

Introduced by: Council Member Hessler
Introduction Date: December 14, 2021
Public Hearing Date: January 11, 2022
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Ordinance #21-55

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE CHAPTER 2.60 COMPOSITION OF COMMITTEES, COMMISSIONS, AND AD HOC COMMITTEES

- WHEREAS,** many newly-elected officials have previously served on the Council's advisory committees and commissions and council members have expressed interest in sitting on multiple advisory committees and commissions;
- WHEREAS,** having multiple members of the legislative body taking part in discussion and debate on our advisory bodies presents a number of legal and operational concerns;
- WHEREAS,** the Open Meetings Act, AS 44.62.310 et seq. ("OMA") protects the public's right to transparency in governmental actions; the OMA at AS 44.62.310(h) prohibits prearranged meetings of governmental bodies, including committees and commissions, if the gathering is prearranged for the purpose of considering a matter upon which the body is empowered to act and the governmental body has only authority to advise or make recommendations for the public entity;
- WHEREAS,** this prohibition is even stricter with recommending bodies (committees/commissions), limiting the interaction of members appointed to recommending bodies to only two if the interaction is at a prearranged meeting; therefore if two council members are seated on one of the advisory committees/commissions, AS 44.62.310(h) prohibits discussing anything the recommending body may act on at the Council's prearranged meetings;
- WHEREAS,** having multiple council members seated on the same advisory committee/commission increases the chances of an OMA violation at the Council level: if each of the council members talk to another council member on an item considered by the advisory body outside of a Council meeting, a violation of OMA may occur;
- WHEREAS,** this dual appointment would also become problematic when the Council is

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asked to consider an appeal from one of the City's commissions;

WHEREAS, if two members of the City Council took action at a committee/commission level, and the appeal was brought to the Council, two of the seven council members would be prohibited from considering the appeal as they would have a conflict of interest, limiting the consideration of action to five members;

WHEREAS, the advisory committees/commissions should have independent thought and judgment, if there are multiple council members seated on an advisory body making recommendations to the City Council, the public loses independent review and consideration of public policies;

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

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

SECTION 2. Bethel Municipal Code Chapter 2.60.040, Composition of committees, commissions, and ad hoc committees is amended as follows; new language is underlined and old language is stricken.

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

A. All committees and commissions shall consist of seven (7) council-appointed adult voting members. One (1) 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. Each council member shall be appointed to only one committee, commission, and/or ad hoc committee.

B. In addition to the seven (7) adult voting members, the council may appoint up to two (2) alternative members and one (1) 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 subsections A and B of this section, and in no event less than five (5) 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 (1st)

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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 (1) 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.

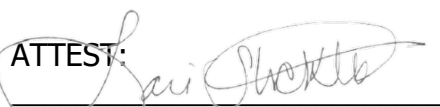
The duties of the ex officio member include but are not limited to: preparation and posting of agendas, packet materials, meeting minutes, and other relevant documents in accordance with Alaska Statutes (44.62.310 through 44.62.319), Bethel Municipal Code, and city policy. The ex officio member appointed to the body shall also provide subject matter expertise to the that body.

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

SECTION 3. This Ordinance shall become effective immediately following adoption by the Bethel City Council.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA
THIS 11^h DAY OF JANUARY 2022 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.**


Mark Edward Springer (Jan 17, 2022 13:28 AKST)
Mark Springer, Mayor

ATTEST: 
Lori Strickler, City Clerk

Ordinance 21-55 Amending BMC 2.60.040 Composition of Committees and Commissions

Final Audit Report

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