


MEMORANDUM

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TO: The Honorable Mayor & City Council

FROM: Lacey G. Simpson, Assistant City Manager Initials: 

DATE: March 29, 2023 File #: MGR23-156

RE: **Ordinance No. 23-1968, Amending Ketchikan Municipal Code Section 2.05.160, Entitled "Definitions" In Regard To Certain Fiduciary Relationships And Financial Interests; And Establishing An Effective Date**

The attached ordinance amending the Ketchikan Municipal Code (KMC) was prepared by City Attorney Mitch Seaver at the request of Councilmember Bradberry at the meeting of March 2, 2023. If adopted in first reading, Ordinance No. 23-1968 will amend the KMC to clarify that mayoral appointments of councilmembers to a board or advisory board are subject to the presiding officer's ruling regarding any fiduciary obligation or financial interest created by a councilmember's mayoral appointment. Following discussions at the March 2, 2023 meeting, Councilmember Bradberry requested a future agenda item to discuss the role of councilmembers on mayor appointed boards. While the below ordinance clarifies some aspects of the KMC, the Council may wish to make further adjustments and clarifications to the KMC or other policies following a discussion.

The City Attorney will be attending the City Council meeting of April 6, 2023, in order to address any questions and/or concerns that Councilors may have.

A motion has been prepared for City Council consideration.


Recommended Motion: I move that the City Council approve Ordinance No. 23-1968 in first reading, amending section 2.05.160 of the Ketchikan Municipal Code entitled "Definitions" in regard to certain fiduciary relationships and financial interests; and establishing an effective date.

Mitch Seaver
City Attorney
City of Ketchikan, Alaska

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MEMORANDUM

TO: Mayor Kiffer
Members of City Council
Delilah Walsh, City Manager

FROM:  Mitch Seaver
City Attorney

DATE: March 15, 2023

SUBJECT: Mayoral Appointments and Conflicts of Interest

Transmitted herewith is a proposed ordinance addressing conflicts of interest and mayoral appointments to the boards of outside organizations.

THE CITY OF KETCHIKAN, ALASKA

ORDINANCE NO. 23-1968

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA; AMENDING KETCHIKAN MUNICIPAL CODE SECTION 2.05.160; ENTITLED, "DEFINITIONS," IN REGARD TO CERTAIN FIDUCIARY RELATIONSHIPS AND FINANCIAL INTERESTS; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

Section 1: Amendment. Section 2.05.160 of the Ketchikan Municipal Code, entitled "Definitions," is hereby amended to add the following to the definition of "Substantial Financial or Personal Interest:

"Substantial Financial Interest or Personal Interest. Whether the financial or personal interest disclosed is substantial shall be determined on a case-by-case basis, with evaluation and balancing of these factors:

- (1) Whether the financial or personal interest is a substantial part of the matter under consideration;
- (2) Whether the financial or personal interest directly and substantially varies with the outcome of the official action;
- (3) Whether the financial or personal interest is immediate and known or conjectural and dependent on factors beyond the official action;
- (4) Whether the financial or personal interest is significant monetarily;
- (5) Whether the financial or personal interest is of a type which is generally possessed by the public or a large class of persons to which the person belongs;
- (6) Other factors deemed appropriate by the presiding official under the specifics of the disclosure and the nature of the action.

(7) For the purposes of this chapter, a fiduciary obligation or financial interest created by way of a mayoral appointment to a board seat or as an advisory member of a board of an outside organization where the seat is reserved for a council member or other municipal officer or employee, shall be

considered upon disclosure to be an insubstantial conflict of interest, but shall remain subject to the ruling of the presiding officer.”

Section 2: Effective Date. This ordinance is effective one (1) month after its final passage and publication.

PASSED ON FIRST READING _____.

FINAL PASSAGE _____.

Dave Kiffer, Mayor

ATTEST:

Kim L. Stanker
City Clerk

FYI: Bracketed language is intended to be removed from the existing ordinance, and underlined language in bold type is intended as an addition to the existing Ketchikan Municipal Code.

EFFECTIVE		DATE:	
ROLL CALL	YEA	NAY	ABSENT
BRADBERRY			
FINNEGAN			
FLORA			
GAGE			
GASS			
KISTLER			
MAHTANI			
MAYOR			