

Introduced by: Mayor Henderson
Date: May 9, 2023
May 23, 2023
Action: Fails due to lack of a
motion

CITY OF BETHEL, ALASKA

ORDINANCE #23-09

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE 2.05.190, EMPLOYMENT PROHIBITED, EXPANDING OPPORTUNITY FOR CITY EMPLOYMENT FOLLOWING CITY COUNCIL MEMBER SERVICE

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

WHEREAS, Bethel Municipal Code 2.05.190 helps prevent council members' self-dealing by prohibiting council members from being hired within twelve months immediately following their time in office;

WHEREAS, BMC 2.05.190 should be more narrowly tailored to meet the intent of the self-dealing prohibition while also maximizing the City's labor pool;

WHEREAS, the City, through its procurement scoring matrix, evaluates qualified proposals for certain contract services, comparing experience, qualifications, and costs for services;

WHEREAS, allowing former council members to participate in the formal bidding process will maximize the City's ability to prioritize local businesses, but may also allow the city to obtain the best service and price for the work, service, or supply;

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.

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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 must approve the hiring 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 unless the member is employed as a hired consultant or contractor and a waiver has been provided by the city council.~~

Council members shall not solicit and may not be considered for employment with the City within twelve (12) months from the end of service on city council, if the position was created, or the salary or benefits specifically for that position increased during the city council member's last twelve months (12) of their service on city council.

An appointment of a city manager must be in accordance with Title 29 of the Alaska Statutes.

An independent contractor engaged through competitive bidding is not a city employee for purposes of this section.