

Introduced by: Mayor Springer
Introduction Date: October 11, 2022
Public Hearing Date: October 25, 2022
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Ordinance #22-35

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE SECTION 2.05.150, CONFLICTS OF INTEREST

WHEREAS, Bethel Municipal Code 2.05.150 contains provisions for determining a conflict of interest when in public meetings and applies to all city officials;

WHEREAS, BMC 2.05.010(C) defines city official" as "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";

WHEREAS, the title of BMC 2.05.150 references only "elected" city officials, which does not meet the intent of the chapter and is inconsistent with its definitions,

WHEREAS, the word "elected" is therefore being removed to ensure clear legislative intent;

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

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

SECTION 2. Amendment. Bethel Municipal Code Chapter 2.05.150 Conflict of interest, Elected city officials, is amended as follows, new language is underlined and old language is stricken.

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 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.

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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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SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective adoption by the Bethel City Council.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA THIS 25th DAY OF OCTOBER 2022 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.



Rose Henderson, Mayor

ATTEST:

Lori Strickler, City Clerk