



CITY OF BETHEL

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Introduced By: Council Members Harding and Miller

Date: April 11, 1995

Public Hearing: May 9, 1995

Action: Failed

Vote: 3-Yes, 3-No (Chris, McComas, Tubbs)

ORDINANCE #95-09

AN ORDINANCE OF THE BETHEL CITY COUNCIL AMENDING TITLE 2, SUBSECTION 2.04.090(C) ENTITLED COUNCILMEN--VACANCIES

BE IT ENACTED BY THE CITY COUNCIL OF BETHEL, ALASKA, AS FOLLOWS:

Section 1: Title 2 of the Bethel Municipal Code is amended by revising Subsection 2.04.090(C), Councilmen--Vacancies.

Section 2: If any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 3: Subsection 2.04.090(C) of the Bethel Municipal Code is hereby amended as follows:

2.04.090 Council Member--Vacancies. C. A Council member's seat is defined as vacant and shall be filled by the procedure set out in this section if:

1. The Council member is physically absent from the municipality for ninety (90) consecutive days unless excused by the members of the city council as determined by a two-thirds vote of the city council; or
2. The council member is convicted of a felony or a misdemeanor offense against a person or persons as described in AS 11.41 and two-thirds of the members of the city council concur in expelling the person elected; or
3. The council member misses three consecutive regular meetings and is not excused; or
4. The council member resigns and such resignation is accepted by council majority; or
5. The council member dies; or
6. The council member is removed from office by a court of law.

Section 4. This ordinance shall take effect upon passage.

PASSED AND APPROVED THIS _____ DAY OF _____, 1995.

Allan Wintersteen, Mayor

ATTEST:

Ordinance #95-09

City of Bethel

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"Deep Sea Port and Transportation Center of the Kuskokwim"