

Introduced by: Mayor Rose Henderson  
Introduction Date: October 24, 2023  
Public Hearing Date: November 14, 2023  
Action: Passed  
Vote: 6-0

## *CITY OF BETHEL, ALASKA*

### **ORDINANCE #23-18**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE 2.60.030 COMMITTEES, COMMISSIONS, AND AD HOC COMMITTEES, APPOINTMENT, TERM, VACANCY, AND REMOVAL OF MEMBERS, PROHIBITING MEMBERS FROM BEING ABSENT FROM THE CITY FOR MORE THAN 90 DAYS WITHIN A CALENDAR YEAR WITHOUT FIRST BEING EXCUSED**

**WHEREAS,** the Bethel City Council relies on volunteers to the Council's advisory bodies (committees, commissions, and ad hoc committees) to make recommendations on many important municipal issues;

**WHEREAS,** the Bethel Municipal Code (BMC) requires committee and commission members to be residents of Bethel;

**WHEREAS,** residency is defined in Alaska Statute [15.05.020](#), and Bethel Municipal Code [7.20.20](#), Rules for determining residency of a voter;

**WHEREAS,** both laws specify that if an individual leaves the community but intends to return, the voter may maintain residency in the community for voting purposes;

**WHEREAS,** voter records are the most reliable standard for the City Clerk's Office to confirm residency eligibility for committee/commission applications;

**WHEREAS,** committee/commission volunteers are sometimes absent from the City for long periods of time, and while those volunteers may maintain voter rights in Bethel, their principal place of residency, or where they spend most of their time, is not the City;

**WHEREAS,** the Council finds it necessary to ensure that the individuals offering it guidance on important City issues are spending most of their time in the City that they have been appointed to serve;

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

**Section 1. Classification.** This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

**Section 2. Amendment.** Bethel Municipal Code 2.60.010, Committees, Commissions, and Ad Hoc Committees, Appointment, term, vacancy, and removal of members, is amended, old language is stricken, and new language is underlined.

**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 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 forty-five (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

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forty-five (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 (3) years and expire on December thirty-first (31st); provided, a member whose term has expired but seeks reappointment may continue to hold office for a period not longer than thirty (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 becomes 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 committees:

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 within a calendar year 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;

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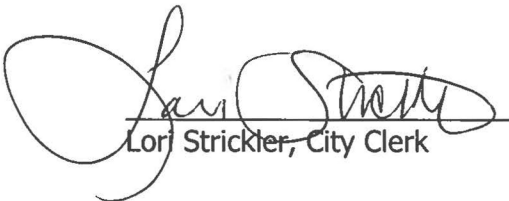
- f. Ceases to be a resident of the city;
  - g. Is convicted of a felony or an offense involving a violation of the oath of office for the body; or
  - h. Becomes disqualified from holding the seat under other provisions of this code.
2. May be declared by the committee, commission, or ad hoc committee 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.

**SECTION 3. Effective Date.** This ordinance shall become effective upon passage by the Bethel City Council.

**BE IT ENACTED BY THE BETHEL CITY COUNCIL OF THE CITY OF BETHEL, ALASKA THIS 14<sup>th</sup> DAY OF NOVEMBER 2023, BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
Mark Springer, Mayor

  
Lori Strickler, City Clerk