

Non-Code Ordinance

Sponsored by: Council Member Woodruff

Introduced: January 9, 2012

Public Hearing: January 23, 2012

Amended: January 23, 2012

Adopted: January 23, 2012

Vote: Harris, Holler, Katkus, Menard, Sullivan-Leonard and Woodruff in favor.

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 12-02(AM)**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL REPEALING RESOLUTION  
SERIAL NO. 11-36 AND CREATING AN ETHICS TASK FORCE AND  
PRESCRIBING ITS DUTIES.**

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WHEREAS, the City of Wasilla expects all municipal officials to provide their honest services, with equality, honesty, and transparency to the general public; and

WHEREAS, honest services includes the right to conscientious, loyal, faithful, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption; and

WHEREAS, the City of Wasilla wishes to

- (1) encourage high moral and ethical standards;
- (2) establish standards of ethical conduct;
- (3) promote ethics education for all municipal officials;
- (4) provide clear guidance to municipal officials on the ethical procedures and standards of the City
  - (a) to recommend procedures that promote ethical behavior and hold municipal officials responsible and accountable for their behavior;
  - (b) to promote City procedures that protect municipal officials from harassment or retribution should they raise concerns about activities that do not appear to be in line with good government, honest services or other ethical behavior
- (5) provide for the consideration of potential ethical problems before they arise
- (6) provide for the fair and effective administration and enforcement of the standards set by the City; and

WHEREAS, to accomplish the above goals, the City Council wishes to establish an Ethics Task Force ("Task Force") which will provide guidance on the creation, improvement, and implementation of a new ethics code for the City of Wasilla; and

WHEREAS, to provide a balanced view on the standards of ethics the Task Force shall be composed of five City of Wasilla residents; and

WHEREAS, the City of Wasilla Human Resource Generalist and the Municipal Attorney shall be available to assist the Task Force as needed; and

WHEREAS, the Task Force shall be subject to the provisions of WMC 2.44, Boards and Commissions Generally, except for the provisions of WMC 2.44.040 (B); and

WHEREAS, meetings of the Committee are subject to the Alaska Open Meetings Act; and

WHEREAS, the City Clerk is authorized and directed to advertise the meetings of the Committee; and

WHEREAS, the City Clerk shall act as the secretary to the Task Force; and

WHEREAS, members of the Task Force will receive no compensation for their service as committee members; and

WHEREAS, the Task Force shall terminate within three years of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED:

**Section 1. Classification.** This is a non-code ordinance.


**Section 2. Purpose.** The Ethics Task Force is hereby created for the purpose of gathering information and making recommendations to the City Council concerning a code of ethics for the City of Wasilla. Furthermore, the Task Force shall forward its recommendations to the Council; and the Task Force shall consist of five City of Wasilla Residents.

**Section 3. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on January 23, 2012.

  
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VERNE E. RUPRIGHT, Mayor

ATTEST:

  
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KRISTIE SMITHERS, MMC, City Clerk

[SEAL]



**Ordinance Serial No. 12-02: Repealing Resolution Serial No. 11-36 and creating an Ethics Task Force and prescribing its duties.**

**Agenda of:** January, 9, 2012

**Date:** January 3, 2012

**Originator:** Dianne Woodruff, Council Member *DW*

Route to:	Department	Signature	Date
X	Finance Director	<i>[Signature]</i>	1/4/2012
X	Interim Deputy Administrator	<i>[Signature]</i>	1/4/12
X	City Clerk		

**REVIEWED BY MAYOR VERNE E. RUPRIGHT:** *[Signature]*

**FISCAL IMPACT:**  yes or  no

Funds Available  Yes or  No

**Account name/number:**

**Attachments:**

Ordinance Serial No. 12-02 (2 pages)

**SUMMARY STATEMENT:** While the intent of Resolution Serial No. 11-36 to create an Ethics Task Force to provide recommendations on the creation and implementation of a City of Wasilla ethics code was good, the actual resolution and subsequent attempt at execution were flawed.

This ordinance is an attempt to keep the intent while correcting those flaws.

Given a recent attempt to exempt the City of Wasilla from the disclosure requirements of the Alaska Public Offices Commission (APOC) rules in favor of disclosure requirements specific to the City of Wasilla, this replacement ordinance does not reference APOC. There should be no question that any recommendations adopted are intended to remain in effect whether or not the City chooses to remain bound by APOC disclosure rules.

Secondly, this replacement ordinance does not contain a provision which gives the Ethics Task Force "a monopoly on interpreting and enforcing the code." Once standards have been set, they should be enforceable by other individuals or entities.

Resolution Serial No. 11-36 stated that the Task Force would be subject to the provisions of WMC 2.44. However, the drafter of the resolution attempted to appoint all the members of the task force, including council members, and to appoint the drafter as chair. In addition to being in conflict with the provisions of WMC 2.44, which state that the Mayor shall appoint and the Council confirm members, and that a chairperson and vice-chairperson shall be elected by a majority of the commission members, once they have been selected, this did not allow the general public the opportunity to apply for positions on the Ethics Task Force. This was disrespectful to the Mayor, other Council members, and most importantly, to the citizens of Wasilla, and was certainly not an appropriate start for a task force whose mission it will be to help us set standards of conduct for municipal officials.

Since only residents may vote in municipal elections, this ordinance would allow only residents of Wasilla to apply to make recommendations as to the standards of conduct they expect from their municipal officials.

This ordinance will also allow for the Council to choose among its members for the council member positions, for which there is past precedent.

Last, but not least, this ordinance eliminates a potential conflict by adding one additional member of the public and making the Human Resources Generalist a non-voting staff support position.

**STAFF RECOMMENDATION:** Introduce and set for public hearing Ordinance Serial No. 12-02.