

Introduced by: Mayor Richard Robb  
Introduction Date: July 10, 2018  
Public Hearing: July 24, 2018  
Action: Passed  
Vote: 6-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance # 18-16**

#### **AN ORDINANCE AMENDING THE BETHEL MUNICIPAL CODE, CHAPTERS 2.05.190 AND 2.05.200, CITY OFFICERS GENERALLY, EMPLOYMENT PROHIBITED AND POLITICAL ACTIVITY**

**WHEREAS,** Chapter 2.05.190 prohibits anyone having been employed by the City to sit on council within a 12-month period of their employment unless that member is hired as a consultant or contractor and a waiver has been provided by the City Council;

**WHEREAS,** Chapter 2.05.200 D states: A municipal employee shall not serve as a member of the Bethel city council or school board 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;

**WHEREAS,** the legal concerns of dual offices is covered under 2.05.200, there are no legal concerns to warrant the prohibition of the election or appointment of a qualified (as per BMC Title7) individual to city council as long as they are not a city employee and serving on city council at the same time;

**NOW, BE IT ORDAINED,** the City Council amends the Bethel Municipal Code, Chapter 2.05.190 and 2.05.200, City Officers Generally, Employment Prohibited and Political Activity.

**SECTION 1. Classification.** This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

**SECTION 2. Amendments.** Bethel Municipal Code Chapters 2.05.190 and 2.05.200 are amended as follows: (new language is underlined and old language is stricken):

#### **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 ~~preceding~~ or 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.

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## **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, this 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 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 ~~school board~~ 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.


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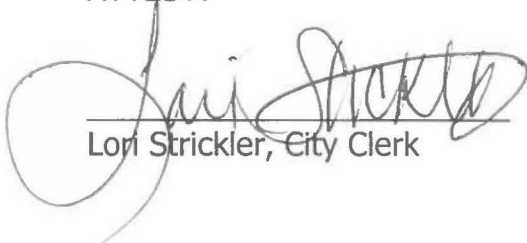
E. For purposes of this section, public safety volunteers, hired consultants or contractors are not considered municipal employees (BMC 3.64.060).

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

**ENACTED THIS 24<sup>th</sup> DAY OF JULY 2018, BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
Richard Robb, Mayor

  
Lori Strickler, City Clerk