

**CITY OF CORDOVA, ALASKA
RESOLUTION 11-20-39**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
PLACING A BALLOT PROPOSITION BEFORE THE VOTERS AT THE REGULAR
ELECTION OF MARCH 2, 2021 AMENDING SECTION 5-19 ENTITLED “PERSONAL
INTEREST” TO CLARIFY THE LANGUAGE AND EXPAND THE CITY’S ABILITY
TO PURCHASE, EXCHANGE, SELL AND CONTRACT WITH ELECTED OFFICIALS
AND THE CITY MANAGER WITHOUT COMPETITIVE PROCUREMENT SO LONG
AS COUNCIL APPROVES SALES, PURCHASES, EXCHANGES OR CONTRACTS OF
SUBSTANTIAL VALUE VIA ORDINANCE AND THE CITY PUBLICLY DISCLOSES
THE ESSENTIAL TERMS OF ALL SUCH TRANSACTIONS**

WHEREAS, The City Council recognizes that the City of Cordova (“City”) is a small community with limited resources for goods and services; and

WHEREAS, the City’s inability to contract with elected officials for goods and services in response to an emergency or when terms were favorable to the City negatively impacted the City; and

WHEREAS, the prohibitions in City Charter 5-19 are necessary but unduly restrict Council’s ability to utilize goods and services held or offered by elected officials or the City Manager even when doing so would financially benefit the City; and

WHEREAS, the prohibitions in Charter Section 5-19 and the consequences for violating them are unclear; and

WHEREAS, the proposed amendments to City Charter 5-19 clarify the limitations on procurement between the City and its elected officials and City Manager and protect the City from improper dealings or favoritism towards elected officials or the City Manager while preserving the City’s ability to conduct its business in a manner most advantageous to the City and its taxpayers.

NOW, THEREFORE BE IT RESOLVED that:

Section 1. The City shall submit the following Proposition No. 1 amending City Charter Section 5-19 to the qualified City voters at the March 2, 2021 regular City election. The proposition must receive an affirmative vote from a majority of the qualified voters voting on the question to be approved.

Proposition No. 2
Repeal and reenactment of City Charter Section 5-19 Personal Interest

Should Cordova City Charter Section 5-19 be amended to read as follows:

Except when approved by City Council via ordinance, the City Manager and elected City officials may only sell, purchase, barter or contract with the City for property, goods or services with a value that constitutes a substantial financial interest if the sale, purchase or exchange of such property, goods or services is awarded via a competitive procurement method and in compliance with City law. This prohibition does not apply to sales, purchases, exchanges or contracts with the City that are offered to all members of the public under the same or substantially similar terms, including but not limited to utility agreements, waste management services, telephone services, heating services, and other public services. The City shall publicly disclose the essential terms of any sale, purchase, barter or contract with the City Manager or an elected official before entering into the transaction. An elected official who violates this provision shall forfeit his or her office upon determination by City Council that a violation has occurred. Any contract entered into in violation of this provision shall be voidable by City Council.

Section 2. The proposition, both for paper ballots and machine ballots, shall be printed on a ballot and the following words shall be added as appropriate and next to a space provided for marking the ballot for voting by hand or machine:

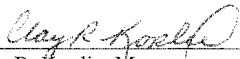
Proposition No. 2

Yes
No

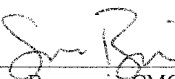
Section 3. This Resolution shall become effective upon passage and approval. Proposition No. 2 shall become effective upon approval by the majority of qualified voters at a regular or special City election held not less than two months after passage of this resolution.

PASSED AND APPROVED THIS 4th DAY OF NOVEMBER 2020.





Clay R. Koplin, Mayor

ATTEST:


Susan Bourgeois, CMC, City Clerk