



MEMORANDUM

DATE: January 23, 2019
TO: Assembly
FROM: Robert H. Palmer III, Municipal Attorney
SUBJECT: Aquatics Board recommendation of Ord. 2019-03(b)

The Aquatics Board reviewed Ordinance 2019-03 and recommends the Assembly make the following changes, which are provided in version (b).

Recommendation 1: Local “aquatics” organization instead of “swim” organization

Section 67.10.010(b) qualifies that at least one but not more than two members can be from a local swim organization. The Board recommends using the term “aquatics” instead of “swim” to be more inclusive. Those changes are reflected on page 2 lines 19-24.

Palmer comments: The Assembly is free to make this change.

Recommendation 2: Removing the employment prohibition

67.10.010(b) states that “No board member, or member of a board member's immediate family or household, may be employed by an aquatics facility owned by the City and Borough.” (page 2 lines 17-18). The Board recommends deleting this sentence.

Palmer comments: The decision whether to keep or delete the sentence is a policy decision. On one hand, this sentence prevents a class of potential conflicts of interests. On the other hand, such a sentence may limit the number of well-qualified board member applicants.

- *If this sentence is deleted, then the regular conflict of interest code provisions, 01.45, would apply and board members would need to be hyper-aware of potential conflicts of interest. For example, if an immediate family member of a board member would receive a financial benefit from the Board’s decision, then the board member has a financial conflict of interest and cannot vote. 01.45.010(c); 01.45.360 (defining immediate family member to include minor children or a regular member of the board member’s household). There are potential defenses if the financial interest is insignificant or if the Board decision would have an insignificant effect of the immediate family member’s financial interest. 01.45.008(b).*
- *If this sentence is NOT deleted, then this sentence would continue to prevent potential conflicts of interest due to an immediate family member’s employment with the CBJ aquatics program.*