

Introduced by: Mayor DeWitt
Introduction Date: May 11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

CITY OF BETHEL, ALASKA

Ordinance 21-20

AN ORDINANCE OF THE BETHEL CITY COUNCIL REPEALING CHAPTERS 2.24 (PLANNING COMMISSION), 2.25 (PUBLIC SAFETY AND TRANSPORTATION COMMISSION), 2.52 (BOARDS, COMMITTEES AND COMMISSIONS), AND 14.04 (PORT COMMISSION)

AND ESTABLISHING CHAPTER 2.60 (COMMITTEES COMMISSIONS AND AD HOC COMMITTEES)

- WHEREAS,** various Bethel Municipal Code chapters govern the structure, duties and obligations of boards, committees and commissions and their members and staff;
- WHEREAS,** a review, update, and consolidation of these provisions clarifies and streamlines the duties and obligations of these bodies and provides consistency in the City's facilitation of board, committee and commission meetings;
- WHEREAS,** the City recognizes that the goal of citizen involvement is to seek objective opinions from a diverse array of residents and to value the expression of citizen viewpoints in all areas;
- WHEREAS,** the City wishes to provide stronger support and guidance to the volunteer boards, committees, and commissions by clarifying duties and responsibilities for each of these recommending bodies;
- WHEREAS,** the City wishes to promote civic engagement and encourage participation in municipal government among the youth of our community by allowing youth volunteers to be appointed to boards, committees and commissions;
- WHEREAS,** Ordinance 21-21, amending Chapter 5.20 of the Bethel Municipal Code is linked to this Ordinance; however, because of changes to the Public Safety and Transportation Commission's duties and the impacts those changes may have on the transportation industry, that ordinance is presented separately;

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA:

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

SECTION 2. Amendment. Bethel Municipal Code 2.24 Planning Commission is repealed.

Chapter 2.24
PLANNING COMMISSION

Sections:

- ~~2.24.010 Assumption of power.~~
- ~~2.24.020 Establishment of commission.~~
- ~~2.24.030 Planning, subdivision and land use functions.~~
- ~~2.24.040 Composition and staff.~~
- ~~2.24.050 General procedures.~~

~~2.24.010 Assumption of power.~~

~~Pursuant to AS 29.35.260(c), the city has assumed the powers of planning, platting and land use regulation. [Ord. 12-01 § 2; Ord. 01-05 § 4.]~~

~~2.24.020 Establishment of commission.~~

~~Pursuant to AS 29.35.260(c) and 29.40.020, there is established the city planning commission. Its duties, functions, procedures and composition shall be as specified in this chapter. [Ord. 12-01 § 2; Ord. 01-05 § 4.]~~

~~2.24.030 Planning, subdivision and land use functions.~~

~~A. The planning commission may:~~

- ~~1. Review and make recommendations on existing and proposed federal, state and city land selection, acquisition, disposal or management practices that affect the city;~~
- ~~2. Make recommendations concerning the city's annual planning budget and work program;~~

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~~3. Make recommendations concerning all planning consulting contracts to which the city is or proposes to be a party;~~

~~4. Make recommendations concerning needed or proposed public improvements;~~

~~5. Recommend to the city council the prioritization of the projects in the city's annual and long term capital improvements program;~~

~~6. Recommend to the city council adoption of and changes to subdivision, land use, site plan, land acquisition and disposal, flood control, housing, building and similar codes.~~

~~B. The planning commission shall:~~

~~1. Maintain and update the official map of the city;~~

~~2. Recommend to the city council integrated or consolidated land use and related codes;~~

~~3. Regularly review the comprehensive plan or its components and recommend to the city council updates or other changes. The comprehensive plan should include:~~

~~a. Statements of policies, goals and standards;~~

~~b. A land use plan;~~

~~c. A community facilities plan;~~

~~d. A transportation plan, and~~

~~e. Recommendations for implementation of the comprehensive plan;~~

~~4. Recommend to the city council ordinances to implement the comprehensive plan;~~

~~5. Act as the platting authority for the city;~~

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~~6. Perform such other duties and functions as are provided for in BMC Titles 15, 16, 17 and 18 and other provisions of this code.~~

~~2.24.040 — Composition and staff.~~

~~A. The voting members of the planning commission shall be six (6) citizens who have been residents of the city for at least one (1) year. The seventh (7th) voting member shall be a member of the city council. The planning department manager or their designee will act as staff to the commission and may participate in commission discussions, except appeals of decisions of the planning manager or planning staff, but is not allowed to vote.~~

~~B. Members shall be appointed to the commission by the mayor and shall be confirmed by the council. Appointments to fill vacancies shall be for the unexpired term.~~

~~C. The term of office shall be three (3) years. Two (2) commission members' terms shall expire each year on December thirty first (31st).~~

~~D. The planning commission shall designate a member to preside as chairperson for a period of one (1) year. The commission shall also designate as its vice chairperson a member who shall exercise the powers of the chairperson during the absence of the chairperson.~~

~~E. Four (4) members constitute a quorum. Any act of the commission requires an affirmative vote of at least four (4) members.~~

~~F. The planning department shall provide administrative support to the commission.~~

~~G. *Alternate Members.* The mayor shall appoint up to two (2) additional members to serve as alternate members, subject to confirmation by the council. An alternate member will be activated as a voting member whenever there is an absence or conflict of interest of another member. At all other times the alternate member shall be an ex-officio member. [Ord. 12-01 § 2; Ord. 09-09 § 3; Ord. 01-05 § 4.]~~

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~~2.24.050 — General procedures.~~

~~A. Regular meetings shall be held on a schedule established by the planning commission. The schedule of the regular meeting dates, times and places shall be published at least twice in a newspaper of general circulation in the city. The publication shall cover the regular meetings scheduled for the next twelve (12) months or through the end of the next calendar year. The two (2) publications should be within five (5) to fifteen (15) days of each other. Publication of notice of a specific regular meeting may also be made, but is not necessary unless required by other provisions of this code. A copy of the proposed agenda shall be posted at least five (5) days before the meeting at City Hall and in three (3) other public places where such notices are regularly posted.~~

~~B. *Postponing or Rescheduling of Regular Meetings.* A regular meeting may be postponed or rescheduled to another date upon a vote of the majority of the members at a previous regular or special meeting. A regular meeting may be postponed or rescheduled because of an expected lack of a quorum of the members at a scheduled regular meeting. Notice of the postponing or rescheduling of a regular meeting shall be given in accordance with subsection C of this section. If a regular meeting is rescheduled, it may not be rescheduled before five (5) days after the last regular meeting in order to give the public notice of the rescheduled date.~~

~~C. Special meetings may be called by the chairperson or shall be called by the chairperson at the request of two (2) members of the commission. Notice of special meetings shall be given by posting notice of the date, time and place of the meeting at least five (5) days prior to the meeting at City Hall and three (3) other public places where such notices are regularly posted.~~

~~D. Meetings shall be public and minutes shall be kept. Minutes shall be retained as a public record in the office of the city clerk.~~

~~E. Meetings shall be conducted under Robert's Rules of Order with such modifications and additions as may be adopted by the commission.~~

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~~F. *Office and Staff.* The commission and its staff shall be provided office space suitable for its needs with adequate room to file its journals, resolutions, records, reference materials, correspondence, maps, plats and charts, all of which shall constitute public records of the city. The city manager shall make available to the commission, its staff and consultants the public records to aid the furtherance of the performance of the commission's duties.~~

~~G. All formal actions of the commission shall be by resolution bearing:~~

- ~~1. The heading "Resolution of the Bethel Planning Commission";~~
- ~~2. The space for the resolution number to be assigned, "Resolution No. (number)";~~
- ~~3. A short and concise title descriptive of its subject and purpose;~~
- ~~4. A short list of "Whereas" clauses descriptive of the reasons for the resolution, if necessary;~~
- ~~5. The resolving clause "THEREFORE, BE IT RESOLVED THAT..."; followed by a statement of the action approved by the commission and such factual findings, conclusions and other matters as may be appropriate; and~~
- ~~6. A declaration of the date the resolution was adopted: "Adopted (date)" and designated lines for the signatures of the chairperson and the commission clerk.~~

~~H. All funds received by the commission or the planning department as fees, charges, or otherwise shall be deposited in the general fund of the city and may be expended only pursuant to an appropriation.~~

~~I. Members of the planning commission may be paid a fee or honorarium and reimbursed for expenses as provided by resolution of the city council.~~

SECTION 3. Amendment. Bethel Municipal Code 2.25 Public Safety and Transportation Commission is repealed.

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Chapter 2.25

PUBLIC SAFETY AND TRANSPORTATION COMMISSION

Sections:

- ~~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 BMC.~~
- ~~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 (PSTC). The PSTC shall provide advice regarding public safety and transportation issues, and regulate taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services in accordance with this chapter, Chapters 5.20 through 5.50 BMC 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;~~

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- ~~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, and 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, 5.45 and 5.50 BMC, and other applicable ordinances now in effect or 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.~~

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

- ~~1. Regulate taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services in accordance with Chapters 5.20 through 5.50 BMC and other applicable law;~~
- ~~2. Hold public hearings as necessary to investigate the quality of service rendered by taxicabs, river taxis, buses, 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, river taxis, buses, 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 BMC 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;~~
- ~~2. To review or advise on any complaints, concerns or negotiation strategies related to labor contracts with the city;~~

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~~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 inquiry, 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 (7) citizens who have been residents of the city for at least one (1) year and otherwise comply with the requirements of BMC 2.52.040 and this chapter. The seventh (7th) voting member shall be a member of the city council. No more than one (1) member 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 their seat on the commission if there already exists one (1) member 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.~~

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~~C. *Presiding Officer.* The PSTC shall designate a member to preside as chairperson for a period of one (1) year. The PSTC shall also designate as its vice chairperson a member to serve in the absence of the chairperson.~~

~~D. *Alternate Members.* The mayor shall appoint up to two (2) additional members to serve as alternate members, subject to confirmation by the council. An alternate member will be activated as a voting member whenever there is an absence or conflict of interest of another member. At all other times the alternate member shall be an ex-officio member.~~

~~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 ensure 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 BMC.~~

~~The provisions of Chapter 2.52 BMC apply to the PSTC unless a specific, different procedure is provided for in this chapter.~~

~~2.25.060 — Regulations.~~

~~The PSTC may promulgate regulations relating to operation of, and rates to be charged for services provided by, taxicabs, river taxis, buses, limousines or airport limousines and dispatch services not inconsistent with the provisions of Chapters 5.20, 5.30, 5.40, 5.45 and 5.50 BMC, and other applicable ordinances now in effect or hereinafter enacted.~~

~~2.25.070 — Public and private ground transportation facilities defined.~~

~~"Public and private ground transportation facilities" mean and include but are not limited to buses, taxicabs, river taxis, limousines or airport limousines, and other motor-driven passenger conveyances offered for public hire.~~

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SECTION 4. Amendment. Bethel Municipal Code Chapter 2.52 Boards, Committees and Commissions is repealed and replaced by Chapter 2.60 Committees, Commissions, and Ad Hoc Committees.

Chapter 2.52

~~BOARDS, COMMITTEES AND COMMISSIONS—General—~~

Sections:

- ~~2.52.010—Applicability.~~
- ~~2.52.020—Powers and duties.~~
- ~~2.52.025—Committees.~~
- ~~2.52.030—Appointments.~~
- ~~2.52.035—Composition and voting.~~
- ~~2.52.040—Qualifications.~~
- ~~2.52.050—Terms.~~
- ~~2.52.060—Compensation.~~
- ~~2.52.070—Vacancies.~~
- ~~2.52.080—Notice of vacancy.~~
- ~~2.52.090—Applications.~~
- ~~2.52.110—Officers.~~
- ~~2.52.120—Quorum and voting requirements.~~
- ~~2.52.130—Meetings and notice of meetings.~~
- ~~2.52.140—Conflict of interest.~~
- ~~2.52.150—Procedure.~~
- ~~2.52.160—Reports and minutes.~~
- ~~2.52.170—Ex officio members and staff.~~

~~2.52.010—Applicability.~~

~~A. The provisions of BMC 2.52.020 through 2.52.170 apply to all appointed bodies—~~

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~~created by the council unless otherwise specifically provided in this code or in the ordinance creating the body, whether the body is a board, commission, committee, study group, task force or other appointed body, whether advisory or given governmental powers, and whether having a limited or unlimited life. The provisions of this chapter do not apply to bodies consisting entirely of city councilmembers appointed by the mayor nor to bodies created by any municipal officer, department, agency or any municipal body other than the city council. An appointed body created by an appointed body governed by this chapter, or by a municipal officer, department, or agency may not be delegated or exercise any governmental power, establish city policies or make decisions for the city.~~

~~B. Unless a different meaning is indicated by the context, in the remainder of this chapter the words "body" and "appointed body" refer to appointed bodies governed by this chapter whose members are appointed by the mayor and the word "member" refers to a member of such an appointed body.~~

~~2.52.020 — Powers and duties.~~

~~The council may by ordinance establish advisory, administrative, technical or quasi-judicial boards or commissions. The ordinance shall prescribe the duties and additional qualifications of members and the authority of the body.~~

~~2.52.025 — Committees.~~

~~A. There shall be a finance committee, a public works committee, a parks, recreation, and an aquatic health and safety center committee for the purposes of gathering information, conducting research, advising the city council regarding matters within their purview, and performing any other such duties as the city council may refer to them from time to time.~~

~~B. The authority of these committees shall be advisory and recommendations shall be made to the city council.~~

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~~C. These committees shall be subject to all provisions of BMC 2.52.020 through 2.52.170.~~

~~D. These committees shall use Robert's Rules of Order. Regular meeting of these committees shall be at least quarterly. Special meetings may be called at the discretion of the chairperson or by two (2) members of the committee.~~

~~E. These committees shall each be composed of seven (7) voting members and two (2) alternate members who shall be residents of the city; (6) of which shall be appointed by the mayor, subject to confirmation by the city council and the seventh (7th) member shall be appointed by the mayor from the city council as council representative.~~

~~F. All seven (7) members of each of the committees shall be voting members.~~

~~G. The terms of the appointments to the committees shall be for a period of three (3) years except for the councilmember appointment which shall be for a period of one (1) year. In the event of a vacancy, the mayor shall appoint a person to serve the remaining term and in the case of a citizen member, said appointment shall be subject to confirmation by the city council.~~

~~H. If there are a total of seven (7) combined commissions and committees, one (1) of the members of the city council shall serve as a council representative on each of the commissions and committees. If there are less than seven (7) combined commissions and committees, the mayor shall not serve as a council representative to a commission or committee.~~

~~I. Committee members can be removed from office for cause only, and removal is subject to an appeal by the member to the city council.~~

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~~J. A majority of the seven (7) voting members of an advisory board, committee or commission shall constitute a quorum for the transaction of business. Four (4) affirmative votes shall be necessary to carry any question unless the body is acting in a quasi-judicial capacity.~~

~~K. An agenda of meetings shall be prepared and published according to established rules of the city council.~~

~~L. Permanent records, or minutes, shall be kept for all meetings held. All resolutions and minutes of each committee or a similar report shall be presented to the city council by a member of the council appointed to serve on the respective committee or, in their absence, by the city manager. The minutes shall be properly filed in the office of the city clerk and shall be open to inspection by the public.~~

~~2.52.030 — Appointments.~~

~~A. Members shall be appointed by the mayor and confirmed by the council. The mayor may withdraw an appointment at any time prior to confirmation by the council.~~

~~B. *Alternate Members.* For each board or commission, the mayor shall appoint up to two (2) additional members to serve as alternate members, subject to confirmation by the council. An alternate member will be activated as a voting member whenever there is an absence or conflict of interest of another member. At all other times the alternate member shall be an ex-officio member.~~

~~2.52.035 — Composition and voting.~~

~~A. *Membership.* The number of members of each board, committee or commission shall be determined by the city council in the ordinance establishing the body. Unless provided otherwise in the ordinance establishing the body, the city council member of the body shall be a voting member of the body.~~

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~~2.52.040 — Qualifications:~~

~~In addition to any other qualifications required by this code, a member:~~

~~A. Shall have been a resident of the city for six (6) months; and~~

~~B. Shall remain a resident of the city while in office.~~

~~C. Except as provided in BMC [2.52.170](#), a city employee shall not be appointed to a committee, commission or board which conducts any business that concerns or relates to the department where the employee works. A city employee may, however, be appointed to a committee, commission or board which conducts business that concerns or relates to another city department.~~

~~2.52.050 — Terms:~~

~~The term of each member is three (3) years, except that the term of a councilmember appointed to a commission or committee shall be for one (1) year. The term of any commission or committee member, including a councilmember, appointed to fill out the term of a vacated seat, shall expire on the regularly scheduled date of that position. The terms of initial appointments shall be staggered so that, as nearly as possible, a pro rata number of members shall be appointed for each year during the regular term of office established for the members. The regular term shall, unless otherwise specified by ordinance, commence on January first (1st) of the year of appointment and shall expire on December thirty first (31st) of the year the term expires; provided, a member whose term has expired but seeks reappointment may continue to hold office for a period not longer than thirty (30) days from the date of expiration.~~

~~2.52.060 — Compensation:~~

~~No member shall be compensated for services as a member of the body.~~

~~2.52.070 — Vacancies:~~

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~~A. The head of the department clearly associated with the body or the department head's delegate shall keep attendance records and notify the city clerk when a vacancy has been declared. Attendance shall be taken and recorded even in the absence of a quorum. A vacancy shall be declared by the body when a member:~~

- ~~1. Is absent from the city for more than ninety (90) days without first (1st) being excused by the body;~~
- ~~2. Fails to attend three (3) regularly scheduled meetings within any calendar year without being excused by the body;~~
- ~~3. Fails to attend three (3) special meetings within any calendar year without being excused by the body;~~
- ~~4. Repealed by Ord. 20-07;~~
- ~~5. Repealed by Ord. 20-07;~~
- ~~6. Submits a written resignation which is accepted by the body or the mayor;~~
- ~~7. Dies;~~
- ~~8. Fails to qualify and give the oath of office within forty five (45) days after city council confirmation of the appointment;~~
- ~~9. Ceases to be a resident of the city;~~
- ~~10. Is convicted of a felony or an offense involving a violation of the oath of office for the body; or~~
- ~~11. Becomes disqualified from holding the seat under other provisions of this code.~~

~~B. A vacancy may be declared by the body when a member:~~

- ~~1. Fails to attend a minimum of sixty five (65) percent of regular meetings held within any calendar year whether excused or unexcused;~~

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~~2. Fails to attend a minimum of sixty five (65) percent of special meetings held within any calendar year whether excused or unexcused.~~

~~C. A member may be removed by the council at any time with or without a stated reason; provided, before or promptly after the removal the person shall first (1st) be given an opportunity to address the council in a public meeting.~~

~~D. A member that is appointed or nominated by a private or governmental organization or officer as a representative of that organization on the body may be removed at any time as provided for removal of members appointed by the mayor.~~

~~E. An ex officio member may not be removed by the council if the person's membership is based solely upon an office or position occupied by that person within a different organization and is not based in part or in whole upon a nomination or recommendation by the person's organization.~~

~~2.52.080 Notice of vacancy.~~

~~A. At least thirty (30) days prior to the expiration of the term of a member, the city clerk shall cause notice thereof to be posted within the city. The notice shall set forth the name of the body, the number of terms that are expiring, the length of the terms, any qualifications of members, and the method of applying for consideration for appointment to the body.~~

~~B. In the event of a declared vacancy on a body, the city clerk shall post notice of the vacancy for not less than fifteen (15) days. At the earliest possible council meeting after the fifteen (15) day posting of the vacancy, the mayor shall appoint a new member for the remaining unexpired term, subject to confirmation of the council.~~

~~C. Notwithstanding the posting requirements of this section, the mayor may appoint, and the council may confirm an appointment at any time after the first (1st) day notice is posted.~~

~~2.52.090 Applications.~~

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~~The city clerk shall provide a standard information and application form for interested persons to complete. The application form, letters or other expressions of interest shall be submitted to the city clerk.~~

~~2.52.110 — Officers.~~

~~The members shall annually elect a chair and vice chair. The vice chair shall act in the absence of the chair or in the inability of the chair to act.~~

~~2.52.120 — Quorum and voting requirements.~~

~~A majority of the authorized members shall be a quorum for the transaction of business. The affirmative votes of the majority of the authorized members shall be required to carry a question. In the absence of a quorum for the transaction of business, any number less than a quorum may recess to a later time or date.~~

~~2.52.130 — Meetings and notice of meetings.~~

~~A. *Meetings.* Regularly scheduled meetings shall be held at a time and place designated by the body. Special meetings may be called by the chair, the city employee designated as an ex officio member pursuant to BMC 2.52.170, and shall be called by the chairperson at the request of two (2) members.~~

~~B. *Postponing or Rescheduling of Regular Meetings.* A regular meeting may be postponed or rescheduled to another date upon a vote of the majority of the members at a previous regular or special meeting. A regular meeting may be postponed or rescheduled because of an expected lack of a quorum of the members at a scheduled regular meeting. Notice of the postponing or rescheduling of a regular meeting shall be given in accordance with subsection C of this section. If a regular meeting is rescheduled, it may not be rescheduled before five (5) days after the last regular meeting in order to give the public notice of the rescheduled date.~~

Introduced by: Mayor DeWitt
Introduction Date: May 11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

~~C.— *Notice of Meetings.* A notice of the date, time, and place of all meetings of a body shall be prepared and posted in at least three (3) conspicuous public places within the city. Notice of a regular meeting shall be posted no later than five (5) days before the meeting. Notice of a special meeting shall be posted no later than three (3) days before the meeting. The agenda for the meeting and materials to be considered by the body at the meeting may be posted with the notice, but are not required to be posted. An agenda or other materials posted with the notice do not limit the matters that may be considered and acted upon by the body. The city clerk may delegate to a department head the responsibility for providing public notice of meetings of a body that provides advice primarily to the department or that is otherwise clearly associated with a particular department.~~

~~D.— *Open Meetings.* The meetings of all bodies shall be open to the public as required by the Alaska Open Meetings Act.~~

~~2.52.140 — Conflict of interest.~~

~~Every member shall vote on all questions unless the member has a direct or substantial indirect financial interest in the matter being discussed. No member may represent any person before the body of which he or she is a member.~~

~~2.52.150 — Procedure.~~

~~Procedural rules and order of business shall be established by the body, except as otherwise provided by ordinance, subject to approval of the council. An appellate or quasi-judicial body, or a body that hears appeals or otherwise acts in a quasi-judicial capacity shall establish rules governing appeal or other quasi-judicial proceedings before the body, subject to approval by the council. In all matters of procedure not covered by rules approved by the council, Robert's Rules of Order, as revised, shall be applicable and shall govern; provided, rules established by a body shall be promptly submitted to the council for approval and shall govern proceedings of the body until rejected or modified by the council.~~

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

~~2.52.160—Reports and minutes.~~

~~The ex officio member, or his or her designee, of the body appointed by the city manager in accordance with BMC 2.52.170 shall keep minutes of the proceedings and such minutes shall record the votes of each member upon every question formally presented for consideration. The signed, original minutes shall be filed in the office of the clerk and shall be a public record, open to inspection by any person.~~

~~2.52.170—Ex officio members and staff.~~

~~The city manager may appoint a city employee as an ex officio member for the purpose of acting as secretary or clerk to the body or to furnish technical advice and information if not provided for in the specific provisions pertaining to the body. An ex officio member appointed by the manager may take part in discussions of matters before the body but is not entitled to vote on any question and is not counted as a member for the purpose of establishing a quorum. Unless otherwise provided in the ordinance establishing the body, the manager shall provide or designate the staff required to assist the body in discharging its duties. The designated staff remains under the authority of the city manager and no staff member shall work directly for or be controlled by the body.~~

Chapter 2.60

Committees, Commissions, and Ad Hoc Committees

Sections

| | |
|-----------|--|
| Article I | General Provisions. |
| 2.60.010 | Definitions. |
| 2.60.020 | Creation of committees, commissions, and ad hoc committees. |
| 2.60.030 | Appointment, term, vacancy, and removal of members. |
| 2.60.040 | Composition of committees, commissions, and ad hoc committees. |
| 2.60.050 | Quorum and voting. |

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
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- 2.60.060 Notice of public meetings.
2.60.070 Meeting agendas, packets, and minutes.
- Article II Planning Commission.
2.60.080 Establishment of planning commission.
2.60.090 Planning commission powers and duties.
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2.60.100 Establishment of the port commission.
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- Article IV Public Safety and Transportation Commission.
2.60.120 Establishment of the public safety and transportation commission.
2.60.130 Public safety and transportation commission powers and duties.
- Article V Community Action Grant Committee
2.60.140 Establishment of community action grant committee.
2.60.150 Community action grant committee duties.
- Article VI Finance Committee
2.60.160 Establishment of the finance committee.
2.60.170 Finance committee duties.
- Article VII ~~Parks, Recreation, and Aquatic Health and Safety Center Committee-~~
Community Parks and Recreation Committee
2.60.180 ~~Establishment of the parks, recreation, and aquatic health and safety-~~
~~center committee.~~ Community Parks and Recreation Committee.
2.60.190 ~~Parks, recreation, and aquatic health and safety center committee~~
Community Parks and Recreation Committee duties.
- Article VIII Public Works Committee
2.60.200 Establishment of the public works committee.
2.60.210 Public works committee duties.

Article 1.

General Provisions

2.60.010 Definitions.

Introduced by: Mayor DeWitt
Introduction Date: May 11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

- A. "Ad Hoc Committee" means a temporary advisory committee appointed by the city council for a specific term to accomplish a specific task or project.
- B. "Alternate member" means a member appointed by the city council to an advisory committee, commission, or ad hoc committee. An Alternate member has the same rights as a voting member, but may vote only when one of the seven voting members is absent or has a conflict of interest on the matter under consideration.
- C. "Body" refers to the collective members of each individual advisory committee, commission, or ad hoc committee.
- D. "Commission" means a standing advisory committee that is required by state law or to which the council has delegated final decision-making and quasi-judicial authority.
- E. "Committee" means an advisory committee appointed by the council to advise and make recommendations to the council regarding topics as specified in the committee's duties.
- F. "Ex Officio member" means a member that is appointed by the city manager to support the function of an advisory committee, commission, or ad hoc committee. Ex officio members are non-voting members.
- G. "Voting Member" means a member that is appointed by the council to a committee, commission, or ad hoc committee.
- H. "Quorum" means the minimum number of members of a committee, commission, or ad hoc committee that must be present at any meeting to conduct business.
- I. "Youth member" means a member under the age of 18 but at least 14 who is appointed to a committee, commission, or ad hoc committee by the council. Youth members are non-voting members.

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Vote: 5-0

2.60.020 Creation of committees, commissions, and ad hoc committees.

The council may create citizen committees, commissions, or ad hoc committees to aid the council in the conduct of public affairs. All committees, commissions, and ad hoc committees shall be governed by this chapter, except that if a provision of this chapter conflicts with an applicable state statute, the statute shall prevail.

- A. Committees and commissions shall be created by ordinance as amendments to this chapter. In addition to the powers and duties established for each committee or commission, the council may from time to time assign such other duties or projects as the council deems appropriate.
- B. Ad hoc committees shall be created by resolution of the council. The resolution shall set forth: the number of members, the term of the committee, the task or project to be accomplished, the timeline for completion of the task or the project, and other such direction as the council deems appropriate.

2.60.030 Appointment, term, vacancy, and removal of members.

- A. Applications. Volunteers interested in filling a vacancy on a committee, commission, or ad hoc committee shall submit an application for appointment to the city clerk's office, on a form provided by the city clerk's office.
- B. Eligibility. The city clerk's office shall screen applicants and confirm their eligibility. A member must be a resident of Bethel for six (6) months prior to appointment. The city clerk's office shall review and identify any potential conflicts of interest that may affect the appointment of the individual.

A city employee shall not be appointed as a voting member or alternate member to a committee, commission, or ad hoc committee which conducts any business that concerns or relates to the department where the employee works.

- C. Appointment. The city council, following sponsorship by the mayor, is the appointing authority for committees, commissions, and ad hoc committee voting
- City of Bethel, Alaska Ordinance #21-20

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

members, alternate members, and youth members. Members shall be appointed without discrimination based on race, national origin, color, age, religious creed, sex, political affiliation, marital status, physical disability, or other statuses protected by law. Members shall not receive compensation for their services.

- D. Official Oaths. All applicants under this chapter shall take an oath of office within 45 days following council's appointment and prior to participating in any meeting of the appointed body. If an applicant does not take their oath of office within 45 days following appointment, the city clerk's office shall provide notice to the applicant, city council, and the relevant committee that the appointment is invalid and the vacancy stands.
- E. Term. The term of office for positions on committees and commissions shall be three years and expire on December 31; provided, a member whose term has expired but seeks reappointment may continue to hold office for a period not longer than 30 days following term expiration. The term of an ad hoc committee shall be established in the resolution creating the committee.

If a position on a committee, commission or ad hoc committee become vacant before the expiration of the term, the city clerk shall review the vacancy and recommend that the council's appointment to fill the vacancy be given a term that is staggered from the other members of the body. When a new committee or commission is created, the terms shall be staggered.

The term of the council representative is one (1) year.

The term of the youth member is one (1) year.

- F. Vacancy. Except as otherwise provided in this chapter, council appointed-members of committees, commissions, and ad hoc committees shall serve at the pleasure of the council. Vacancies on committees, commissions, and ad hoc committee:

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

1. Shall be declared by the committee, commission, or ad hoc committee when a member:
 - a. Is absent from the city for more than ninety (90) days without first being excused by the body;
 - b. Fails to attend three (3) regularly scheduled meetings within any calendar year without being excused by the body;
 - c. Fails to attend three (3) special meetings within any calendar year without being excused by the body;
 - d. Submits a written resignation that is accepted by the body;
 - e. Dies;
 - f. Ceases to be a resident of the city;
 - g. Is convicted of a felony or an offense involving a violation of the oath of office for the body; or
 - h. Becomes disqualified from holding the seat under other provisions of this code.
2. May be declared by the committee, commission, or ad hoc committee when a member:
 - a. Fails to attend at least sixty-five (65) percent of regular meetings held within any calendar year, whether excused or unexcused;
 - b. Fails to attend at least sixty-five (65) percent of special meetings held within any calendar year, whether excused or unexcused.
3. May be declared by the city council for any reason.
4. The member whose seat is being considered for declaration of vacancy shall be provided an opportunity to address the body or the council at the public meeting at which the vacancy is being considered.
5. Public notices of vacancies will be provided by the city clerk.

2.60.040 Composition of committees, commissions, and ad hoc committees.

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

- A. All committees and commissions shall consist of seven council-appointed adult voting members. One member shall be a member of the city council and act as the council representative to provide a direct line of communication between the advisory board and the city council.
- B. In addition to the seven adult voting members, the council may appoint up to two alternative members and one youth member to any advisory committee or commission.
- C. An ad hoc committee may have fewer but not more members than the number provided under subsection A and B of this section, and in no event less than five members.
- D. Each committee or commission shall annually elect a chair and a vice-chair from its membership. An ad hoc committee shall elect a chair and vice-chair at the first meeting of the body. The vice-chair shall act in the absence of the chair or in the event the chair is unable to act.
- E. The city manager is responsible for the effective management of committee, commission, and ad hoc committee operations and shall provide the staff required to assist the body in discharging its duties. The city manager shall appoint at least one ex officio member to provide staff support to each committee, commission, and ad hoc committee. Ex officio members report to and take direction from the city manager and not from the body to which they are appointed.

The duties of the ex officio member include but are not limited to: preparation and posting of agendas, packet materials, meeting minutes, and other relevant documents in accordance with Alaska Statutes (44.62.310-.319), Bethel Municipal Code, and city policy. The ex officio member appointed to the body shall also provide subject matter expertise to the that body.

An ex officio member is a non-voting member of the body, but may add items to the agenda and participate in discussion.

Introduced by: Mayor DeWitt
Introduction Date: May 11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

2.60.050 Quorum and voting.

- A. Four (4) members shall constitute a quorum for the transaction of business for committees and commissions and four (4) affirmative votes shall be necessary to carry any question, unless the body is acting in a quasi-judicial capacity.
- B. A majority of the total voting membership of any ad hoc committee shall constitute a quorum for the transaction of business and shall be necessary to carry any question.
- C. Members are required to vote on all questions presented to the body unless there is a conflict of interest ruled on by the chair or majority of the body, when applicable.
- D. An alternate member will be activated as a voting member whenever there is an absence or conflict of interest of another member. When two alternate members are present and only one alternate member is needed to fill the seat of a voting member, the alternate with seniority on the body shall act as the voting member.

2.60.060 Notice of public meetings.

- A. Regular meetings shall be scheduled once a month unless otherwise authorized by council. A regular meeting may be postponed or rescheduled to another date upon a vote of the majority of the members at a previous regular or special meeting.
- B. Special meetings are called to transact business held outside the regular meeting schedule. Special meetings may be called at any date and time by the chair, or by three (3) voting members.
- C. Meetings shall be held at City Hall, 300 Chief Eddie Hoffman Highway, whenever reasonably possible.

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

Agendas constitute the meeting notice and shall contain, at a minimum, the date, place and time of the meeting, the name of the body, the names of the members of the body, people to be heard, and any item to be discussed by the body.

- D. Public notice of meetings shall be prepared and posted in at least four (4) conspicuous public places within the city, including at the location of the meeting. Notice of a regular meeting shall be posted no later than five (5) days before the meeting. Notice of a special meeting shall be posted no later than three (3) days before the meeting, except the planning commission special meeting agenda shall be posted no later than five (5) days before the meeting.
- E. The meetings of all bodies shall be open to the public in accordance with the Alaska Open Meetings Act.
- F. Each committee, commission, and ad hoc committee shall follow Roberts Rules of Order Newly Revised; however, the rules of debate may be relaxed by the body to promote discussion.
- G. Committee, commission, and ad hoc committee reports and recommendations shall be decided by a quorum of the body at a public meeting.
- H. Any committee, commission and ad hoc committee may appoint seated members of its body to a subcommittee. The number of members appointed to a subcommittee shall be three or fewer, to avoid creating a quorum of the body. The subcommittee can make such investigation or exercise such authority as may be delegated to it by the advisory board. A subcommittee reports to the body from which it was appointed, and not to the council. No action of the subcommittee is official until approved by a majority vote of the advisory body.

2.60.070 Meeting agendas, packets, and minutes.

Introduced by: Mayor DeWitt
Introduction Date: May 11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

- A. The ex officio member assigned to the body and appointed members may add items to the agenda not later than 5:00 p.m. one day in advance of the meetings public notice deadline.
- B. The ex officio member shall prepare and post the agenda and distribute the packet material containing all relevant reports, communications and documents for the meeting in accordance with the public meeting notice requirements and deadlines in BMC 2.60.060.
- C. Official meeting minutes shall contain, at a minimum: the date, place and time of the meeting, the names of those members present and absent, the name of the presiding officer, and the names and items presented under people to be heard. Minutes shall also contain any official action or vote taken by the body. The ex officio member shall file the minutes with the city clerk's office for permanent retention following approval by the body.

Article II

PLANNING COMMISSION

Sections:

2.60.080 Establishment of the planning commission.

2.60.090 Planning commission powers and duties.

2.60.080 Establishment of the planning commission.

Pursuant to AS 29.35.260(c), the city has assumed the powers of planning, platting and land use regulation. Pursuant to AS 29.35.260(c) and 29.40.020, there is established the city planning commission.

2.60.090 Planning commission powers and duties.

A. The planning commission shall:

- 1. Conduct public hearings to consider the approval, conditional approval, or denial of:
 - a. Variance applications;

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Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

- b. Conditional use permit applications; and
 - c. Special use permits for tall structures in accordance with BMC 16.10.
2. In accordance with AS 29.40.030 and BMC 16.08, and after holding public hearings, recommend to the council amendments and updates to the comprehensive plan for the physical development of the city. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations and may include, among other things, the general location and extent of streets and other methods of circulation and transportation; the general location and extent of public utilities; the general location and extent of parks, playgrounds, and drainage facilities; and the use of land. The comprehensive plan shall include:
- a. Statements of policies, goals and standards;
 - b. A land use plan;
 - c. A community facilities plan;
 - d. A transportation plan; and
 - e. Recommendations for implementation of the comprehensive plan;
3. Approve subdivision plans and plats and provide recommendations to council on the adoption of a subdivision agreement in accordance with BMC 17.04.
4. Hear appeals from the decision of the planning director. The city council shall be the appellate body, sitting as the board of adjustment, for the planning commission.
5. Act as the platting authority for the city.
6. Review and make recommendations to the council on the adoption of and changes to subdivision, land use, site plan, land acquisition and disposal, flood control, housing, building and similar codes.
7. Provide a forum for public comment and input regarding planning, zoning, and land use.
8. Perform such other duties and functions as are provided for in BMC Titles 15, 16, 17 and 18 and other provisions of this code or as may be referred by the city council.

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date May 25, 2021
Action: Passed
Vote: 5-0

- B. All formal actions of the commission shall be by resolution bearing:
1. The heading "Resolution of the Bethel Planning Commission";
 2. The space for the resolution number to be assigned, "Resolution No. (number)";
 3. A short and concise title descriptive of its subject and purpose;
 4. A short list of "Whereas" clauses descriptive of the reasons for the resolution, if necessary;
 5. The resolving clause "THEREFORE, BE IT RESOLVED THAT..."; followed by a statement of the action approved by the commission and such factual findings, conclusions and other matters as may be appropriate; and
 6. A declaration of the date the resolution was adopted: "Adopted (date)" and designated lines for the signatures of the chairperson and the commission ex officio member responsible for recording the actions in the meeting.
- C. The planning commission may make recommendations to the council on:
1. Necessary, proposed, or existing federal, state and/or city land selection, acquisition, disposal or management practices that affect the city.
 2. Proposed or existing public improvements and the prioritization of the projects in the city's annual and long-term capital improvement programs.
 3. The city's annual planning budget and work program.

Article III

PORT COMMISSION

Sections:

- 2.60.120 Establishment of the port commission.
2.60.130 Port commission powers and duties.

2.60.100 Establishment of the port commission.

There is established a port commission for the purpose of advising the city council on the operation, maintenance, and improvement of the port of Bethel's facilities, and for such additional purposes as the city council may from time to time designate.

City of Bethel, Alaska

Ordinance #21-20

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

2.60.110 Port commission powers and duties.

A. The port commission shall:

1. Regulate the operation of the port facilities by promulgating and providing recommendations to the council on the terminal tariff containing rates, charges, rules, and regulations applicable at the port, subject to approval by the council.
2. Hear appeals of the decision of the port director.
3. Periodically review the budget, capital improvement programs, funding of port facilities and systems, and report its findings to the city council;
4. Provide a forum for public comment and input regarding port operations.
5. Review and provide recommendation to the council regarding goals set forth in the city's comprehensive plan as they relate to port operations.
6. Perform other such duties as the city council may refer to it from time to time or as may be set out in Title 14 of this code.

B. The port commission may make recommendations to council on:

1. Existing or proposed federal, state, and city issues relevant to port operations.
2. The operation, management, regulation, and control of the city's public and private ground transportation facilities in accordance with Title 14 of this code.
3. Necessary or proposed public improvements and the prioritization of the projects in the city's annual and long-term capital improvement programs related to the port.

Article IV

PUBLIC SAFETY AND TRANSPORTATION COMMISSION

Sections:

2.60.120 Establishment of the public safety and transportation commission.

2.60.130 Public safety and transportation commission powers and duties.

Introduced by: Mayor DeWitt
Introduction Date: May 11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

2.60.120 Establishment of the public safety and transportation commission.

There is established a public safety and transportation commission (PSTC). The PSTC shall act as the regulating body for taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services in accordance with this chapter, Chapters 5.20 through 5.50 BMC and other applicable law.

2.60.130 Public safety and transportation commission powers and duties.

A. The Public Safety and Transportation Commission shall:

1. Review and make recommendations to the council on the adoption of and changes to taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services operations in accordance with Chapters 5.20 through 5.50 BMC and other applicable laws.
2. Monitor and provide recommendation to the council on the operations, management, regulations, and control of the city's public and private ground transportation facilities in accordance with BMC Chapters 5.20, 5.30, 5.40, 5.45, 5.50, and other applicable laws.
3. Recommend to council the adoption of maximum rates and may recommend the establishment of minimum rates to be charged for services provided by regulated vehicles as defined under BMC 5.20.010.
4. Hear appeals from a decision of the transportation inspector.
5. Review citizen complaints against chauffeurs of regulated vehicles or against the condition of a regulated vehicle.
6. Hold at least one (1) public hearing annually to investigate the quality of services rendered by regulated vehicles, permittees, chauffeurs, and dispatch services.
7. Collect, process, and adjudicate complaints against chauffeurs of regulated vehicles.
8. Review and make recommendations to the council on progress toward achieving goals set forth in the city's comprehensive plan as they relate to public safety and transportation.

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Action: Passed
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9. Review and make recommendations to the council on the development of transportation systems, transportation codes, traffic movement, road repair, and walking paths.
10. Provide a forum for public comment and input regarding public transportation and public safety.
11. Perform such other duties and functions as are provided for in BMC Chapter 5.20 through 5.50 and other provisions of this code or as may be referred by the city council.

B. The Public Safety and Transportation Commission may make recommendations to council on:

1. Existing or proposed federal, state, and city issues relevant to public safety and transportation.
2. Necessary or proposed public improvements and the prioritization of the projects in the city's annual and long-term capital improvement programs related to public safety and transportation.
3. The annual police department and fire department budget and work program.

Article V

COMMUNITY ACTION GRANT COMMITTEE

Sections:

- 2.60.140 Establishment of community action grant committee.
- 2.60.150 Community action grant committee duties.

2.60.140 Establishment of community action grant committee

There is established a community action grant committee for the purpose of advising the city council regarding the funding of community action grants.

2.60.150 Community action grant committee duties.

City of Bethel, Alaska

Ordinance #21-20

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
Vote: 5-0

A. The community action grant committee shall:

1. Make recommendations to the city council on funding opportunities to individuals and organizations that request financial support through the Community Action Grant Program.
2. Hold two meetings each fiscal quarter.
3. Review grant applications submitted to the city and evaluate the qualifications of the applicant and the request for funding.
4. Score the qualifying applications and make recommendations to the city council on funding. The review and scoring of the applications shall focus on advancing the community's opportunities, sustainability, and wellbeing with components that foster community wellness, positive impact to the community's vulnerable populations, and/or civic engagement of Bethel residents and project beneficiaries.
5. Review and make recommendations to the council on the progress toward achieving the goals set out in the city's comprehensive plan as they relate to programs and needs of the community that may be supported by the grant program.
6. Monitor the community action grant fund balance and associated transfers from the alcohol tax revenue.
7. Provide a forum for public comment and input regarding the Community Action Grant Program.
8. Perform other such duties as the city council may from time to time refer.

Article VI
FINANCE COMMITTEE

Sections:

- 2.60.160 Establishment of finance committee.
- 2.60.170 Finance committee duties.

2.60.160 Establishment of finance committee.

Introduced by: Mayor DeWitt
Introduction Date: May 11, 2021
Public Hearing Date: May 25, 2021
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There is established a finance committee for the purpose of advising the city council on finance-related matters.

2.60.170 Finance committee duties.

A. The finance committee may review and make recommendations to the council on:

1. Finance-related policies and procedures.
2. Monthly financial reports of revenues, and expenditures.
3. The city's investment funds.
4. Capital planning and implementation of projects.
5. Progress toward achieving the organization's vision, accomplishing goals, and implementing benchmarks for the budget process.
6. The annual budget and budget process.
7. The progress toward achieving the goals set out in the City's comprehensive plan as they relate to finance.

B. The finance committee shall:

1. Provide a forum for public comment and input regarding the city's budget, audit, sales tax collection, business licenses operations, purchasing procedures, and other such topics related to the City's finances.
2. Perform other such duties as the city council may from time to time refer.

Article VII

**~~PARKS, RECREATION, AQUATIC HEALTH AND SAFETY CENTER COMMITTEE~~
COMMUNITY PARKS AND RECREATION COMMITTEE**

Sections:

2.60.180 Establishment of ~~parks, recreation, aquatic health and safety center-~~
~~committee.~~ the Community parks and recreation committee.

2.60.190 ~~Parks, recreation, aquatic health and safety center committee duties.~~
Community parks and recreation committee duties.

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date: May 25, 2021
Action: Passed
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~~2.60.180 Establishment of parks, recreation, aquatic health and safety center committee.~~ Community parks and recreation committee.

There is established a ~~parks, recreation, aquatic health and safety center committee~~ Community parks and recreation committee for the purpose of advising the city council on parks, recreational, and recreation facility-related matters.

~~2.60.190 Parks, recreation, and aquatic health and safety center committee~~ Community parks and recreation committee duties.

- A. The ~~parks, recreation, aquatic health and safety center committee~~ Community parks and recreation committee may review and make recommendations to the council on:
1. Capital planning and implementation of projects related to parks, recreation, and recreation facilities.
 2. The budget, capital improvement programs, and the funding of recreation facilities and programs.
 3. The progress toward achieving the goals set out in the City's comprehensive plan as they relate to parks, recreation, and recreation facilities.
- B. The ~~parks, recreation, aquatic health and safety center committee~~ Community parks and recreation committee may perform other such duties as the city council may from time to time refer.

**Article VIII
PUBLIC WORKS COMMITTEE**

Sections:

- 2.60.200 Establishment of public works committee.
2.60.210 Public works committee duties.

2.60.200 Establishment of public works committee.

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
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Action: Passed
Vote: 5-0

There is established a public works committee for the purpose of advising the city council on city roads, facilities, utility operations, vehicle and equipment operations, and other public works-related matters.

2.60.210 Public works committee duties.

A. The public works committee may review and make recommendations to the council on:

1. The operations of the city's water and wastewater collection, distribution, treatment and compliance; and solid waste planning, collection, disposal and compliance.
2. The development, operations, and maintenance of: city properties, roads, traffic, drainage, snow removal, parks, cemeteries, grounds, and trails.
3. The operations of the transit system.
4. The operations and maintenance of the city's vehicle fleet and heavy equipment.
5. The budget as it relates to public works operations and capital projects.
6. City capital planning and implementation of projects related to public works.
7. Energy and environmental improvements for city operations.
8. The progress toward achieving the goals set out in the City's comprehensive plan as they relate to public works.

B. The public works committee may perform other such duties as the city council may from time to time refer.

SECTION 5. Amendment. Bethel Municipal Code 14.04 Port Commission is repealed.

~~Chapter 14.04~~
~~PORT COMMISSION~~

~~Sections:~~

~~14.04.010 ——— Establishment of port commission.~~

Introduced by: Mayor DeWitt
Introduction Date: May11, 2021
Public Hearing Date: May 25, 2021
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- ~~14.04.020 — Reservation of powers.~~
- ~~14.04.030 — Composition, term of office and procedures.~~
- ~~14.04.040 — Duties.~~
- ~~14.04.050 — Vacancies.~~
- ~~14.04.060 — Administrative support.~~
- ~~14.04.070 — Meetings.~~
- ~~14.04.080 — Membership in associations.~~
- ~~14.04.090 — Schedule of fees and charges.~~
- ~~14.04.100 — General powers.~~
- ~~14.04.120 — Limitation on authority.~~

~~14.04.010 — Establishment of port commission.~~

~~A port commission shall be established for the purpose of advising the city council on the operation, maintenance and improvement of the port of Bethel's facilities, and for such additional purposes as the city council may from time to time designate.~~

~~14.04.020 — Reservation of powers.~~

~~The city council reserves to itself the power and authority to approve or disapprove all regulations, rates, or the acquisition or disposal of any interest in real property pertaining in any manner to the administration of the Bethel port.~~

~~14.04.030 — Composition, term of office and procedures.~~

~~A. The port commission shall consist of seven (7) members who shall be residents of the city and shall be appointed by the mayor subject to confirmation by the city council.~~

~~B. Any registered Bethel voter is eligible to be appointed as a port commissioner. No person shall be ineligible solely because they hold an elected, appointed or employee position with the city. A commission member who ceases to be eligible to be a city voter forfeits their office as a commissioner.~~

~~C. One (1) of the seven (7) members shall be a city councilmember.~~

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~~D. All appointments shall be for staggered three (3) year terms except where an interim appointment is necessary to complete the term of a commissioner who resigns, dies, or is otherwise removed from office.~~

~~E. In the event of vacancies, the mayor, subject to confirmation by the city council, shall make appointments to fill the vacant positions. In the event a seat has six (6) months or less remaining to the unexpired term, the council, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term.~~

~~F. Commissioners can be removed from office for cause only.~~

~~G. The city shall supply staff assistance for the commission.~~

~~H. Terms shall commence on January first (1st).~~

~~I. No employee of the port department or any member of their immediate family may hold a seat on the commission.~~

~~J. The commission shall use Robert's Rules of Order. Regular meetings of the commission will be at least monthly. Special meetings may be called at the discretion of the chairperson or by two (2) members of the commission. All meetings of the commission shall be open to the public.~~

~~K. The commissioners shall elect annually from its members a chair and vice chair and such other officers as it deems necessary. The commission may appoint such committees as it deems necessary.~~

~~L. A majority of the commission shall constitute a quorum for the transaction of business. Four (4) affirmative votes shall be necessary to carry any question.~~

~~M. An agenda of meetings shall be prepared and published according to established rules of the city council.~~

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~~N. Permanent records, or minutes, shall be kept for all meetings held. All resolutions and minutes of the port commission or a similar report shall be presented to the city council by a member of the council appointed to serve on the commission or, in their absence, by the city manager. The minutes shall be properly filed in the office of the city clerk and shall be open to inspection by the public.~~

~~O. *Alternate Members.* The mayor shall appoint up to two (2) additional members to serve as alternate members, subject to confirmation by the council. An alternate member will be activated as a voting member whenever there is an absence or conflict of interest of another member. At all other times the alternate member shall be an ex-officio member.~~

~~14.04.040 — Duties.~~

~~The port commission shall:~~

~~A. Regulate the operation of the port facilities by promulgating a terminal tariff containing rates, charges, rules and regulations applicable at the port and subject to the approval of the council;~~

~~B. Promulgate rules and regulations relating to the operation of terminal and transportation facilities at the port;~~

~~C. Advise the city council with respect to the port facilities concerning the acquisition, ownership, exchange, transfer, lease, rent, conveyance, or disposal, and use of real or personal property on port property and interest therein;~~

~~D. Review port contracts prior to their execution and monitor and periodically report to the city council concerning the status of all contracts executed with respect to the port facilities;~~

~~E. Advise the city council with respect to the construction, improvement, alteration, or repair of port facilities;~~

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~~F. Review plans for construction and development within the confines of the port of Bethel and shall report to the city council the expected impact of such construction or development on the port of Bethel. The port commission shall make appropriate recommendations to the city council concerning such construction or development;~~

~~G. Study and make recommendations generally on Bethel port matters such as, but not limited to, tariff rates, fiscal matters, management services, personnel staffing, safety precautions, expansion or extension of services and public relations;~~

~~H. Assist the city council in developing ways and means whereby the city may encourage and permit the development of port facilities by private and public developers and builders;~~

~~I. Hear appeals resulting from actions of the port director and take action on matters referred to the commission by the port director or city council;~~

~~J. Periodically review the budget, capital improvement programs, funding of port facilities and systems and report its findings to the city council;~~

~~K. Prepare and submit to the city council an annual report of operations and finances, including recommendations for the safe, efficient and economical operation of the Bethel port;~~

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

~~M. Do other such acts as are necessary and proper for the performance of the duties and functions set forth in this title;~~

~~N. The port commission may, at its discretion, hold formal public hearings on any question which may come before it;~~

~~O. The city council shall be the board of appeals for all port commission action. The city council may delegate to a hearing officer the authority to hear and decide appeals.~~

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~~14.04.050 — Vacancies.~~

~~A. A vacancy shall be declared by the commission and filled as provided when a member:~~

- ~~1. Fails to qualify and take office within thirty (30) days after confirmation by the city council;~~
- ~~2. Departs from the city with the intent to remain away for a period of ninety (90) days or more;~~
- ~~3. Submits a resignation to the city mayor, city clerk, commission or port director;~~
- ~~4. Is physically or mentally unable to attend port commission meetings or attend to commission business;~~
- ~~5. Is absent from three (3) or more consecutive, regular meetings of the port commission without an absence preapproved by the commission.~~
 - ~~a. For purposes of this section, an absence will be considered excused if due to the following causes and shall require approval by the commission at the next regularly scheduled meeting:~~
 - ~~i. The illness or injury of the commissioner or a family member;~~
 - ~~ii. The death of a family member;~~
 - ~~iii. An employment-related commitment;~~
 - ~~iv. A commitment for city business; or~~
 - ~~v. Other good cause approved by the commission.~~
 - ~~b. Whenever possible absences should be noticed to the commission chair prior to the meeting for purposes of securing a quorum at the meeting.~~
 - ~~c. A commissioner may participate in a commission meeting by teleconference;~~

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~~6. Misses forty (40) percent or more of the regular board meetings in a twelve (12) month period;~~

~~7. Is convicted of a felony, or misdemeanor, an element of which is a violation of the oath of office; or~~

~~8. Is or becomes so directly interested in port affairs in the course of their private affairs that a membership on the port commission creates a conflict or the reasonable appearance of a conflict of interest.~~

~~B. For the purposes of counting attendance, a member participating telephonically shall be counted as present.~~

~~C. The chair of the port commission shall notify the city clerk's office of any vacancy on the commission.~~

~~14.04.060 — Administrative support.~~

~~The port commission shall receive full cooperation and support from the city manager including full access to any and all information concerning the port of Bethel.~~

~~14.04.070 — Meetings.~~

~~A. A majority of the membership of the commission shall constitute a quorum for the transaction of all business, and the chairperson shall have the vote on all matters. The affirmative vote of a majority of the commission shall be sufficient to pass upon all matters coming before it.~~

~~B. The commission shall choose a chairperson, vice chairperson and, if desired, a secretary, each year at the first (1st) meeting following the qualification of one (1) or more commissioners appointed that year by the city council.~~

~~C. The port commission shall attempt to meet at least nine (9) times each year at a regularly scheduled time. Port commission meetings shall be held at Bethel City Hall. All meetings of the commission shall be open to the public. The secretary (or city appointed recorder) shall draft the minutes of all regular and special meetings in a~~

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~~manner accurately reflecting the actions of the commission and shall file the minutes of these meetings permanently as public records.~~

~~14.04.080 — Membership in associations:~~

~~The port commission as a whole may maintain membership in any local, state or national group or association organized and operated for the promotion, improvement or assistance in the administration of port and harbor facilities and, in connection therewith, pay dues and fees thereto.~~

~~14.04.090 — Schedule of fees and charges:~~

~~A. The port commission, subject to approval by the city council, shall establish the rates, charges and fees to be charged for the use of any and all port facilities including, but not limited to, charges assessed against vessels, their owners, agents or operators which load or discharge cargo at any of the terminals within the area under the commission's jurisdiction; charges for dockage while loading or discharging cargo; charges for administrative expenses in serving the carrier; charges for freight handling operations; and wharfage, handling, loading, unloading, wharf demurrage rates, storage rates, fuel through put fees, mooring to the seawall, small boat harbor, derelicts, delinquent accounts, use of adjacent property and other charges as appropriate.~~

~~B. Such rates, charges and classifications shall be just, reasonable and nondiscriminatory and shall be established after a public hearing conducted by the port commission. Notice specifying the time and place of such hearing shall be given in at least one (1) publication at least fifteen (15) days before the hearing in a newspaper of general circulation in the city.~~

~~C. At the hearing, interested parties may make such arguments before the port commission, whether in person or by representative, as they consider proper, addressing matters at issue, and thereafter the port commission shall prepare a schedule of rates to be submitted to the council at its next regular meeting.~~

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~~D. The council may adopt the commission's proposed rates by approval of modification of either the Bethel Fee and Rate Schedule or the Bethel Tariff. The date upon which the rates established or regulated go into effect may not be less than ten (10) days after passage and approval by the council.~~

~~E. Terminal tariffs established for the cargo dock are also subject to the approval of the Federal Maritime Commission.~~

~~14.04.100 — General powers.~~

~~Subject to state laws and city ordinances, the port commission shall generally exercise all powers necessary and incidental to operation of all port facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the commission shall make recommendations for:~~

~~A. The operation, development and marketing of city owned and operated port facilities, including such facilities as boat harbors, docks, boat launching ramps, and related facilities except as designated by the city council by resolution.~~

~~B. Adopting, pursuant to the Bethel Municipal Code, and enforcing regulations necessary for the administration of the facilities under its port management.~~

~~C. Prescribing the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation.~~

~~D. Administering and disposing of city tideland, submerged land, and other land as provided by the council by ordinance as subject to port commission recommendations, subject to the following limitations:~~

~~1. No sale, purchase, or trade of land shall be made without prior review by the planning commission and approval by the city council by ordinance.~~

~~2. Unless otherwise designated in advance by the city council by ordinance, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.~~

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~~3. All land transactions recommendations by the commission in accordance with this section shall be consistent with the comprehensive land management plan developed under this code.~~

~~E. The development, adoption, alteration or revision, subject to approval by the city council, of a master plan for the physical development of harbor or port facilities for the city. Such master plan with accompanying maps, plats, charts, descriptive and explanatory matter shall show the commission's recommendations for the development of city port facilities and may include, among other things:~~

- ~~1. Development of the type, location and sequence of all public port facilities;~~
- ~~2. The relocation, removal, extension or change of use of existing port facilities.~~

~~F. The administration for the design and construction of all capital improvements on lands managed by the port commission unless otherwise specified by the city council by resolution. The commission may propose capital improvement projects to and apply for funding from state and federal agencies; provided, that such requests shall be subject to prioritization by the city council with other city capital improvement funding requests prior to application for funds.~~

~~G. Subject to city council review and approval, may recommend the port director enter into memoranda of understanding and similar agreements with public agencies for port purposes.~~

~~H. Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, including professional services, shall be subject to the procurement procedures established in Chapter 4.20 BMC; provided, that the commission may, for all contracts, a class of contracts, or a particular contract, specify prior to issuance of a public solicitation that for purposes of applying Chapter 4.20 BMC, all actions required thereby of the city manager or the purchasing officer shall be performed by the port director; and provided further, that any appeal or any~~

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~~protest of a procurement so administered shall be initially decided by the port commission instead of the city manager.~~

~~14.04.120 — Limitation on authority.~~

~~The port commission members may commit the city to long range port development or capital improvement plans or projects only as authorized in advance by the council by ordinance or resolution.~~

SECTION 6. This Ordinance shall become effective 30 days following adoption by the Bethel City Council.

ENACTED THIS 25th DAY OF MAY 2021 BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.



Michelle DeWitt, Mayor

ATTEST



Lori Strickler, City Clerk