

Introduced by: Mayor Henderson  
Date: April 11, 2023  
Action: Not Introduced  
Vote: 3-3

## *CITY OF BETHEL, ALASKA*

### **ORDINANCE #23-06**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE 2.05.190, EMPLOYMENT PROHIBITED, EXPANDING OPPORTUNITY FOR CITY EMPLOYMENT OF PRIOR COUNCILMEMBERS IF AUTHORIZED BY COUNCIL WAIVER**

**WHEREAS,** the community of Bethel is small, limiting our employee labor pool as well as the procurement of locally sourced supplies and services;

**WHEREAS,** Bethel Municipal Code 2.05.190 helps prevent council members' self-dealing by requiring the City Council to provide a waiver in order for the City to hire a former councilmember as a consultant or contractor within twelve months immediately following their term;

**WHEREAS,** Bethel Municipal Code 2.05.190 also prohibits the City from hiring as a regular City employee any individual that has served on the City Council within the preceding twelve months, regardless of a waiver being provided;

**WHEREAS,** given the small local labor pool, and as it does for certain procurements, the council should be able to vote on a waiver to authorize the employment of a former city councilmember if that person is the most qualified candidate for a municipal position;

**WHEREAS,** Alaska Statute 29.20.490. Appointment of Manager provides:

- (a) The governing body shall appoint a manager by a majority vote of its membership. A manager is chosen on the basis of administrative qualifications and receives the compensation set by the governing body. A member of the governing body may not be appointed manager of the municipality sooner than one year after leaving office, except by a vote of three-fourths of the authorized membership of the governing body.
- (b) Subject to the contract of employment, the manager holds office at the pleasure of the governing body.

**WHEREAS,** for all positions other than city manager, a majority vote of four would authorize the waiver; and

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**WHEREAS**, if a councilmember were hired as city manager within twelve months preceding the member's time in office, under AS 29.20.490, the City Council's waiver must be approved by a three-fourths vote of the authorized membership which, for the Bethel City Council with a seven member body is six;

**NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA,**

**Section 1. Classification.** This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

**Section 2. Amendment.** Bethel Municipal Code 2.50.190, Employment prohibited, is amended, old language is stricken, and new language is underlined.

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 after leaving office of that individual, including unless the member is employed as a hired consultant or contractor, unless~~ and a waiver has been provided by the city council and the appointment is in accordance with title 29 of the Alaska Statutes, as applicable.