

Introduced by: Mayor Phillips  
Date: March 16, 1999  
Public Hearing: April 13, 1999  
Postponed to: May 11, 1999  
Postponed to: May 25, 1999  
Postponed to: June 8, 1999  
Action: Adopted as Amended  
Vote: Unanimous

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

## **ORDINANCE #99-06**

### **A ORDINANCE AMENDING 2.52, BOARDS, COMMISSIONS AND COMMITTEES**

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

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

**SECTION 2. Amendment of Section.** BMC 2.52.030 is repealed and re-enacted to read:

#### Chapter 2.52 BOARDS, COMMITTEES, AND COMMISSIONS

##### **Sections:**

- 2.52.010 Applicability
- 2.52.020 Powers and duties.
- 2.52.030 Appointments.
- 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.
- 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 sections 2.52.020 through 2.52.170 of this chapter apply to all appointed bodies 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 council members 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.

#### **2.52.030 Appointments.**

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.

#### **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 one year; and
- B. shall remain a resident of the city while in office.

#### **2.52.050 Terms.**

The term of each member is three years, except that the term of a council member appointed to a body shall be for the remaining council term of the council member. 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 of the year of appointment and shall expire on December thirty-first of the year the term expires; provided, a member whose term has expired shall continue to hold office until a successor has been appointed, and confirmed and has given the oath of office.

#### **2.52.060 Compensation.**

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

#### **2.52.070 Vacancies.**

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. A vacancy shall be declared by the body when the member:

1. Is absent from the city for more than 90 days without first 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. Submits a written resignation which is accepted by the body or the mayor;
4. Dies;
5. Fails to qualify and give the oath of office within 30 days after city council confirmation of the appointment;

6. Ceases to be a resident of the city;  
7. Is convicted of a felony or an offense involving a violation of the oath of office for the body, or

8. Becomes disqualified from holding the seat under other provisions of this Code.

B. 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 be given an opportunity to address the council in a public meeting].

C. 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.

D. An ex-officio member may not be removed by the council if the persons' 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 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 days. At the earliest possible council meeting after the fifteen 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 day notice is posted.

#### **2.52.090 Applications.**

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 section 2.52.170 of this chapter, and shall be called by the chairperson at the request of two members.

B. 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 conspicuous public places within the city. Notice of a

regular meeting shall be posted no later than five days before the meeting. Notice of a special meeting shall be posted no later than three 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.

C. Open Meetings. The meetings of all bodies shall be open to the public as required by the Alaska Open Meeting Act (AS 44.62.310).

**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 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.

**2.52.160 Reports and minutes.**

Minutes of the proceedings shall be kept, and such minutes shall record the votes of each member upon every question formally presented for consideration. The 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.

**SECTION 3. Amendment of Section.** BMC 2.24 is amended by deleting subsections 2.24.080B, E, F and G, and re-lettering the remaining subsections, and deleting subsections 2.24.090A through E and re-lettering the remaining subsections.

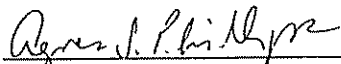
**SECTION 4. Amendment of Section.** BMC 2.25 is amended by deleting subsections 2.25.030B, C, E, F and G and re-lettering the remaining sections, and deleting section 2.25.040.

**SECTION 5. Repeal and Reenactment of Section.** BMC 2.28.010 is repealed and reenacted to read:


**2.28.010 Transportation Commission Established.** There is established the Bethel Transportation Commission, consisting of seven members. No more than two members may have an interest in the vehicle-for-hire industry. A person who applies for a seat on the Commission shall disclose in the application all interests the person has in the vehicle-for-hire industry. A member of the Commission who becomes a person with an interest in the vehicle-for-hire industry after appointment to the Commission shall immediately disclose that interest and forfeits his or her seat on the Commission if there already exist two members with an interest in the vehicle-for-hire industry.

**SECTION 6. Effective date.** This ordinance shall become effective upon passage.

**ENACTED THIS 8<sup>th</sup> DAY OF JUNE 1999, by a vote of 5 in favor and 0 opposed.**

  
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Agnes L. Phillips, Mayor

ATTEST:

  
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Gaye J. Vaughan, City Clerk