

## ***CITY OF BETHEL, ALASKA***

### **ORDINANCE #00-12**

#### **A ORDINANCE REPEALING CHAPTERS 2.25 AND 2.28 OF THE BMC RELATING TO THE TRANSPORTATION COMMISSION AND THE PUBLIC SAFETY COMMISSION; REENACTING CHAPTER 2.25 OF THE BMC, ESTABLISHING A PUBLIC SAFETY AND TRANSPORTATION COMMISSION; AND MAKING CONFORMING CHANGES TO THE BMC**

**BE IT ORDAINED** by the City Council of Bethel, Alaska, that:

**SECTION 1. Classification.** This ordinance is permanent in nature and shall become a part of the Bethel Municipal Code.

**SECTION 2. Repeal and Reenactment.** Chapters 2.25 and 2.28 of the Bethel Municipal Code are repealed. Chapter 2.25 is reenacted as follows:

#### CHAPTER 2.25 PUBLIC SAFETY AND TRANSPORTATION COMMISSION

- 2.25.010 Establishment of commission.
- 2.25.020 Powers and duties.
- 2.25.030 Composition.
- 2.25.040 Ex officio members and staff.
- 2.25.050 Application of Chapter 2.52.
- 2.25.060 Regulations.
- 2.25.070 Public and private ground transportation facilities defined.

2.25.010 Establishment of commission.

There is established a public safety and transportation commission ("the PSTC"). The PSTC shall provide advice regarding public safety and transportation issues, and regulate taxicabs, limousines or airport limousines, chauffeurs and dispatch services in accordance with this chapter and other applicable law.

2.25.020 Powers and duties.

A. With respect to providing advice regarding public safety and transportation issues, the PSTC shall:

1. Hear and review public safety and transportation concerns and advise the city council on these issues.
2. Hear and review citizen complaints regarding the police and fire departments and provide suggestions for resolution of the complaints to the city manager;
3. Produce reports on specific public safety and transportation concerns when appropriate;

4. Inform the city council on municipal and state legislation relevant to public safety and transportation;

5. Support municipal legislative programs on state issues relevant to public safety and transportation, when appropriate;

6. Review information presented regarding the availability of all federal, state, municipal and private resources for public safety and transportation in the city, advise the city council;

7. Advise the council with respect to the operation, management, regulation, and control of the city's public and private ground transportation facilities;

8. Advise the council with respect to the operation, management, regulation, and control of the city's public and private ground transportation facilities in accordance with Chapters, 5.20, 5.30, 5.40 and 5.50 of the Bethel Municipal Code, and other applicable ordinances now in effect of hereinafter enacted;

9. Advise the council with respect to the integration of public and private ground transportation facilities within Bethel;

10. Periodically review the budget, capital improvement programs and funding of city-owned ground transportation systems and report its findings to the city council;

11. Periodically study and advise the city council with respect to location and development of transportation systems, transportation coders, traffic movement, and those aspects of urban growth which facilitate or impede movement of people and goods, and those aspects of transportation that contribute to orderly economic development within the city;

12. Perform such other duties as the city council may refer to it from time to time;

13. Do such other acts as are necessary and proper to the performance of the duties and functions set forth in this chapter.

B. With respect to regulating taxicabs, limousines or airport limousines, chauffeurs and dispatch services, the PSTC shall:

1. Regulate taxicabs, limousines or airport limousines, chauffeurs and dispatch services in accordance with the Bethel Municipal Code and other applicable law;

2. Hold public hearings as necessary to investigate the quality of service rendered by taxicabs, limousines or airport limousines, chauffeurs and dispatch services and make such recommendations to the council as it deems necessary for the improvement of such services;

3. Administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the PSTC for the purpose of regulating taxicabs, limousines or airport limousines, chauffeurs and dispatch services. The commission may petition a court of the state to enforce its subpoenas or other process;

4. Conduct hearings pursuant to Chapter 5.20 of this code and other applicable ordinances now in effect or hereinafter enacted;

5. Perform such other duties as the city council may refer to it from time to time;

6. Do such other acts as are necessary and proper to the performance of the duties and functions set forth in this chapter.

C. Nothing in this chapter should be construed to provide the following authority to the PSTC:

1. To hear or advise on any concerns or complaints related to potential or pending litigation with the City of Bethel;

2. To review or advise on any complaints, concerns or negotiation strategies related to labor contracts with the city of Bethel;
3. To review or advise on any hiring or disciplinary decisions made by the Bethel police or fire departments;
4. To review or advise on past, pending or potential grievance, arbitration or administrative matters that pertain to public safety personnel;
5. To review any personnel files of public safety employees;
6. To review police reports and records unless, prior to review by the PSTC, the city attorney determines that review of such reports and records complies with applicable law;
7. To issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquire, investigation, hearing or proceeding before the PSTC for any purpose other than for the purpose of regulating taxicabs, limousines or airport limousines, chauffeurs and dispatch services.

#### 2.25.030 Composition.

A. Membership. The voting members of the PSTC shall be seven citizens who have been residents of the city for at least one year and otherwise comply with the requirements of BMC 2.52.040 and this chapter. The seventh voting member shall be a member of the city council. No more than two members may have an interest in the vehicle-for-hire industry. A person who applies for a seat on the commission shall disclose in the application all interests the person has in the vehicle-for-hire industry. A member of the commission who becomes a person with an interest in the vehicle-for-hire industry after appointment to the commission shall immediately disclose that interest and forfeits his or her seat on the commission if there already exist two members with an interest in the vehicle-for-hire industry.

B. Term. The terms of each member shall be as provided for in BMC 2.52.050.

C. Presiding officer. The PSTC shall designate a member to preside as chairperson for a period of one year. The PSTC shall also designate as its vice-chairperson a member to serve in the absence of the chairperson.

#### 2.25.040 Ex officio members and staff.

The police and fire chiefs, or their designees, shall serve as ex officio members of the PSTC in accordance with BMC 2.52.170. They shall insure that the PSTC is provided with information requested by it in order to perform its functions under this Chapter in a reasonable time to allow the PSTC to conduct its business, except if provision of such information is prohibited by law.

#### 2.25.050 Application of Chapter 2.52.

The provisions of Chapter 2.52 of the Bethel Municipal Code apply to the PSTC unless a specific, different procedure is provided for in this Chapter.

#### 2.52.060 Regulations.

The PSTC may promulgate regulations relating to operation of, and rates to be charged for services provided by taxicabs, limousines or airport limousines and dispatch services not inconsistent with the provisions of Chapter 5.20, 5.30, 5.40, and 5.50 of the Bethel Municipal Code, and other applicable ordinances now in effect of hereinafter enacted.

#### 2.52.070 Public and private ground transportation facilities defined.

"Public and private ground transportation facilities" include but are not limited to buses, taxicabs, limousines and other motor driven passenger conveyances offered for public hire.

**SECTION 3. Other Code References.** A. The following sections of the Bethel Municipal Code are amended as follows (new language is underlines and deleted language is bracketed):

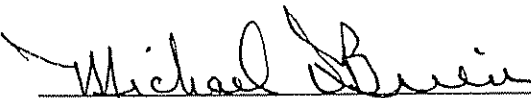
Section 5.20.010.C. "Commission" means the [Bethel] Public Safety and Transportation Commission.

Section 5.40.080.A. No chauffeur may require payment of rates greater than those established by the Public Safety and Transportation Commission pursuant to Section 5.20.020.

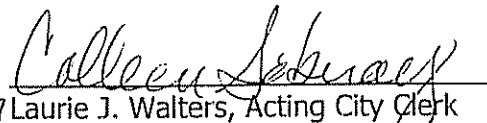
B. The intent of the council in enacting this ordinance is to make similar amendments to any other references in the Bethel Municipal Code. The city clerk is hereby authorized to amend any reference in the Bethel Municipal Code to the "public safety commission" or the "transportation commission" to read "the public safety and transportation commission."

**SECTION 4. Effective date.** This ordinance shall become effective June 1, 2000.

**ENACTED THIS 9th DAY OF MAY 2000, by a vote of 7 in favor and none opposed.**

  
Mike O'Brien, Mayor

ATTEST:

  
for Laurie J. Walters, Acting City Clerk