

Vote: Massie, Menard, Metiva, Larson and Woodruff in favor; Holler absent

**CITY OF WASILLA
ORDINANCE SERIAL NO. 08-34(AM)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 2.12.005 DEFINITIONS, ADOPTING WMC 2.12.015 EMPLOYMENT OF CITY OFFICERS, AND REPEALING WMC 2.04.050 PROHIBITION.

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 2.12.005, Definitions, is amended to read as follows:

2.12.005 Definitions.

The following words or phrases, when used in this chapter, shall have the meanings set forth in this section:

"Appointed officer" means the city clerk and city attorney.

"Board or commission member" means a person appointed to a city board or commission under Section 2.44.030.

"City officer" means

- 1. An appointed officer;**
- 2. A board or commission member;**
- 3. An elected officer; and**
- 4. An employee.**

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

“Elected officer” means the mayor and each council member, whether elected or appointed to the office.

“Employee” means a permanent, probationary, seasonal, or temporary employee of the city, whether in a confidential/managerial position or the classified service.

[A.] “Financial Interest[.]” [A PERSON HAS A “FINANCIAL INTEREST”] **means an interest** in a matter **that will cause** [IF] the **related** person’s financial situation **to** [WILL] vary depending on the outcome of the decision on the matter. The financial interest of a person includes the financial interest of any of the following:

1. A member of the person’s immediate family.
2. The person’s employer.
3. An organization, whether for profit or nonprofit, of which the person is an owner, shareholder, partner, director, officer or member.

[B.] “Immediate family” of a person means any of the following: a spouse, parent, uncle, aunt, sibling, spouse’s parent or sibling, child (including a stepchild or adopted child), and anyone who lives in the person’s household.

“Matter” means a case, proceeding, application, contract or determination, but does not include the proposal or consideration of an ordinance, resolution or other legislative measure; or the proposal, consideration or adoption of an administrative regulation.

[C.] “Substantial financial interest” means any financial interest except:

1. A financial interest of such limited magnitude that it would not influence an average, reasonable person.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

2. A financial interest on which the outcome of a decision would have only an insignificant or conjectural effect.

3. A financial interest that is common to a large class of persons including the person whose financial interest is at issue.

* **Section 3. Adoption of section.** WMC 2.12.015, employment of elected officials, is adopted to read as follows:

2.12.015 Employment of city officers.

A During the term for which elected or appointed, and for one year after leaving office, an elected officer shall not be eligible for city employment, except with the approval of the council.

B. A board or commission member is eligible for city employment, but must resign the board or commission appointment before commencing city employment.

C. A city officer may not represent or advise a person in any matter pending before the department in which the city officer serves.

D. Within one year after ceasing to be a city officer, a person may not represent or advise a person for compensation regarding the following:

1. A matter in which a city officer was directly involved or had direct influence over; or

2. A matter in which the city officer participated personally and substantially through the exercise of official action.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

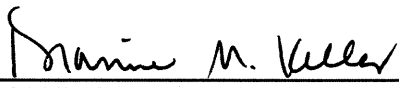
* **Section 4. Repeal of section.** WMC 2.04.050 is repealed:

[2.04.050 PROHIBITION.

DURING THE TERM FOR WHICH ELECTED OR APPOINTED, AND FOR ONE YEAR AFTER, A COUNCIL MEMBER MAY NOT BE NOMINATED OR APPOINTED TO ANY PAID CITY POSITION WHICH HAS BEEN CREATED, OR THE SALARY OF WHICH HAS BEEN INCREASED, WHILE A MEMBER OF THE COUNCIL.]

* **Section 5. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on July 28, 2008.

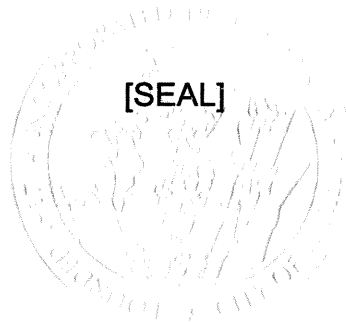


DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk





**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: ORDINANCE SERIAL NO. 08-34: AMENDING WMC 2.12.005 DEFINITIONS, ADOPTING WMC 2.12.015 EMPLOYMENT OF CITY OFFICERS, AND REPEALING WMC 2.04.050 PROHIBITION

Agenda of: July 14, 2008

Date: July 1, 2008

Originator: Deputy Clerk for Council Member Dianne Woodruff *DW*

Route to:	Department	Signature/Date
	Police, Youth Court, Dispatch, Code Compliance	
	Cultural and Recreation Services, Library, Museum, Sports Complex	
	Public Works, Recreation Facility Maintenance	
X	Finance, MIS, Purchasing	
X	Deputy Administrator, Planning, Economic Development, Human Resources	
X	City Clerk	<i>K.M. Keller</i>

REVIEWED BY MAYOR DIANNE M. KELLER: _____

FISCAL IMPACT: yes \$ or no Funds Available yes no

Account name/number:

Attachments: Ordinance Serial No. 08-34

SUMMARY STATEMENT: This is a housekeeping ordinance that provides a provision prohibiting the paid employment of elected or appointed officials during their term of service and for one-year afterward by the government entity they serve. This prohibition is pretty standard fare and was taken from Matanuska-Susitna Borough Code 2.70.140.

Typically these provisions are intended to keep officials from creating jobs for themselves and from actual or perceived conflicts of interest from dealing with matters as an employee that they oversaw as elected or appointed officials.

Currently Wasilla has a similar prohibition, but it only applies to members of the city council, and not to any other elected or appointed position.