



City of Bethel

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Bethel, Alaska 99559

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Regular City Council Meeting

January 13, 2015

6:30 P.M.

Council Chambers; Bethel, Alaska



City Council Meeting Agenda Regularly Scheduled Meeting January 13, 2015-6:30 pm City Hall 300 State Highway, Bethel, AK City of Bethel Council Chambers

Rick Robb
Mayor
Term Expires 2015
543-1879
rrobb@cityofbethel.net

Leif Albertson
Vice-Mayor
Term Expires 2015
543-2819
labertson@cityofbethel.net

Mark Springer
Council Member
Term Expires 2015
545-1450
mspringer@cityofbethel.net

Heather Pike
Council Member
Term Expires 2015
444-7211
hpike@cityofbethel.net

Chuck Herman
Council Member
Term Expires 2016
545-5394
cherman@cityofbethel.net

Zach Fansler
Council Member
Term Expires 2016
545-3300
zfansler@cityofbethel.net

Byron Maczynski
Council Member
Term Expires 2016
545-0970
bmaczynski@cityofbethel.net

Ann Capela
City Manager
543-2047
acapela@cityofbethel.net

Lori Strickler
City Clerk
543-1384
lstrickler@cityofbethel.net

Patty Burley
City Attorney

Paul Richards
Lobbyist
pmrichards@gci.net

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PEOPLE TO BE HEARD – Five minutes per person
- V. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA
- VI. APPROVAL OF MEETING MINUTES
 - a) * **P3** Regular City Council Meeting December 9, 2014
 - b) * **P9** Special City Council Meeting December 29, 2014
- VII. REPORTS OF STANDING COMMITTEE
 - a) Public Safety and Transportation Commission
 - b) Port Commission
 - c) Planning Commission
 - d) Parks and Recreation Committee
 - e) Finance Committee
 - f) Public Works Committee
 - g) Energy Committee
 - h) Non Standing Committee Reports
- VIII. SPECIAL ORDER OF BUSINESS
 - a) USA Pool Update On The YK Regional Aquatic Training and Health Center (Mayor Robb)
- IX. UNFINISHED BUSINESS
 - a) **P23** Public Hearing Of Ordinance 14-27: Repealing And Replacing Bethel Municipal Code 4.20, Purchasing (Mayor Robb)
- X. NEW BUSINESS
 - a) ***P77** AM 15-01: Appointment of Wade Ferdig To The Energy Committee (Mayor Robb)
 - b) ***P81** AM 15-02: Appointment Of Jody Drew To The Energy Committee (Mayor Robb)
 - c) ***P85** AM 15-03: Re-Appointment Of Jennifer Dobson To The Public Works Committee (Mayor Robb)
 - d) ***P89** AM 15-04: Re-Appointment Of Susan Taylor To The Parks And Recreation Committee (Mayor Robb)
 - e) ***P93** AM 15-05: Re-Appointment Of Cliff Linderoth To The Planning Commission (Mayor Robb)
 - f) ***P97** AM 15-06: Approval Of Regular City Council Meeting For Calendar Year 2015 (Mayor Robb)
 - g) ***P99** AM 15-07: Approval Of Administrative Leave For City Attorney, February 24 and 25, 2015 (Mayor Robb)

Agenda posted on January 7, 2015, at City Hall, AC Co., Swansons, and the Post Office.

Bernard Mael, City Clerk's Office

(Items on the agenda noted with an asterisk (*) are considered the consent agenda.

All Resolutions noted with an asterisk (*) will automatically be adopted on the consent agenda unless removed from the consent agenda by Council.

Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing January 27, 2015**)



**City Council Meeting Agenda
Regularly Scheduled Meeting
January 13, 2015-6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

- h) *Personal Leave Request For The City Attorney, January 15 and 16, 2015 (Mayor Robb)
- i) *Personal Leave Request For The City Clerk, January 29 and 30 and May 12-29, 2015 (Mayor Robb)
- j) **P105** AM 15-08: Designating And Approving Two Council Members To Attend The National League of Cities Conference, March 9-12, 2015 (Mayor Robb)
- k) *Administrative Leave Request For The City Manager To Attend The National League of Cities Conference, March 7 Through March 11, 2015 (Mayor Robb)

XI. MAYOR'S REPORT

XII. MANAGER'S REPORT

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

XV. EXECUTIVE SESSION

- a) AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- Current Litigation:
 - 1. City of Bethel vs. Hazel Keezer
 - 2. City of Bethel vs. Karole Kohl
 - 3. Juan Sosa vs. City of Bethel
- b) AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- Potential Litigation:
 - 1. Theft Against the City of Bethel
 - 2. Personal Injury Claims
 - 3. Honey Bucket Violations
 - 4. Hold Over Tenant
 - 5. Businesses Operating Without A Business License
 - 6. Overdue Sales Taxes
 - 7. Real-estate Taxes

XVI. ADJOURNMENT

Agenda posted on January 7, 2015, at City Hall, AC Co., Swansons, and the Post Office.

Bernard Mael, City Clerk's Office

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Bethel City Council

Approval of the Minutes

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on December 9, 2014 at 6:30pm, in the council chambers, Bethel, Alaska.

Mayor Robb called the meeting to order at 6:30 pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:

Mayor Rick Robb, Vice-Mayor Leif Albertson, Council Member Chuck Herman, Council Member Heather Pike, Council Member Zach Fansler, Council Member Byron Maczynski, and Council Member Mark Springer

Also in attendance were the following:

City Attorney Patty Burley, City Clerk Lori Strickler and City Manager Ann Capela

IV. PEOPLE TO BE HEARD

Bill Ferguson, Transit Manager-Spoke in favor of Action Memorandum 14-70. Updated the Council on the potential of obtaining a match of \$20,000 to put toward the grant.

Council Member Fansler arrived at 6:32p.

Council Member Maczynski arrived at 6:33p.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: To approve the Consent and Regular Agenda.

Moved by:	Fansler
Seconded by:	Herman
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Herman, Maczynski, Albertson, Robb, Pike
Opposed:	None

Primary Amendment: Postpone Unfinished Business Item A, AM 14-70 until the January 27, 2015 Council Meeting.

Moved by:	Albertson
Seconded by:	Herman
Action:	Motion carries by a vote of 5-1
In favor:	Fansler, Herman, Maczynski, Albertson, Robb
Opposed:	Pike

VI. APPROVAL OF THE MEETING MINUTES

Item A – Regular City Council Meeting November 15, 2014
Passed on the consent agenda.

VII. REPORTS OF STANDING COMMITTEES

Item A - Port Commission –
No one available to provide a report.

Item B - Planning Commission –
Heather Pike, Council Representative-
A meeting was not held due to a lack of a quorum. The next meeting will be December 11, 2014.

Item C - Public Safety and Transportation Commission-
Chuck Herman, Council Representative-
A meeting was not held due to a lack of a quorum.

Item D - Energy Committee –
Zach Fansler, Committee Representative-
Gasification project to hopefully gain some energy from our waist.
Evaporation and energy loss at the pool was discussed and suggested were going to forwarded to the pool contractors.

Item E - Public Works Committee-
Byron Maczynski, Committee Representative
Next meeting will be held next meeting.

Item F - Finance Committee-
Leif Albertson, Committee Representative –
A meeting has not been held since the last City Council Meeting.

Item G - Parks and Recreations Committee-

Richard Robb, Council Representative-
Dog park recommendation will be reconsidered by the Committee to include alternate sites.

Item H- Non Standing Committee Report-

Kuimarvik, Council Member Maczynski – Held a meeting on the 1st of December. At the meeting there were concerns addressed by the members of the body as well as heard concerns brought up by the Committee.

VIII. SPECIAL ORDER OF BUSINESS

Item A- USA Pool Update On The YK Regional Aquatic Training and Health Center.

IX. UNFINISHED BUSINESS

Item A- AM 14-70: AM 14-70: Accept And Approve The Section 5309 Bus And Bus Facilities "Ladders of Opportunity" Grant Award.
Postponed until the January 27, 2015 Regular City Council Meeting.

X. NEW BUSINESS

Item A – AM 14-71: Approving The Mayor's Appointment Of Joseph Klejka To The Public Works Committee As An Alternate Member.
Passed on the consent agenda.

Item B – AM 14-72: Approving The Mayor's Reappointment Of Scott Guinn To The Public Works Committee.
Passed on the consent agenda.

Item C – AM 14-73: Approving The Contract For State Lobbying Services.

Main Motion: Approve AM 14-73.

Moved by:	Fansler
Seconded by:	Pike
Action:	Motion does not carries by a vote of 0-6
In favor:	None
Opposed:	Fansler, Herman, Maczynski, Albertson, Robb, Pike

Mayor Robb Declared a conflict of interest due to his involvement in the RFP Review Process.

- Direct the committee to renegotiate the contract to
1. To potentially have a gradual increase over the three year contract term.
 2. To insert into the Contract the requirement that the City will be the only municipality/borough represented by the Contractor.
 3. Negotiate to determine where the Contract would be willing to budget on with regard to the price.

Main Motion:

Moved by:	Fansler
Seconded by:	Pike
Action:	Motion does not carries by a vote of 0-6
In favor:	None
Opposed:	Fansler, Herman, Maczynski, Albertson, Robb, Pike

Main Motion: Release an RFP for Lobbying Services.

Moved by:	Fansler
Seconded by:	Pike
Action:	Motion does not carries by a vote of 6-0
In favor:	Fansler, Herman, Maczynski, Albertson, Robb, Pike
Opposed:	None

Main Motion: Release an RFP for a period of seven days to include the limited \$40,000 and a question about representation of other municipalities or boroughs by the contractor.

Moved by:	Pike
Seconded by:	Fansler
Action:	Motion does not carries by a vote of 6-0
In favor:	Fansler, Herman, Maczynski, Albertson, Robb, Pike
Opposed:	None

Main Motion: Take a ten minute break.

Moved by:	Albertson
Seconded by:	Fansler
Action:	Motion does not carries by a vote of 6-0
In favor:	Fansler, Herman, Maczynski, Albertson, Robb, Pike
Opposed:	None

- XII. MAYOR'S REPORT**
- XIII. MANAGER'S REPORT**
- XIV. CLERK'S REPORT**
- XV. COUNCIL MEMBER COMMENTS**

Council Member Zach Fansler-
 Congratulation to the Fire Department to their recognition for a job well done received from Governor Sean Parnell.

Notice to the public, the City's water and sewer rates will be going up.
Thanked the City of Bethel employees for working so hard on the City's projects.
Encouraged everyone to enjoy their December.

Council Member Chuck Herman-
The Public Safety and Transportation Commission is looking for volunteers.
Enjoy the holiday break.

Council Member Heather Pike-
Happy Holidays. In the spirit of giving, there are lots of organizations that are looking for volunteers, to include cooking and sharing a meal with someone else in need.

Council Member Byron Maczynski-
Happy Holiday and be safe on the river.

Mayor Richard Robb-
Thanked all of the volunteers who are working/helping support the Bethel Winter House.
Congratulations and best of luck to the Bethel Regional High School Wrestling team in the State competition.
Wished everyone a Happy Holiday.

Council Member Leif Albertson-
The pool has been a great addition to the City Subdivision which has increase traffic, please drive carefully.
This has been a difficult meeting, the Council wants' to make sure the RFP process fare and right and above approach.

XVI. EXECUTIVE SESSION

Item A- AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity/Potential Litigation Regarding The Investigation Of Administrative and Personnel Matters As Authorized By The City Council, February 11, 2014.

AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity/Potential Litigation Regarding The Investigation Of Administrative and Personnel Matters As Authorized By The City Council, February 11, 2014.

Main Motion:

Moved by: Fansler
Seconded by: Pike

Action:	Motion does not carries by a vote of 0-6
In favor:	None
Opposed:	Fansler, Herman, Maczynski, Albertson, Robb, Pike

Main Motion: Amend the motion to allow the current city manager access to the confidential information presented it the report.

Moved by:	Albertson
Seconded by:	Pike
Action:	Motion does not carry by a vote of 3-3
In favor:	Fansler, Pike, Albertson
Opposed:	Herman, Maczynski, Robb

Main Motion: AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity/Potential Litigation Regarding The Investigation Of Administrative and Personnel Matters As Authorized By The City Council, February 11, 2014. Those participating in the executive session will be the City Attorney and City Clerk.

Moved by:	Albertson
Seconded by:	Pike
Action:	Motion does not carries by a vote of 6-0
In favor:	Fansler, Herman, Maczynski, Albertson, Robb, Pike
Opposed:	None

XVII. ADJOURNMENT

Main Motion: Adjourn

Moved by:	Albertson
Seconded by:	Maczynski
Action:	Motion does not carries by a vote of 6-0
In favor:	Fansler, Herman, Maczynski, Albertson, Robb, Pike
Opposed:	None

Council adjourned at 9:30p.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on December 29, 2014 at 6:30pm, in the council chambers, Bethel, Alaska.

Mayor Robb called the meeting to order at 6:30pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present: Mayor Rick Robb, Council Member Heather Pike, Council Member Zach Fansler, Council Member Byron Maczynski, Council Member Mark Springer (participated telephonically) and Vice-Mayor Leif Albertson

Those not present are:
Council Member Chuck Herman

Also in attendance were the following:
City Clerk Lori Strickler, City Attorney Patty Burley, City Manager Ann Capela (participated telephonically)

IV. PEOPLE TO BE HEARD

Dave Trantham- The price of oil when down another \$1.00 today. The Governor's budget will be very small. The Council should consider this impact when deciding on the lobbyist contract. If a lobbyist is hired, will the City get a reasonable return on their investment?

With the Council's recent investigation on Administration's actions, the ATG Memorial Park is being impacted. The Council should release the investigation in its entirety to the Public.

V. APPROVAL OF THE AGENDA

Main Motion: To approve the Agenda.

Moved by:	Fansler
Seconded by:	Albertson
Action:	Motion carries by a vote of 6-0

In favor:	Fansler, Springer, Maczynski, Albertson, Robb, Pike
Opposed:	None

VI. NEW BUSINESS

Item A – AM 14-74: Approving The Contract For State Lobbying Services.

Main Motion:	Approve AM 14-74.
Moved by:	Springer
Seconded by:	Pike
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Springer, Maczynski, Albertson, Robb, Pike
Opposed:	None

Item B- Release Of Draft Investigative Findings Dated February 11, 2014, To Current City Manager For City Business Only And Under Strict Confidentiality.

Main Motion:	Release Of Draft Investigative Findings Dated February 11, 2014, To Current City Manager For City Business Only And Under Strict Confidentiality.
Moved by:	Fansler
Seconded by:	Pike
Action:	Motion carries by a vote of 5-1
In favor:	Fansler, Springer, Maczynski, Albertson, Pike
Opposed:	Robb

Item C- Approve Contract Amendment For Project Development LLC (Pro Dev).

Main Motion:	Approve Contract Amendment For Project Development LLC
Moved by:	Springer
Seconded by:	Maczynski
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Springer, Maczynski, Albertson, Robb, Pike
Opposed:	None

Item D- Approve Contract Amendment For DOWL HKM For engineering Services.

Main Motion:	Approve Contract Amendment For DOWL HKM For engineering Services.
Moved by:	Springer
Seconded by:	Fansler
Action:	Mayor ruled the motion out of order.

Item E – Enforcement And Potential Modification Request Of The Operations Plan For The Yukon Kuskowim Regional Aquatic Training And Health Center.

Direct the City Manager to contact USA Pools to initiate the enforcement of the hours listed in the Operations Plan approved by the Council and to negotiate less closures around the Holidays.

Main Motion:

Moved by:	Maczynski
Seconded by:	Pike
Action:	Question Divided.

Division of the Question 1:

Direct the City Manager to contact USA Pools to initiate the enforcement of the hours listed in the Operations Plan approved by the Council.

Moved by:	Maczynski
Seconded by:	Pike
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Springer, Maczynski, Albertson, Robb, Pike
Opposed:	None

Division of the Question 2:

Direct the City Manager to contact USA Pools and request fewer closures around the holidays.

Moved by:	Maczynski
Seconded by:	Pike
Action:	Motion does not carry by a vote of 2-4
In favor:	Springer and Robb
Opposed:	Albertson, Pike, Maczynski, Fansler

Incidental Motion:

Suspend the rules for a five minute break.

Moved by:	Springer
Seconded by:	Pike
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Springer, Maczynski, Albertson, Robb, Pike
Opposed:	None

Item F- Authorizing The City Manager To Enter Into A Lease Agreement With An Employee For Residency At The Annex For A Period Exceeding 90 Days As Provided In Ordinance 14-22.

Main Motion: Direct Administration to terminate the housing agreement with

the employee within 30 days.

Moved by:	Albertson
Seconded by:	Pike
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Springer, Maczynski, Albertson, Robb, Pike
Opposed:	None

Primary Amendment: Strike 30 and insert 90.

Moved by:	Fansler
Seconded by:	Maczynski
Action:	Motion does not carry by a vote of 3-3
In favor:	Fansler, Robb, Maczynski
Opposed:	Albertson, Pike, Springer

Item G- Contract Approval For Fuel Services With Delta Western.

Main Motion: Approve the Contract for Fuel Services with Delta Western.

Moved by:	Fansler
Seconded by:	Maczynski
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Springer, Maczynski, Albertson, Robb, Pike
Opposed:	None

XII. ADJOURNMENT

Main Motion: To adjourn.

Moved by:	Springer
Seconded by:	Pike
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Springer, Maczynski, Albertson, Robb, Pike
Opposed:	None

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Bethel City Council

Reports of Standing Committees

City of Bethel, Alaska

Public Safety & Transportation Commission

December 2, 2014

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on December 2, 2014 in the Bethel Police Department Training Room.

This meeting was called to order at 7:00pm.

II. ROLL CALL

Present: Chuck Herman *Council Representative*
Naim Shabani

Excused Absent: Joan Dewey

Unexcused Absent: Pat Jennings *Vice Chair*

Ex-Officio Present: Joe Corbett *Police Lieutenant* for Andre Achee *Chief of Police*
Christina Him *Recorder and Transportation Inspector Designee*

Ex-Officio Absent: William Howell III *Acting Fire Chief*- Available by telephone

A quorum was not established of the Commission.

III. ADJOURNMENT

Meeting adjourned at 7:15pm.

APPROVED THIS _____ DAY OF _____, 2015.

Christina Him, Recorder

Pat Jennings, Vice Chair

>>>>DRAFT<<<<
City of Bethel, Alaska
Planning Commission

Dec 11, 2014

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on December 11, 2014 at 6:30 PM in the City of Bethel Council Chambers room, in Bethel, Alaska.

Chair John Guinn called the meeting to order at 6:30 PM.

II. ROLL CALL

Compromising a quorum of the Committee, the following members were present for roll call: John Guinn, Joy Shantz (telephonically), Abe Palacios, Cliff Linderoth, and Kathy Hanson. Heather Pike arrived after roll call.

Ex-Officio members present were the following: Rachael Pitts, and Betsy Jumper, Recorder.

III. PEOPLE TO BE HEARD

--Bev Hoffman,- don't plan on being here the whole meeting- wanted to speak on 3 items; 1) in favor of the proposed Lyman Hoffman Subdivision; 2) a timeline for dust control is needed on land use permits issued by the Planning Dept.; and 3) happy to see some of the work done on zoning. Apologized for having had to resign from the Planning Commission.

IV. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA OF THE DEC. 11, 2014 MEETING

MOVED:	Kathy Hanson	To approve the agenda, with Item A under New Business (the preliminary plat of the proposed Lyman Hoffman Subdivision), to be moved up to be the first agenda item.
SECONDED:	Cliff Linderoth	
VOTE ON MOTION	All in favor Motion passes 5 yes and 0 opposed.	

V. APPROVAL OF THE MINUTES

MOTION TO APPROVE THE MINUTES OF OCTOBER 9, 2014

MOVED:	Kathy Hanson	To approve the Oct. 9, 2014 minutes.
SECONDED:	Abe Palacios	
VOTE ON MOTION	All in favor Motion passes 5 yes and 0 Opposed	

VI. NEW BUSINESS: A. Public Hearing: Preliminary plat of a proposed Hoffman Subdivison, adjacent to Tsikoyak (Martha Larson) Subdivison. The location is BIA Road. The purpose is to create the following lots: Tract A, Lots 1-32, Block 1, Lots 1-11 Block 2, Lot 1 Block 3, Lots 1-16, Block 4, Lots 1-8 Block 5, Lots 1-7 Block 6, Lots 1-3 Block 7, and four Open Space Tracts. The location is BIA Road. The purpose is to create commercial and residential lots.

Chairman Guinn opened the Public Hearing.

The Planning Director introduced herself and presented a report on the preliminary plat of the proposed Lyman Hoffman Subdivision.

PEOPLE TO BE HEARD: (5 minute limit)

- Frank Neitz – spoke in favor of the new proposed Lyman Hoffman Subdivision;
- Roger Nance – spoke in opposition of the new proposed Lyman Hoffman Subdivision;
- Shannon Freitas – spoke in opposition of the new proposed Lyman Hoffman Subdivision.
- John Sargent – spoke in favor of the proposed subdivision, with conditions that should be considered; let's see things in writing.

Chairman Guinn closed the Public hearing.

Lyman Hoffman introduced himself and spoke about the proposed subdivision and the plans and need for it. He introduced his daughter Trina Short, saying she would be taking care of most of this subdivision development if approved, and also introduced David Niman, an engineer who will be addressing the wetlands requirements.

Rachael commented that a lot of good points were brought to attention for the Planning Commission to consider. There will be multiple reviews done by the City, the BIA, and the Army Corps of Engineers.

Commissioner Hanson had a question in regards to snow machine access trails.

MOTION TO SUSPEND THE RULES TO HEAR FROM ANY MEMBERS OF THE GALLERY THAT MAY HAVE QUESTIONS FOR THE DEVELOPER AND/OR PLANNING COMMISSIONER MEMBERS; TO OPEN UP THE MEETING FOR PUBLIC QUESTIONS BACK AND FORTH

MOVED:	Heather Pike	To suspend the rules to hear questions.
SECONDED:	Cliff Linderoth	
VOTE ON MOTION	All in favor Motion passes 5 yes and 0 Opposed	

Commissioner Hanson had a question for gallery member Frank Neitz, who is on the Public Works Committee--a main concern with any new development is the infrastructure—where do we stand Public Works wise? Lots of issues and challenges.

Commissioner Linderoth stated he thought it was piped water and sewer that was "sinking the City"; hauled water and sewer is "carrying its own". The rate review being put in place now should make it self-sustaining. We might want to consider an impact fee to the developer that might include the cost of a water or sewer truck or somehow address that. Sustaining rates, as you get more customers, may carry its own weight. Those are my thoughts and understanding of the rates.

Citizen John Sargent ran off some figures in regards to daily water and sewer routes, and how many more routes and the costs and labor associated would need to be added for a new development. It would be nice if the development agreement had some sort of impact fee to the developer to address some of these issues to aid the City.

Citizen Nance had questions and comments about snow machine accesses, culverts, wetlands, and drainages.

Developer Hoffman spoke about snow machines trespassing on his private property, and then had engineer David Nieman address the meeting. He gave a brief overview of culverts and issues facing the development such as natural flows of drainages, the wetlands, soil, and other engineer related items. He also gave a brief overview of his resume.

Lyman stated this development won't happen overnight; he hopes the lots will be sold within 3 years, and is already receiving inquiries from folks wanting land to build on. We need to take growth one step at a time; and I believe many lots will be brought on speculation, as it is very difficult now to find developable land. Also, snow machine access is very important to me as well. Many obstacles will have to be met in order to make this a reality. There is a need for land development in Bethel. We need, as a community, to take the next step to insure Bethel is a growing and vibrant place, and also, a good place to live.

Commissioner Shantz commented that all property owners have the right to develop their land right up to the easement edge as long as it's in compliance with the BMC and Bethel Comprehensive Plan and all the other laws of the land. You can't have development without conservation. My 2 biggest concerns are the stress that would be caused on the city infrastructure, of the water and sewer, fire, public safety issues. I would like to see written statements from all city depts. indicating what type of impact this would have on them. My other concern would be the wetland issue and I think that will probably come out down the road, if there is an issue. The City does need development, people are looking for lots, but I think development needs to be done very carefully, and in accordance with our plans and codes.

City Attorney Patty Burley advised the commission on three choices:

- 1) Can approve the preliminary plat as is;
- 2) Can approve the preliminary plat conditionally; or
- 3) Disapprove the preliminary plat.

Commissioner Hanson would like to hear from, at a later date, from the Public Works Director and the City Manager on how the City and its infrastructure would have the ability to respond to a new subdivision for water and sewer and roads, as well as the school bus services. It seems to me we should be hearing from the Public Works Director on these issues.

Commissioner Linderoth stated a conditional approval would open it up for input from everybody, public works, and so on. That won't get hashed out tonight. We could approve it now as is, or approve it, but request to hear more stuff (conditionally), or, just throw it out the window, and it's done, except we have to say why we threw it out the window.

MOTION TO APPROVE THE PRELIMINARY PLAT, CONDITIONALLY

MOVED:	Cliff Linderoth	To approve the Lyman Hoffman Subdivision preliminary plat, with conditions.
SECONDED:	Heather Pike	
VOTE ON MOTION	All in favor Motion passes 5 yes and 0 Opposed	

The city attorney stated something more specific needs to be said about the above motion; what sort of conditions?

Commissioner Pike would like to hear a little more about a developer agreement in meeting with the City; I think that would be a more detailed map of where we need to start and what we need to look at would be helpful. The LED lighting that was brought up was something I also had in the back of my mind, also the lengths/widths of the roads. I am comfortable with the drainages and wetlands, and the report the engineer presented. The trails are a concern for me, however, and we can bring that up with the trails committee down the road. There needs to be some open areas that are designated, whether over the culverts or off to the side, so we don't make things worse as we move forward. The kids need a good, safe place to play as well and that's a big concern-- they're our future. Also, we don't want to have others encroaching on others' properties. That's kind of where I'm at-- would like to see/learn more about a developer agreement.

Commissioner Palacios also would like to see a developer agreement with the City and agrees we do need a place to develop. We do have our problems with the City in regards to infrastructure and utilities, but is that the burden of the developer? No, it's not, although it needs to be discussed. It's consideration, for the community as a whole, but we also understand we need a new development. Many people come up to me saying you should pass that, -- we're looking for a lot to build a house, and then I've had others say we don't want it, because of the utilities. I agree with conditionally approving this, providing it's done in accordance with the BMC, and developing a development agreement is what I would like to see.

Commissioner Hanson asked could that development agreement address the city utilities question?

Commissioner Pike commented on the burden of the City as far as water and sewer; with this rate increase Council just passed, we can go out there for funding and we would be getting new customers with a new subdivision. I think we'll be able to stand on our own two feet.

Commissioner Linderoth stated that a big upfront fee, if it took a new truck, that could be included in an impact fee; the cost of the actual delivering the service, I don't know in the water and sewer rate increase plan if that had depreciation or replacement scheduled in to those costs. Course right now they're out looking into getting new water and sewer trucks and the new rates aren't in effect yet, so the money isn't there yet. When a big block of development takes place, it will take more trucks, like that gentleman pointed out. The services have to be addressed somewhere, and that's where an impact fee could be done. It should not wind up being a burden on the City. I think that's the sort of thing that could be covered in a developer agreement.

Bethel City Council

Unfinished Business

Introduced by: Acting City Manager Williams
Mayor Richard Robb
Introduction Date: October 28, 2014
Public Hearing: November 11, 2014
November 25, 2014
January 13, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #14-27

AN ORDINANCE BY THE BETHEL CITY COUNCIL REPEALING AND REPLACING SECTION 4.20 PURCHASING

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

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

SECTION 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SECTION 3. Section 4.20 is hereby repealed.

Chapter 4.20 PURCHASING

Sections:

~~Article I. General Provisions~~

- ~~4.20.010 — Purpose.~~
- ~~4.20.020 — Applicability.~~
- ~~4.20.030 — Definitions.~~
- ~~4.20.040 — Budget approval.~~
- ~~4.20.050 — Specifications generally.~~

~~Article II. Purchasing Agent~~

- ~~4.20.060 — Office established.~~
- ~~4.20.070 — Powers and duties.~~
- ~~4.20.080 — Delegation of authority.~~

~~Article III. Source Selection and Contract Formation~~

- ~~4.20.090 — Competitive sealed bidding.~~
- ~~4.20.100 — Competitive sealed proposals.~~
- ~~4.20.110 — Cancellation of bid invitations and proposal requests.~~
- ~~4.20.120 — Determination of nonresponsibility — Confidentiality.~~

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~~Article IV. Appeals and Remedies~~

- ~~4.20.130 Appeals.~~
- ~~4.20.140 Remedies.~~

~~Article V. Procurements~~

- ~~4.20.150 General equipment, material and supplies.~~
- ~~4.20.155 Contracts for insurance.~~
- ~~4.20.160 Construction contracts.~~
- ~~4.20.170 Professional services.~~
- ~~4.20.180 Sole source procurement.~~
- ~~4.20.190 Emergencies.~~

~~Article VI. Ethics~~

- ~~4.20.200 Conflicts of interest.~~
- ~~4.20.210 Gratuities, kickbacks and unauthorized spending.~~
- ~~4.20.220 Contingent fee prohibition.~~
- ~~4.20.230 Repealed.~~
- ~~4.20.240 Waivers from conflict of interest provisions.~~
- ~~4.20.250 Confidentiality.~~
- ~~4.20.260 Sanctions designated.~~
- ~~4.20.270 Recovery of value received or transferred.~~

~~Article VII. Violation and Penalty~~

- ~~4.20.280 Criminal penalties.~~
- ~~4.20.290 Contractor in good standing.~~

Article I. General Provisions

~~4.20.010 Purpose.~~

~~The purpose of this chapter is to provide for the fair and equitable treatment of all persons involved in public purchasing by the city, to maintain and improve local employment opportunities by encouraging the city to purchase supplies and materials locally when feasible, to increase sales tax receipts, to maximize the purchasing value of~~

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~~public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.~~

~~4.20.020 Applicability.~~

~~A. This chapter applies to contracts for the procurement of supplies, services, and construction entered into by the city after the effective date of this chapter. It shall apply to every expenditure of public funds by a public agency for public purchasing irrespective of the source of the funds.~~

~~B. When the procurement involves the expenditure of federal assistance, state grants, or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal or state law and regulation.~~

~~C. Nothing in this chapter shall prevent any public agency from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.~~

~~D. This chapter shall be used in conjunction with the purchasing procedures adopted by city administration and set forth in the city administrative manual.~~

~~4.20.030 Definitions.~~

~~As used in this chapter, the following words and phrases shall have the meanings set out in this section:~~

~~A. Architect-Engineer and Land Surveying Services. "Architect-engineer and land surveying services" means those professional services within the scope of the practice of architecture, professional engineering, or land surveying, as defined by the laws of the state.~~

~~B. Business. "Business" means any corporation, partnership, individual, sole proprietorship, joint venture, or any other private legal entity.~~

~~C. Confidential Information. "Confidential information" means any information which is available to an employee only because of the employee's status as an employee of the city and is not a matter of public knowledge or available to the public on request.~~

~~D. Construction. "Construction" means the process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine~~

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~~operation, routine repair, or routine maintenance of existing structures, buildings, or real property.~~

~~E. Contract. "Contract" means all types of city agreements, regardless of what they may be called, for the procurement of supplies, services or construction.~~

~~F. Contractor. "Contractor" means any person having a contract with the city or a using agency thereof.~~

~~G. Direct or Indirect Participation. "Direct or indirect participation" means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or any other advisory capacity.~~

~~H. Employee. "Employee" means an individual drawing a salary or wages from the city, whether elected or not, and any individual serving as an elected official.~~

~~I. Financial Interest. "Financial interest" means:~~

~~1. Ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than one thousand dollars (\$1,000) per year, or its equivalent;~~

~~2. Ownership of twenty (20) percent of any property or business; or~~

~~3. Holding a position in a business such as officer, director, trustee, partner, employee, or the like, or holding any position of management.~~

~~J. Gratuity. "Gratuity" means a payment, loan, subscription, advance, deposit of money, service or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.~~

~~K. Immediate Family. "Immediate family" means a spouse, children, parents, brothers and sisters.~~

~~L. Invitation for Bids. "Invitation for bids" means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.~~

~~M. "Local business" means a business with fixed offices or distribution points located within the boundaries of the city and who has a current city business license and who is~~

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~~at the time of bidding or proposing in compliance with all requirements of the city sales tax ordinance. A Bethel post office box number or residential address may not be used solely to establish status as a local business.~~

~~N. Person. "Person" means any business, individual, union, committee, club, other organization, or group of individuals.~~

~~O. Procurement. "Procurement" means the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection, and solicitation of sources, professional services, preparation and award of contract, and all phases of contract administration.~~

~~P. Public Agency. "Public agency" means a public entity subject to or created by the city.~~

~~Q. Qualified Products List. "Qualified products list" means an approved list of supplies, services, or construction items described by model or catalogue numbers which, prior to competitive solicitation, the city has determined will meet the applicable specification requirements.~~

~~R. Request for Proposals. "Request for proposals" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.~~

~~S. Responsible Bidder or Offeror. "Responsible bidder or offeror" means a person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facility, equipment, and credit which will assure good faith performance.~~

~~T. Responsive Bidder. "Responsive bidder" means a person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.~~

~~U. Services. "Services" means the furnishing of labor, time, or effort, by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements, collective bargaining agreements or agreements relating to the procurement of insurance coverage through an insurance broker.~~

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~~V. Specification. "Specification" means any description of the physical or functional characteristics or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.~~

~~W. Supplies. "Supplies" means all property, including but not limited to equipment, materials, printing, and leases of real property, excluding land or a permanent interest in land.~~

~~X. Using Agency. "Using agency" means any department, commission, board, or public agency requiring supplies, services, or construction procured pursuant to this chapter.~~

4.20.040 Budget approval.

~~It is the duty of the finance director to confirm that sufficient funds are available for the procurement of any single item or purchase order transaction exceeding ten thousand dollars (\$10,000) which has already been approved by the adoption of the current fiscal year budget. The purchasing agent may give budget approval for the procurement of any single item or purchase order transaction less than ten thousand dollars (\$10,000). Any item for which the procurement of is not otherwise included in the current fiscal year budget must be approved by council.~~

4.20.050 Specifications generally.

~~All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the city's needs. Whenever a material, article, or piece of equipment is identified on the plans or in the specifications by reference to manufacturers' or vendors' names, trade names, catalog numbers, etc., it is intended merely to establish a standard; and any material, article, or equipment of other manufacturers and vendors which will perform adequately the duties imposed by the general design will be considered equally acceptable provided the material, article, or equipment so proposed is, in the opinion of the city, of equal substance and function. Any item quoted as "equal" shall be accompanied by complete data and/or brochures to be used in evaluation.~~

Article II. Purchasing Agent

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~~4.20.060 Office established.~~

~~The position of purchasing agent is established in the finance department.~~

~~4.20.070 Powers and duties.~~

~~A. Principal Purchasing Official. Except as otherwise provided in this chapter, the purchasing agent shall serve as the principal purchasing official for the city, and shall be responsible for the procurement of supplies and services in accordance with this chapter, as well as the management and disposal of supplies and fixed assets.~~

~~B. Duties. In accordance with this chapter, and subject to the supervision of the finance director, the purchasing agent shall:~~

- ~~1. Procure or supervise the procurement of all supplies and services needed by the city;~~
- ~~2. Sell, trade, or otherwise dispose of surplus supplies and fixed assets belonging to the city.~~

~~C. Operational Procedures. Consistent with this chapter, and with the approval of the finance director, the purchasing agent may adopt and publish operational procedures relating to the execution of the duties of the position.~~

~~4.20.080 Delegation of authority.~~

~~With the approval of the city manager, the purchasing agent may delegate authority to purchase certain supplies, services, or construction to other city officials, if such delegation is deemed necessary for the effective procurement of those items. This provision recognizes that for the procurement of certain supplies, services or construction, effective management may call for the delegation of procurement authority to other city officials possessing specialized skills or knowledge that would make them better qualified to define the city's requirements or monitor a contractor's performance. When faced with an especially complex procurement, such as a complex construction project, the city may find it necessary to temporarily appoint a highly qualified construction management professional as construction procurement officer for that project. As an alternative, the city may choose to contract for the services of a construction management firm to oversee all phases of the project. As a city contractor, this firm shall be closely supervised in its performance by the purchasing agent or other city official as the city manager deems appropriate. In selecting and utilizing such a project management firm, the city will ensure that the contractors providing this~~

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~~management function are independent of those contractors providing construction or other project services to the city. Consistent oversight will be essential for the successful completion of such complex construction projects.~~

~~Article III. Source Selection and Contract Formation~~

~~4.20.090 Competitive sealed bidding.~~

~~A. Conditions for Use. All procurement contracts of the city shall be awarded by competitive sealed bidding except as otherwise provided in BMC 4.20.100, 4.20.155 and 4.20.160.~~

~~B. Invitation for Bids. An invitation for bids shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.~~

~~C. Public Notice. Adequate public notice of the invitation for bids shall be given a reasonable time, not less than thirty (30) calendar days prior to the date set forth therein for the opening of bids. Such notice may include publication in a newspaper of general circulation a reasonable time prior to bid opening. The public notice shall state the place, date and time of bid opening.~~

~~D. Bid Opening. Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the purchasing agent deems appropriate, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.~~

~~E. Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as otherwise authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for awards shall be objectively measurable, such as discounts, transportation costs, and total life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. The criteria shall include a statement that any local business submitting a bid shall receive a five (5) percent preference in determining the lowest responsible and responsive bidder. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.~~

~~F. Correction or Withdrawal of Bids — Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes may be permitted where appropriate. Mistakes~~

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~~discovered before bid opening may be modified or withdrawn by written or telegraphic notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:~~

~~1. The mistake is clearly evident on the face of the bid document, but the intended correct bid is not similarly evident; or~~

~~2. The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the purchasing agent.~~

~~G. Award. The contract shall be awarded with reasonable promptness by appropriate written notice to the local business that is the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, provided such bid does not exceed by more than five (5) percent the lowest bid of any bidder that is not a local business. In the event the low responsive and responsible bid exceeds available funds as certified by the finance director and such bid does not exceed such funds by more than five (5) percent, the city manager or authorized designee is authorized, when time or economic considerations preclude resolicitation of work of a reduced scope, to negotiate an adjustment of the bid price within the amount of available funds. Any such negotiated adjustment shall be based only upon eliminating independent deductive items specified in the invitation for bids.~~

~~4.20.100 Competitive sealed proposals.~~

~~A. Conditions for Use. When the purchasing agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the city, a contract may be entered into by use of the competitive sealed proposal method.~~

~~B. Request for Proposals. Proposals shall be solicited through a request for proposals.~~

~~C. Public Notice. Adequate public notice of the request for proposals shall be given in the same manner as provided in BMC 4.20.090(C).~~

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~~D. Receipt of Proposals. No proposals shall be handled so as to permit disclosure of the identity of any offeror or the content of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.~~

~~E. Evaluation Factors. The request for proposals shall state the relative importance of price and other evaluation factors. The evaluation factors shall include a statement that any local business submitting a proposal shall receive a five (5) percent preference in evaluating the proposed price.~~

~~F. Discussion with Responsible Offerors and Revisions to Proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors, or of any information derived from proposals submitted by competing offerors.~~

~~G. Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city, taking into consideration price and the evaluation factors set forth in the evaluation. The contract file shall contain the basis on which the award was made.~~

~~4.20.110 Cancellation of bid invitations and proposal requests.~~

~~An invitation for bids, a request for proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part, when it is for good cause and in the best interests of the city. The reasons therefor shall be made part of the contract file. Each solicitation issued by the city shall state that the solicitation may be cancelled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the city. Notice of cancellation shall be sent to all businesses solicited. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.~~

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~~4.20.120 Determination of nonresponsibility—Confidentiality.~~

~~A. Determination of Nonresponsibility. If a bidder or offeror who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility, setting forth the basis of the finding, shall be prepared by the purchasing agent. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an injury with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror. A copy of the determination shall be sent promptly to the nonresponsible bidder or offeror. The final determination shall be made part of the contract file and be made a public record.~~

~~B. Right of Nondisclosure. Information furnished by a bidder or offeror pursuant to this section shall not be disclosed by the city outside of the office of the purchasing agent, or using agency, without prior written consent of the bidder or offeror.~~

Article IV. Appeals and Remedies

~~4.20.130 Appeals.~~

~~A. Right to Protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the city manager. A protest with respect to any invitation for bids or request for proposal shall be submitted in writing prior to the opening of bid or the closing date of proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposals. The protest shall be submitted within five (5) days, excluding Saturdays, Sundays, and other legal holidays, after such aggrieved person knows or should have known of the facts giving rise to the case.~~

~~B. Stay of Procurements During Protests. In the event of a timely protest under subsection A of this section, the purchasing agent shall not proceed further with the solicitation or award of the contract until the city manager makes a determination on the record that the award of a contract without delay is necessary to protect substantial interests of the city.~~

~~C. Decision of the City Manager. All claims by a contractor against the city relating to a contract, except bid protests, shall be submitted in writing to the city manager for a~~

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~~decision. The contractor may request a conference with the city manager on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.~~

~~D. Notice to the Contractor. The decision shall be promptly issued in writing, and shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal rights under subsection E of this section.~~

~~E. Finality of Decision—Contractor’s Right to Appeal. The city manager’s decision shall be final and conclusive unless, within five (5) days, excluding Saturdays, Sundays, and other legal holidays, from the date of receipt of the decision, the contractor mails or otherwise delivers a written appeal to the city council or commences an action in a court of competent jurisdiction.~~

~~4.20.140 Remedies.~~

~~A. Prior to Bid Opening or Closing Date for Receipt of Proposals. If prior to the bid opening or the closing date for receipt of proposals, the purchasing agent, after consultation with the city attorney, determines that a solicitation is in violation of federal, state, or municipal law, then the solicitation shall be cancelled or otherwise revised to comply with applicable law.~~

~~B. Prior to Award. If after bid opening or the closing date for receipt of proposals, the purchasing agent, after consultation with the city attorney, determines that a solicitation or a proposed award of a contract is in violation of federal, state or municipal law, then the solicitation or proposed award shall be cancelled.~~

~~C. After Award. If, after an award, the purchasing agent, after consultation with the city attorney, determines that a solicitation or award of a contract was in violation of applicable law, then:~~

~~1. If the person awarded the contract has not acted fraudulently or in bad faith:~~

~~a. The contract may be ratified and affirmed, provided it is determined that doing so is in the best interests of the city; or~~

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~~b. The contract may be terminated and the person awarded the contract shall be compensated for the actual costs reasonably incurred under the contract, plus a reasonable profit, prior to the termination; or~~

~~2. If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void or voidable, if such action is in the best interests of the city.~~

Article V. Procurements

~~4.20.150 General equipment, material and supplies.~~

~~A. Source Selection. Except as otherwise provided in BMC 4.20.100, the source selection process for procurement of other than construction or professional services shall be as follows:~~

~~1. Over Twenty Thousand Dollars (\$20,000). For the procurement of any single item or purchase order transaction expected to cost twenty thousand dollars (\$20,000) or more, it shall be required that the request be put out for bid following the process as stated in BMC 4.20.090.~~

~~2. Ten Thousand Dollars (\$10,000) or More, but Less than Twenty Thousand Dollars (\$20,000). For the procurement of any single item or purchase order transaction expected to cost ten thousand dollars (\$10,000) or more, but less than twenty thousand dollars (\$20,000), no less than three (3) businesses shall be solicited to submit written quotations. The names of the businesses submitting quotations shall be recorded and maintained as a public record. Any local business whose quotation does not exceed by more than five (5) percent the lowest price quotation received from any person who is not a local business shall be considered to have submitted a quotation lower than that submitted by the person who is not a local business.~~

~~3. Five Thousand Dollars or More, but Less than Ten Thousand Dollars (\$10,000). For the procurement of any single item or purchase order transaction expected to cost five thousand dollars (\$5,000) or more, but less than ten thousand dollars (\$10,000), at least three (3) businesses shall be contacted for a phone quotation. The names of the businesses submitting a phone quotation shall be recorded and maintained as a public record. Any local business whose quotation does not exceed by more than five (5) percent the lowest price quotation received from any person who is not a local business shall be considered~~

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~~to have submitted a quotation lower than that submitted by the person who is not a local business.~~

~~4. Under Five Thousand Dollars (\$5,000). The purchasing agent shall use judgment based on knowledge of vendors and products to determine whether or not it is necessary or practical or in the best interests of the city to solicit for quotations or bids.~~

~~B. Bid and Performance Bonds. Bid and performance bonds or other security may be requested for supply contracts or service contracts as the purchasing agent deems advisable to protect the city's interests. Any such bonding requirements shall be set forth in the solicitation. Bid or performance bonds shall not be used as a substitute for determination of a bidder or offeror's responsibility.~~

~~4.20.155 Contracts for insurance.~~

~~A. The city shall procure liability, workmen's compensation and property insurance coverage by sealed competitive proposals for up to a three (3) year period either through one (1) or more insurance brokers, directly from an insurance company or through participation in a joint insurance arrangement established in accordance with AS 21.76.010.~~

~~B. The city shall procure insurance intended to benefit city employees by competitive sealed proposals for up to a three (3) year period either through one (1) or more insurance brokers, directly from an insurance company or through participation in a health insurance trust or similar arrangement established in accordance with applicable state or federal law.~~

~~C. Competitive sealed proposals shall be solicited in accordance with BMC 4.20.100. The city may hire a consultant to assist in either soliciting or evaluating the competitive sealed proposals.~~

~~4.20.160 Construction contracts.~~

~~A. Source Selection. The source selection process for the procurement of construction contracts, whether it be remodeling or construction of a new structure, shall be made as follows:~~

~~1. One Hundred Thousand Dollars (\$100,000) and Over. For any construction or remodeling project estimated by the requisitioning department~~

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~~head or the public works director to cost one hundred thousand dollars (\$100,000) or more, the competitive sealed bid procedure shall be used as stated in Article III of this chapter.~~

~~2. Under One Hundred Thousand Dollars (\$100,000). For any construction or remodeling project estimated by the requisitioning department head or the public works director to cost under one hundred thousand dollars (\$100,000), no less than three (3) businesses shall be contacted to submit written quotations. Award shall be given to the lowest responsible and responsive contractor.~~

~~B. Bid Security. Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated by the requisitioning department or the public works director to exceed one hundred thousand (\$100,000). Bid security shall be a bond provided by a surety company authorized to do business in the state, or the equivalent in cash, or otherwise supplied in a form satisfactory to the city. Bid security shall be in the amount equal to at least five (5) percent of the amount of the bid.~~

~~C. Performance and Payment Bonds. When a construction contract is awarded in excess of fifty thousand dollars (\$50,000), the following bonds or security shall be delivered to the city and shall become binding on the parties upon the execution of the contract:~~

~~1. A performance bond satisfactory to the city, executed by a surety company authorized to do business in the state or otherwise secured in a manner satisfactory to the city, in an amount equal to fifty (50) percent of the price specified in the contract, unless the price specified in the contract exceeds five million dollars (\$5,000,000); then the performance bond shall be in the sum of two million five hundred thousand dollars (\$2,500,000); and~~

~~2. A payment bond satisfactory to the city, executed by a surety company authorized to do business in the state or otherwise secured in a manner satisfactory to the city, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to fifty (50) percent of the price specified in the contract, unless the price specified in the contract exceeds five million (\$5,000,000); then the payment bond shall be in the sum of two million five hundred thousand dollars (\$2,500,000).~~

~~C. Contract Administration for Construction Contracts. The city manager or council shall have discretion to select the appropriate method of construction contracting~~

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~~management for a particular project. In determining which method to use, the city manager shall consider the city's requirements, its resources, and the potential contractor's capabilities. The city manager shall execute and include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project. It is recognized that at least the following methods are currently being used for control and coordination of construction projects:~~

- ~~1. A single prime contractor (including a turnkey or design-build contractor); or~~
- ~~2. Multiple prime contractors managed by:
 - ~~a. A designated general contractor,~~
 - ~~b. A construction manager, or~~
 - ~~c. The public works director.~~~~

~~4.20.170 Professional services.~~

~~A. Source Selection. The method of source selection process for professional services shall be made through the solicitation for request for proposals as stated in BMC 4.20.100.~~

~~B. Public Notice. Adequate public notice of the request for proposals shall be given in the same manner as provided in BMC 4.20.090. The request for proposal shall describe services required, list the types of information and data required of each offeror, and state the relative importance of particular qualifications.~~

~~C. Statement of Qualifications. Persons engaged in providing the designated types of professional services may submit statements of qualifications and expressions of interest in providing such professional services. Persons may amend these statements at any time by filing a new statement.~~

~~D. Discussions. The head of a using department procuring the required professional services or a designee of such officer may conduct discussions with any offeror who has submitted a proposal to determine such offeror's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other offerors.~~

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~~E. Award. Award shall be made to the offeror determined in writing, by the head of the using department procuring the required professional services or a designee of such officer, to be best qualified based on the evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best qualified offeror, the negotiations may be conducted with such other offeror or offerors, in the order of their respective qualification ranking, and the contract may be awarded to the offeror then ranked best qualified if the amount of compensation is determined to be fair and reasonable.~~

~~4.20.180 Sole-source procurement.~~

~~A contract may be awarded without competition when the purchasing agent documents in writing, after conducting a good faith review of available resources, that there is only one (1) source for the required supply, service or construction item.~~

~~4.20.190 Emergencies.~~

~~Notwithstanding any other provisions of this chapter, the city manager may authorize in writing the purchasing agent to make or authorize others to make emergency procurements of supplies, services, or construction items when there exists a threat to public health, welfare, or safety; provided, that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination or the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.~~

Article VI. Ethics

~~4.20.200 Conflicts of interest.~~

~~A. It shall be unethical for any city employee to participate directly or indirectly in a procurement contract when the city employee knows that:~~

~~1. The city employee or any member of the city employee's immediate family has a financial interest pertaining to the procurement contract; or~~

~~2. Any other person, business, or organization with whom the city employee or any member of a city employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract.~~

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~~B. A city employee or any member of a city employee's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.~~

~~**4.20.210 Gratuities, kickbacks and unauthorized spending.**~~

~~A. Gratuities. It shall be unethical for any person to offer, give, or agree to give any city employee or former city employee, or for any city employee or former city employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.~~

~~B. Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.~~

~~C. Unauthorized Spending. Unauthorized spending of city moneys by a city employee on the city's behalf without proper approval shall be deemed unethical. No city funds shall be used for the procurement of goods and services for a city employee even if there was such intent to reimburse the city.~~

~~**4.20.220 Contingent fee prohibition.**~~

~~It shall be unethical for a person to be retained, or to retain a person, to solicit or secure a city contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.~~

~~**4.20.230 Contemporaneous employment prohibited.**~~

~~*Repealed by Ord. 10-19. [Ord. 163 § 8-105, 1985.]*~~

~~**4.20.240 Waivers from conflict of interest provisions.**~~

~~The city council may grant a waiver from the employee conflict of interest provision (BMC 4.20.200), upon making a written determination that:~~

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~~A. The conflict of interest has been publicly disclosed;~~

~~B. Repealed by Ord. 10-19;~~

~~C. The award will be in the best interests of the city.~~

~~4.20.250 Confidentiality.~~

~~It shall be unethical for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.~~

~~4.20.260 Sanctions designated.~~

~~A. Employees. The city manager or city council may impose any one (1) or more of the following sanctions on a city employee for violations of ethical standards in this article:~~

- ~~1. Oral or written warnings or reprimands;~~
- ~~2. Suspension with or without pay for specified periods of time; or~~
- ~~3. Termination of employment.~~

~~B. Elected Official. The city council may impose any one (1) or more of the following sanctions for violations of the ethical standards:~~

- ~~1. Termination of contract;~~
- ~~2. Censuring. Such censure shall be made upon a two-thirds (2/3) majority vote of the city council. No member of the city council may vote on any question of his or her own censure, but may participate in any discussion and debate on the matter.~~

~~4.20.270 Recovery of value received or transferred.~~

~~A. General Provisions. The value of anything transferred or received in breach of the ethical standards of this chapter by a city employee or an elected official may be recovered from both city employee and an elected official.~~

~~B. Recovery of Kickbacks by the City. Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the city and will be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickbacks.~~

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~~Recovery from one (1) offending party shall not preclude recovery from other offending parties.~~

~~Article VII. Violation and Penalty~~

~~4.20.280 Criminal penalties.~~

~~To the extent that violations of the ethical standards of conduct set forth in this chapter constitute violations of the State Criminal Code they shall be punishable as provided therein. Such penalties shall be in addition to the civil sanctions set forth in this chapter. Criminal, civil, and administrative sanctions against employees or nonemployees which are in existence on the effective date of the ordinance codified in this chapter shall not be impaired.~~

~~4.20.290 Contractor in good standing.~~

~~No procurement contract may be awarded to a person, group, organization, or other entity that is delinquent in the payment or collection of sales taxes, fees, charges, penalties, interest or other amounts that are due and owing, or otherwise obligated to the city.~~

Section 4. Title 4.20, Purchasing is hereby adopted to read as follows:

4.20 Purchasing

Article I – General Provisions

4.20.010 Definitions

Article II – Purchasing Agent

4.20.020 Purchasing Agent

Article III – Source Selection

4.20.030 Competitive Sealed Bidding

4.20.040 Competitive Sealed Proposals

4.20.050 Specifications Generally (Bids and Proposals)

4.20.060 Local Preferences

4.20.070 Contractor in Good Standing

Article IV – Bid Awards

4.20.080 Awards to be made only to Responsive Bidders

4.20.090 Procedures for Award

4.20.100 Bonds

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Article V – Exceptions / Issues

- 4.20.110 When Competitive Bidding Is Not Required
- 4.20.120 Waiver of Irregularities
- 4.20.130 Cancellation of Bid Invitations and Proposal Requests
- 4.20.140 Determination of Non-Responsiveness
- 4.20.150 Waiver of Formal Bid Procedures

Article VI – Specific Procurements

- 4.20.160 Construction
- 4.20.170 Consulting Services for the City Council
- 4.20.180 Emergency Procurements
- 4.20.190 General Equipment, Materials and Supplies
- 4.20.200 Governmental and Proprietary
- 4.20.210 Joint Purchasing
- 4.20.220 Insurance
- 4.20.230 Legal Services
- 4.20.240 Professional Services
- 4.20.250 Sole-Source Procurements
- 4.20.260 State and Federal Grants

Article VII – Bid Protests

- 4.20.270 Filing of a Bid Protest
- 4.20.280 Timeline
- 4.20.290 Stay of Award
- 4.20.300 Review by City Manager
- 4.20.310 Appeal of City Manager Decision
- 4.20.320 Notice and Record on Appeal
- 4.20.330 Hearing Procedures
- 4.20.340 Decision by City Council
- 4.20.350 Appeal to Superior Court

Article VIII - Contract Formation and Modification

- 4.20.360 Budget Approval/Availability of Funds
- 4.20.370 Contracting Authority
- 4.20.380 Contracts Enforceable Against the City
- 4.20.390 Execution of Contracts
- 4.20.400 Contract Administration
- 4.20.410 Contract Amendments
- 4.20.420 Multi-Year Contracts
- 4.20.430 Council Approval of Contracts

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Article IX – Contract Disputes

- 4.20.440 Administrative Review of Contract Disputes
- 4.20.450 Appeal of Purchasing Agent’s Decision
- 4.20.460 Hearing Procedures
- 4.20.470 Determination after Hearing
- 4.20.480 Misrepresentation and Fraudulent Claims
- 4.20.490 Exclusive Remedy

Article I - General Provisions

4.20.010 Definitions.

As used in this chapter, the following words, terms and phrases shall have the meanings set out in this chapter, except where the context clearly indicates a different meaning:

- A. “Business” means any corporation, partnership, individual, sole proprietorship, joint venture, or any other private legal entity.
- B. “Construction” means the on-site erection, rehabilitation, alteration, extension or repair of improvements to real property, including painting or redecorating buildings, highways, or other improvements under contract for the City, but does not include routine operation, repair, or maintenance of existing buildings or improvements which are recurring services normally performed in connection with the ownership, occupancy or use of the building or improvement.
- C. “Contract” means all types of City agreements, regardless of what they may be called, for the procurement of supplies, services or construction but does not include collective bargaining agreements or subdivision agreements.
- D. “Contract Amendment” means any change in the term of a contract accomplished by agreement of the parties, including change orders.
- E. “Contractor” means any person having a contract with the City or a using agency thereof.
- F. “Financial interest” includes the receipt of a pecuniary benefit or the expectation of a pecuniary benefit:
 - 1. A financial interest of a person includes a financial interest of any member of the person’s household.
 - 2. A person has a financial interest in an organization if the person:
 - i. Has an ownership interest in the organization or
 - ii. Is a director, officer or employee of the organization;
 - 3. Whether a financial interest is substantial is determined on a case by case basis.
- G. “Immediate family”:
 - 1. The spouse of the person

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2. Another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
 3. A child, including a stepchild and an adoptive child, of the person;
 4. A parent, sibling, grandparent, aunt or uncle of the person; and
 5. A parent or sibling of the person's spouse.
- H. "Invitation for bids" means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids or proposals.
- I. "Person" means any business, individual, union, committee, club, other organization, or group of individuals.
- J. "Procurement" means the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection, and solicitation of sources, professional services, preparation and award of contract, and all phases of contract administration.
- K. "Professional Service" means those advisory, consulting, technical, research or other services, such as architectural, engineering, land surveying, legal and financial which involve the exercise of discretion and independent judgment together with an advanced or specialized knowledge, expertise or training gained by formal studies or experience.
- L. "Qualified products list" means an approved list of supplies, services, or construction items described by model or catalogue numbers which, prior to competitive solicitation, the City has determined will meet the applicable specification requirements.
- M. "Responsive bidder" means a person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.
- N. "Services" means the furnishing of labor, time, or effort, by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements, collective bargaining agreements or agreements relating to the procurement of insurance coverage through an insurance broker.
- O. "Specification" means any description of the physical or functional characteristics or of the nature of a supply, service, professional service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.
- P. "Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of employer and an employee) for the purchase, sale or use of personal property or non-personal services which, in whole or in part, is necessary to the performance of any one or more contracts; or under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

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- Q. "Supplies" means all property, including but not limited to equipment, materials, printing, and leases of real property, excluding land or a permanent interest in land.

Article II – Purchasing Agent

4.20.020 Purchasing Agent

- A. The Finance Director or their designee shall serve as the purchasing agent.
- B. The purchasing agent shall have the following authority and responsibilities:
1. To procure or supervise the procurements of all supplies, services and construction required by the City;
 2. To administer or supervise the sale, trade or other disposal of surplus supplies belonging to the City;
 3. To join with other units of government in cooperative purchasing ventures where the best interest of the City would be served thereby;
 4. To maintain all records pertaining to the procurement of supplies, services and construction, and the disposal of supplies, by the City in accordance with the City's most recent retention schedule or the retention schedule for the funding source, whichever is later;
 5. To prescribe the time, manner, authentication and form of making requisitions for supplies and services; and
 6. Any other authorities and responsibilities which this chapter assigns to the purchasing agent.
 7. The City manager may delegate authority, in writing, to a department head, to purchase certain supplies, services, or construction if such delegation is deemed necessary for the effective procurement of those items provided such obligation does not exceed five (\$5,000) thousand dollars.
 8. When faced with an especially complex procurement, such as a complex construction project, the City may find it necessary to temporarily appoint a highly qualified construction management professional as construction procurement officer for that project. As an alternative, the City may choose to contract for the services of a construction management firm to oversee all phases of the project. As a City contractor, this firm shall be closely supervised in its performance by the purchasing agent or other City official as the City manager deems appropriate. In selecting and utilizing such a project management firm, the City will ensure that the contractors providing this management function are independent of those contractors providing construction or other project services to the City. Consistent oversight will be essential for the successful completion of such complex construction projects.

Article III – Source Selection

4.20.030 Competitive Sealed Bidding

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Unless otherwise authorized under this chapter or other provision of law, all City contracts for supplies, services (excluding professional services), and construction shall be awarded by competitive sealed bidding.

- A. The purchasing agent shall initiate competitive bidding by issuing an invitation for bids. The invitation for bids shall be prepared by the using department and shall state, or incorporate by reference, all specifications and contractual terms and conditions applicable to the procurement.
- B. Bids shall be opened publicly in the presence of one or more City witnesses at the time and place designated in the invitation for bids. The purchasing agent shall tabulate the amount of each bid and shall record such other information as may be necessary or desirable for evaluation together with the name of each bidder. The tabulation shall be open to public inspection, and a copy of the tabulation shall be furnished to each bidder upon request. Any bidder may review the bids after tabulation or summary.
- C. Bids shall be accepted unconditionally without alteration or correction. For purposes of determining the low bidder and the responsiveness of bids, no criteria except those set forth in the invitation for bids, including all specifications and addenda, may be used.

4.20.040 Competitive sealed proposals.

- A. Conditions for Use. When the purchasing agent determines, in writing, that the use of competitive sealed bidding is either not practicable or not advantageous to the City, the City may procure supplies, professional services, general services or construction by competitive sealed proposals as outlined in this section.
- B. The request for proposals shall be prepared by the using department. The purchasing agent shall solicit competitive sealed proposals by issuing a request for proposals. The request for proposals shall state, or incorporate by reference, all specifications and contractual terms and conditions to which a proposer must respond, and shall state the factors to be considered in evaluating proposals and the relative importance of those factors.
- C. Proposals shall be received at the time and place designated in the request for proposals, and shall be opened so as to avoid disclosing their contents to competing proponents during the evaluation, discussion, and negotiation process. Notwithstanding chapter 2.40, the names of the responding firms, contents of the proposals, tabulations and evaluations thereof shall be open to public inspection only upon City council approval of a contract award. However, the purchasing agent shall issue a notice of intent to award to all responding proposers at least seven (7) business days prior to the City council approval.
 1. Competing proponents may make written request, to view their proposal or competing proposals prior to City council consideration of a contract. All such reviews must be in person and under the supervision of the

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purchasing agent. The review by a competing proponent is to assure reasonable access and opportunity to request a debriefing from the purchasing agent prior to council action on the proposed award.

- D. In the manner provided in the request for proposals, the purchasing agent may enter into discussions with those responsible proponents whose proposals are determined by the purchasing agent to be most reasonably responsive to the request for proposals (short-listed firms). The purchasing agent may issue an interim notice to the remaining firms that a qualified list has been established for discussion purposes. No disclosure of the short-listed firms, contents of proposals, tabulations or evaluations thereof shall be made in accordance with subsection C above. Discussions shall be used to clarify and ensure full understanding of the requirements of the request for proposals. The purchasing agent may permit those short-listed firms to revise their proposals after submission and prior to award to obtain best and final offers. Proponents deemed eligible for discussions shall be treated equally regarding any opportunity to discuss and revise proposals. However, if during the discussions it is evident that the proposals, as submitted, will exceed the available funding, and/or other changes in the terms, conditions, or requirements are needed to clarify or fulfill the requirements of the City, the purchasing agent shall issue a written modification to those short-listed firms with an established date and time for the firms to respond. The failure of a short-listed firm to respond or to notify the purchasing officer of a needed time extension may be just cause to remove the proposer from further consideration. In conducting discussions or requesting revisions, neither the purchasing agent nor any other City officer or employee shall disclose any information derived from other competing proposals.
- E. If fair and reasonable compensation, contract requirements and contract documents can be agreed upon with the most qualified proposer, the contract shall be awarded to that firm.
- F. If fair and reasonable compensation, contract requirements and contract documents cannot be agreed upon with the most qualified proposer, the purchasing agent shall advise the proposer of the termination of negotiations within five (5) business days of the determination. If the proposals were submitted by one or more other proponents determined to be qualified, negotiations may be conducted with such other proposers in the order of their respective rankings. The contract may be awarded to the proposer then determined to be most advantageous to the City.
- G. When the service is routine and repetitious, costs of the anticipated service shall be considered during evaluation of proposals. This subsection shall not apply to a qualifications-based selection process.
1. When the source selection is for architectural and/or engineering services, a qualifications-based selection process shall be used. Price will not be a

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sole factor in the selection of the architect or engineer during the evaluation process.

2. Notwithstanding subsection G.1 of this section, the purchasing agent may include price as an added factor in selecting architectural and engineering services when, in the judgment of the purchasing agent, the services required are repetitious in nature, and the scope, nature, and amount of services required are thoroughly defined by measurable and objective standards to reasonably enable firms or persons making proposals to compete with a clear understanding and interpretation of the services required.
3. Except as otherwise required by state law in particular situations, this section shall apply to all procurements of architectural and engineering services by the City.

4.20.050 Specifications generally for Bids and Proposals

- A. Requests for bids/proposals should clearly and accurately describe the technical requirements for the goods or services to be purchased. The specifications should not contain features that unduly restrict competition. A qualified products list may be used. It is the responsibility of the vendor to demonstrate to the City's satisfaction that its product is "equal" to that specified. Requests for approval of substitutions must be made with sufficient time to allow the City to adequately review the substitution request, including time for vendors to respond to questions and requests for additional information or clarification. The City has no obligation to accept proposed substitutions or to hire outside experts to evaluate proposed substitutions. Acceptance of a substitute product proposed as an "equal" to that specified will be made in writing and, if made prior to award, other firms/individuals will be notified if practical and convenient.
- B. Public Notice. Adequate public notice of the invitation for bids/proposals shall be given a reasonable time, not less than twenty (20) calendar days prior to the date set forth therein for the opening of bids/proposals. Such notice may include publication in a newspaper of general circulation for a reasonable time prior to bid/proposal opening.
 1. The public notice shall state the place, date and time of bid/proposal submission and opening.
 2. The contents of the notice shall be sufficient to inform interested readers of the general nature of the supplies, services or construction being procured and the procedure for submitting a bid/proposal.
 3. The failure of any person to receive notice under this subsection shall not affect the validity of any award or contract.
- C. The purchasing agent, at the request of the using department director, may provide for a pre-bid/proposal conference to be held at least seven (7) business days before the last day for submitting bids/proposal.

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- D. The terms of an invitation for bid/proposals may be modified or interpreted only by written addenda issued by the purchasing agent or the designee. Only a bid/proposal which acknowledges receipt of all addenda may be considered responsive. If an addendum is issued less than five (5) business days before the last day on which bids/proposals are to be accepted, the time for accepting bids shall be extended by at least five (5) business days after the date on which the addendum was sent.
- E. All requests for bids or requests for proposals shall require the bidder to attach to his proposal, a sworn declaration:
1. Stating that neither he nor any of his representatives or third party mandated by him has attempted to contact City representatives or members of the selection committee, when applicable, for the purpose of influencing their choice, judgment or recommendation relating to the contract, or with members of the City council to influence their decision; and
 2. Stating that he has produced his proposal without collusion, communication, agreement or arrangement with a competitor with regards to prices, methods, factors or formulas for setting prices, to the decision to submit or not submit a proposal or to present a proposal that does not comply, directly or indirectly, with specifications contained in the request.
 3. Stating that neither he nor any of his representatives engaged in discrimination, intimidating measures, influence peddling or corruption or entered into any form of collusion, communication, agreement or arrangement with other suppliers or third parties relating to a contract with the City.
- F. All requests for bids or request for proposals must clearly state that:
1. A bidders/proposers failure to attach the sworn declarations required above shall result in automatic rejection of the proposal/bid, and
 2. That in the event that a bidder or proposer, or a representative or third party mandated by them, has been in violation of the statements called for above, the bidder's proposal shall be automatically rejected, and
 3. That the City of Bethel may cancel a contract that has been awarded if the City becomes aware, during the course of the contract, of a situation contravening a sworn statement required by this section.
- G. Sealed bids/proposals shall be designated as such on the outer envelope and shall be submitted by mail, in person, e-mail or facsimile at the place and no later than the time specified in the invitation for bids/proposals. Bidders/Proposers who submit their bids/proposals via facsimile or e-mail do so at their own risk. The City is not responsible for failures or delays in

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transmission. Bids/proposals not submitted at the proper place or within the time specified shall not be opened or considered.

- H. Awards shall be made by written notice to the bidder/proponent whose final proposal is determined to be most advantageous to the City. No criteria other than those set forth in the request for bids/proposals may be used in bid/proposal evaluation.
- I. If the City manager determines that it is in the best interest of the City to do so, the City may reject all bids/proposals.

4.20.060 Local Preferences

- A. In awarding competitive purchases or construction contracts, preference may be given to an otherwise qualified "local bidder" unless such preference is prohibited by the funding source.
- B. For purposes of this section, a "local bidder/proposer" is a person who:
 - 1. Holds a current state business license, and in addition, for construction contracts holds a current, appropriate state contractor's registration certificate; and
 - 2. Holds a current City of Bethel business license both at the time the bid is announced and at the time it is scored; and
 - 3. Submits a bid for a competitive purchase or construction contract under the name as appearing on the person's license, and where applicable, a certificate; and
 - 4. Has continuously maintained a physical place of business within the City of Bethel staffed by the bidder or an employee of the bidder for a period of one hundred eighty (180) calendar days immediately preceding the date of the bid opening; and
 - 5. Is compliant with all requirements of the City sales tax ordinance.
 - 6. A Bethel post office box number or residential address may not be used solely to establish status as a local business.
- C. Sliding Scale for Local Preference:
 - 1. A five (5%) percent preference in bid/proposal prices not to exceed Five Thousand (\$5,000.00) on purchases not exceeding Two Hundred Fifty Thousand (\$250,000) Dollars;
 - 2. A three (3%) percent preference in bid/proposal prices not to exceed Ten Thousand (\$10,000.00) Dollars on purchases between Two-Hundred Fifty-One Thousand (\$251,000) Dollars and Five Hundred Thousand (\$500,000) Dollars; and
 - 3. A two (2%) percent preference in bid/proposal prices not to exceed Twenty Thousand (\$20,000.00) Dollars on purchases exceeding Five Hundred Thousand (\$500,000.00) Dollars.

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4.20.070 Contractor in Good Standing

- A. No procurement contract may be awarded to a person, group, organization, or other entity that is delinquent in the payment or collection of sales taxes, fees, charges, penalties, interest or other amounts that are due and owing, or otherwise obligated to the City which is not remedied within ten (10) business days of notice to the contractor.
- B. Any contract can be terminated for cause if it is determined that the contractor is in violation of any taxation ordinance and if such violation is not remedied within ten (10) business days of written notification by regular mail. If the delinquency arises due to non-filing of sales tax, no payment will be made to the contractor until all filings have been made and all amounts due are remitted.
- C. The City reserves any right it may have to offset amounts owed by its contractor(s) for delinquent City taxes against any amount owing to the contractor(s) under a contract between the City and the contractor(s).

Article IV –Awards

4.20.080 Award to be made only to Responsive Bidders or Proposers

A contract awarded under this chapter shall be made only to a qualified, responsive and responsible bidder or proposer. The purchasing agent shall determine, after consultation with the appropriate department director and the City manager, whether a bidder/proposer is qualified, responsive and responsible on the basis of the following criteria:

- A. The skill and experience demonstrated by the bidder in performing contracts of a similar nature;
- B. The bidder's capacity to perform in terms of facilities, personnel, financing and location (including whether the bidder/proposer has performed contracts of a similar nature);
- C. The bidder's/proposer's past performance under City contracts. If the bidder/proposer has failed in any material way to perform its obligations under any contract with the City, the bidder/proposer may be deemed a non-responsible bidder/proposer.
- D. At all times the best interests of the City shall be recognized in awarding bids/proposals.

4.20.090 Procedures for Award

- A. Contracts shall be awarded by written notice issued by the purchasing agent to the lowest qualified, responsive and responsible bidder or proposer.
- B. At least seven (7) business days before council approval, the purchasing agent shall send written notice of intent to award the contract. Notice will be sent by to the three (3) lowest bidders/proposers.

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- C. If the lowest qualified, responsive and responsible bid/proposal exceeds the amount of funds certified by the purchasing agent to be available for the procurement, and if sufficient additional funds are not made available, the scope of the procurement may be reduced to bring its estimated cost within the amount of available funds. The purchasing agent shall issue a new invitation for bids/proposals for the reduced procurement, or, upon finding that the efficient operation of the City government requires that the contract be awarded without delay, the purchasing agent may negotiate with the three lowest qualified, responsive and responsible bidders starting with the first lowest and progressing upward by price or with the three most qualified proposers starting with the highest scored proposer and progressing downward by score; and may award, or recommend to the City council for award, the reduced contract to the best negotiated bid/proposal, except where prohibited by state and federal grant conditions or where another procedure has been specified in this chapter.

4.20.100 Bonds

- A. Bid Bonds. The purchasing agent may require that persons submitting bids pursuant to this chapter accompany their bids with a bid bond in an amount and in a form acceptable to the purchasing agent. The bonds shall be issued by a company qualified by law to do business as a surety in the state, or shall be in the form of a cash deposit. A condition of the bond shall be that, if the bidder receives the award, they shall enter into a contract therefore with the City.
- B. Performance and Payment Bonds. If a requirement for a performance and payment bond is included in the terms of the invitation to bid, the purchasing agent may require that any person awarded a City contract furnish such bond, issued by a company qualified by law to do business as surety in the state. The bond shall be in an amount determined by the purchasing agent and in a form approved by the City attorney. Such bonds shall, at a minimum, guarantee the full and faithful performance of all contract obligations and payment for all labor and materials to be used under the contract.
- C. Exceptions. The purchasing agent, with the using department head concurrence, may grant exceptions from bonds pursuant to AS 36.25.025.

Article V – Exceptions

4.20.110 When Competitive Bidding Is Not Required

The following may be purchased without giving an opportunity for competitive bidding:

1. Supplies, materials, equipment or contractual services, purchased from another unit of government at a price deemed below that obtainable from private dealers, including war surplus;

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2. Contractual services purchased from a public utility at a price or rate determined by State or other government authority;
3. Supplies, materials, equipment or contractual services purchasable under the contract of another governmental agency in which contract the City is authorized to participate.

4.20.120 Waiver of Irregularities

The City Council, or the City manager for bids of \$50,000 or less, shall have the authority to waive irregularities on any and all bids, except that timeliness and signature requirements shall not be waived.

4.20.130 Cancellation of Bid Invitations and Proposal Requests

An invitation for bids, a request for proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part, when it is for good cause and in the best interests of the City. The reasons therefore shall be made part of the contract file. Each solicitation issued by the City shall state that the solicitation may be cancelled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the City. Notice of cancellation shall be sent to all businesses solicited. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.

4.20.140 Determination of Non-Responsiveness

- A. If a bidder or offeror who otherwise would have been awarded a contract is found nonresponsive, a written determination of non-responsiveness, setting forth the basis of the finding, shall be prepared by the purchasing agent and presented to the bidder or offeror within three (3) business days.
- B. The unreasonable failure of a bidder or offeror to supply information in connection with an inquiry within three (3) business days of notice by the purchasing agent may be grounds for a determination of non-responsiveness. A copy of the determination shall be sent promptly to the nonresponsive bidder or offeror. The final determination shall be made part of the contract file and be made a public record.

4.20.150 Waiver of Formal Bidding Procedures

The City manager may waive, in writing, some of the formal bidding procedures of this chapter when there is not sufficient time to comply with the waived requirements, or the best interests of the City will be served by such action.

Following such waiver, the City manager shall submit a written report to the council clearly outlining all waivers made. Such written report shall be included in the next available council packet following the waiver.

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Article VI. Specific Procurements

4.20.160 Construction

- A. Source Selection. The source selection process for the procurement of construction contracts, whether it be remodeling or construction of a new structure, shall be made as follows:
1. One Hundred Thousand Dollars (\$100,000) and Over. For any construction or remodeling project estimated by the requisitioning department director to cost one hundred thousand dollars (\$100,000) or more, the competitive sealed bid procedure shall be used as stated in this chapter.
 2. Under One Hundred Thousand Dollars (\$100,000). For any construction or remodeling project estimated by the requisitioning department director to cost under one hundred thousand dollars (\$100,000), no less than three (3) businesses shall be contacted to submit written quotations. Award shall be given to the lowest responsible and responsive contractor.
- B. Contract Administration for Construction Contracts. For construction contracts of less than One Million Dollars, the City manager or council shall have discretion to select the appropriate method of construction contracting management for a particular project. For contracts exceeding one million dollars, the discretion shifts solely to the City council.
1. In determining which method to use, the following shall be considered:
 - a) The City's requirements,
 - b) The City's resources, and
 2. The potential contractor's capabilities. The City manager shall execute and include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project. It is recognized that at least the following methods are currently being used for control and coordination of construction projects:
 - a) A single prime contractor (including a turnkey or design-build contractor); or
 - b) Multiple prime contractors managed by:
 - i. A designated general contractor,
 - ii. A construction manager, or
 - iii. The public works director.

4.20.170 Consulting Services for City Council

The City council may solicit, evaluate, and select consultants to assist them in performance of their duties without the necessity of following the formal procedures for procurement of services set forth in this code. The City council shall direct the method and criteria for obtaining consultant services by resolution setting forth the urgent

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situation necessitating the need to bypass the regular procurement processes and demonstrating how the City is obtaining the best possible value.

4.20.180 Emergency Procurements

The City may award a contract for supplies, services or professional services or construction without competition, formal advertising or other formal procedure where the City manager determines, in writing, that an emergency threatening the public health, safety or welfare of the City requires that the contract be awarded without delay. A report on such emergency procurement shall be made to the City council no later than the second regular meeting following the decision to award the contract.

For purposes of this subsection, an "emergency" is defined as the occurrence or imminent threat of widespread or severe damage, injury, loss of life or property, or shortage of food, water, or fuel resulting from:

1. An incident such as a storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, epidemic, explosion or riot;
2. The release of oil or a hazardous substance if the release requires prompt action to avert environmental danger or mitigate environmental damage;
3. Equipment failure if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation;
4. Enemy or terrorist attack or a credible threat of imminent enemy or terrorist attack in or against the State that the Adjutant General of the Department of Military and Veterans Affairs or a designee of the Adjutant General, in consultation with the Commissioner of Public Safety or a designee of the Commissioner of Public Safety, certifies to the Governor has a high probability of occurring in the near future (the certification must meet the standards set out in Alaska Statute, AS 26.20.200); or
5. An outbreak of disease or a credible threat of an imminent outbreak of disease that the Commissioner of Health and Social Services or a designee of the Commissioner of Health and Social Services certifies to the Governor has a high probability of occurring in the near future. The certification must be based on specific information received from local, state, federal or international agency or other source that the Commissioner or the designee determines is reliable.

4.20.190 General Equipment, Materials and Supplies

- A. Source Selection. Except as otherwise provided in BMC 4.20.050, the source selection process for procurement of general equipment, materials and supplies, other than those for construction shall be as follows:

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1. Twenty Thousand (*\$20,000*) Dollars and Over: For the procurement of any single item or purchase order transaction expected to cost twenty thousand dollars (\$20,000) or more, it shall be required that the request be put out for bid following the process as stated in BMC 4.20.030.
2. Under Twenty Thousand (*\$20,000*) Dollars: For the procurement of any single item or purchase order transaction expected to cost ten thousand dollars (\$10,000) or more, but less than twenty thousand dollars (\$20,000), no less than three (3) businesses shall be solicited to submit written quotations. The names of the businesses submitting quotations shall be recorded and maintained as a public record.
3. Under Ten Thousand (*\$10,000*) Dollars: For the procurement of any single item or purchase order transaction expected to cost five thousand dollars (\$5,000) or more, but less than ten thousand dollars (\$10,000), at least three (3) businesses shall be contacted for a phone quotation. The names of the businesses submitting a phone quotation shall be recorded and maintained as a public record.
4. Under Five Thousand (*\$5,000*) Dollars. The purchasing agent shall use judgment based on knowledge of vendors and products to determine whether or not it is necessary or practical or in the best interests of the City to solicit for quotations or bids.

4.20.200 Governmental and Proprietary Procurements

- A. The purchasing agent may contract, without the use of the competitive source selection procedures of this chapter, for the following supplies, services, professional services or construction:
 1. For contracts, including reimbursable agreements, with federal, state or local units of government or utility provider where the City has a financial responsibility or beneficial interest in entering into an agreement.
 2. For contracts issued pursuant to any federal, state or local government contract where the City is an authorized user, or where the resulting contractor agrees to extend the same terms, conditions, and pricing to the City as those awarded under the original contract, all in accordance with BMC 4.20.050. Such agreements shall be limited to those contracts where the award is issued pursuant to a formally advertised solicitation.
- B. All contract awards under this section, and any amendments thereto, shall be subject to the applicable approval requirements of this chapter prior to execution.
- C. No contractor may provide supplies, services, professional services, or construction to the City before the applicable requirements of this section are first satisfied.

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4.20.210 Joint Purchasing

- A. The City manager may join with other units of government in cooperative purchasing ventures for the purchase of personal property to include bid extension, where the best interest of the City would be served thereby, provided such other unit of government uses competitive bidding on the item purchased. The property to be purchased must be budgeted and substantially meet or exceed the City requirements for a similar item.
- B. The City manager may join with other units of government in the cooperative purchasing of professional services and products, where the best interest of the City is served. The professional service or product must be budgeted and substantially meet or exceed the City requirements for a similar service or product.
- C. The City manager may purchase personal or real property from other governmental agencies, without competition, provided the City manager presents to the council, through an ordinance as provided in BMC 04.08. description of the transaction, including a description of the property, its price and any such terms or information that may be relevant prior to the purchase of any real property.
- D. The other units of government may be outside of Alaska, to include other municipalities, states, and the federal government. If, for a federal government purchase the point of purchase or contract is outside of Alaska or if the unit of nonfederal government is outside of Alaska, then the bidder must agree: (1) to have venue in Bethel, Alaska, for any dispute arising out of or related to the purchase or to the good or service provided, (2) to have the laws of the state of Alaska apply to all disputes arising out of or related to the purchase or to the good or service provided, and (3) to have the laws of no state other than the state of Alaska apply to all disputes arising out of or related to the purchase or to the good or service provided. If the goods are reasonably expected to require service over their lifetime, the bidder/proposer must certify that there is a service center for the goods available in Alaska; provided, that this requirement may be omitted by the City manager for good cause in writing.
 - 1. In addition, the bidder must agree to ship the goods FOB Bethel, Alaska, at the best shipping rate available providing for a reasonable delivery time, which shipping rate and time must be preapproved by the City manager. The bidder must agree that the City will bear only that portion of the shipping costs FOB Bethel that exceed the shipping costs to the point of delivery under the contract with the other unit of government.
- E. Any purchases or agreements exceeding Fifty Thousand (\$50,000) dollars must also be approved by the City Council.

4.20.220 Insurance

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- A. The City shall procure liability, workmen's compensation and property insurance coverage by sealed competitive proposals for up to a five (5) year period either through one or more insurance brokers, directly from an insurance company or through participation in a joint insurance arrangement established in accordance with AS 21.76.010.
- B. The City shall procure insurance intended to benefit City employees by competitive sealed proposals for up to a five (5) year period either through one or more insurance brokers, directly from an insurance company or through participation in a health insurance trust or similar arrangement established in accordance with applicable state or federal law.
- C. Competitive sealed proposals shall be solicited in accordance with BMC 4.20.040. The City may hire a consultant to assist in either soliciting or evaluating the competitive sealed proposals.

4.20.230 Legal Services

- A. Legal services shall be procured in accordance with 4.20.040.
- B. No negotiations or contracts for the services of legal counsel may be pursued or awarded without the prior written approval of the City attorney and/or City council. The City attorney shall review the responses received by the purchasing agent and shall be assisted by the purchasing agent in the selection process.
- C. All bills or invoices for payment for legal services obtained pursuant to this section shall be reviewed and approved by the City attorney prior to payment. All funds budgeted, obligated or expended by any City department or utility for contract legal services must be charged to a separate legal services budget account within that department or utility.
- D. The City council shall approve, in advance, the participation by the City in any litigation as plaintiff or intervener, where outside counsel is retained to represent the City if the cost, including attorneys' fees and litigation expenses of that representation, is likely to exceed thirty thousand (\$30,000) dollars.
- E. Exceptions and Waiver: The City Manager, City Clerk and/or City Attorney are exempt from this section only during the following situations:
 - 1. Threatened or actual litigation initiated by an outside person;
 - 2. Temporary coverage while the City Attorney's office is vacant for any period of time;
 - 3. Situations where immediate legal action of a specialized nature is necessary; or
 - 4. Situations where a neutral third party attorney is needed such as appeals to a commission or the city council.
 - 5. Following such waiver, a written report to the council shall be presented clearly outlining the waiver and the reason for it. Such written report shall be included in the next available council packet following the waiver.

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4.20.240 Professional Services

- A. Source Selection. The method of source selection process for professional services shall be made through the solicitation for request for proposals as stated in BMC 4.20.040.
- B. Public Notice. Adequate public notice of the request for proposals shall be given in the same manner as provided in BMC 4.20.050. The request for proposal shall describe services required, list the types of information and data required of each offeror, and state the relative importance of particular qualifications.
- C. Statement of Qualifications. Persons engaged in providing the designated types of professional services may submit statements of qualifications and expressions of interest in providing such professional services. Persons may amend these statements during the filing period by filing a new statement.
- D. Discussions. The purchasing agent may enter into discussions with those responsible proponents whose proposals are determined to be most responsive in accordance with the procedures laid out in section 4.20.040 (D) of this chapter.
- E. Award. An award shall be made to the offeror determined, in writing, to be the best qualified based on the evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable.

4.20.250 Sole Source Procurements

- A. A sole-source contract may be awarded under this section only when the purchasing agent determines, in writing, that there is only one source for the required purchasing or construction.
- B. A sole-source purchase may not be made if a reasonable alternative source exists. The written determination must include findings which support the determination that only one source exists.
- C. The authority to make the determination and findings required by this subsection may not be delegated.
- D. The using department shall submit written evidence to support a sole-source determination. The purchasing agent may also require the submission of cost or pricing data in connection with an award under this section.
- E. The purchasing agent shall negotiate with the single supplier, to the extent practicable, to obtain the most advantageous contract to the city.
- F. A sole-source contract may be awarded without competition when the purchasing agent documents in writing, after conducting a good faith review of available resources, that there is only one (1) source for the required supply, service or construction item.

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- G. All sole-source determinations will be made in advance and require council approval prior to final execution.

4.20.260 State and Federal Grants

- A. The City council has the power and authority to appropriate funds and accept grant offers from state and federal agencies.
- B. The council may authorize the City manager to enter into grant agreements with state and federal granting agencies.
- C. All rights, powers and authority pertaining to grants, and the administration of grants, are vested in the City manager or their designee.
- D. The council may authorize the City manager to enter into contracts with incorporated entities, including organized municipalities, to assist the City in performing under the terms and conditions of grant agreements.
- E. When, in the opinion of the City attorney, it is determined that certain mandated provisions of a grant agreement regarding procurement are inconsistent with this chapter, the grant provisions shall take precedent.

Article VII – Bid Protests and Appeals

4.20.270 Filing of a Bid Protest

- A. The City establishes these administrative review procedures for bid/procurement protests to promote the fair and efficient resolution of such disputes over contracts awarded by the City pursuant to the provisions of this chapter regarding bids and requests for proposals. Time is of the essence in any protest. All documents the City issues shall be deemed to contain language advising bidders/proposers of the right to protest the determination of the successful bid/proposal as set out in this section.
- B. An interested party may protest the intended award of a contract or a solicitation of supplies or services by filing a written protest with the purchasing agent.
- C. All protests must include the following information:
 - 1. The name, address, and telephone number and continuously operating fax number of the interested party filing the protest;
 - 2. The signature of the interested party or the interested parties authorized representative;
 - 3. Identification of the invitation, request or proposed award at issue;
 - 4. A detailed statement of the legal or factual grounds for the protest;
 - 5. Copies of all relevant documents;
 - 6. The form of relief requested;
 - 7. Certification under oath that the claim is made in good faith and that the supporting data are accurate and complete to the best of the bidder's/protester's knowledge and belief; and

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8. A fee in the amount listed in the most current City of Bethel Schedule of Rates. Charges and Fees shall be paid to the City and must be received by the deadline for filing the written protest. This fee shall be refundable if the appellant prevails in the protest to the City manager or City council.
- D. The purchasing agent shall reject an untimely or incomplete protest or a protest filed without timely payment of the required fee. Such rejection shall be final and may be appealed to the superior court pursuant to Part VI of the Rules of Appellate Procedure.

4.20.280 Timeline:

- A. Pre-Award Notice Timeline: A protest based on alleged improprieties or ambiguities in an invitation to bid or a request for proposals must be filed with the purchasing agent at least (10) business days before the due date of the bid or proposal. Failure to meet this timeline shall constitute a waiver of the protesting party's rights and bar any further action regarding this matter.
- B. Post-Award Notice Timeline. Any party bidding or submitting a proposal for a contract with the City that is adversely affected by the provisions of this chapter, or regulations promulgated hereunder, or by any acts of the City in connection with the intention of the City to award a City contract, may protest to the City manager, in a writing personally received at the office of the City purchasing agent within five (5) business days from the date of notice of intent to award a contract. The protest may be hand delivered, delivered by mail or by facsimile and must comply with the requirements of this section.
- C. The purchasing agent shall immediately give notice of a protest filed to all interested parties.

4.20.290 Stay of an Award

- A. If a timely and complete protest is filed, the award of a contract shall be stayed until all administrative remedies have been exhausted, unless the City manager determines, in writing, that award of the contract pending resolution of the protest is in the best interest of the City.
- B. Notice of the stay, protest and decision of the City manager whether or not to grant the stay shall be delivered to all interested parties within three (3) business days of receipt of a properly filed protest.

4.20.300 Review by City Manager

- A. The City manager shall issue a written decision to the protesting party within ten (10) business days of the date the protest is filed by certified mail or other authorized method. If multiple protests have been filed, they may be consolidated for purposes of the decision. The decision may include any lawful action, including without limitation an amendment of all or any part of the

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recommended award. For good cause shown the City manager may extend the date for the decision for such additional period as may be necessary. In such situation, the City Manager shall immediately give written notice to all interested parties and shall provide a date when a decision is expected.

- B. If a decision is not made by the date it is due, the protester may proceed as if the City manager had issued a decision adverse to the protester.

4.20.310 Appeal of City Manager Decision

- A. The City manager's decision may be appealed to the City council by filing a notice of appeal to the City clerk and requesting the City manager to forward the written appeal and the City manager's response to the council. The council shall conduct a de novo review of the issue appealed. The request to appeal to the City council must be submitted in writing to the City clerk within three (3) business days of the City manager's decision. Any appeal not timely filed shall be rejected by the clerk and the appeal forever barred. Appeals to the City council will be heard at the date and time established by the City clerk, not less than twelve (12) calendar nor more than thirty-five (35) calendar days after receipt of the appeal. For good cause the City council may shorten or extend the hearing date.

4.20.320 Notice and Record on Appeal

- A. The City clerk shall provide all interested parties who may be adversely affected by a decision of the council, notice of the appeal and scheduled hearing date within seven (7) business days of receipt of the notice of appeal. Such notice shall also advise the parties of their right to appear and be heard at the appeal, and shall also set forth a schedule for written statements and submission of evidence.
- B. The purchasing agent shall submit to the clerk the record of the bid or proposal process including the invitation to bid or request for proposal, any amendments thereto, all correspondence to or from all parties, the protest filed to the City manager and supporting documentation, and the decision issued by the City manager. The clerk shall prepare the record on appeal, to include written statements and all evidence submitted, and provide copies to interested parties upon payment of appropriate copying fees in the amount listed in the most current City of Bethel Fee and Rate Schedule. Prior to the scheduled hearing the clerk shall distribute copies of the record to all City council members, the purchasing agent and the City manager.
- C. The City council shall act in its quasi-judicial capacity when considering an appeal under this section and shall accordingly remain impartial and refrain from ex parte contact with any interested party regarding a specific invitation to bid or

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request for proposal from the time it has been issued. Any council member found to have violated this provision shall be recused from participation in the appeal.

- D. Written arguments and submittals of evidence shall be filed in the following manner:
1. Written arguments due. Written arguments shall be filed by the parties on a date set by the clerk no later than four (4) business days prior to the hearing. All exhibits, evidence, and affidavits supporting a party's position shall be filed on the date written arguments are due.
 2. Party participation. Any eligible party wishing to participate in the appeal must submit its mailing address, telephone and facsimile numbers, if any, to the clerk, in writing, within five (5) business days of the clerk issuing notice of the appeal. The clerk shall provide the parties, the City manager and council with written submittals before the hearing date.

4.20.330 Hearing Procedures

The following procedures shall be followed by the council when conducting a hearing under this chapter:

- A. Evidence not submitted to the clerk five (5) business days prior to the hearing, may not be considered by the council unless good cause is shown. Good cause may include, but is not limited to; evidence that was not available to the party presenting the evidence at the time it was due to the clerk. Any objection to new evidence by any party shall be made at the time of the hearing before the council.
- B. The following order shall be followed for the hearing, unless for good cause shown the council permits a change:
 1. Appellant's Opening Presentation;
 2. Administration's Opening Presentation;
 3. Opening Presentation by any other Party;
 4. Rebuttal by the Appellant;
 5. Rebuttal and closing by the Administration;
 6. Rebuttal by any other interested party; and
 7. Sur-Rebuttal and closing by the Appellant.
- C. If the appellant or representative is not present when called, the council shall consider any written presentation, evidence, and documents presented to it pursuant to and thereafter proceed according to the remaining applicable provisions of this chapter.
- D. All persons presenting evidence shall do so under oath, administered by the City clerk.
- E. The hearing shall be conducted informally with respect to the introduction of evidence. Irrelevant evidence may be excluded by the presiding officer. Each interested party shall have a total of no more than thirty (30) minutes to present

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their case. Each party shall be responsible for dividing their thirty (30) minutes between oral presentation, argument, testimony (including witness testimony), and rebuttal. The council may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings. Cross-examination will not be permitted during presentation of the case. If a witness testifies during presentation of either the appellant's or any other parties' case, unless excused by the council, with the concurrence of the appellant and all other parties, the witness must remain available in council chambers to be called to testify during rebuttal by the appellant and the administration or other interested party. City Council questions and parties' responses shall not be included in the time limitation.

4.20.340 Decision by City Council

- A. The council may uphold the City manager's decision, remand the matter back to the City manager or order a rejection of all bids or proposals. The council shall make written findings of fact which are supported by the substantial evidence in the record, written conclusions and an order. The council member chairing the hearing shall execute the order. If the matter is remanded to the City manager, any further appeals of the City manager's decision shall be to the superior court pursuant to Part VI of the Alaska Rules of Appellate Procedure.
 1. "Substantial evidence" means relevant evidence a reasonable mind might accept to support a conclusion.
- B. The clerk shall serve the written decision on the parties in person, or by mail within ten (10) business days after the oral decision. If facsimile service is requested by a party, service by U.S. mail shall follow.

4.20.350 Appeal to superior court.

Appeals may be taken from the written decision of the council within thirty (30) calendar days of the date of the decision pursuant to Part VI of the Alaska Rules of Appellate Procedure.

Article VIII – Contract Formation and Modification

4.20.360 Budget Approval / Availability of Funds

- A. No contract for supplies, services or construction may be approved or executed unless the finance director has certified that funds are available for the City's performance under the contract.
- B. It is the duty of the finance director to confirm that sufficient funds are available for the procurement of any single item, contract, bid/proposal or purchase order transaction exceeding five thousand (\$5,000) dollars, inclusive of all shipping costs.

Introduced by: Acting City Manager Williams
Mayor Richard Robb
Introduction Date: October 28, 2014
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- C. The purchasing agent may give budget approval for the procurement of any single item or purchase order transaction less than five thousand (\$5,000) dollars.
- D. Any item for which the procurement of is not otherwise included in the current fiscal year budget must be approved by council prior to the solicitation or procurement of the item.

4.20.370 Contracting Authority

The City may, pursuant to an award in accordance with this chapter, contract with any person to acquire any supplies, services, professional services or construction required by the City.

4.20.380 Contracts Enforceable Against the City

- A. No contract for supplies, services, professional services or construction, or any amendment thereto, may be enforced against the City unless its terms have been approved in accordance with this chapter and unless the contract or amendment thereto has been set forth in a writing executed in accordance with this chapter.
- B. No oral contracts may be enforced against the City. The City only recognizes and accepts written contracts that follow the processes laid out in this Chapter.

4.20.390 Execution of Contracts

- A. All City contracts and any amendments thereto, must be signed by the City manager or, in the absence of the City manager, by their duly appointed designee.
- B. No contract or any amendments thereto may be enforced against the City unless the contract or amendment thereto has been set forth in writing and executed in accordance with this chapter.

4.20.400 Contract Administration

The using department shall administer all contracts for supplies, services, professional services and construction except as otherwise designated, in writing, by the City manager.

4.20.410 Contract Amendments

Contract amendments shall not be used to avoid procurement by the competitive procedures established under this chapter. Contracts for supplies, services, professional services and construction may be amended by the City manager only for the following reasons:

Introduced by: Acting City Manager Williams
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- A. To change the quantity of supplies ordered or date of delivery under a contract for supplies, where necessary to meet unforeseen City requirements;
- B. To change the quantity of services or professional services to be rendered or to change the scope of a project under a contract for services or professional services, where necessary to meet unforeseen changes in City requirements;
- C. To change the scope of a project or the scope of services or professional services under a construction contract to meet unforeseen City requirements or to change the specifications under a construction contract because unforeseen conditions render the original specifications impracticable;
- D. To change the time for completing a project under a contract for services, professional services or construction;
- E. To correct an error in contract specifications made by the City in good faith or to resolve a good faith dispute between the City and a contractor as to a party's rights and obligations under the contract; or
- F. To change administrative provisions of a contract without materially altering the contract terms governing the quantity or quality of supplies, services, professional services or construction furnished to the City.
- G. No contract amendment or change order that will cause the total value of the contract to increase by more than fifteen thousand (\$15,000) dollars may be executed unless the council has approved a memorandum setting forth the essential terms of the amendment or change order request.
- H. No contract amendment that will increase the contract price may be approved or executed unless the finance director has certified that funds are available for the City's performance under the contract as amended.

4.20.420 Multi-year Contracts

- A. The City may enter into contracts for terms exceeding one (1) year provided that funds for the City's performance during the fiscal year in which the contract term commences are certified in writing by the finance director as being available.
- B. The City's payment and performance obligations for succeeding fiscal years after issue of a multi-year contract shall be subject to the availability of funds lawfully appropriated therefore.
- C. Contracts for construction or in connection with requirements of federal and state grants are not to be construed as multi-year contracts; however, lawfully appropriated funds must be available for the term of the contract.

4.20.430 Council Approval of Contracts

- A. Prior council approval by action memorandum is required before contracts for the following can be sought:
 - 1. All contracts over five hundred thousand (\$500,000) dollars;
 - 2. Supply Contracts over five thousand (\$5,000) dollars;

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3. Services, other than professional services, over fifty thousand (\$50,000) dollars;
 4. Insurance contracts over two hundred fifty thousand (\$250,000) dollars;
 5. Professional Service Contracts over two hundred fifty thousand (\$250,000) dollars; and
 6. Legal Services over thirty thousand (\$30,000) dollars.
- B. No contract under section (A) above shall be authorized unless the following essential terms of the contract are identified:
1. The identity of the selected contractor and all contractor's contacted;
 2. The contract price;
 3. The nature and quantity of the performance that the City shall receive under the contract;
 4. The using department; and
 5. The time for performance under the contract.
- C. If contracts are awarded to more than one bidder pursuant to an invitation for bids, contracts with different bidders shall be considered together for purposes of determining the application of subsections (A) of this section. If any contract to be awarded under a given bid is subject to council approval, the award of other contracts pursuant to the same invitation for bids may, at the discretion of the purchasing officer, be delayed pending council approval.
- D. No grant to a governmental or quasi-governmental agency or to a private nonprofit corporation for any amount may be issued unless the council has approved a memorandum setting forth:
1. The identity of the grantee;
 2. The grant amount;
 3. The purpose to which grant funds are to be devoted; and
 4. The department charged with administration of the grant.
- E. No contractor may provide supplies, services, professional services, or construction to the City before the applicable requirements of this section are first satisfied.
- F. Council approval via action memorandum as described in this section constitutes authorization for the City manager to execute the contract described in the memorandum.
- G. Regardless of the amount involved, all contracts for professional lobbying services must be approved in advance by the council.

Article IX – Contract Disputes

4.20.440 Administrative Review of Contract Disputes

- A. A person having a claim concerning a contract or other matter arising out of this chapter (other than a bid protest as covered in BMC 4.20.270) may file the claim

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with the purchasing agent. The claim must be accompanied by a filing fee as set out in the Bethel Schedule of Rates. When filing the claim, the claimant shall certify under oath:

1. That the claim is made in good faith;
 2. That the supporting data are accurate and complete to the best of the claimant's knowledge and belief; and
 3. That the amount requested accurately reflects the adjustment for which the claimant reasonably believes the City is liable.
- B. A claim under this section must be filed within thirty (30) calendar days after the claimant becomes aware of the basis of the claim or should have known the basis of the claim or within such shorter period as may be required in the contract, whichever is earlier. If the claim does not meet the requirements of subsections (A) and (B) of this section, it shall be denied.
- C. If a claim asserted concerning a matter arising out of this chapter cannot be resolved by agreement, the purchasing agent shall issue a written decision and serve it upon the claimant. The purchasing agent shall make the decision not more than thirty (30) calendar days after receipt of all necessary information from the claimant, except that if the claim is for more than fifty thousand (\$50,000) dollars, the decision will be made within sixty (60) calendar days after receipt of all necessary information. If the claimant fails to furnish necessary information requested by the purchasing agent, the purchasing agent shall proceed to decide the claim and may, in the purchasing agent's discretion, deny all or part of the claim because of the failure to furnish necessary information.
- D. During an appeal under this chapter, the claimant may not rely on or introduce information that the claimant has failed to furnish to the purchasing agent in support of the claim. Before issuing the decision, the purchasing agent shall review the facts relating to the claim and obtain necessary assistance from legal, fiscal, and other advisors.
- E. The purchasing agent shall furnish a copy of the decision to the claimant by certified mail or other method that provides evidence of receipt. The decision must include:
1. A description of the claim;
 2. A reference to the pertinent contract provisions;
 3. A statement of the agreed-upon and disputed facts;
 4. Findings of fact about the claim;
 5. A determination of any amount payable;
 6. A statement of reasons supporting the decision; and
 7. A statement substantially as follows:
This is the final decision of the purchasing agent. This decision may be appealed to the City manager. If you appeal, you must file a written notice

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of appeal with the City manager within fourteen (14) calendar days after you receive this decision.”

4.20.450 Appeal of Purchasing Agent’s Decision

- A. An appeal from a decision of the purchasing agent on a contract claim (excluding bid protests) arising out of a matter in this chapter may be filed by the claimant with the City manager. The appeal by a claimant shall be filed within fourteen (14) calendar days after the decision is received by the claimant. An appeal by a claimant may not raise any new factual issues or theories of recovery that were not presented to the purchasing agent in the decision under BMC4.20.440. The claimant shall serve a copy of the appeal with the purchasing agent at the time of filing with the clerk.
- B. An appeal must contain a copy of the decision being appealed and identification of the factual or legal errors in the decision that form the basis for the appeal.
- C. The city manager shall appoint a hearing officer.

4.20.460 Hearing Procedures

- A. The hearing officer shall arrange for a prompt hearing and notify the parties in writing of the time and place of the hearing. The hearing shall be conducted in an informal manner.
- B. The hearing officer may:
 - 1. Hold prehearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;
 - 2. Require parties to state their positions concerning the various issues in the proceeding;
 - 3. Require parties to produce for examination those relevant witnesses and documents under their control;
 - 4. Rule on motions and other procedural matters;
 - 5. Regulate the course of the hearing and conduct of the participants;
 - 6. Establish time limits for submission of motions or memoranda;
 - 7. Impose appropriate sanctions against a person who fails to obey an order of the hearing officer, including:
 - a) Prohibiting the person from asserting or opposing designated claims or defenses or introducing designated matters into evidence;
 - b) Excluding all testimony of an unresponsive or evasive witness; and
 - c) Excluding a person from further participation in the hearing;
 - 8. Take official notice of a material fact not appearing in evidence, if the fact is among the traditional matters subject to judicial notice;

Introduced by: Acting City Manager Williams
Mayor Richard Robb
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9. Administer oaths or affirmations;
 10. Exclude witnesses when not testifying.
- C. The parties shall have the right:
1. To present witnesses and evidence; and
 2. To cross-examine opposing witnesses and rebut evidence.
- D. The hearing will be open to the public.
- E. The hearing shall be recorded. A transcribed record of the hearing shall be made available at cost to a party that requests it.
- F. The hearing officer shall review the purchasing agent's decision using a preponderance of evidence standard with the burden of proof on the claimant.

4.20.470 Determination after Hearing

- A. The hearing officer's decision will be written findings of fact and conclusions of law and will be made within thirty (30) calendar days of the end of the hearing, except that if the amount claimed exceeds fifty thousand (\$50,000) dollars, the decision will be made within seventy-five (75) calendar days of the end of the hearing. The decision shall include a statement substantially as follows:
- This is the final decision of the hearing officer. This decision may be appealed to a court. If you appeal, you must commence your lawsuit in the Superior Court for the State of Alaska at Bethel within thirty (30) calendar days after your receipt of this decision.
- B. The hearing officer shall deliver the written decision to the City manager and serve the written decision on the parties by fax and by mail.
- C. Appeal to Superior Court. An appeal may be made from the written decision of the hearing officer pursuant to the Alaska Rules of Appellate Procedure to the superior court for the state of Alaska at Bethel only.

4.20.480 Misrepresentation and Fraudulent Claims

- A. A person who makes or uses in support of a claim or a bid protest under this chapter a misrepresentation, or who practices or attempts to practice a fraud, at any stage of proceedings relating to a matter arising out of this chapter:
1. Forfeits all claims relating to that procurement or contract; and
 2. Is liable to the City for reimbursement of all sums paid on the claim, for all costs, including without limitation actual attorney's fees, attributable to review of the claim or protest, and for a civil penalty equal to the amount by which the claim is misrepresented.
- B. The purchasing agent, hearing officer, or court shall make specific findings of misrepresentation, attempted fraud, or fraud before declaring a forfeiture under subsection (A)(1) of this section.

Introduced by: Acting City Manager Williams
Mayor Richard Robb
Introduction Date: October 28, 2014
Public Hearing: November 11, 2014
November 25, 2014
January 13, 2015
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- C. Suits to recover costs and penalties under subsection (A)(2) of this section must be commenced within six (6) years after the discovery of the misrepresentation, fraud, or attempted fraud.
- D. In this section, "misrepresentation" means a false or misleading statement of material fact, or conduct intended to deceive or mislead concerning material fact, whether or not it succeeds in deceiving or misleading.

4.20.490 Exclusive Remedy

The bid protest and claims procedures in this section provide the exclusive procedure for asserting a bid protest or claim against the City in relation to a matter arising under this chapter.

SECTION 3. Effective Date. This section shall become effective January 1, 2015.

ENACTED THIS ____ DAY OF _____ 2014, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Vice-Mayor

ATTEST:

Lori Strickler, City Clerk

Suggested Amendments from City Attorney. This document would add language to that already proposed for BMC 4.20.120.

Ordinance #14-27

AN ORDINANCE BY THE BETHEL CITY COUNCIL REPEALING AND REPLACING SECTION 4.20 PURCHASING

Chapter 14.20 Purchasing

4.20.120 Construction

- A. Source Selection. The source selection process for the procurement of construction contracts, whether it be remodeling or construction of a new structure, shall be made as follows:
1. One Hundred Thousand Dollars (\$100,000) and Over. For any construction or remodeling project estimated by the requisitioning department director to cost one hundred thousand dollars (\$100,000) or more, the competitive sealed bid procedure shall be used as stated in this chapter.
 2. Under One Hundred Thousand Dollars (\$100,000). For any construction or remodeling project estimated by the requisitioning department director to cost under one hundred thousand dollars (\$100,000), no less than three (3) businesses shall be contacted to submit written quotations. Award shall be given to the lowest responsible and responsive contractor.
- B. Contract Administration for Construction Contracts. For construction contracts of less than One Million Dollars, the City manager or council shall have discretion to select the appropriate method of construction contracting management for a particular project. For contracts exceeding one million dollars, the discretion shifts solely to the City council.
1. In determining which method to use, the following shall be considered:
 - a) The City's requirements,
 - b) The City's resources, and
 2. The potential contractor's capabilities. The City manager shall execute and include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project. It is recognized that at least the following methods are currently being used for control and coordination of construction projects:
 - a) A single prime contractor (including a turnkey or design-build contractor);
or
 - b) Multiple prime contractors managed by:
 - i. A designated general contractor,
 - ii. A construction manager, or
 - iii. The public works director.
- C. Bonds: All construction contracts exceeding One Hundred Thousand Dollars (\$100,000), shall require the contractor to furnish the following bonds prior to the signing of any final contract:
1. Performance Bond with a corporate surety qualified to do business in the State of Alaska, the amount of the performance bond shall be equivalent to the amount of the payment bond:

Comment [p1]: New section added to reflect significant update to Alaska Statute.

Suggested Amendments from City Attorney. This document would add language to that already proposed for BMC 4.20.120.

2. Payment Bond: A payment bond with a corporate surety qualified to do business in the State of Alaska.
 - a. When the total amount payable by the terms of the contract is not more than One Million Dollars (\$1,000,000), the payment bond shall be in sum equal to one-half (1/2) the total amount payable by the terms of the contract.
 - b. When the total amount payable by the terms of the contract is more than One Million Dollars (\$1,000,000) but not more than Five Million Dollars (\$5,000,000), the payment bond shall be in a sum of forty percent (40%) of the total sum payable by the terms of the contract.
 - c. When the total amount of the payable by the terms of the contract is more than Five Million Dollars (\$5,000,000), the payment bond shall be in the sum of Two Million Five Hundred Thousand Dollars (\$2,500,000).
3. Payment and Performance Bonds shall be for equivalent amounts.

SECTION 3. Effective Date. This section shall become effective March 1, 2015.

Comment [p2]: Previously January 1st which has now passed.

Bethel City Council

New Business

City of Bethel Action Memorandum

Action memorandum No.	15-01		
Date action introduced:	1-13-2015	Introduced by:	Mayor Robb
Date action taken:		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approve Mayor's appointment of Wade Ferdia to the Energy Committee.

Route to:	Department/Individual:	Initials:	Remarks:
X	Grants Manager/Committee Recorder		

Attachment(s): Application

Amount of fiscal impact		Account information:
X	No fiscal impact	
	Funds are budgeted for.	
	Funds are not budgeted. Budget modification is required. Affected account number:	

Action memorandum 15-01 is sponsored by the Mayor at the request of the City Clerk.

Wade Ferdia has requested appointment to the Energy Committee. If appointed, he would be appointed to a term of three years with a term expiration of December 31, 2017.

Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide a Financial Disclosure Statement to the City Clerk's Office within 30 days of appointment. Commissioners are also required to update those statements only when changes occur that would require an amendment to their statement.

NAME: Wade Ferdy

MAILING ADDRESS: PO Box

RESIDENCE ADDRESS:

HOME PHONE:

WORK PHONE:

CELL PHONE: 907

E-MAIL: l

OCCUPATION:

EMPLOYER: Self employed

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

3. Do you currently have a direct or indirect financial of business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

4. Are you a resident of the City of Bethel? Yes ___ No If so, for how long? *7 months*

5. Does your schedule permit you to regularly attend required meetings: Yes ___ No

I understand that this is a voluntary, appointed position to be confirmed by the Bethel City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.05 of the Bethel Municipal Code regarding Responsibilities of city council members, municipal officers, appointed officials and employees-conflict of interest. I agree to comply with the code and understand that my tenure as a commission/committee member requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant:

Robert King

Date:

12/2/14

FOR OFFICE USE ONLY

Date Received: *12/2/2014*

Date of Council Approval:

Action Memorandum Number:

14-75

Date Applicant Notified:

Term Expiration:

Registered voter of the City Yes ___ No

City of Bethel Action Memorandum

Action memorandum No.	15-02		
Date action introduced:	1-13-2015	Introduced by:	Mayor Robb
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approve Mayor's appointment of Jody Drew to the Energy Committee.

Route to:	Department/Individual:	Initials:	Remarks:
X	Grants Manager/Committee Recorder		

Attachment(s): Application

Amount of fiscal impact		Account information:
X	No fiscal impact	
	Funds are budgeted for.	
	Funds are not budgeted. Budget modification is required. Affected account number:	

Action memorandum 15-02 is sponsored by the Mayor at the request of the City Clerk.

Jody Drew has requested appointment to the Energy Committee. If appointed, she would be appointed to a term of three years with a term expiration of December 31, 2017.

Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide a Financial Disclosure Statement to the City Clerk's Office within 30 days of appointment. Commissioners are also required to update those statements only when changes occur that would require an amendment to their statement.

NAME: Jody Drew

MAILING ADDRESS: Box

RESIDENCE ADDRESS:

HOME PHONE: /

WORK PHONE: /

CELL PHONE: 5-

E-MAIL:

OCCUPATION: Instructor

EMPLOYER: VAF/KoC

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

No.

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

None.

3. Do you currently have a direct or indirect financial of business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

No.

4. Are you a resident of the City of Bethel? Yes No If so, for how long? May 2014

5. Does your schedule permit you to regularly attend required meetings: Yes No

I understand that this is a voluntary, appointed position to be confirmed by the Bethel City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.05 of the Bethel Municipal Code regarding Responsibilities of city council members, municipal officers, appointed officials and employees-conflict of interest. I agree to comply with the code and understand that my tenure as a commission/committee member requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant:

Jody L. Drew

Date:

12/11/14

FOR OFFICE USE ONLY

Date Received:

12/11/14

Date of Council Approval:

Action Memorandum Number:

14-76

Date Applicant Notified:

Term Expiration:

*

Registered voter of the City Yes No

Return completed application to the Office of the City Clerk.

Page 2 of 2

* I have changed my voting address 3 times since I moved from Akiachak in May. So far, I haven't received my new voter card.

City of Bethel Action Memorandum

Action memorandum No.	15-03		
Date action introduced:	1-13-2015	Introduced by:	Mayor Robb
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approve Mayor's appointment of Jennifer Dobson to the Public Works Committee.

Route to:	Department/Individual:	Initials:	Remarks:
X	Public Works Director		

Attachment(s): Application

Amount of fiscal impact		Account information:
X	No fiscal impact	
	Funds are budgeted for.	
	Funds are not budgeted. Budget modification is required. Affected account number:	

Action memorandum 15-03 is sponsored by the Mayor at the request of the City Clerk.

Jennifer Dobson has requested re-appointment to the Public Works Committee. If appointed, she would be appointed to a term of three years with a term expiration of December 31, 2017.

Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide a Financial Disclosure Statement to the City Clerk's Office within 30 days of appointment. Commissioners are also required to update those statements only when changes occur that would require an amendment to their statement.

NAME: Jennifer ~~D~~son

MAILING ADDRESS: PO Box

RESIDENCE ADDRESS:

HOME PHONE:

WORK PHONE:

CELL PHONE:

E-MAIL:

OCCUPATION: Environmental Health

EMPLOYER: YKHC / USPHS

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

Leif Albertson (husband) - Albatross Enterprises

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

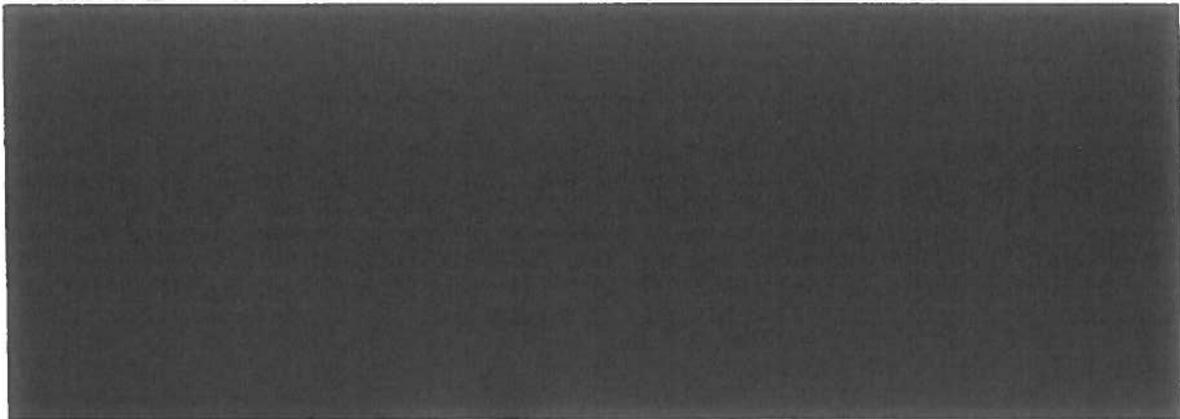
No ? Manager @ YKHC

Albatross Enterprises sales tax > \$1000 / year

3. Do you currently have a direct or indirect financial of business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

No

4. Are you a resident of the City of Bethel? Yes No If so, for how long? 2005-2008 & Feb 2011 to present
5. Does your schedule permit you to regularly attend required meetings: Yes No



 Date: 12/4/2014

FOR OFFICE USE ONLY

Date Received: 12/4/14

Date of Council Approval:

Action Memorandum Number: 14-77

Date Applicant Notified:

Term Expiration:

Registered voter of the City Yes No

City of Bethel Action Memorandum

Action memorandum No.	15-04		
Date action introduced:	1-13-2015	Introduced by:	Mayor Robb
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approve Mayor's appointment of Susan Taylor to the Parks and Recreation Committee.

Route to:	Department/Individual:	Initials:	Remarks:
X	Parks and Recreation Director		

Attachment(s): Application

Amount of fiscal impact		Account information:
X	No fiscal impact	
	Funds are budgeted for.	
	Funds are not budgeted. Budget modification is required. Affected account number:	

Action memorandum 15-04 is sponsored by the Mayor at the request of the City Clerk.

Susan Taylor has requested re-appointment to the Parks and Recreation Committee. If appointed, she would be appointed to a term of three years with a term expiration of December 31, 2017.

Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee *Renew expiring membership*
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide a Financial Disclosure Statement to the City Clerk's Office within 30 days of appointment. Commissioners are also required to update those statements only when changes occur that would require an amendment to their statement.

NAME: *Susan Taylor*
MAILING ADDRESS: *P.O. Box Bethel AK 99559*
RESIDENCE ADDRESS: *Bethel AK 99559*
HOME PHONE: *(907) 543-1111* WORK PHONE: *(907) 543-1111*
CELL PHONE: *(907) 543-1111* E-MAIL:
OCCUPATION: *Dept. Director / Fire Services* EMPLOYER: *TWC*

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

. No

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

No

3. Do you currently have a direct or indirect financial of business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

No

4. Are you a resident of the City of Bethel? Yes No If so, for how long?

5. Does your schedule permit you to regularly attend required meetings: Yes No

I understand that this is a voluntary, appointed position to be confirmed by the Bethel City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.05 of the Bethel Municipal Code regarding Responsibilities of city council members, municipal officers, appointed officials and employees-conflict of interest. I agree to comply with the code and understand that my tenure as a commission/committee member requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant:

Sharon Taylor

Date:

11/29/14

FOR OFFICE USE ONLY

Date Received: *12/11/14*

Date of Council Approval:

Action Memorandum Number:

1478

Date Applicant Notified:

Term Expiration:

Registered voter of the City Yes No

City of Bethel Action Memorandum

Action memorandum No.	15-05		
Date action introduced:	1-13-2015	Introduced by:	Mayor Robb
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approve Mayor's appointment of Cliff Linderoth to the Planning Commission.

Route to:	Department/Individual:	Initials:	Remarks:
X	Planning Director		

Attachment(s): Application

Amount of fiscal impact		Account information:
X	No fiscal impact	
	Funds are budgeted for.	
	Funds are not budgeted. Budget modification is required. Affected account number:	

Action memorandum 15-05 is sponsored by the Mayor at the request of the City Clerk.

Cliff Linderoth has requested re-appointment to the Planning Commission. If appointed, he would be appointed to a term of three years with a term expiration of December 31, 2017.

Office of the City Clerk
City of Bethel
300 State Highway
Bethel, AK 99559-1388
Phone: (907)-543-1384
Fax: (907)-543-3817



APPLICATION FOR APPOINTMENT TO A COMMITTEE OR COMMISSION

Committee(s)/Commission(s) of interest:

- Energy Committee
- Parks and Recreation Committee
- Finance Committee
- Public Works Committee
- Port Commission
- Public Safety and Transportation Commission
- Planning Commission

All Planning Commissioners are required to provide a Financial Disclosure Statement to the City Clerk's Office within 30 days of appointment. Commissioners are also required to update those statements only when changes occur that would require an amendment to their statement.

NAME: Cliff Linderoth

MAILING ADDRESS:

99554

RESIDENCE ADDRESS:

HOME PHONE:

N/A

WORK PHONE:

907

CELL PHONE:

907

E-MAIL:

OCCUPATION:

Operations Manager

EMPLOYER:

Windhorse LLC in center
with Section Inc

1. Do you (or an immediate family member) currently own or operate a business in the City of Bethel?
If so please provide the name and the type of business.

Lizy Trammell (girl friend)

4 rental units on Napakrak

2. Are you (or an immediate family member) a member of a board of directors, officer of, or hold a management position with, an organization that has financial dealings of one thousand dollars or more in value with the city of Bethel? If so please provide the name and the type of business.

Yes. Manager of BTP LLC, owner of Bethel Trailer Court & ~~rentals~~ rentals throughout Bethel. BTP LLC is a Sea Lion owned company. Sea Lion owns United Companies which is landlord of old Court properties.

3. Do you currently have a direct or indirect financial or business interest with the City of Bethel, to include contracting, leaseholder, employee? If so please provide the name and the type of business.

4. Are you a resident of the City of Bethel? Yes No If so, for how long?

5. Does your schedule permit you to regularly attend required meetings: Yes No

I understand that this is a voluntary, appointed position to be confirmed by the Bethel City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.05 of the Bethel Municipal Code regarding Responsibilities of city council members, municipal officers, appointed officials and employees-conflict of interest. I agree to comply with the code and understand that my tenure as a commission/committee member requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant:

Clifford E. Lundquist

Date:

12/12/2014

FOR OFFICE USE ONLY

Date Received: 12/18/14

Date of Council Approval:

Action Memorandum Number: 14-79

Date Applicant Notified:

Term Expiration:

Registered voter of the City Yes No

City of Bethel Action Memorandum

Action memorandum No.	15-06		
Date action introduced:	1-13-2015	Introduced by:	Mayor Robb
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approval of the 2015 City Council Regular Meeting Schedule.

Route to:	Department/Individual:	Initials:	Remarks:
X	City Manager		

Amount of fiscal impact		Account information:
X	No fiscal impact	
	Funds are budgeted for.	
	Funds are not budgeted. Budget modification is required. Affected account number:	

2015 Regular City Council Meeting Dates

January	13	27
February	10	24
March	10	24
April	14	28
May	12	26
June	9	23
July	14	28
August	11	25
September	8	22
October	13	27
November	10	24
December	8	NA

The Council will typically cancel the last meeting in December due to the holiday season.

City of Bethel Action Memorandum

Action memorandum No.	15-07		
Date action introduced:	01-13-2015	Introduced by:	Mayor Robb
Date action taken:		<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approve administrative leave for training/travel for City Attorney

Route to:	Department/Individual:	Initials:	Remarks:
X	Finance		
X	City Attorney		

Amount of fiscal impact		Account information:
	No fiscal impact	
\$ 976	Funds are budgeted for.	10-56-545
	Funds are not budgeted. Budget modification is required. Affected account number:	

This Action Memorandum is sponsored by Mayor Richard Robb and would allow the City Attorney to attend two back-to-back Continuing Legal Education courses on Contract drafting in Anchorage. Funds have been budgeted for this type of training.

HOW TO DRAFT A CONTRACT

Tuesday, February 24, 2015 | 9:00 a.m. - 4:30 p.m. | Hotel Captain Cook

CLE# 2015-007 | 6.0 General CLE Credits

Registration Fee \$169 | After February 17 \$194

Presented by Lenné Eidson Espenschied

This is a “how to” drafting program relevant to lawyers entering any area of transactional practice, including corporate, mergers and acquisitions, business law, and intellectual property, to name just a few. The program begins with a discussion of the legal context of drafting, revealing outside forces that may dictate the way specific terms of the agreement are drafted or interpreted. The program examines the meaning and implications of common performance and boilerplate provisions and includes specific drafting techniques and strategies that beginning lawyers can implement immediately to draft legal documents with confidence.

Attendees will learn how:

- to mark up a prior draft to fit the current transaction;
- to determine whether specific provisions are required, essential, recommended, or optional;
- to make seemingly minor edits to shift risk from one party to the other;
- to use the right words to create the intended legal consequences;
- to avoid ambiguous phrasing traps;
- to minimize risks associated with drafting in “the cloud,” using web applications like google docs and iCloud;
- and much more!

SECRETS OF BULLETPROOF CONTRACT DRAFTING

Wednesday, February 25, 2015 | 9:00 a.m. - 4:30 p.m. | Hotel Captain Cook

CLE# 2015-007 | 6.0 General CLE Credits

Registration Fee \$169 | After February 18 \$194

Better Documents; Less Stress; More Satisfied Clients focuses on identifying and eliminating common sources of ambiguity in legal documents. Experienced corporate and transactional lawyers will undoubtedly recognize some of the common language we untangle in this program. We’ll condense hazy theories of drafting into concise, clear, practical techniques that can be applied immediately to improve clarity and overall quality of all legal documents. Attendees will learn how to reduce ambiguity by:

- recognizing the three types of ambiguity;
- using words consistently;
- organizing complex sentences logically and in parallel structure;
- identifying and eliminating unnecessary language;
- untangling convoluted sentence structures;
- and much more!



*Presented by:
Lenné Eidson Espenschied*

.....
What past attendees have said:

“Very practical – something I will use every day. I will also keep the written materials close at hand so I can refer to them.”

“This is a seminar FOR transactional lawyers. This is the only one I have found. This topic is more widely useful than any litigation class.”



Flights [Change](#) | [Remove](#)

Flight	Departs	Arrives	Total Price for 1 Traveler
Alaska Alaska 44 Coach (L) Nonstop Details	Bethel (BET) 1:29 pm Mon, Feb 23	Anchorage (ANC) 2:36 pm Mon, Feb 23	\$250.20 Taxes, Fees and Charges

This flight uses a Boeing 737-400 [Combi aircraft](#). When boarding this type of aircraft, customers will use two sets of stairs, board from the rear of the aircraft, and be exposed to the weather.

Distance: 397 mi | Duration: 1h 7m

Alaska Alaska 45 Coach (L) Nonstop Details	Anchorage (ANC) 7:05 pm Wed, Feb 25	Bethel (BET) 8:16 pm Wed, Feb 25
-------------------------------------------------------------------	----------------------------------------	-------------------------------------

This flight uses a Boeing 737-400 [Combi aircraft](#). When boarding this type of aircraft, customers will use two sets of stairs, board from the rear of the aircraft, and be exposed to the weather.

Distance: 397 mi | Duration: 1h 11m

- ▶ [Fare Rules](#)
- ▶ [Baggage Rules](#)

Total Due Now **\$250.20 USD**

[Currency Converter](#)

NEXT →

✓ Free flight cancellation within 24 hours



Great Hotel Deals at Your Destination

[Westmark Anchorage Hotel »](#) [Shop All Hotels](#)

Offers provided by Orbitz for hotel stays from February 23 through February 25.

Save 20%



★★★★★
Deal \$109 \$87
[Select](#)

[Sheraton Anchorage Hotel & Spa »](#)



Save 15% on your stay



★★★★★
Deal \$149 \$126



Embassy Suites Anchorage

600 East Benson Boulevard, Anchorage, Alaska, 99503, USA
+1-907-332-7000

Reservation Summary

Mrs. PATTY BURLEY
btvpatty@yahoo.com
HHonors #: 840895357
23 Feb 2015 - 25 Feb 2015
1 room for 1 adult

1 BEDROOM SUITE-1 KING BED-NONSMOKING	
Price (2 nights x 129.00)	258.00
Taxes	30.96
Room Subtotal:	288.96
STATE GOVERNMENT	
Rate Details	
Total for stay:	\$288.96 USD

Optional services for an additional charge

Self parking:	Complimentary, Parking Lot
In-Room Wireless Internet:	\$9.95, Complimentary for HHonors Gold & Diamond
In-Room Wired Internet:	\$9.95, Complimentary for HHonors Gold & Diamond

Guarantee and Cancellation Policy

There is a Credit Card required for this reservation. If you wish to cancel, please do so by 4pm, hotel local time, on the day of arrival to avoid cancellation penalties.

If you use a debit/credit card to check in, a hold may be placed on your card account for the full anticipated amount to be owed to the hotel, including estimated incidentals, through your date of check-out and such hold may not be released for 72 hours from the date of check-out or longer at the discretion of your card issuer.

Payment Information

Card type: Visa
Card number: *****2778
Expiration: May 2015
[Change payment Information](#)

City of Bethel Action Memorandum

Action memorandum No.	15-08		
Date action introduced:	01-13-2015	Introduced by:	Mayor Robb
Date action taken:		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION: Travel Approval and Determination of Two City Council Members to Attend the National League of Cities Conference March 8-11, 2015.

Route to:	Department/Individual:	Initials:	Remarks:
X	Finance		

Amount of fiscal impact		Account information:
Approximately \$4,000 Per Person	Funds are budgeted for.	10-56-545 \$8,000 currently in account

The National League of Cities will be hosting their annual Congressional City Conference from March 9, through March 11, 2015, in Washington DC. The Conference schedule consists of General Sessions and Workshops for local government officials. The highlight of the trip would consist of one day of meetings with Federal representatives and their staff to go over the City's priorities and needs. This is a new strategic approach for the City to help bring more federal awareness to important projects such as the City's water and sewer needs as well as property transfers through the Bureau of Indian Affairs.

It has been suggested that two council members attend the conference and work with the City Manager to strategize the meetings and the City's approach.

	Approximate Costs
Airline Ticket	\$1,274 - \$1,877
Hotel Accommodations	\$1,516 (\$379 a night)
Registration	\$425
Per Diem Rate	\$528 (\$88 per day)
Total	\$3,743 – \$4,346

If the Council approves the travel for two people to attend the conference, the Council will need to pass a budget modification prior to the travel. Although there is \$8,000 remaining in the Council travel and training budget, AML will be holding their winter conference in February which is expected to cost approximately \$1,300 per attendee. Both the AML Representative and the Mayor will be attending this conference. Some of the AML Representatives travel costs will be reimbursed by AML.

NATIONAL LEAGUE of CITIES

Congressional City Conference

REGISTER NOW! | March 7-11, 2015 | www.nlc.org/cc

STRONGER TOGETHER

Come to Washington, D.C. for the Congressional City Conference

This March, join more than 1,000 officials from cities and towns across the country to bring the voice of cities to Washington. With a new session of Congress just getting underway, it will be more important than ever to tell your senators and representatives what is important to you and your community. United with the nation's city leaders, learn about National League Cities' priorities for federal action in 2015 and advocate on behalf of cities for those priorities.

Why attend?

GET INFORMED: As a city leader, you must stay up-to-date on the latest political news affecting local governments. At the Congressional City Conference, you'll hear straight from members of Congress and administration officials about the federal laws that will impact your community.

BE HEARD: Advocate on behalf of NLC's federal action priorities, benefiting communities across the country.

LEARN FROM EXPERTS: Join city leaders at intimate, intensive workshop sessions on topics ranging from economic development to funding opportunities, and more.

Who should attend?

- Elected officials
- City managers
- Intergovernmental affairs staff
- Chief financial officers
- Senior policy officials



NATIONAL
LEAGUE
of CITIES 

Washington, D.C. | March 7-11, 2015

NATIONAL LEAGUE of CITIES

Congressional City Conference

STRONGER TOGETHER



Get In The Know

Hear directly from policy makers and thought leaders on the issues that matter. Get up to speed on the federal policies that affect cities, the latest funding opportunities, and the emerging practices you can pioneer in your community. Becoming informed about infrastructure, public safety, community resilience, and federal regulations will make you a stronger advocate for your city.

The Action Plan

Bring together city leaders and some of Washington's most influential people and you can make big things happen. During the 2015 Congressional City Conference, you'll have time to visit your congressional delegation on Capitol Hill. Speak up, get informed, ask questions, and make an impact.

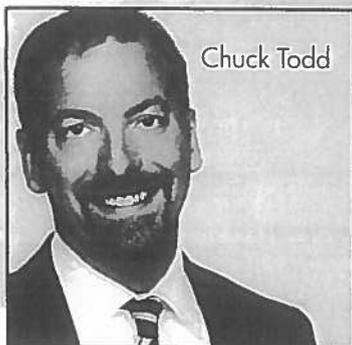
Visit www.nlc.org/cc to learn how you can set up an appointment to discuss the issues facing your community with federal legislators.

Join the Momentum

Want to get more involved in the National League of Cities? Now's your chance! Attend one of the many committee, council, or constituency group meetings at the conference. Policy and Advocacy Committees are responsible for developing NLC's positions on federal policies that are important to cities and leading our advocacy efforts in support of those policies. The committee meetings at the conference are where local leaders come together and introduce the topics that will be put on the table for debate for the upcoming year.

NATIONAL
LEAGUE
of CITIES 

REGISTER NOW! | March 7-11, 2015 | www.nlc.org/cc



Chuck Todd

Opening Session Speaker

Chuck Todd is one of the most sought-after voices in American political coverage. A fixture in the White House Press Room, a constant presence on television, and a tireless voice on the campaign trail, he is the current host of NBC News' *Meet the Press*.

Experience Washington, D.C.

Whether you come to D.C. once a year or you're visiting for the first time, you'll be enchanted by the city at the beginning of spring—Washington's most dazzling season. The conference is located in a quaint tree-lined neighborhood, steps from the funky Adams Morgan area, the lush Rock Creek Park, and the vast (free!) National Zoo. Enjoy ethnic cuisine, a refreshing walk through the park, and a trip to the zoo, all within minutes of the hotel.

Power up with pre-conference seminars!

The Congressional City Conference is an ideal time for you to power up your leadership at pre-conference training sessions. NLC University offers thoughtfully-crafted sessions to cultivate your topical expertise and techniques to meet your challenges with confidence. Top-notch trainers will lead half-day sessions that explore new models of leadership, management, and engagement. Enroll in these courses for an additional fee when you register.



REGISTER BEFORE JANUARY 30th FOR THE BEST RATE!

Registration Fees

Reserve your spot at the table by registering for the Congressional City Conference today.

All cancellation requests must be received in writing, postmarked by February 13, 2015 and are subject to a \$100 cancellation fee. No registrations or cancellations will be accepted by phone and no cancellations after February 13, 2015. Substitutions are allowed.

Registration Type	Early Bird (Ends 1/30)	Advance (Ends 3/6)
NLC Member	\$560	\$685
Non Member	\$690	\$890
First Time Attendee	\$425	\$425
State League Member	\$660	\$785
Youth Delegate/Chaperone	\$120	\$120
Student	\$125	\$125
Spouse/Guest	\$75	\$75

Preliminary Conference Schedule

Times and events are subject to change

Monday, March 9

- 7:30 a.m. – 9:00 a.m. Celebrate Diversity Breakfast*
- 9:00 a.m. – 10:30 a.m. Opening General Session
- 10:45 a.m. – 12:15 p.m. Concurrent Workshops
- 1:45 p.m. – 3:15 p.m. Concurrent Workshops
- 3:30 p.m. – 5:00 p.m. General Session
- 5:15 p.m. – 6:30 p.m. State League Caucuses and Receptions

Tuesday, March 10

- 8:45 a.m. – 10:15 a.m. Concurrent Workshops
- 10:30 a.m. – Noon Concurrent Workshops
- 12:30 p.m. – 2:00 p.m. General Session and Lunch
- 2:00 p.m. – 5:00 p.m. Delegates' Pre-scheduled Capitol Hill Visits
- 5:15 p.m. – 6:30 p.m. State League Caucuses and Receptions
- 6:30 p.m. – 7:30 p.m. The Capitol Steps Entertainment

Wednesday, March 11

- 9:00 p.m. – 5:00 p.m. All Day - Delegates' Pre-scheduled Capitol Hill Visits

Pre-conference Activities

Saturday, March 7

- 9:00 p.m. – 5:00 p.m. NLC University Seminars*
- 5:30 p.m. – 7:00 p.m. Constituency and Special Group Meetings/Events

Sunday, March 8

- 8:30 a.m. – Noon NLC Board of Directors Meeting
NLC Advisory Council Meeting
- 9:00 p.m. – 5:00 p.m. NLC University Seminars
- 1:30 p.m. – 4:00 p.m. Policy and Advocacy Committee Meetings/Events*
- 5:15 p.m. – 7:00 p.m. Constituency and Special Group Meetings
- 5:30 p.m. – 6:45 p.m. Orientation to NLC for First Time Attendees

Constituency and Special Group Meetings/Events

March 8th
March 12th



Available Flights

Baggage charges may apply.

Select Departing Flight:

Bethel (BET) to Washington, DC-Reagan National (DCA)

Saturday Mar 7 from \$723.60

Flight Information

Sort by ▾

Coach

Lowest Refundable

First

Lowest Refundable

Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 108 ANC 12:05 am SEA 5:25 am Alaska 4 SEA 8:20 am DCA 4:14 pm 14h 2m 2 stops Seats	\$926.60	\$978.60		\$1,153.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 136 ANC 12:45 am SEA 6:05 am Alaska 4 SEA 8:20 am DCA 4:14 pm 14h 2m 2 stops Seats	\$926.60	\$978.60		\$1,153.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 92 ANC 1:30 am SEA 6:45 am Alaska 4 SEA 8:20 am DCA 4:14 pm 14h 2m 2 stops Seats	\$926.60	\$978.60		\$1,153.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 112 ANC 1:55 am SEA 7:10 am Alaska 4 SEA 8:20 am DCA 4:14 pm 14h 2m 2 stops Seats	\$926.60	\$978.60		\$1,153.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 122 ANC 12:30 am PDX 6:15 am Alaska 764 PDX 9:55 am DCA 5:43 pm 15h 31m 2 stops Seats	\$784.60	\$978.60		\$1,153.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 150 ANC 11:40 pm LAX 7:00 am Alaska 6 LAX 12:55 pm DCA 8:59 pm 18h 47m 2 stops Seats	\$952.60	\$1,524.60		\$1,799.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 92 ANC 1:30 am SEA 6:45 am Alaska 2 SEA 2:10 pm DCA 9:57 pm 19h 45m 2 stops Seats	only 2 left at \$857.60	\$978.60		\$1,153.60
Alaska 44 BET 1:29 pm ANC 2:36 pm Alaska 84 ANC 4:00 pm SEA 8:15 pm Alaska 20 SEA 12:10 am ORD 7:00 am American Airlines 1075 ORD 8:11 am DCA 10:55 am 16h 26m 3 stops Seats	\$808.60			\$2,388.60
Alaska 44 BET 1:29 pm ANC 2:36 pm Alaska 82 ANC 5:50 pm SEA 10:04 pm Alaska 20 SEA 12:10 am ORD 7:00 am American Airlines 1075 ORD 8:11 am DCA 10:55 am 16h 26m 3 stops Seats	\$808.60			\$2,388.60

Alaska 44 Alaska 84 Alaska 20 American Express 1452 18h 30m 3 stops Seats	BET 1:29 pm ANC 2:36 pm ANC 4:00 pm SEA 8:15 pm SEA 12:10 am ORD 7:00 am ORD 10:15 am DCA 12:59 pm	\$808.60			\$2,388.60
Alaska 44 Alaska 82 Alaska 20 American Express 1452 18h 30m 3 stops Seats	BET 1:29 pm ANC 2:36 pm ANC 5:50 pm SEA 10:04 pm SEA 12:10 am ORD 7:00 am ORD 10:15 am DCA 12:59 pm	\$808.60			\$2,388.60
Alaska 46 Alaska 167 Alaska 128 Alaska 4 14h 2m 3 stops Seats	BET 9:12 pm ANC 10:17 pm ANC 11:35 pm FAI 12:33 am FAI 1:40 am SEA 7:09 am SEA 8:20 am DCA 4:14 pm	only 1 left at \$1,051.60	\$1,268.60		\$1,473.60
Alaska 46 Alaska 136 Alaska 2545 ¹ Alaska 764 15h 31m 3 stops Seats	BET 9:12 pm ANC 10:17 pm ANC 12:45 am SEA 6:05 am SEA 7:00 am PDX 7:48 am PDX 9:55 am DCA 5:43 pm	\$808.60	\$982.60		\$1,157.60
Alaska 46 Alaska 136 Alaska 2121 ¹ Alaska 764 15h 31m 3 stops Seats	BET 9:12 pm ANC 10:17 pm ANC 12:45 am SEA 6:05 am SEA 7:30 am PDX 8:18 am PDX 9:55 am DCA 5:43 pm	\$808.60	\$982.60		\$1,157.60
Alaska 46 Alaska 136 Alaska 2129 ¹ Alaska 764 15h 31m 3 stops Seats	BET 9:12 pm ANC 10:17 pm ANC 12:45 am SEA 6:05 am SEA 8:00 am PDX 8:47 am PDX 9:55 am DCA 5:43 pm	\$808.60	\$982.60		\$1,157.60
Alaska 46 Alaska 92 Alaska 2121 ¹ Alaska 764 15h 31m 3 stops Seats	BET 9:12 pm ANC 10:17 pm ANC 1:30 am SEA 6:45 am SEA 7:30 am PDX 8:18 am PDX 9:55 am DCA 5:43 pm	only 2 left at \$808.60	\$982.60		\$1,157.60
Alaska 46 Alaska 92 Alaska 2129 ¹ Alaska 764 15h 31m 3 stops Seats	BET 9:12 pm ANC 10:17 pm ANC 1:30 am SEA 6:45 am SEA 8:00 am PDX 8:47 am PDX 9:55 am DCA 5:43 pm	only 2 left at \$808.60	\$982.60		\$1,157.60
Alaska 46 Alaska 112 Alaska 2129 ¹ Alaska 764 15h 31m 3 stops Seats	BET 9:12 pm ANC 10:17 pm ANC 1:55 am SEA 7:10 am SEA 8:00 am PDX 8:47 am PDX 9:55 am DCA 5:43 pm	\$857.60	\$982.60		\$1,157.60
Alaska 46 Alaska 122 Alaska 568 Alaska 6 18h 47m 3 stops Seats	BET 9:12 pm ANC 10:17 pm ANC 12:30 am PDX 6:15 am PDX 9:30 am LAX 11:52 am LAX 12:55 pm DCA 8:59 pm	\$761.60	\$1,528.60		\$1,803.60

Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 136 ANC 12:45 am SEA 6:05 am Alaska 482 SEA 6:45 am LAX 9:27 am Alaska 6 LAX 12:55 pm DCA 8:59 pm 18h 47m 3 stops Seats	\$723.60	\$1,528.60	\$1,803.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 136 ANC 12:45 am SEA 6:05 am Alaska 468 SEA 7:25 am LAX 10:10 am Alaska 6 LAX 12:55 pm DCA 8:59 pm 18h 47m 3 stops Seats	\$723.60	\$1,528.60	\$1,803.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 92 ANC 1:30 am SEA 6:45 am Alaska 468 SEA 7:25 am LAX 10:10 am Alaska 6 LAX 12:55 pm DCA 8:59 pm 18h 47m 3 stops Seats	only 2 left at \$723.60	\$1,528.60	\$1,803.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 92 ANC 1:30 am SEA 6:45 am Alaska 452 SEA 8:15 am LAX 11:10 am Alaska 6 LAX 12:55 pm DCA 8:59 pm 18h 47m 3 stops Seats	only 2 left at \$723.60	\$1,528.60	\$1,803.60
Alaska 46 BET 9:12 pm ANC 10:17 pm Alaska 112 ANC 1:55 am SEA 7:10 am Alaska 452 SEA 8:15 am LAX 11:10 am Alaska 6 LAX 12:55 pm DCA 8:59 pm 18h 47m 3 stops Seats	\$772.60	\$1,528.60	\$1,803.60

Select Returning Flight:

Washington, DC-Reagan National (DCA) to Bethel (BET)

Thursday Mar 12 from \$551.40

Flight Information

Sort by ▾

Coach

Lowest Refundable

First

Lowest Refundable

American Airlines 1253 DCA 6:00 am ORD 7:11 am Alaska 139 ORD 9:40 am ANC 1:28 pm Alaska 45 ANC 7:15 pm BET 8:25 pm 18h 25m 2 stops Seats	\$631.40	\$967.40	\$1,142.40
American Airlines 1253 DCA 6:00 am ORD 7:11 am Alaska 139 ORD 9:40 am ANC 1:28 pm Alaska 41 ANC 6:20 am BET 7:37 am 29h 37m 2 stops Seats	\$631.40	\$967.40	\$1,142.40
Alaska 1 DCA 8:00 am SEA 10:50 am Alaska 105 SEA 12:10 pm ANC 2:47 pm Alaska 45 ANC 7:15 pm BET 8:25 pm 16h 25m 2 stops Seats	\$747.40	\$967.40	\$1,142.40
Alaska 1 DCA 8:00 am SEA 10:50 am Alaska 97 SEA 2:20 pm ANC 4:56 pm Alaska 45 ANC 7:15 pm BET 8:25 pm 16h 25m 2 stops Seats	\$747.40	\$967.40	\$1,142.40
Alaska 1 DCA 8:00 am SEA 10:50 am Alaska 103 SEA 4:00 pm ANC 6:35 pm	\$826.40	\$967.40	\$1,142.40

Alaska 45 16h 25m 2 stops Seats ANC 7:15 pm BET 8:25 pm				
Alaska 5 Alaska 149 Alaska 41 26h 22m 2 stops Seats DCA 9:15 am LAX 12:21 pm LAX 7:55 pm ANC 12:28 am ANC 6:20 am BET 7:37 am	only 4 left at \$551.40	\$1,513.40		\$1,788.40
Alaska 771 Alaska 143 Alaska 41 18h 22m 2 stops Seats DCA 5:15 pm PDX 8:10 pm PDX 10:55 pm ANC 1:36 am ANC 6:20 am BET 7:37 am	\$720.40	\$967.40		\$1,142.40
Alaska 771 Alaska 143 Alaska 43 23h 19m 2 stops Seats DCA 5:15 pm PDX 8:10 pm PDX 10:55 pm ANC 1:36 am ANC 11:20 am BET 12:34 pm	\$720.40	\$967.40		
Alaska 3 Alaska 115 Alaska 41 16h 42m 2 stops Seats DCA 6:55 pm SEA 9:55 pm SEA 11:05 pm ANC 1:36 am ANC 6:20 am BET 7:37 am	only 5 left at \$747.40	\$967.40		\$1,142.40
Alaska 3 Alaska 115 Alaska 43 21h 39m 2 stops Seats DCA 6:55 pm SEA 9:55 pm SEA 11:05 pm ANC 1:36 am ANC 11:20 am BET 12:34 pm	only 5 left at \$747.40	\$967.40		
Alaska 3 Alaska 81 Alaska 43 21h 39m 2 stops Seats DCA 6:55 pm SEA 9:55 pm SEA 6:00 am ANC 8:33 am ANC 11:20 am BET 12:34 pm	\$747.40	\$967.40		
Alaska 3 Alaska 83 Alaska 43 21h 39m 2 stops Seats DCA 6:55 pm SEA 9:55 pm SEA 8:00 am ANC 10:37 am ANC 11:20 am BET 12:34 pm	only 3 left at \$747.40	\$967.40		
American Airlines 322 Alaska 675 Alaska 143 Alaska 41 20h 27m 3 stops Seats DCA 3:10 pm ORD 4:23 pm ORD 5:30 pm PDX 7:59 pm PDX 10:55 pm ANC 1:36 am ANC 6:20 am BET 7:37 am	\$710.40			\$2,642.40
American Airlines 322 Alaska 21 Alaska 115 Alaska 41 20h 27m 3 stops Seats DCA 3:10 pm ORD 4:23 pm ORD 7:35 pm SEA 10:10 pm SEA 11:05 pm ANC 1:36 am ANC 6:20 am BET 7:37 am	only 5 left at \$629.40			\$2,367.40
American Airlines 2361 Alaska 21 Alaska 115 Alaska 41 19h 22m 3 stops Seats DCA 4:15 pm ORD 5:28 pm ORD 7:35 pm SEA 10:10 pm SEA 11:05 pm ANC 1:36 am ANC 6:20 am BET 7:37 am	only 5 left at \$753.40			\$2,367.40
Alaska 771 Alaska 624 Alaska 165 Alaska 41 DCA 5:15 pm PDX 8:10 pm PDX 8:55 pm LAS 10:59 pm LAS 11:55 pm ANC 4:23 am ANC 6:20 am BET 7:37 am	only 3 left at \$771.40	\$1,687.40		\$1,992.40

18h 22m 3 stops Seats				
Alaska 771 DCA 5:15 pm PDX 8:10 pm	\$724.40	\$971.40		\$1,146.40
Alaska 2174 ¹ PDX 9:30 pm SEA 10:16 pm				
Alaska 115 SEA 11:05 pm ANC 1:36 am				
Alaska 41 ANC 6:20 am BET 7:37 am				
18h 22m 3 stops Seats				
Alaska 771 DCA 5:15 pm PDX 8:10 pm	\$724.40	\$971.40		
Alaska 2174 ¹ PDX 9:30 pm SEA 10:16 pm				
Alaska 115 SEA 11:05 pm ANC 1:36 am				
Alaska 43 ANC 11:20 am BET 12:34 pm				
23h 19m 3 stops Seats				
Alaska 771 DCA 5:15 pm PDX 8:10 pm	\$724.40	\$971.40		
Alaska 2174 ¹ PDX 9:30 pm SEA 10:16 pm				
Alaska 81 SEA 6:00 am ANC 8:33 am				
Alaska 43 ANC 11:20 am BET 12:34 pm				
23h 19m 3 stops Seats				
Alaska 771 DCA 5:15 pm PDX 8:10 pm	\$724.40	\$971.40		
Alaska 2174 ¹ PDX 9:30 pm SEA 10:16 pm				
Alaska 83 SEA 8:00 am ANC 10:37 am				
Alaska 43 ANC 11:20 am BET 12:34 pm				
23h 19m 3 stops Seats				

¹ Flight operated by Horizon Air as Alaska Airlines

Inflight Wi-Fi availability is subject to change without notice and will not be available when flying over Mexico or Canada. Pricing options are available on board.

Amounts are quoted per person in U.S. dollars, one way, and subject to change without notice until purchased. The final price may differ from the price shown on this page due to a real-time fare change or other mandatory recalculation. **Baggage** charges may apply.

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FormName: UCMatrixAvail

Bethel City Council

Office of the Mayor

Mayor's Report

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



EMBASSY OF THE
PEOPLE'S REPUBLIC OF BANGLADESH
3510 International Drive, NW
Washington, D.C. 20008
Phone: (202) 244-2745
Fax: (202) 244-2771

Ambassador

No: 19.81.0011.200.04.001.14

November 6, 2014

Honorable Mayor,

It has been recently noted that initiatives are being taken to name streets, roads and important parts of cities and towns in the USA after Major General Ziaur Rahman who in 1977 had first unlawfully seized power in Bangladesh. The naming of the street in the land of justice and freedom-the United States-to commemorate and honor a ruthless military dictator is indeed shocking. It is against democracy and liberalism that both our two countries uphold so very dearly. Such honor, if shown to Ziaur Rahman, could be possibly because of inadequate and imprecise information about him. Therefore, the reason for this letter is to bring to your kind attention the dark notoriety of Ziaur Rahman.

Ziaur Rahman toppled a democratic government that accompanied the gruesome murder of the founding father of Bangladesh, Sheikh Mujibur Rahman, and 18 members of his immediate family, including his 10 year old son, while they slept at home. A couple of months later in a military insurrection, Ziaur Rahman who was the Chief of Army Staff, usurped the powers of the state. He ruled the country for 7 years when the Constitution and human rights was suspended. In fact, after the tragic assassination of Bangabandhu Sheikh Mujibur Rahman, the politics of killing, coup, conspiracy and the grabbing of power illegally began in the country. Ziaur Rahman masterminded such kind of politics.

During Ziaur Rahman's misrule there were 19 coup attempts against him. All were crushed with hundreds of armed services personnel mercilessly killed. In one incident following the coup in October 1977, about 2,500 armed forces and civilians was executed. Thus, in a recent judgment, the Appellate Division of the Supreme Court—the highest judicial body of the country decided that Ziaur Rahman's takeover was unconstitutional and unlawful, being in violation of the basic norms of democracy. It also decided that the constitutional amendments by a military decree to remain in power were illegitimate.

Ziaur Rahman also encouraged insurgence of communalism that led to the surge of extremism. He brought the religious extremists to strengthen his own strong hold and to perpetuate his regime by using the military intelligence, and other state apparatus. He sowed the seeds of militancy for which Bangladesh had to pay dearly in later years. Various Islamic militant groups sprung up and established direct connection with the Al Qaida and other terrorist groups. Now Sheikh Hasina's government has declared eliminating militancy from the country as its number one priority. The government of Sheikh Hasina and the United States are today fighting together militancy and terrorism in Bangladesh.

Therefore, the Bangladesh government is concerned when honor is shown to Ziaur Rahman as it amounts to endorsing extremism and terrorism, which are at present creating havoc all across the world and stands against a priority policy of the United States of America. I would, therefore, request that such unwarranted and unfair acts that honor persons responsible for brutality against their own people and for promoting extremism and terrorism be avoided, along with plans to commemorate such cruel dictators as Ziaur Rahman in your great country.

Best Regards.

Yours sincerely,


(Ambassador M. Ziauddin)

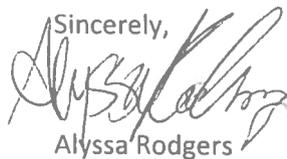
The Honorable Rick Robb
Mayor of City of Bethel
City Clerk's Office
P.O. Box 1388
Bethel, AK 99559

Dear Bethel City Council,

My name is Alyssa Rodgers, I am 17 years old and I am a member of the Bethel Alaska community. This letter is my attempt at bring notice to our cultures around Bethel. I understand that we are a mostly native community, and we've always been that way. Although I am very proud of my Yupik background I don't know much about it and I hate that. I'm not alone, there are so many young people in Bethel that don't know about their cultures and that's a scary thing. We're a native population but we don't have any way of learning about our cultures. If it keeps up we won't have any cultures left to know. Sadly, this is the case for many places in Alaska. I might not have the power to change this for the whole state but I'd like to attempt to change it for my home.

I'd like to suggest a program that be held in the Cultural Center. This program could be held as little as once a week, as long as we're making an effort to saving our cultures. I'd like to open up the Cultural Center and have it as a place where people could go to learn about their cultures. There could be volunteers or people from the community there to show the youth of Bethel the way of their ancestors. For example a place where they could learn: skin sewing, kuspaq making, beading, cooking native foods, learning native languages, or grass weaving. Its little things like that which would make a big difference.

I know this is a lot to ask but I believe whole heartedly that it would be worth it to create this program. If this change were to be make we'd have more people to carry on out our cultures and pass them down. This would keep our cultures alive and that's ultimately what I want to see happen, along with many other people. I know for my culture passing it down through younger generation is really important. I'd like to thank you for your time and consideration in reading my letter.

Sincerely,

Alyssa Rodgers

P.O.Box 2072

Bethel, Alaska 99559



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

OFFICE OF THE COMMISSIONER
Patrick J. Kemp, P.E., Commissioner

3132 Channel Drive
P.O. Box 112500
Juneau, Alaska 99811-2500
Main: 907.465.3900
Fax: 907.586.8365
doi.state.ak.us

December 8, 2014

City of Bethel City Council
Office of the City Clerk
P.O. Box 1388
Bethel, Alaska 99559
Attn: Mayor Richard Robb

RE: Bethel Airport Improvements, Phase 5, DOT&PF Project #59204

Dear Mayor Robb:

We wish to inform you that the Department of Transportation and Public Facilities is closing out the federally funded project for the proposed improvements at the Bethel Airport. That project scope consists mainly of acquisition of land for a crosswind runway, taxiways and aprons as recommended by the 2002 Airport Master Plan.

This project has been a part of the Yukon/Kuskokwim Delta Transportation Plan and the Airport Improvement Program (AIP) for some years, with the anticipation of receiving federal funding for it. The Alaska Department of Transportation and Public Facility's attempts to acquire Native lands over a number of years have been fruitless and the present Airport Layout Plan (ALP) will soon be replaced in the nearly completed Bethel Airport Master Plan Update, which negates the project scope.

The closure of this particular project does not necessarily mean the end of any and all future improvements. The potential remains for the City to pursue non-federal funds and complete the project. Also, improvements to this airport and other regional priorities will continue to be cataloged and evaluated as part of the Yukon/Kuskokwim Delta Transportation Plan which is underway now. If the City has recommendations for less significant improvements that would provide benefit to this airport, please contact us to discuss other possibilities.

For more information regarding the Yukon/Kuskokwim Delta Transportation Plan please visit <http://www.yktransportationplan.com>.

Sincerely,


for Patrick J. Kemp, P.E.
Commissioner

Cc: Katrina Moss, Central Region Airport Planner, Federal Aviation Administration
John Binder, Deputy Commissioner, DOT&PF
Bart Rudolph, Transportation Planner II, DOT&PF
Jennifer Witt, Transportation Planner III, DOT&PF
Morgan Merritt, Engineer/Architect III, DOT&PF
Wolfgang Junge, Engineer/Architect IV, DOT&PF

"Keep Alaska Moving through service and infrastructure."

Bethel City Council

Office of the City Manager

Manager's Report

Bethel City Council

Office of the City Manager

Management Team Reports



MEMORANDUM

DATE: January, 6th 2015

TO: Ann Capela, City Manager

FROM: Bill Howell, Fire Chief

SUBJECT: Management Report – Month of December, 2014

Current Events/Projects

- The Department rang in the New Year with our annual community fireworks display. We were happy to welcome the VWF post 10,049 as co-funder of this much anticipated aerial display. This event is made possible through the fund raising efforts of our Bethel Volunteer Emergency Services Association (BVESA). BVESA board members are: Casey Burke, Art Freitas, Joey Valadez, Thor Williams, Bruce Claypool and Kyle Inman. We thank them and the volunteers and staff that put on such an amazing New Years fireworks display.
- The Department received its State of Alaska Fire Department Registration and Ambulance Certification for 2015.
- On December 12th, 2014, Department and City officials witnessed and approved a successful test of the Pool sprinkler system. The ongoing fire watch was discontinued.
- The Department transitioned to a new State approved web based Fire and Ems Records Management System (RMS). This system integrates data for EMS and Fire calls and also tracks department training. We will begin electronic patient contact reports on EMS calls in the near future. The prior system was archaic and did not allow attachment of photos or documents. Additionally, the new system provides a better mechanism for QA/QI.
- The director of the State EMS unit, Mark Miller visited the Department and attended EMS training on the 17th of December. Mr. Miller sought to gain perspective on EMS in rural Alaska and also brief Department administration on current trends in EMS in Alaska.
- The draft RFP for Self Contained Breathing Apparatus (SCBA) was forwarded to the grants manager for review.

- The VOIP phone system installed in the Department by GCI is nearing completion. We are working with the IT department to install EOP lines and two POTS lines for redundancy.
- The Department assisted administration in selecting and grading proposals for fuel services for the City.
- An update/review of the Community Hazard Assessment was completed in December. The assessment is used to gauge vulnerabilities in the City's capabilities and has the added benefit of qualifying the City to receive DHS grant funds.

Responses

- The Department responded to 1068 EMS responses in 2014.
- The Department responded to 60 medical calls for service in December.
 - On 12-12-14 at 8:32 a.m. medics responded to Main Street for the report of a person with a head injury. Upon arrival, medics found two patients needing transport. Both were assessed and transported to the hospital.
 - On 12-02-14 at 5:39 a.m. medics responded to Ptarmigan Road for the report of a person who had been stabbed multiple times. The patient was assessed and transported to the hospital.
- The Department responded to 7 fire and rescue calls for service in December.
- The Department responded to 159 Fire responses in 2014.

Staffing

- The Department has one Firefighter/EMT on light duty following a back strain on a November 29th ambulance run. The employee is scheduled for physician review on the 22nd of January 2015.
- The Fire Captain position is vacant and will be advertised this month, in house, in accordance with the COBEA contract.
- The Department is advertising for a temporary FF/EMT.
- The Department has one FF/EMT position that was defunded in FY 15

Training

- An EMT Meeting was held on December 2nd, 2014 at 7 p.m. Medics received training in AHA CPR tips/recommendations, ACLS guidelines, mechanical vs. manual compressions studies, shock (hypo-perfusion), supplemental oxygen administration, and EMT I practical examination stations.
- An EMT meeting was held on December 16th, 2014 at 7 p.m. Medics were advised about recent updates from the State of Alaska EMS Office regarding Cold Injury Guidelines, NHTSA Reassessment and National Registry EMS certification standards. Safety training was also given in proper body mechanics when lifting and moving patients.
- A Staff Meeting was held on December 11th, 2014 at 11:00 a.m. Staff reviewed department priorities, changes, and new policies. Staff received safety training regarding proper lifting techniques, back injury prevention, and a review of a recent employee back injury.
- A Fire Meeting was held on December 11th, 2014 at 7 p.m. Firefighters received training in scene size-up procedures, principles in modern fire attack, and the SLICE-RS acronym for fire ground operations.
- The next EMT Meeting is scheduled for January 6th, 2015.
- The next Fire Meeting is scheduled for January 8th, 2015.

Vehicles

- Engine 4 our new Rosenbauer Fire Engine is undergoing outfitting for service as of the end of December it is 85% ready for service. Compartment shelving and NFPA compliant tool holders have been ordered and will be installed upon arrival.
- M-5 our newest ambulance, is scheduled for repair of a significant engine oil leak. It has been placed in reserve status until repairs are completed.

Budget/Financial

- The Department is operating within its FY15 budget.

MEMORANDUM



DATE: January 6, 2015
TO: Ann Capela, City Manager
FROM: John Sargent, Grant Manager
SUBJECT: Grant Manager’s Report – January 13, 2015 Bethel City Council Meeting

Energy Committee

I was recently assigned to serve as the ex-officio member of the Energy Committee. I will be responsible for recording meetings, drafting the minutes, preparing agendas, and uploading documents to the website. The Energy Committee is investigating the feasibility of purchasing and operating a gasification unit that would burn solid waste and produce electricity.

Transit Grant Application Submitted

I prepared and submitted the transit grant application to the State of Alaska, Department of Transportation & Public Facilities, Transit Office. The City’s cash match of \$98,892 was used to request \$325,152 in State pass-through funds. The City requested funds to be able to purchase one new transit vehicle representing the third in three years (100% fleet replacement). Transit vehicles are assigned a five-year life span or 100,000 miles.

Homeland Security Grant Business

Assessment Update Submitted

I prepared and submitted the Bethel Assessment as required by the Alaska Division of Homeland Security and Emergency Management for 2015. Bethel Fire Chief input was included in the update.

EHP Approval

The City’s Environmental and Historical Preservation documents that I prepared and submitted were approved by FEMA. The EHP process is required by several federal laws for any project resulting in “ground disturbing activities.” The City’s project involves the purchase and installation of three gates for the Port of Bethel to provide added security for roads in its purview.

Bethel City Council

Office of the City Clerk

Clerk's Report



City of Bethel, Alaska

City Clerk's Office

Council Meetings and Events

January 27, 2015 Regular City Council Meeting

Contracts/Leases

The City Clerk's Office has been organizing the contracts within the office. This organization consists of scanning, OCR, and filing both electronically and the original paper copies. The Records Retention Schedule requires all original contracts and leases be filed in the City Clerk's Office; the City Clerk is still waiting for many of the standing contracts and leases to be submitted to the office for filing.

Ordinances

With the recent passage of the Utility Permit Rates, the City Clerk is writing an ordinance which will better identify the process of the issuance of Utility Permits and the use of the City's owned right-of-ways. The Utility Permitting process was provided to the Public Works Director and the Planning Director in August for feedback. The draft ordinance was presented to the City Manager and the Public Works Director for feedback in December. We hope to have a final draft presented to the Council at the January 27, meeting.

Assistant to the City Clerk Vacancy

Interviews for the vacant position will begin January 14.

Recorder/Ex Officio Training

The City Clerk's Office will be providing the annual training for Recorders and Ex Officio members of the City's Committees and Commission sometime in January. Dates and time options have been provided to staff, the City Clerk is waiting for more feedback prior to setting a date.

Committee Commission Training

Every year, the City Clerk's Office provides training to the committees and commission. This year will be the one-on-one training with each committee. These trainings will be provided in the months of January, February and March.

City Website

General cleanup of the City's website is ongoing. The City Clerk has provided the Department Heads with a template of and required items for each department's home page. Additionally, all Committee/Commission packets and agendas should be available prior to each meeting on the City's calendar of events.

Passports

In 2014 the City Clerk processed 151 passport applications. The Office just completed their annual audit and will be completing the annual refresher training by January 16.

Leave Requests

The City Clerk is requesting leave for the end of January and in May. The request for the end of January does not affect any of the Council's currently scheduled events however the office will be closed to the public.

There will be two council meeting held during the leave request in May. It is the intent of the Clerk to have someone hired and trained by that time however, if that is not the case, that leave approval would require administrative support to the City Clerk's Office.