summarizing its contents.

C. The city attorney may reconsider, revoke, or modify an advisory opinion at any time.

D. A request for advice made under subsection (a) of this section is confidential to the extent permitted by law unless the subject of the opinion waives confidentiality and authorizes in writing the release of the request or the full text of the advisory opinion.

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E. The city attorney shall make the advisory opinion issued under this section available for public inspection with sufficient deletions to prevent disclosure of the persons whose identities are confidential under subsection (d) of this section.

2.05.220 Immunity.

A city official or municipal officer is not liable under this chapter for an action carried out in accordance with the advice of the city attorney issued under 2.05.xxx, Advisory opinion if the official or officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice.

2.05.210 Procedures for violation reporting.

~~A. Any person who believes that violation of any portion of this chapter has occurred may file a written complaint of potential violation with the city clerk's office.~~

~~B. All written complaints of potential violation submitted under this chapter shall be signed by the person submitting the complaint. A written complaint of potential violation shall state the address and telephone number of the person filing the complaint, identify the respondent, and affirm to the best of the person's knowledge and belief the facts alleged in the complaint of potential violation signed by the person are true. The person filing the complaint of potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the complaint of potential violation believes the facts alleged constitute a violation of that section and identify any documentary or testimonial evidence the person filing the complaint believes is in support of the notification of potential violation.~~

2.05.220 230 Conformity to law.

If any section or provision of this chapter is held to be contrary to law by a court of competent jurisdiction or by action of the Alaska State Legislature, that section or provision shall be deemed invalid. All other sections and provisions of this chapter shall continue in full force and effect.

SECTION 3. Repeal and Replacement. Bethel Municipal Code Section 2.06, repealed and replaced as follows old language is stricken out.

Chapter 2.06

BOARD OF ETHICS

Sections:

City of Bethel, Alaska

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- ~~2.06.010 Board of ethics established—General provisions.~~
- ~~2.06.020 Function and authority.~~
- ~~2.06.030 Confidentiality—Initial review.~~
- ~~2.06.040 Disclosure of complaint of potential violation prohibited.~~
- ~~2.06.050 Conduct of investigation and standard of proof.~~
- ~~2.06.060 Deliberations of the board.~~
- ~~2.06.070 Board member disclosures.~~
- ~~2.06.080 Duty of cooperation.~~
- ~~2.06.090 Decisions on the record.~~
- ~~2.06.100 Timely completion.~~
- ~~2.06.110 Sanctions, civil penalties and remedies.~~
- ~~2.06.120 Record of proceedings and public record.~~
- ~~2.06.130 Settlement of complaints.~~

~~2.06.010 Board of ethics established—General provisions.~~

~~A. There is hereby established a board of ethics.~~

~~B. The board shall be comprised of all members of the city council. The mayor, or the vice mayor in the mayor's absence, will serve as presiding officer of the board. In the absence of both, the members of the board shall elect a presiding officer from among its members.~~

~~C. The city attorney or other legal counsel for the board may assist the board at every stage of the proceedings, but shall have no vote.~~

~~D. A quorum of the board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other for cause recusal. However, in no event may a quorum be less than three (3).~~

~~E. Decisions of the board shall be adopted by a majority of the members who are qualified to act on the matter, where a quorum is present.~~

~~F. Unless the board delegates such authority to another member or decides that no one shall have such authority, the presiding officer shall have authority to make procedural decisions between board meetings on behalf of the board. Examples of matters that may be decided by such delegate include scheduling hearings and other matters, establishing pre-hearing requirements and filing deadlines for motions, exhibits, witness lists, hearing briefs, and deciding other procedural matters.~~

~~G. The presiding officer shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the board. [Ord. 13-04 § 2.]~~

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~~2.06.020~~Function and authority.

~~The board of ethics has authority to perform the following functions:~~

- ~~A. Investigate reported violations of Chapter 2.05 BMC.~~
- ~~B. Hear and decide written complaints of violations of Chapter 2.05 BMC.~~
- ~~C. Hear and decide on requests for exceptions as specified in Chapter 2.05 BMC.~~
- ~~D. Make findings and recommendations concerning sanctions, civil penalties and remedies for violations as provided in this code.~~
- ~~E. Adopt recommended policies and procedures governing the board's conduct of business.~~
- ~~F. Upon application of the complainant, respondent, or at the board's discretion, compel, by subpoena, the appearance and sworn testimony at a specified time and place of a person the board reasonably believes may be able to provide information relating to a matter under investigation by the board or the production of documents, records or other items the board reasonably believes may relate to the matter under consideration.~~
- ~~G. Administer oaths and receive testimony from witnesses appearing before the board.~~
- ~~H. Request city agencies to cooperate with the board in the exercise of the board's jurisdiction.~~
- ~~I. Request the advising attorney to seek assistance of the district or superior court to enforce the board's subpoena.~~
- ~~J. Conduct investigative hearings in executive session, pursuant to notifications alleging violations of matters within the authority of the board.~~

~~2.06.030~~ Confidentiality Initial review.

~~A. Each written complaint of a violation of Chapter 2.05 BMC received by the city manager or mayor shall be submitted to the clerk's office and be assigned an identification number, which shall be used in lieu of names when referring to the complaint to maintain confidentiality. The city manager, city attorney, city clerk and the board shall keep all written complaints of potential violation confidential during investigation and the board's deliberative process. Complaints of potential violation may be disclosed only to the staff members of the city clerk's office providing administrative support to the board, members of the board, and legal counsel. Upon receipt of a notification of potential violation, the board shall, at its next scheduled meeting or earlier, as determined by the board chair, review the complaint of potential violation in~~

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~~executive session and determine if further action on the notification of potential violation is warranted.~~

~~B. If the board determines the facts alleged in the notification of potential violation, even if proven, do not constitute a violation, or that the board lacks jurisdiction to address the complaint of potential violation, the board shall return the complaint of potential violation to the complaining party or it may recommend to the person filing the complaint that it be amended and refiled. Notifications of potential violation returned without further action shall remain confidential.~~

~~C. If the board determines the allegation in a complaint of potential violation, if proven, may constitute a violation of a matter within the board's jurisdiction, the board shall:~~

~~1. Request and receive assistance from legal counsel to assist the board in all further deliberative processes, investigations and reports;~~

~~2. Give the respondent a copy of the complaint of potential violation, along with a copy of the outline of the board's process under this chapter, including notice that the respondent may choose to hold the proceeding in public and may be represented by legal counsel of respondent's choosing and at respondent's own expense; and~~

~~3. Notify both the person submitting the complaint of potential violation and respondent of the date(s) on which each may be requested to meet with the board, present documentary or testimonial evidence, and assist the board in resolving the potential violation.~~

~~**2.06.040 — Disclosure of complaint of potential violation prohibited.**~~

~~A complaint of potential violation of Chapter 2.05 BMC is confidential until the board completes a written report for distribution as a public record.~~

~~A. No person, including the complainant, shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a complaint of potential violation filed with the board, unless:~~

~~1. The respondent elects to proceed in public; or~~

~~2. The written report of the board is electronically published by the city clerk.~~

~~B. Breach of confidentiality required by any provision of this chapter is a violation of this chapter subject to punishment.~~

~~C. Any person involved with a complaint of potential violation, including the filer of the complaint, shall keep the matter confidential. The confidentiality extends from the filing~~

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~~of the complaint and shall continue until the matter is concluded and made public. Maintaining confidentiality is essential to allowing for a neutral investigation into the matter. If the board finds that any person has violated the confidentiality of a complaint of potential violation, the board shall refer the matter for investigation. If a person is found to have breached confidentiality, they shall be subject to sanctions of three hundred dollars (\$300) for a first (1st) offense, five hundred dollars (\$500) for a second (2nd) offense and one thousand dollars (\$1,000) for each subsequent offense.~~

~~D. Public disclosure resulting from corrective action under this chapter is not a violation of this section. [Ord. 13-04 § 2.]~~

~~2.06.050 Conduct of investigation and standard of proof.~~

~~The board's investigation shall be conducted in executive session, unless the respondent requests it be held in a public session. The respondent and the person who filed the complaint, and their counsel, if any, may be present in executive session while the investigation is being conducted.~~

~~A. The respondent and the person who filed the complaint of potential violation may identify other individuals and documents that each would like the board to interview and review.~~

~~B. If an individual with information bearing on the complaint of potential violation is unwilling to come forward with information, the respondent and the person who filed the complaint of potential violation may each request the board to subpoena the person and any documentary evidence.~~

~~C. Persons appearing before the board may be represented by counsel or other person serving in a representative capacity.~~

~~D. The board may question the respondent, the person who filed the complaint of potential violation, and other persons appearing before the board.~~

~~E. The board may solicit questions and testimony from the person filing the complaint of potential violation, the respondent and other persons appearing for the purpose of providing information to the board. The board may solicit questions from counsel present to represent persons appearing before the board, but all questions during the board's investigation shall be posed through and by a member of the board. Consistent with due process, the board may limit or prohibit questions suggested to the board by or on behalf of persons appearing before the board.~~

~~F. The standard of proof to be applied by the board in determining a violation under Chapter 2.05 BMC is proof by a preponderance of the evidence.~~

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~~G. Technical rules of evidence do not apply, but the findings of the board shall be based upon substantial evidence, which means reliable and relevant information presented to the board.~~

~~H. The board's findings shall be binding.~~

~~I. When the board's investigation is conducted in executive session, the public shall be excluded and the session shall be electronically recorded. The recording shall be available for access as a public record after publication by the city clerk of the proposed resolution and settlement under BMC 2.06.110. [Ord. 13-04 § 2.]~~

~~2.06.060 — Deliberations of the board.~~

~~A. Deliberations of the board shall be conducted in executive session.~~

~~B. The deliberations of the board shall not be recorded.~~

~~C. The respondent, the person filing the complaint, and their counsel shall be excluded from the deliberations. The board's legal counsel may attend the deliberations.~~

~~D. The board shall reconvene in open session when deliberations are complete. [Ord. 13-04 § 2.]~~

~~2.06.070 Board member disclosures.~~

~~When an investigation is convened in executive session to determine whether the respondent has violated Chapter 2.05 BMC, the board members will be requested to disclose any conflict of interest, ex parte communications, or other facts that may affect their qualification to hear the matter. After such a disclosure, the other members of the board shall determine whether a member shall be excused for cause. [Ord. 13-04 § 2.]~~

~~2.06.080 — Duty of cooperation.~~

~~A city official or the city manager subject to a complaint of a violation shall work cooperatively with the city clerk to establish a hearing date and shall appear at the place and time set for the hearing, regardless of the respondent's intentions concerning defense or exercise of other rights. Failure to appear, except when failure results from a serious condition or event that prevented the respondent's appearance, is a breach of respondent's duties under this chapter and in itself may result in a summary finding of violation by the board and imposition of remedies, penalties and disciplinary action under BMC 2.06.110. Nothing in this section shall prevent the rescheduling of a hearing for cause upon written request of the respondent or the complainant. [Ord. 13-04 § 2.]~~

~~2.06.090 Decisions on the record.~~

~~Using the identification number of the complaint of potential violation, the board shall vote in open session on these questions:~~

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~~A. Whether the board finds by a preponderance of the evidence one (1) or more violations within the jurisdiction of the board; and~~

~~B. Whether the board recommends further administrative or remedial actions; and~~

~~C. What specific sanctions, corrective actions or referrals, if any, the board recommends.~~

~~D. If the board does not find a violation under Chapter 2.05 BMC, the board shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the board in whole or in part, and the date of board closure. At the sole discretion of the respondent, the board may release the statement of closure as a public document. [Ord. 13-04 § 2.]~~

~~2.06.100 — Timely completion.~~

~~The board shall complete action on a complaint of potential violation and investigations within ninety (90) days of the filing of the complaint of potential violation. By a majority vote, the board may extend the completion date for up to an additional ninety (90) days, or longer for good cause shown. [Ord. 13-04 § 2.]~~

~~2.06.110 Sanctions, civil penalties and remedies.~~

~~Upon conviction for any violation of Chapter 2.05 BMC or after an investigation conducted by the board under this chapter, the board may impose (or recommend in the case of subsection A of this section) as a sanction, penalty, or remedy any or all of the following, as appropriate to the seriousness of the violation:~~

~~A. A recommendation to the city council that the office of a city councilmember or the position of city manager be declared vacant for a serious violation that is (1) flagrant or (2) willful and knowing.~~

~~B. A member of a board or commission may be removed from the board or commission.~~

~~C. A public or private reprimand may be given to the official.~~

~~D. The official may be ordered to refrain from voting, deliberating, or participating in any matter in violation of Chapter 2.05 BMC.~~

~~E. The committee assignments of an official may be revoked.~~

~~F. An official's privilege to travel at city expense on city business may be revoked or restricted.~~

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~~G. A contract, or transaction or appointment, which was the subject of an official act or action of the city that involved the violation of a provision of Chapter 2.05 BMC, may be voided or terminated.~~

~~H. The official must forfeit or make restitution of any financial benefit received as a consequence of a violation of Chapter 2.05 BMC.~~

~~I. A civil fine of not more than one thousand dollars (\$1,000) per violation may be imposed. [Ord. 13-04 § 2.]~~

~~**2.06.120 Record of proceedings and public record.**~~

~~Permanent records and minutes shall be kept of board's proceedings. Such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the city clerk, and shall be a public record open to inspection by any person. Every finding and recommendation shall be directed to the city council at the earliest possible date. [Ord. 13-04 § 2.]~~

~~**2.06.130 Settlement of complaints.**~~

~~A. The respondent in any case accepted for investigation may propose a resolution and settlement of the complaint. A proposed resolution and settlement will include the admitted violation of Chapter 2.05 BMC; the remedial actions agreed to by the respondent subject to the city council's concurrence; any proposed preventive actions to be undertaken to avoid similar violation by respondent or others in the future; and other matters required by the board.~~

~~B. A proposed resolution and settlement is subject to approval by the board and has no effect unless approved by the board. The board will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the board, a proposed resolution and settlement must be kept confidential.~~

~~C. The proposed resolution and settlement becomes public record upon final approval by the board. [Ord. 13-04 § 2.]~~

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Chapter 2.06

BOARD OF ETHICS

2.06.010 Filing of the complaint, content and limitation of action.

A. Any person ~~or entity~~, may file a complaint of ~~unethical conduct of a city official, or municipal employee to the Board of Ethics by~~ delivering to the City Clerk's Office a complaint alleging facts which, if true, would constitute a ~~alleging a city official, or municipal employee's conduct violates~~ violation of Bethel Municipal Code 2.05.

B. A complaint shall:

1. Identify the section of the code of ethics alleged to have been violated and substantiate the complaint by providing a written explanation of the reason for believing that a violation has occurred with any documentary and testimonial evidence supporting the allegation.
2. Be signed and affirmed by the complainant.
3. Be filed within one year of the alleged violation.

C. Procedures.

1. When the complaint is filed in the City Clerk's Office, the city clerk shall;
 - a. date, number and log the confidential complaint.
 - b. send a copy of the complaint and attached document to the respondent with notice of the confidentiality requirements.
2. The city clerk shall contact a ~~hearing officer~~ hearing examiner for appointment to screen the complaint. The hearing examiner shall have a law degree or three years experience in administrative hearings. The ~~hearing officer~~ hearing examiner may request through the city clerk, public background material associated with the complaint.
3. The city clerk shall prepare and maintain a confidential file available only to the ~~hearing officer~~ hearing examiner and the respondent, which contains a

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copy of the complaint and associated documentation used by the hearing officer examiner in their screening.

2.06.020 Settlement of complaint.

- A. A resolution and settlement of any complaint may be presented at any time prior to the decision of the board and upon agreement of the parties and approval of the board.
- B. A proposed resolution and settlement shall include remedial actions agreed to by the respondent; and any proposed preventative actions to be undertaken to avoid similar violation by respondent or others in the future.
- C. A proposed resolution and settlement is has no effect unless approved by the board. The board will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the board, a proposed resolution and settlement must be kept confidential.
- D. The proposed resolution and settlement becomes public record upon final approval by the board.

2.06.030 Confidentiality.

- A. The filing of a complaint and information gathered or obtained by the hearing officer examiner during the screening, will take place under a confidential process. Confidentiality shall be maintained by the complainant, the respondent, the hearing officer examiner, the board, the clerk, and all contacted municipal officials from the filing of the complaint, until such time the hearing officer examiner has determined probable cause. If the hearing officer examiner does not determine probable cause, the complaint shall remain confidential.
- B. All third parties contacted who are not municipal officials shall be asked to maintain confidentiality.
- C. All portions of board meetings held solely to make a decision are confidential and are held in closed adjudicatory session.
- D. It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

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E. The respondent may, in writing, waive the confidentiality protection of this section as to the complaint, the response and associated documentation.

F. Prior to a determination of probable cause, if confidential provisions of this chapter are violated by anyone other than the respondent or the respondent's witness(s), the complaint shall be dismissed with prejudice.

2.06.040 Screening of the complaint.

A. The Hearing Officer examiner shall within seven days review and screen each complaint forwarded to them to determine whether it contains allegations, which if true could constitute conduct in violation of Chapters 2.05.

B. The hearing officer examiner shall then screen the complaint in closed adjudicatory session. The hearing officer's examiner's request for information to the city clerk and the responses shall be kept confidential between the hearing officer examiner, the respondent and the city clerk's office.

C. After the screening, the hearing officer examiner shall, by formal written order either accept the complaint in whole or in part or, reject the complaint in its entirety or remand the complaint to the appropriate agency. The formal order shall contain the hearing officer's examiner's findings and recommendations.

1. If the hearing officer examiner accepts a complaint, in part or in whole, the clerk shall notify the complainant and respondent of the acceptance of the complaint.

a. The hearing officer examiner through the city clerk's office shall request the respondent to provide full and fair disclosure of all facts and circumstances pertaining to the alleged violation(s). Misrepresentation of material facts in a response to the hearing officer examiner from the respondent is a violation of this code. The respondent shall provide a response to the request through the city clerk's office within 10 calendar days filing period after notice of the hearing officer's examiner's acceptance of a complaint. If the 10-day filing period for response has expired, and no response has been received from the respondent, the clerk shall provide notice of lack of response to the hearing officer examiner who shall proceed in determining probable causes.

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b. After the 10-day filing period for the respondent has closed, the hearing officer examiner may continue with the investigation for up to an additional 10 days or may immediately proceed to determining probable cause.

2. If the hearing officer examiner rejects the complaint, the city clerk shall within 10 calendar days from the decision, forward the written order of the hearing officer's examiner's rejection and a copy of the complaint to the complainant and respondent. All material associated with the rejected complaint shall be held confidentially unless the respondent waives the confidentiality protection.

3. If the hearing officer examiner find allegations of a violation of municipal, state, or federal law outside the board's authority they shall reject the complaint in whole or in part and refer the complaint to the appropriate agency. If the complaint that is rejected shall be held confidentially and the referred complaint and associated documents shall be subject to public disclosure in accordance with or imposed by other provisions of law.

~~D. If an individual or entity files two or more complaints rejected by a hearing officer examiner and directed at the same individual, the hearing officer examiner may make a recommendation to the board of ethics if in their opinion the rejected complaints are for the purpose of harassment or to otherwise cause the individual public shame or embarrassment.~~

2.06.050 Probable cause for hearing.

A. The hearing officer examiner shall consider all information gathered and determine whether there is probable cause to believe that a violation within the board's jurisdiction has occurred.

B. If probable cause is not found, all parties are notified and the information gathered for the screening remains confidential unless the respondent provides a written waiver of the release of confidentiality rights.

C. If probable cause is determined by the hearing officer examiner the city clerk shall schedule a hearing with the board within 45 days of the hearing officer's examiner's formal written order. The chair may rule on a request for continuance or extension of the hearing date without calling a board meeting as long as there has been an opportunity for the other party to respond to the request for continuance. The continuance may be granted for good cause. The chair's determination shall be in

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writing and shall specify the date to which the deadline has been changed or the time frame which has been extended.

2.06.060 Procedures for hearing notification and the hearing record.

A. The notice of hearing shall be sent out by the city clerk to the complainant, respondent and the board and shall include:

1. The Complaint;
2. Documents submitted to the hearing officer examiner in their screening of the complaint;
3. The hearing officer's examiner's formal written order;
4. Listing of relevant Bethel Municipal Code Chapters;
5. Notice that the parties may be represented by legal counsel at their own expense;
6. Notice of the hearing material filing deadline, which shall be at least 20 days prior to the hearing date. Material filing may include written arguments and exhibits. Submissions shall become part of the record and shall be mailed or personally served to the board members and the parties within seven business days after the written arguments and exhibits are due.
 - a. Any hearing material not filed by the deadline shall not be accepted by the city clerk. Evidence may be submitted at the time of the hearing if the board chair determines that the evidence was not discovered or could not have been obtained prior to the material filing deadline, or if the evidence is relevant and it is in the interest of justice that it be considered.
7. Notice of filling deadline for witness lists which shall be at least 20 days prior to the hearing date. Within five days after receipt of witness lists and requests for subpoenas, the city clerk shall serve the parties. Upon request by a party, the chair, on the board's behalf, may issue subpoenas as follows:
 - a. the parties may summon witnesses and request the production of records, books, and papers by the issuance of subpoenas;

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b. subpoenas shall be served as prescribed by Rule 45 of the Alaska Rules of Civil Procedure. Failure of any person to comply with a subpoena or order issued by the board is a violation of city code. Remedies, enforcement actions and penalties for such violations shall be consistent with the terms of BMC Chapter 1.08. Such remedies are not exclusive and the city may pursue any and all legal and equitable remedies available le under law necessary to enforce such subpoenas and orders, including application to superior court.

8. Notice of the party's ability to settle the complaint as provided under BMC 2.06.020.

9. The board shall dispose of a complaint within 90 calendar days from the hearing officer's examiner's formal written order.

2.06.070 Board of ethics established.

A. There is hereby established a board of ethics.

B. The board shall be comprised of five members and one alternate member appointed by the mayor and confirmed by the council. ~~At a minimum, one member of the board shall be a licensed attorney.~~ Each member appointed and confirmed must be qualified in accordance with BMC 2.52.040. The alternate member shall have all the powers and duties of a regular member only while serving as a replacement for a regular member.

C. The terms of the appointments to the committees shall be for a period of three (3) years. In the event of a vacancy, a new member shall be appointed by the mayor and confirmed by the council and serve the remaining term. During initial creation of the board the appointment terms shall be staggered.

D. Committee members can be removed by the council for cause. Cause shall be:

1. Is absent from the city for more than ninety (90) days without first being excused by the body;

2. Fails to attend three (3) hearings within any calendar year.

3. Submits a written resignation which is accepted by the body or the mayor;

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4. Dies;

5. Fails to qualify and give the oath of office within thirty (30) days after city council confirmation of the appointment;

6. Ceases to be a resident of the city;

7. Is convicted of a felony or an offense involving a violation of the oath of office for the body; or

8. Becomes disqualified from holding the seat under other provisions of this code.

~~C. Members of the board shall not:~~

~~1. Hold other elected office, appointed position with the city or political party office;~~

~~2. Endorse or engage in any political or campaign activity on behalf of any candidate for public office; and~~

D. The members of the board shall annually elect a chair from among its members. If the chair is absent or has a conflict, the members shall elect another member to sit as presiding officer examiner of that hearing.

E. A quorum of the board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other for cause recusal. However, in no event may a quorum be less than three (3).

F. In the event a quorum cannot be met due to disqualification of members, the case documentation and information shall be considered solely by a hearing officer examiner.

G. Decisions of the board shall be adopted by a majority of the members who are qualified to act on the matter, where a quorum is present.

H. Unless the board delegates such authority to another member, the presiding officer examiner shall have authority to make procedural decisions between board meetings on behalf of the board. Examples of matters that may be decided by such delegate include scheduling hearings, establishing pre-hearing requirements and filing deadlines for exhibits, witness lists, and deciding other procedural matters.

I. The presiding officer examiner shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the board.

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J. Meetings of the board may be called by the chair or three members.

2.06.080 Function and authority.

The board of ethics has authority to perform the following functions:

~~A. Prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this code;~~

B. Administer oaths, hold hearings, and take testimony, issue subpoenas, and consider and accept stipulations or possible settlement agreements, recommend disciplinary action to the appropriate appointing authority, assess penalties, and make referrals;

C. Make recommendations to the city council for amendments to Chapters 2.05 and 2.06.

2.06.090 Hearing procedures.

A. The board chair shall preside over the hearing and shall make all rulings on issues of procedure, continuances, form and conduct of the hearing and admissibility of evidence. Evidence not filed by the material filing deadline should only be accepted by the chair if the evidence was not discovered or could not have been obtained prior to the material filing deadline, or if the evidence is relevant and it is in the interest of justice that it be considered.

B. The chair may limit testimony by any person to reduce cumulative or repetitive testimony. The chair may vary the hearing procedures as long as the parties are afforded a fair and reasonable opportunity to be heard.

C. Technical rules of evidence do not apply, but the board's findings shall be based upon ~~reliable and relevant~~ preponderance of the evidence. All testimony and other evidence taken at the hearing shall be recorded and retained according to applicable records retention schedules.

D. The parties may each have the opportunity to be heard, and cross-examine witness, who shall testify under oath.

E. The hearing shall be subject to the following order:

1. Introduction of the case by the chair;
2. Opening statement by complainant;
3. Opening statement by respondent;
4. Complainant witnesses:

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- a. Complainant questions witnesses
 - b. Respondent may cross-examine the complainant's witnesses;
 - c. Board members may ask questions of the complainant's witnesses;
5. Respondent's witnesses:
- a. Respondent questions witnesses;
 - b. Complainant may cross-examine the respondent's witnesses;
 - c. Board members may ask questions of the complainant's witnesses;
6. Complainant's closing statement;
7. Respondent's closing statement;
8. Complainant rebuttal.
9. The board may move into a closed adjudicatory session to deliberate.
10. The board shall vote in open session on the following:
- a. The board does or does not find by a preponderance of the evidence one or more violations within the jurisdiction of the board; and
 - b. The board does or does not provide recommendations to an appointing authority or supervisor for further administrative or remedial actions; and
 - c. What if any specific sanctions, corrective actions or referrals, the board recommends.

F. A finding of a violation of this code shall be supported by ~~clear and convincing~~ a preponderance of the evidence presented at the hearing. The Board's decision shall be in writing, shall state it is a final decision, and shall state the parties have 30 days from the date of distribution to appeal to the Superior Court. The decision shall include findings of fact and conclusions and shall be reasonably specific to provide a clear and precise understanding of the reason for the decision.

G. The board's decision shall be filed with the city clerk within 30 days after the completion of the hearing and served to the parties by the clerk within 10 days after the board's decision has been filed. Final administrative decisions may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure, part 600.

2.06.100 Penalties and remedies.

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A. The board, upon a finding of a violation of chapter 2.05, may singly or in combination:

1. Impose a civil fine of not more than \$5,000;
2. Order divestiture, establishment of a blind trust, restitution or forfeiture;
3. Order the municipal employee or city official to stop engaging in any official action related to the violation;
4. Recommend that the supervisor take disciplinary action, including dismissal. In the event the ethics board recommends disciplinary action and the appointing authority disagrees with the recommendation, the appointing authority must provide a written explanation for the appointing authority's action to the board within 14 days of the service of the board's decision.

B. If the board determines that a former municipal employee or city official has violated chapter 2.05, it shall issue a public statement of its findings, conclusions and recommendations. Additionally, it shall recommend the city seek all available recommended remedies.

C. Actions taken in violation of chapter 2.05 shall be treated as follows:

1. In addition to any other action provided by law, a city grant, contract, or lease entered into in violation of Chapter 2.05 is voidable by the city. In determining whether to void a grant, contract or lease, the interest of third parties who could be damaged may be taken into account. The City may give notice of intent to void a grant, contract or lease under this section no later than 30 days after the board's determination of a violation under this code.
2. Any city action taken in violation of Chapter 2.05 is voidable, except that the interest of third parties in the nature of the violation may be taken into account. The city may pursue any other available legal or equitable remedies.

D. Any municipal official that intentionally violates any provision of chapter 2.05 may be required to pay the city an additional civil penalty up to twice the amount that any person obtained as a result of the violation. This provision may be imposed in addition to any penalty imposed under subsection (A) (1) of this section.

E. A penalty imposed under this section is exclusive of and not instead of any other penalty that may be imposed according to law. To the extent that violations under this code are punishable in a criminal action, that section is in addition to the civil remedies in this code.

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F. Any person that violates any provision of this code is liable in damages to the city for any losses or increased costs incurred by the city as a result of the violation.

G. A decision of the board is final. An appeal from a decision of the board may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure.

2.06.110 Protection of public interest.

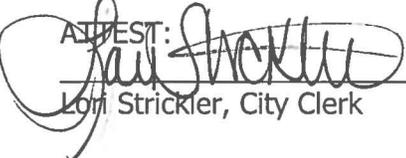
This code shall be liberally construed in favor of protecting the public interest in full disclosure of conflicts of interests and promoting high standards of ethical conduct for city government. However, the code shall be narrowly construed where it would limit or hinder an elected officials right and duty to vote or otherwise participate in any issue before the elected body or in performing their duties.

SECTION 4. Classification. This ordinance is of permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 5. Effective Date. This Ordinance shall become effective upon the approval by the Bethel City Council.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL ALASKA, THIS 8 DAY OF OCTOBER 2019, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.


Perry Barr, Mayor Pro Tempore

ATTEST:

Lori Strickler, City Clerk