

**City of Wasilla
Ordinance Serial No. 16-13**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code (WMC) 2.12.005, Definitions, And WMC 2.12.010, Conflict Of Interest, To Clarify The Process For Declaring A Conflict Of Interest And Amending WMC 2.12.020, Financial Disclosure, To Define The Municipal Officers That Are Required To File A Statement Giving Income Sources And Business Interests Under AS 39.50.

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 hereby amended to read as follows:

~~**FINANCIAL INTEREST.** An interest in a matter that will cause the related person’s financial situation to 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.~~

~~**MATTER.** A case, proceeding, application, contract, or determination, ordinance, resolution, or other legislative measure, but does not include the proposal or consideration of an ordinance, resolution or other legislative measure;~~

Underline, added. ~~Strikethrough, deleted~~

or the proposal, consideration, or adoption of an administrative regulation.

“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.~~

~~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.~~

SUBSTANTIAL FINANCIAL INTEREST. A direct or indirect pecuniary or material benefit, privilege, interest, or contractual relationship accruing as a result of the city’s consideration of a matter.

(1) A financial interest includes:

(a) Any pecuniary interest of a member of a city officer’s immediate family or employer.

(b) Any pecuniary interest in an entity in which a city officer or a member of the city officer’s immediate family has an ownership interest, or is a director, officer, or employee.

(2) A determination that a city officer has a substantial financial interest in a matter shall be considered on a case-by-case basis evaluating these factors:

(a) Whether the financial interest is a substantial part of the matter under consideration.

Underline, added. Strikethrough, deleted

(b) Whether the financial interest directly and substantially varies with the outcome of the matter under consideration.

(c) Whether the financial interest is known and not dependent on factors beyond the matter.

(d) Whether the financial interest is monetarily significant.

(e) Whether the financial interest is beyond the type typically possessed by the public at large or a large class of persons to which the city officer belongs.

(3) Substantial financial interest does not include:

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

(b) A financial interest in which the outcome of a decision would have only an insignificant or conjectural effect.

(c) A financial interest which is obtained through a competitive process.

Section 3. Amendment of section. WMC 2.12.010, Conflict of interest, is hereby amended to read as follows:

2.12.010 Conflict of interest.

(A) City Council.

(1) A member of the city council shall declare a substantial financial interest the council member has in an official action and ask to be excused from a vote on consideration of the matter.

Underline, added. ~~Strikethrough, deleted~~

(a) In the event that a council member believes that subsection (A)(1) of this section has not been met, and when there is a reasonable belief that a conflict exists, a council member shall announce a potential conflict of interest on behalf of another council member.

(2) The mayor shall rule on a request for a council member to be excused from **consideration of a matter** ~~a vote which was made by a council member.~~

(3) The decision of the mayor on a request ~~by~~ **for** a council member to be excused from **consideration of a matter** ~~a vote~~ may be overridden by the **a** majority vote of the council **upon a motion by a non-implicated council member and without participation by the implicated council member.**

(4) A council member who has been excused from ~~a voting on~~ **consideration of** a matter under this subsection **shall** also ~~shall~~ abstain from **any action related to the matter, including council** ~~the discussion of the matter,~~ except that the council member may speak on the matter as a member of the public **if public comments are being heard on the matter. The excused council member shall not sit with the council during its consideration of the matter in which the member has a conflict after a conflict of interest has been determined.**

(B) ~~Other City Employees and~~ **Officers** ~~Officials.~~ A city ~~employee or~~ **officer** ~~official~~, other than a member of the city council, may not participate in an

Underline, added. ~~Strikethrough, deleted~~

official action in which the ~~employee or official~~ **officer** has a substantial financial interest.

(1) The mayor shall rule on a question of whether a city employee has a conflict of interest in any matter.

(2) The presiding officer shall rule on a question of whether a board or commission member has a conflict of interest in any matter before the board or commission. The decision of the presiding officer may be overridden by a majority vote of the board or commission upon a motion by a non-implicated member and without participation by the implicated member. If the presiding officer has a conflict of interest, the board or commission members shall rule on the question of whether the presiding officer has a conflict of interest in any matter through an affirmative vote of the board or commission without participation of the presiding officer.

(3) A board or commission member who has been excused from consideration of a matter under this subsection shall also abstain from any action related to the matter, including discussion of the matter, except that the board or commission member may speak on the matter as a member of the public if public comments are being heard on the matter. The excused board or commission member shall not sit with the commission or board during the consideration of the matter after a conflict of interest has been determined.

Section 4. Amendment of section. WMC 2.12.020, Financial disclosure, is hereby amended to read as follows:

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(A) Under AS 39.50, municipal officers ~~Elected officials~~ of the city shall file a statement giving income sources and business interests ~~comply with AS 39.50, which requires a public official to file a disclosure statement of financial and business interests.~~

~~B. Appointed officers of the city shall comply with AS 39.50, which requires a public official to file a disclosure statement of financial and business interests.~~

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

ADOPTED by the Wasilla City Council on April 11, 2016.



BERT L. COTTLE, Mayor

ATTEST:



JAMIE NEWMAN, MMC, City Clerk

[SEAL]

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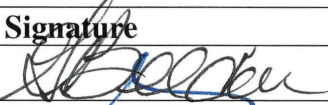
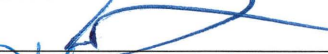


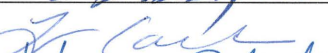


CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 16-13: An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code (WMC) 2.12.005, Definitions, And WMC 2.12.010, Conflict Of Interest, To Clarify The Process For Declaring A Conflict Of Interest And Amending WMC 2.12.020, Financial Disclosure, To Define The Municipal Officers That Are Required To File A Statement Giving Income Sources And Business Interests Under AS 39.50.

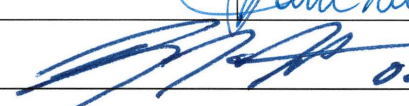
Originator: Mayor Cottle

Date: 3/7/2016

Agenda of: 3/21/2016

Route to:	Department Head	Signature	Date
X	Chief of Police		3/9/16
X	Public Works Director		3/9/16
X	Recreation & Cultural Services Director		3-9-16
X	Finance Director		3-9-16
X	Deputy Administrator		3/10/16
X	City Attorney		3/11/16
X	City Clerk		3/10/16

Reviewed by Mayor Bert L. Cottle:

 03:10:2016

Fiscal Impact: yes or no

Funds Available: yes or no

Account name/number: N/A

Attachments: Ordinance Serial No. 16-13 (6 pages)

Summary Statement: At the request of Mayor Cottle, the City Clerk worked with the City Attorney to prepare Ordinance Serial No. 16-13. The ordinance proposes to amend certain sections of Chapter 2.12, related to conflict of interest and public official financial disclosure statement filings. Provided below is a sectional analysis of the proposed amendments to Chapter 2.12, City Officers Generally.

Section 2. WMC 2.12.005, Definitions. Strikes the definition of “Financial Interest” and expands on the definition of “Substantial Financial Interest.”

Section 3. WMC 2.12.010, Conflict of Interest. Codifies the procedure for declaring a conflict of interest by a city officer. Chapter 2.12, defines “city officer” as: the mayor and each council member, whether elected or appointed; a board or commission member; and any person employed by the city under Title 3, Personnel.

Section 4. WMC 2.12.020, Financial Disclosure. Follows AS 39.50, requiring the mayor, council members, and planning commissioners to file Public Official Financial Disclosure Statements (POFD) with the Alaska Public Offices Commission and strikes the language requiring “appointed officers” (city clerk and city attorney) to file a POFD, as it is not required under AS 39.50.

Staff Recommendation: Introduce and set the ordinance for public hearing.