

**AN ORDINANCE GOVERNING COUNCIL MEMBER'S INTEREST IN CONTRACTS TO WHICH THE TOWN OF ALPINE IS PARTY AND GOVERNING THE DISCLOSURE OF A TOWN EMPLOYEE'S INTEREST IN CONTRACTS TO WHICH THE TOWN OF ALPINE IS A PARTY**

**Section I: Severability.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

**Section II: Effective Date.**

This ordinance will establish an effective date at its passing on the third and final reading.

**Section III: No Council Member may have an interest in contracts to which the Town of Alpine is a Party**

No member of the Alpine Town Council or any member of that council member's immediate family may receive any monetary or other economic benefit from any contract to which the Town or anyone for its benefit is a party.

The obligation on the part of the Town is void in any contract in which a monetary or other economic benefit will be received by a member of the Town council or his immediate family who does not comply with Section IV of this Ordinance.

**Section IV: Exceptions**

Section III of this Ordinance does not apply to any Town Council Member or a member of his immediate family if the Council Member in question complies with the following. The council member:

- A shall not participate in the consideration or discussion relating to the contract;
- B shall not attempt to influence the other members of the Council;
- C shall reveal the nature and extent of any monetary or other economic benefit he or a member of his immediate family may receive to the other members of the Council prior to the consideration of the contract;
- D shall not vote on the matter of granting the contract;
- E shall recuse and absent himself during the consideration, discussion and vote on the contract;
- F shall not act directly or indirectly for the Town in inspecting, administering or securing performance under the contract in question.

**Section V Fairness to Town**

Notwithstanding section IV above, the Town shall not enter into any transaction in which a council member or Town employee has a direct or indirect interest or stands to realize a monetary or other economic benefit until the Town Council has made a determination that the Contract is in all material respects fair to the Town. Fairness shall be determined by looking at the rate charged to the Town as compared to rates charged to similarly situated individuals or entities for the same or similar goods or services.

The Town Council is also authorized to consider convenience and the availability, both in time/availability and geographic scope of similar providers of goods and services.

**Section VI Disclosure of interest by Town employee in a contract in which the Town has an interest.**

Any employee having a direct or indirect interest in contract to which the Town is a party or having any monetary or other economic benefit from any contract to which the Town is a party shall disclose that interest or benefit to the Town Council in writing prior to the consideration of such contract. Failure to disclose such interest or benefit shall void the Town's obligations under that contract.

**Section VII: This ordinance passed and approved on the following dates:**

Passed on the First Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

VOTE: \_\_\_ YES \_\_\_ NO \_\_\_ ABSTAIN \_\_\_ ABSENT

Passed on the Second Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

VOTE: \_\_\_ YES \_\_\_ NO \_\_\_ ABSTAIN \_\_\_ ABSENT

Passed and approved on the Third Reading on \_\_\_\_\_ day of \_\_\_\_\_, 2008.

VOTS: \_\_\_ YES \_\_\_ NO \_\_\_ ABSTAIN \_\_\_ ABSENT

SIGNED: \_\_\_\_\_  
VICTORIA DECORA, MAYOR

ATTEST: \_\_\_\_\_  
WHITNEY HELLER, CLERK

ATTESTATION OF THE TOWN CLERK

STATE OF WYOMING            )  
COUNTY OF LINCOLN        )  
TOWN OF ALPINE             )

I hereby certify that the forgoing Ordinance No. \_\_\_\_\_ was duly posted for ten (10) days in the Town Clerk's Office.

I further certify that the forgoing Ordinance was duly recorded in the BOOK OF ORDINANCES IV, TOWN OF ALPINE, LINCOLN COUNTY, WYOMING.

ATTEST:

\_\_\_\_\_  
WHITNEY HELLER, CLERK