City of Bethel

P.O. Box 1388 • Bethel, Alaska 99559-1388
907-543-2047
Fax # 543-4171
Website: www.cityofbethel.org

REGULAR MEETING AGENDA
ENERGY COMMITTEE
Monday, June 3, 2013 – 6:30 p.m.
City Hall Council Chambers, Bethel, AK

Members

Leif Albertson
Chair

Mary Weiss
Vice Chair

Greg McIntyre

Eric Whitney

Shari Neth

Martin Leonard

Alternate Members

Ex-Officio Member

Sharri Slayer

I. Call to Order

II. Roll Call

III. People to be Heard

IV. Approval of Agenda
-Agenda June 3, 2013

V. Approval of Meeting Minutes
-Regular Meetings April 1, 2013, May 6, 2013

VI. Unfinished Business
A. Municipal Solid Waste Gasification- *Requested by Eric Whitney)*

VII. New Business
A. Updated Renewable/Alternative Energy Tracking Sheet – *Requested by Eric Whitney*
B. Presentation on Wind and Alternant Energy by Greg McIntyre- *Requested by Committee Members*
C. *Update on the Wind Energy Grant by John Sargent- Requested by Committee Members*

VIII. Committee Member Comments

IX. Adjournment

Sharri Sayler

Agenda Posted 05/28/2013 at USPS, AC, Swanson's, and City Hall

City of Bethel, Alaska
Energy Committee

April 1, 2013 Regular Meeting Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Energy Committee held on April 1, 2013 at 6:30 pm in the City Hall Council Chambers, Bethel, Alaska.

Vice-Chair Mary Weiss called the meeting to order at 6:45p.

II. ROLL CALL

Comprising a quorum of the Commission, the following members were present for roll call:
Members Present:
Leif Albertson
Mary Weiss
Shari Neth
Martin Leonard

Members Not Present:
Greg McIntyre
Eric Whitney

Ex-Officio members present were the following:
Annette Sutton

III. PEOPLE TO BE HEARD

No People to be heard

IV. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA

MOVED:	Shari Neth	Motion to approve April 1, 2013 Agenda
SECONDED:	Martin Leonard	
VOTE ON MAIN MOTION	All in favor	

VII. APPROVAL OF MINUTES

MOTION TO APPROVE THE MINUTES

MOVED:	Shari Neth	Motion to approve the regular meeting minutes for March 4, 2013
SECONDED:	Martin Leonard	
VOTE ON MAIN MOTION	All in favor	

VIII. UNFINISHED BUSINESS

a. **Climate Wise**- Requested by Martin Leonard
A PDF fill will be provided for next meeting
Would like everyone to look at the GEOS institute website for more information
In May there can be more of a discussion about what was reviewed from the website.

b. **Municipal Solid Waste Gasification**- Requested by Eric Whitney

MOTION

MOVED:	Martin Leonard	Motion to table to the next meeting in May due to Mr. Whitney not being available to attend this meeting
SECONDED:	Shari Neth	
VOTE ON MAIN MOTION	All in favor	

IX. NEW BUSINESS

a. **Presentation on Wind Energy by Kurt Kuhne –** Requested by Mary Weiss
A discussion ensued between members and Mr. Kuhne in reference to what was presented on the wind energy and solar energy. A request to have John Sergant come the next meeting for updates to the City of Bethel Wind Energy Grant.
And to have Greg McIntyre give his presentation of alternative energy that he presented to YKHC.

b. **Updated Renewable/Alternative Energy Tracking Sheet-** Request by Eric Whitney

MOTION

MOVED:	Shari Neth	Motion to table to the next meeting in May due to Mr. Whitney not being available to attend this meeting
SECONDED:	Martin Leonard	
VOTE ON MAIN MOTION	All in favor	

c. **Alternative Energy for the swimming pool-** Requested by Leif Albertson
Would like to have John Sergant come in and update the committee on the wind energy for the swimming pool. Annette Sutton will send out an email with contact information for who is representing ProDev to see if they would be available to come in and speak about the pool project.

X. COMMISSION MEMBER'S COMENTS

Shari Neth

- Thank Annette for her service since she will be moving back down to the lower 48.

Mary Weiss

- Thank Annette also and glad that Kurt Kuhne came tonight to speak.

Martin Leonard

- Was in Juneau lobbing for ONC's Senior Center and appropriation energy.
- Dept of Energy Start Program
- The end of April and first of May there are a couple energy conferences in Anchorage; Business of clean energy and rural energy conference.
- The Committee may consider in making comments to the regulatory committee.

Leif Albertson

- No Comment

XI. ADJOURNMENT

MOTION

MOVED:	Shari Neth	Motion to Adjournment
SECONDED:	Martin Leonard	
VOTE ON MAIN MOTION	All in favor	

Next meeting on May 6th, 2013

_____
_____, Chairperson

ATTEST:

_____
Sharri Salyers, Recorder

DRAFT

City of Bethel, Alaska
Energy Committee Minutes

May 6, 2013 | Regular Meeting | Bethel, Alaska

CALL TO ORDER

A meeting of the Energy Committee was held on May 6, 2013 at 6:30 pm in the City Council Chambers.

Meeting called to order by Recorder Sharri Salyers at 6:45 Pm

ROLL CALL

A quorum was not established of the Committee, the following were present:

McIntyre, Whitney, Neth

Excused absence(s): Albertson, Weiss, Leonard

Unexcused absence(s): Leonard

Also in attendance were the following:

Sharri Salyers, Ex-Officio and Recorder

ADJOURNMENT

APPROVED THIS _____ DAY OF _____, 2013.

_____ _____

Recorder, Chair,

DRAFT

SHEARWATER SYSTEMS LLC

AN OLD HARBOR COMPANY

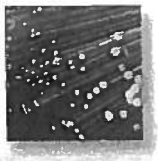
Strategic Solutions for Energy | Environment | Business

Dave Burns
President
Shearwater Systems, LLC
407. 302. 2645
cell: 407. 925. 6751
dburns@shearwaterllc.com

Hallie Bissett
VP, Business Development
Old Harbor Native Corporation
907. 257. 1855
cell: 907. 841. 7326
hbissett@oldharbor.org

Shearwater Systems is a subsidiary of Three Saints Bay, which is owned by the Old Harbor Native Corporation, an Alaska Native Corporation formed in the early 1970s through the Alaska Native Claims Settlement Act. Through our subsidiary companies, Shearwater is able to offer implementation, construction, and maintenance support in a wide variety of systems and solutions.

Alaska Native Family of Companies



OLD HARBOR NATIVE CORPORATION

THREE SAINTS BAY LLC

Amee Bay

Service Areas
- In-Service Engineering Support
- Manufacturing & Fabrication
- Design & Engineering Services

Customers
Naval Sea Systems Command
Naval Surface Warfare Centers
Private and Public Shipyards
U.S. Army Corps of Engineers
U.S. Coast Guard
U.S. Navy SWRMC

BARLING BAY LLC

Service Areas
- Systems Engineering
- Information Assurance (IA) & Security
- Research & Development
- Management & Administration

Customers
Bureau of Indian Affairs
Defense Information Systems Agency
Office of the Sec. of Defense
U.S. Air Force
U.S. DEA
U.S. DHS
U.S. DOC
U.S. Joint Forces Command
U.S. Navy

Kodiak Kenai Cable Company

Service Areas
- Undersea Fiberoptic Infrastructure
- Microwave Tower Infrastructure
- Redundant Communications
- Construction (General Contracting)

Customers
Alaska Aerospace Dev. Corporation (AADC)
AT&T
GCI
Kodiak Launch Complex
Kodiak Island and Kenai Peninsula
U.S. Coast Guard
U.S. Forest Service

ROLLING BAY LLC

Service Areas
- Program Management
- Administrative Services
- Document Management
- Information R&A
- Cyber Security

Customers
ATF
NNSA
U.S. Coast Guard
U.S. DEA
U.S. Department of the Interior
U.S. DOE Office of Science
U.S. Navy

SAGE

Service Areas
- Federal Consulting
- Systems Engineering & Technical Assistance
- Construction (General Contracting)

Customers
ATF
Missile Defense Agency
NASA
NNSA
U.S. Coast Guard
U.S. Department of the Interior
U.S. DOE
U.S. DOD
U.S. DOJ
U.S. Forest Service
U.S. Navy SPAWAR

SHEARWATER SYSTEMS LLC

Service Areas
- Consulting Services
- Environmental Services
- Civil Engineering AK, ID, ND, SD, TN
- Landscape Arch. KS, MN, OH, SD, TN
- Community Development

(focus on renewable energy and natural resource management)

Customers
ATF
Chenaga Government Consulting
City of Old Harbor, AK
James River Water Development District
Scientific Certification Systems
STAR Distributed Energy
The ENSER Corporation
The Nature Conservancy

Shearwater identifies and submits grant applications on behalf of our Alaska Native village corporation, Old Harbor Native Corporation, on Kodiak Island to support energy efficiency and self reliance.

2702 Denali St., Ste 100
Anchorage, AK 99503
907. 278. 6100
Fax: 907. 222. 2760

215B Main St.
Milford, OH 45150
513. 248. 9999
Fax: 513. 248. 9111

SHEARWATER SYSTEMS LLC
AN OLD HARBOR COMPANY

Strategic Solutions for Energy | Environment | Business

8(a) ANC-Owned Small Disadvantaged Business

Shearwater Systems is an emerging specialty consulting firm focused on providing innovative strategic planning, project development, environmental services and civil engineering support to commercial, government, and non-profit clients with a strong focus in the renewable energy sector.

Energy Development (biomass, waste-to-energy, solar, wind)

Consulting Services

- Strategic Planning (Business & Technical)
- Project Management
- Preliminary Project Valuation Models
- Risk Assessment / Mitigation Planning
- GIS
- Green and Brownfield Development Plans
- Sustainability Support

Environmental Services

- NEPA Environmental Assessments
- Wetlands Delineations & Watershed Analysis
- Biological Assessments
- Permitting, Sampling, and Analysis
- Phase I Site Assessments
- Watershed Analysis
- Environmental Compliance Monitoring
- Cultural Resources
- Avian Studies

Civil Engineering (AK, HI, ND, SD, TX)

- Site Civil and Infrastructure
- Construction Management
- SWPPP (Storm Water Pollution Prevention Plans)

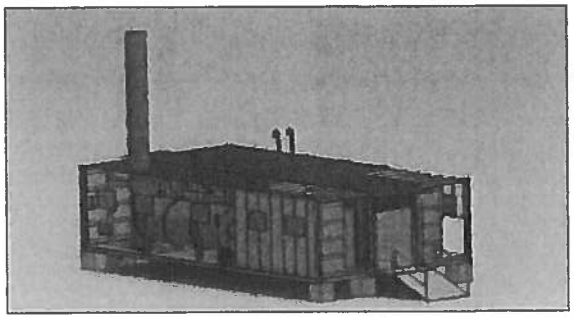
Landscape Architecture (KS, MN, OH, SD, TX)

- Natural and Environmental Systems Analysis
- Viewshed Analysis
- Master Plan and Site Plan Design
- Park and Trail Planning and Design
- Planting Design and Irrigation Design
- Site Amenity and Site Furnishings Design
- Site Visualization Graphics and Imagery
- Water Conservation and Sustainable Design

Our Mission

To develop high-quality, strategic solutions, focusing on the incorporation of sustainable development practices that support our clients' business objectives.

Engineering, Construction Management and Environmental support for two Airport Projects in Old Harbor, AK. The existing runway side cuts/hills into usable embankment material for future use. This will enhance safety. Project 2 will extend the existing runway from 2,750 feet to 4,500 feet.



Shearwater is working with Waste to Energy Canada (WTEC) to deploy environmentally safe, sustainable modular waste-to-energy solutions throughout Alaska including modular systems like the one shown here that are highly suitable for rural village applications.

WTEC

Batch Gasifier System

Introduction

WTEC

Batch Gasifier System

PROFILE

Services & Products: WTEC offers an integrated suite of products and services to meet clients "Clean and Smart" infrastructure needs. We focus on using waste to create energy and solving environmental issues. Waste to energy is a beautiful methodology: it uses a lot of what we don't want (waste) to produce a lot of what we do need (power) thereby by solving two core issues.

SERVICES

- Integrated Infrastructure planning using closed-loop approach for waste, renewable energy and water management;
- Sourcing, deployment, and long-term service and maintenance agreements;
- Project design and engineering

PRODUCTS

- Waste to Energy: BGS™, MGS™, and CGS™ gasification/oxidation systems
- Wastewater Treatment & Recycling
- Water Purification: NF/RO and Desalination
- Soil and Water Remediation

GOAL

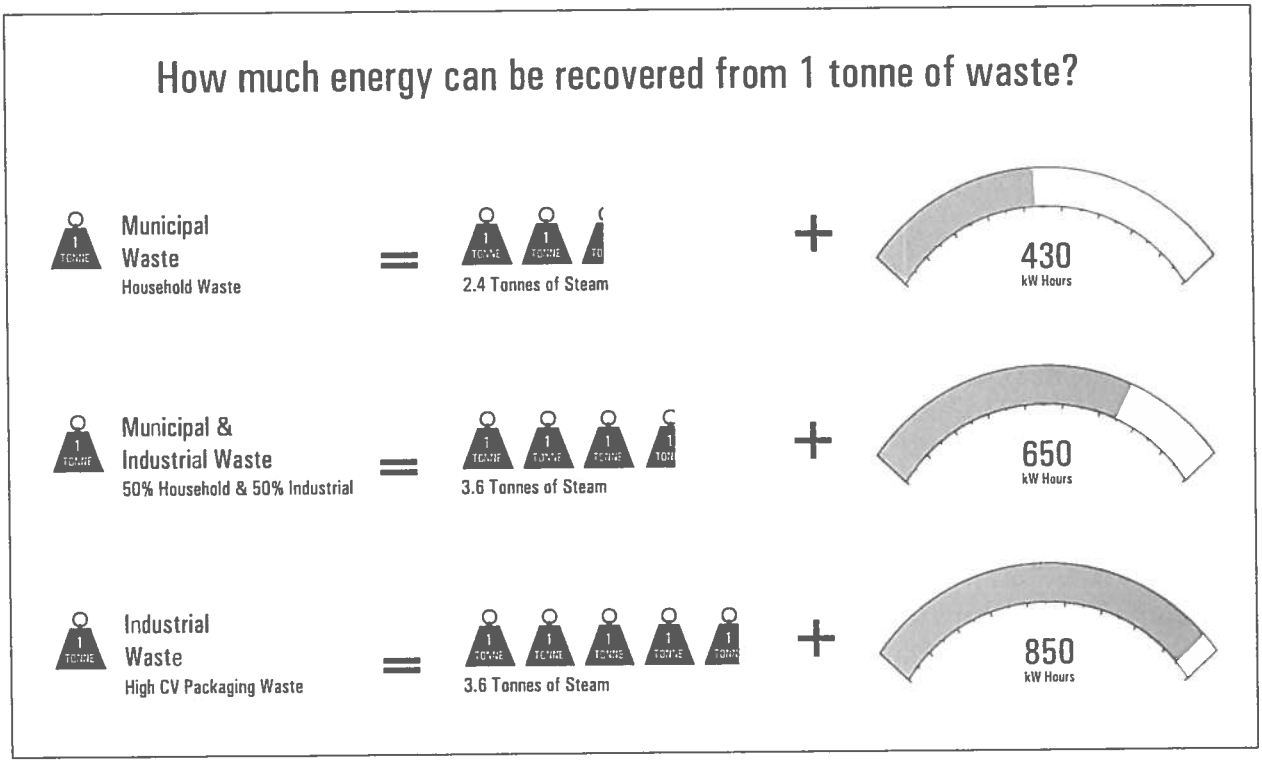
WTEC's primary mission is to cleanly convert waste into energy, thereby mitigating environmental landfill issues, reducing global Greenhouse Gas (GHG) emissions, and creating thermal energy and/or electricity from an otherwise wasted source. Due to widely distributed waste streams with relatively low energy values and high transportation costs, WTEC's business model focuses on decentralized, community or industry based facilities that are well suited to our scalable gasification/oxidation technology.

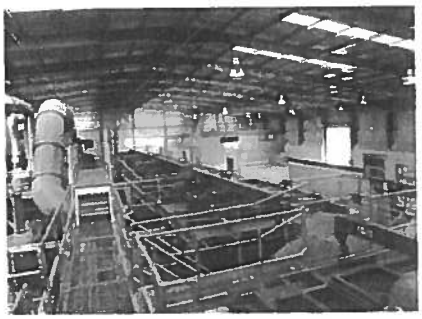
APPROACH

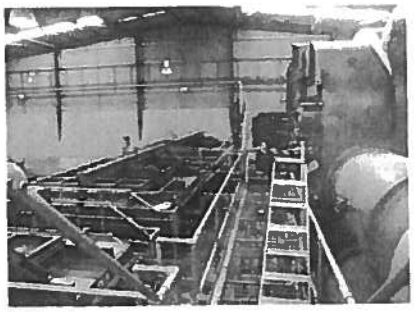
WTEC unwavering dedication is to providing engineering services and technology for clients to bring their projects to fruition. While the team considers waste to energy as the core business, many clients choose to benefit from WTEC's integrated closed-loop approach to lead the provision of infrastructure and operational services to meet their needs. By providing a single-point source, WTEC appeals to private and public clientele. Each project commences with Discovery, followed by Commitment, Front End Engineering Design and then the full deployment to operation cycle.

COMPETITIVE ADVANTAGE

Our primary focus is the waste to energy sector and the provision of integrated "clean & smart" waste, energy, and water infrastructure designed to meet each client's specific requirements.







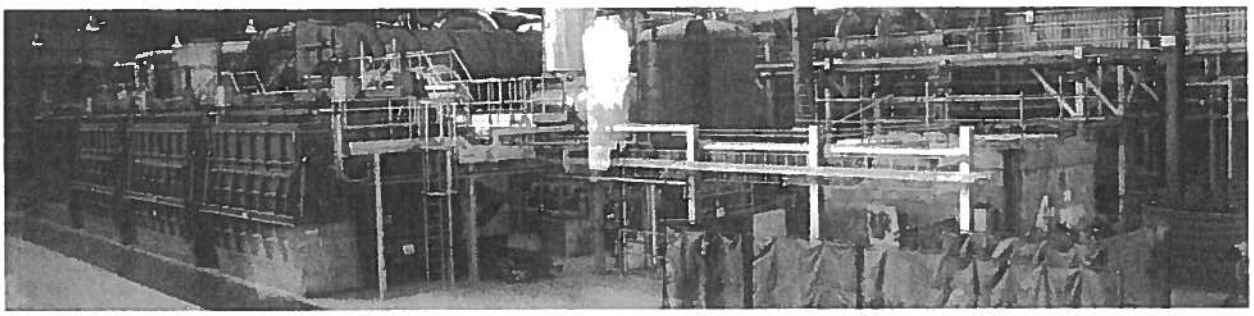
ENERGY RECOVERY

Few people realise the enormous amount of energy, locked into municipal or industrial waste. Using the hot, exhaust gases from the Secondary Chamber, this energy can be converted into valuable steam, hot water, hot air or electricity.

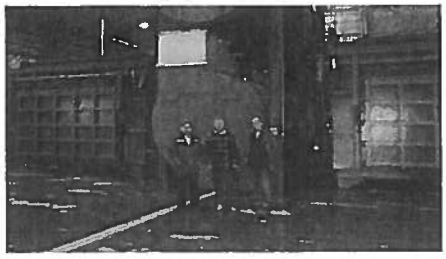
The BGS™ uses tried and tested technology to harness this energy. Super-efficient boilers and steam turbines convert the hot exhaust gases into electricity and this process also generates large quantities of hot water, ideal for space heating, drying or chilling i.e. air conditioning.

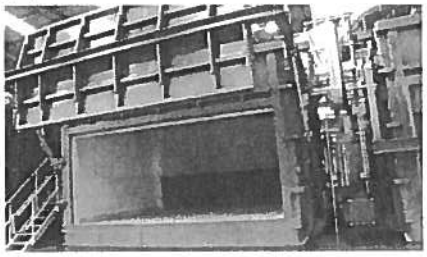
As with any energy recovery system, the recovered energy is related to the fuel processed by the system: wastes with high moisture content and low calorific value will produce far less energy than those low moisture content and higher calorific values.

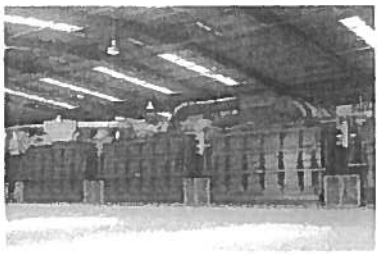
The chart (above) provides an indication of the amount of energy recoverable from one tonne of waste, although a full waste stream analysis must be undertaken to provide a complete waste characterisation in order to determine the true potential of the waste.



The BGS™ two-stage gasification / oxidation technology system is not incineration





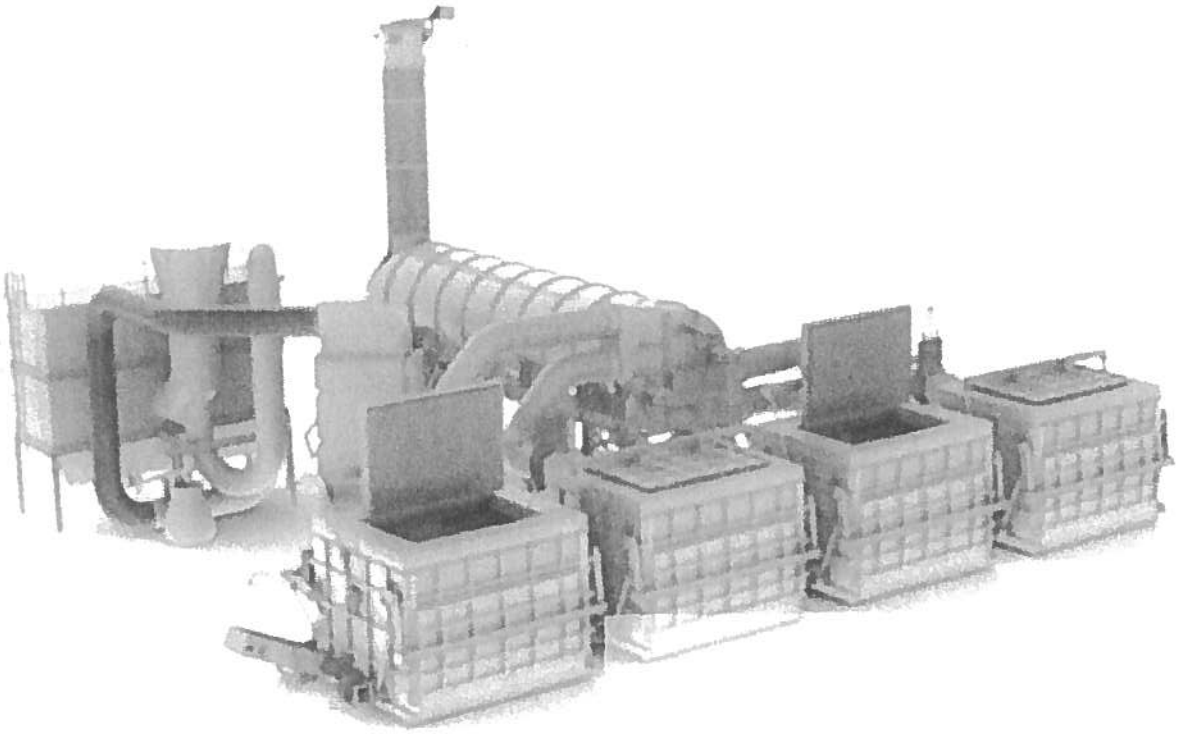


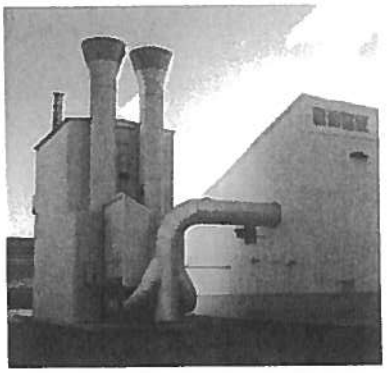
BATCH GASIFIER SYSTEM (BGS)

- Two stage thermal gasifier converts both solid & semi-liquid waste
- Waste is loaded using conventional equipment into Primary Gasification Chamber/s
- Reduces waste by +95% volume to inert ash & recyclable metals, glass
- Once loaded, operation is fully automated & self sustaining
- Only requires a small amount of propellant (propane) to initiate
- Sizing designs from <1 to >1500 mt/day
- Extremely low O&M
- Finest ROI available
- Scalable & modular
- Allows for flexibility in processing capacity, so you may scale up with cash flow & need
- BGS™ has small footprint for versatile site location - ideal for remote camps or larger metro & industrial applications and decentralization.
- All systems may be SCADA monitored by our engineers
- Low capital & operating costs
- Safe and proven
- Lower temperatures of gasification process mean air emissions exceed all stringent EU & US regulations without add-on emission control devices
- We are proud of the successful 19-year history with communities, locations, industry, government, First Nations or remote camps around the globe.

WHY GASIFICATION?

- ✓ Waste Gasification & Oxidation is preferred and proven methodology
- ✓ Proven & fully guaranteed technology
- ✓ Scalable & modular from <1-tonne to >1500 mt/day
- ✓ Thermal gasification and oxidation of waste stream, therefore not incineration
- ✓ Accepts all waste streams
- ✓ Robust efficiency
- ✓ Successfully deployed worldwide for 19 years



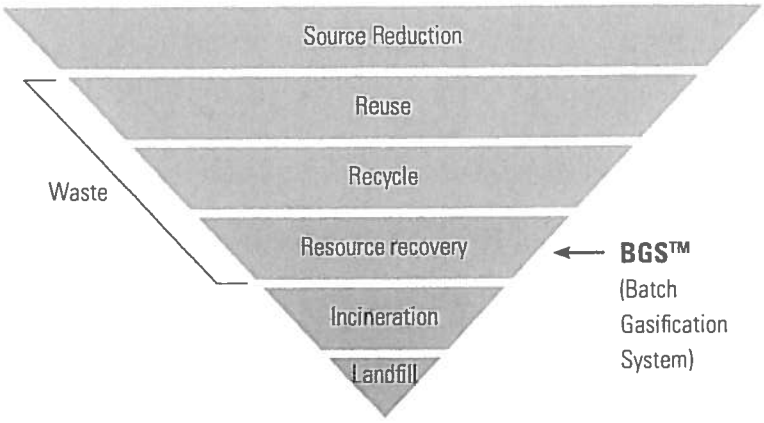


OVERVIEW

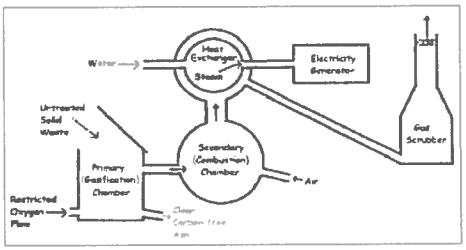
The BGS™ was designed as a low emission and low labour approach to small and medium-scale solid waste disposal. The BGS™ utilizes a gasification process that thermally converts waste products into a high value synthesis gas (syngas). This two-stage process provides the lowest possible emissions and is the most environmentally sound method for waste disposal. The unique modular BGS™ allows for flexibility of design, easy installation, and ease of operation. With capacities from 1 to 180 tonnes per day of waste processing, the BGS™ is ideal for small municipalities and private industries. By adding thermal recovery equipment, the hot effluent gas from the BGS™ can be used to produce steam, coolant and electricity.

KEY FEATURES

- No expensive preparation of the waste: it goes into the BGS™ just as it comes off the waste collection vehicle.
- Gasification reduces waste to an inert ash with a weight reduction of up to 95%
- Low temperature gasification in sealed units produces syngas economically and minimises fly ash and NOx.
- Wide range of waste materials acceptable including tires.
- High temperature secondary oxidation ensures clean emissions in compliance with statutory legislation.



CORPORATE SOCIAL RESPONSIBILITY TO SOLID WASTE MANAGEMENT



The UN internationally accepted Hierarchy of Waste Management, above, classifies gasification of waste as 'Resource Recovery' which is preferred over land-filling and incineration.

Our system - BGS™ (Batch Gasifier System), utilizes thermal gasification to destroy municipal, commercial, and industrial waste while reducing greenhouse gas emissions – to produce valuable energy.

Many remote communities, first nations, industrial sites, and camp locations strive to achieve a higher level of Corporate Social Responsibility (CSR) through mandated practices which are difficult to achieve, and be consistently incorporated in Best Management Practices BMP`s. In many cases CSR calls for compliance with ISO registration, which calls for the continuous reduction of their Carbon Footprint.

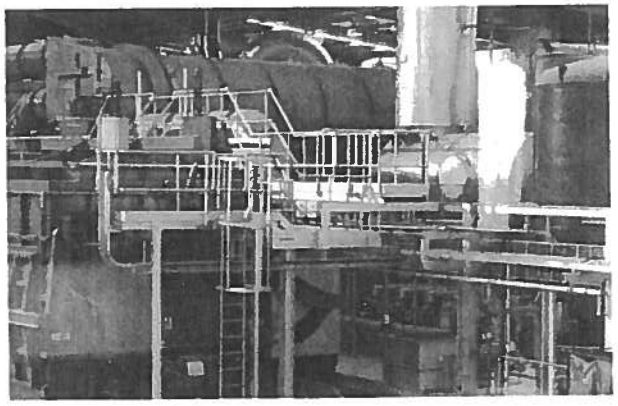
While attempting to adhere to CSR, BMP`s and ISO mandates managers and leadership struggle with the economics and environmental impacts of their day-to-day waste stream. This waste stream is represented through household waste (organics, plastics, metals, cellulose, etc), commercial (wood, metals, plastics, oils, etc) and Industrial (oils, sludge, etc), logging and mines. This is where BGS™ comes in as a proven solution for you.

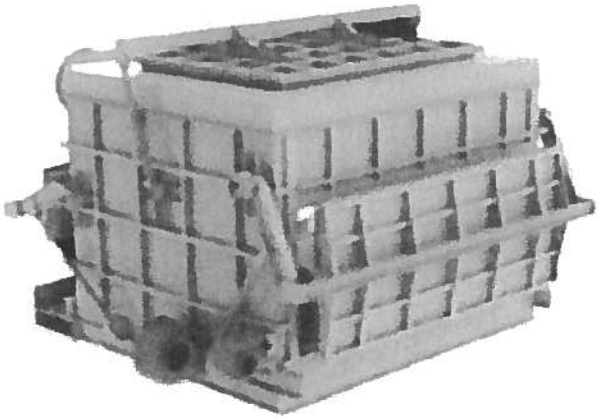
BGS BENEFITS

- ✓ Reduce Greenhouse Gas Emissions: For every one tonne of municipal waste sent to landfill, more than 20 tonnes of greenhouse gases are created. BGS™ eliminates this.
- ✓ Create Valuable Energy from Waste: Shortest ROI available, ask us how for heat, cooling & electricity.
- ✓ Prevent Leachate: Every tonne of waste gasified by BGS™ eliminates harmful landfill leachate from the environment
- ✓ Safe Disposal of Waste: Without presorting BGS safely treats municipal, medical, tires, hazardous, commercial & industrial waste streams including dried wastewater sludge, oils, unrecyclable plastics etc
- ✓ BGS is <u>not</u> Incineration: Incineration releases toxins & pollutants into the atmosphere. BGST™ prevents this & meets all emission standards. BGS™ is the UN acceptable method of destructing & converting waste.
- ✓ We export from Canada and fabricate locally: WTEC is Canadian owned & operated using guaranteed equipment built in Canada and/or fabricated close to deployment to reduce shipping costs. Ask us about

Energy recovery and reuse - Heat can be recovered in the boiler, Organic Rankine Cycle (ORC) engine, absorption chiller, or heat exchanger. Recovered energy can be used for industrial processes, heating and cooling, and generating electricity – providing excellent return on investment and long term viability.

Simple BGS™ process diagram – the system accepts most waste streams & produces valuable heat & / or coolant + optional electricity (seen as steam turbine here). The process is deemed Carbon neutral by the IPCCC with emissions scrubbing standards that exceed all EPA, EU and SEPA regulations.

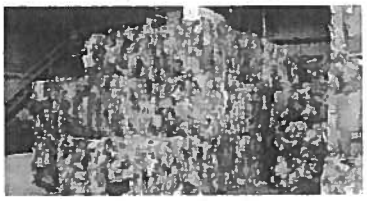




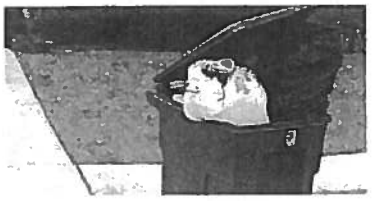
SEQUENTIAL BATCH PROCESS

While the BGS™ uses a "batch" process, rather than the continuous feeding of waste material, the system is able to generate consistent and reliable amounts of syngas and heat, enabling it to generate electrical power continuously, 24/7.
As illustrated above, each BGS™ module is capable of processing 60-tonnes of waste per day, and consists of 4 Primary Gasification Chambers (PGC's), each holding approximately 15 tonnes of waste. After being filled with waste, the chamber doors are sealed, and each chamber moves through its cycle of ignition, gasification, carbon reduction, and cool-down, completing this cycle in 24 hours.

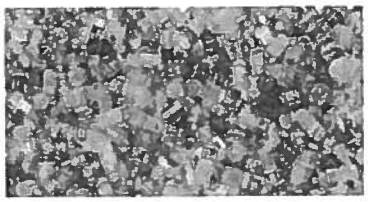
By staggering the ignition of each of the 4 PGC's, this ensures that the module is at all times producing a rich flow of syngas, which is combusted in order to generate steam and electricity continuously. Where greater throughput or energy recovery is required, we simply build and 'train-on' additional modules, each comprising of 4 PGC's. Each of these modules has its own Secondary Combustion Chamber (SCC), its own boiler and Flue Gas Treatment System, providing incredible flexibility in terms of both operation and maintenance.



Bailed waste

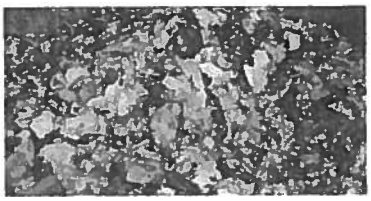


Municipal waste



Plastics & rubber

Clinical waste

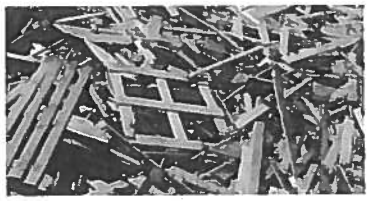


Industrial waste

Animal remains

Oil wastes

Chemical waste



Wood & paper wastes

ACCEPTED WASTE

No other system is as flexible as the BGS™. Most combustible wastes can be accommodated, and there is rarely any requirement to pre-process the waste.

The BGS™ has a beneficial track record with a wide range of non-hazardous and hazardous wastes, allowing the system to adapt easily to future changes in waste types and governing legislation.

HOW IT WORKS

1. Untreated waste is loaded into the Primary Gasification Chamber.
2. A controlled slow undisturbed gasification process is initiated at 450c, where the waste is converted into a synthetic gas (syngas).
3. The syngas is drawn off the primary chamber into the secondary oxidation chamber where the temperature is increased to 1200c (thermal cracking of dioxins and furans).
4. Waste is reduced to 95-97% of its original volume; the balance is a mix of inert ash and recyclable metal and glass.
5. BGS™ is self-sustaining requiring a tiny amount of propellant, typically for 7 to 9 minutes, no fuel is required.

BGS ACCEPTS MOST WASTE INCLUDING:

- Municipal Solid Waste
- Tires
- RDF or similar
- Fish/Animal
- Industrial/Commercial
- Bio-Solids
- Construction/Demolition
- Pallets
- Medical / Hospital
- Biomass
- Treated timber
- Railway ties
- Confidential Records Furniture
- Non-Recyclables
- Shingles
- Hazardous Materials Organics

For consideration when comparing other waste to energy technologies

Type of Waste Stream Treated
Municipal
Industrial & Commercial
Construction & Demolition
Medical & Pharmaceutical
Tires.
Fish & animal remains
Wastewater bio-solids
Biomass crops
Tree stumps / bio-mass
Liquid Waste - oils, solvents
Waste By-Products – residuals
Inert Ash
Recyclable Materials
Inert Ash, Glass, Metals
Eliminates Incineration
Reduces C02 Emissions
Stops Leachate
Proven worldwide

Energy Efficiency from System	
Operational Requirements	+/- 9%
Conversion to Energy (Heat)	95%
Conversion to Electricity	Option
Energy conversion (electricity option)	
Steam	80% Efficient to boiler
Heat / Coolant – Process, grid	Yes
Operational Manpower Requirements (based on 60MT/day)	Low 4 to 6 personnel
Scalable & Modular Design	Yes
Uses Best Available Technology	Yes
Machine maintenance costs	Low
SCADA – background security	Yes
Reduction of waste mass	97%
Eliminates the need for landfill,	Yes
Decentralized	Yes
Visual Impact	Very Low
Low Odour	Yes
Low Noise	Yes

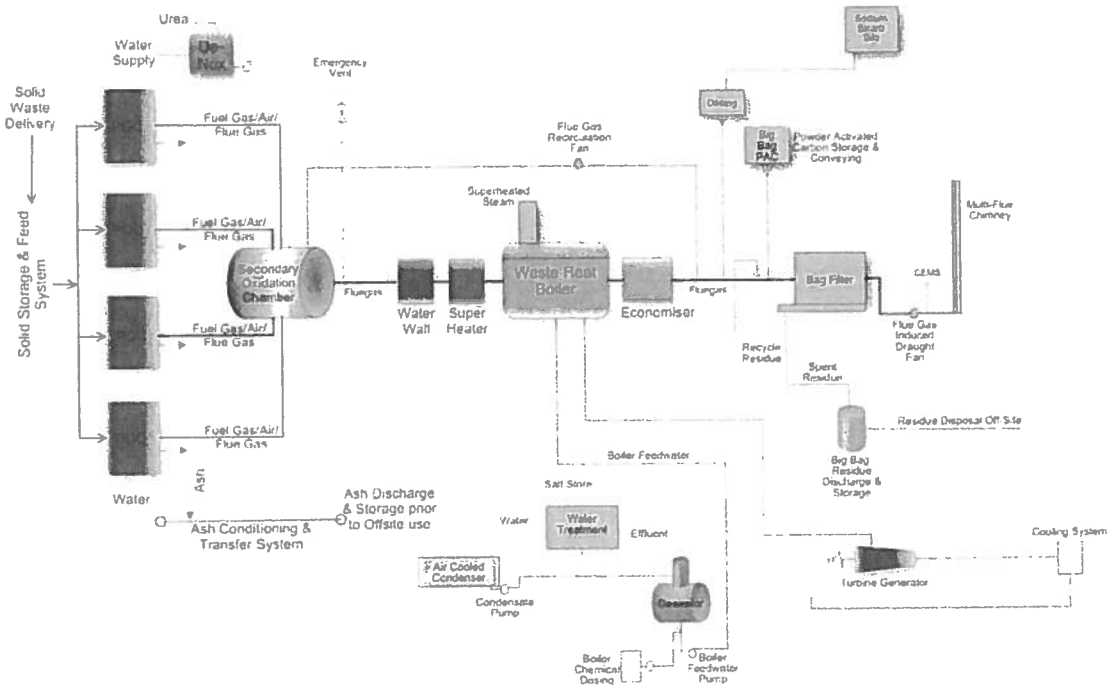
WTEC works with each client from conception, commissioning and long term operation

ADVANTAGES OF BGS™

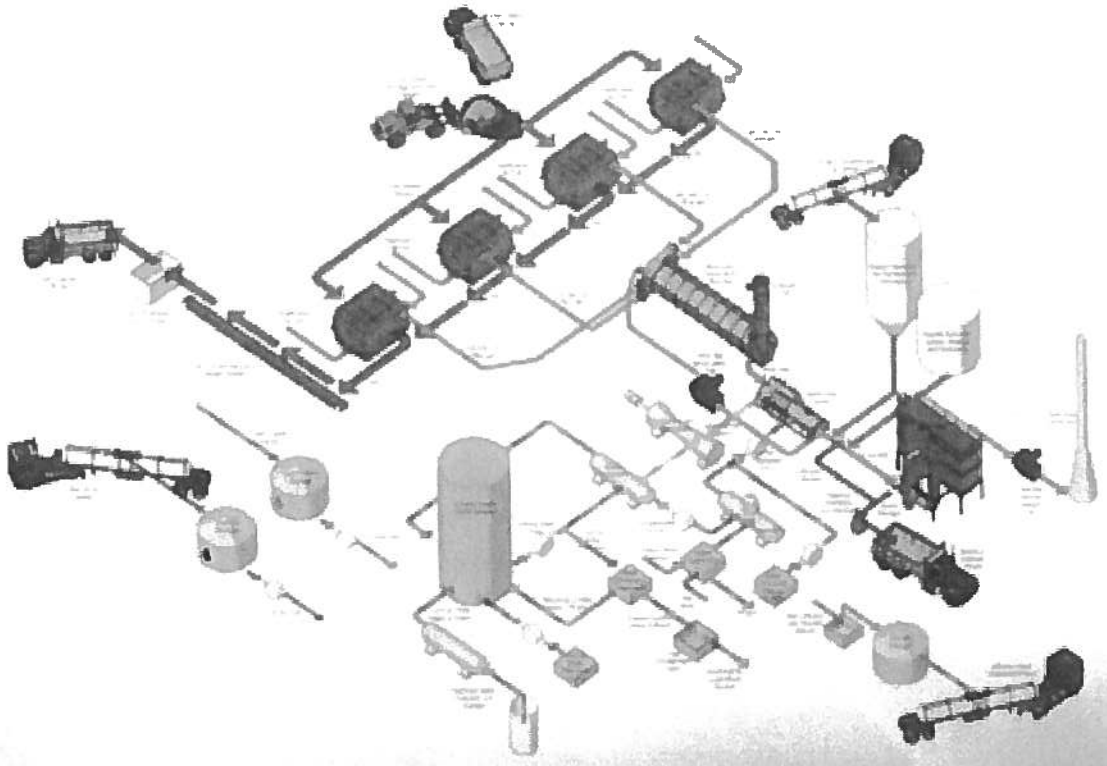
1. Proven technology with large-scale commercial plants built, permitted, & operating.
2. Technically & environmentally superior, cheaper, & politically more acceptable than mass burn incineration.
3. Self-sustaining, exothermic reaction does not burn wastes directly as with incineration but converts wastes first into hot, synthetic gas, which is then burned cleanly & efficiently.
4. Technically simpler than other advanced thermal treatment technologies.
5. Can process virtually all types of solid, semi-solid & liquid waste fuels including medical and other hazardous wastes.
6. No sorting or pre-processing of wastes required.
7. Loose, baled & densified wastes can all be loaded directly into the BGS™.
8. Processes wider range of wastes more efficiently with greater net energy recovery than other thermal or non-thermal conversion technologies.
9. Avoids costs & technical complexity of processing & storing syngas or Refuse Derived Fuel.
10. Simple, robust design with very few moving parts.
11. High facility availability factor.
12. Easy batch loading by boom loader or automatic conveyor—15 minutes to load 15 metric tons of waste and no more labor required for 23 hours.
13. Self-sustaining, exothermic reaction requires very little auxiliary fuel.
14. Thermal reaction turns waste into hot gases and clean, non-toxic, carbon-free ash.
15. High efficiency of energy conversion—approximately 95% to boiler or other heat recovery equipment.
16. Reduces waste volume up to 97%.
17. BGS™ achieves complete destruction in regulatory terms of medical & other types of hazardous waste.
18. Produces no slag or clinkers.
19. Bottom ash is sterile, non-toxic, & friable, contains virtually no carbon, and passes EPA's "Toxicity Characteristics Leaching Procedure" test.
20. Bottom ash need not be landfilled & can be sold as aggregate for concrete & asphalt road surfacing, pipe bedding or drainage fill.
21. Metal & glass can be recovered easily and safely from bottom ash for recycling.
22. Cuts landfill waste to zero or near zero.
23. Provides renewable energy for electricity, steam, heating, cooling & purifying water.
24. Lower air emissions than central power plants.
25. Cuts Greenhouse Gases by eliminating landfill gases; off setting power produced by burning fossil fuels; cutting waste transport to landfills or incinerators & increasing recycling of metals & glass.
26. Moderate temperature & slow, undisturbed gasification produces very low particulates, CO, heavy metals, NOx & other pollutants.
27. Syngas is combusted in Secondary Chamber at temperatures up to 1300° C with retention time ≥ 2 seconds.
28. Inherently low BGS™ emissions can be further reduced by advanced treatment of flue gases to pass all EPA tests and permit requirements in US & European Union.
29. Low air emissions allows low stack as required by local regulations.

30. WTEC's Best Available Technology includes: injection of sodium bicarbonate to neutralize acids; activated carbon to remove trace dioxins, furans & heavy metals; flue gas recirculation & selective non-catalytic reduction (SNCR) to control NOx & filter baghouse to collect scrubber consumables.
31. Process trains with modular & scalable components can provide optimum processing capacities of virtually any size.
32. Functionally independent process trains & their modular components reduce down time as maintenance & repair on one does not affect operation of others.
33. One or more functionally independent process trains can be paired with a functionally independent power train to provide full redundancy in power generation.
34. BGS™ modules are pre-fabricated & tested, which cuts costs, ensures quality, & speeds installation on site.
35. Modules can be added or taken off line as needed, which cuts risk of incorrectly forecasting waste generation volumes & recycling success.
36. Modular design cuts initial and life-cycle capital costs because plants can be built for near-term rather than long-term capacity needs.
37. Typically deployed from 0.5 mtpd to plus 500 mtpd (or 'trained' for larger capacity)
38. Low cost & modular design facilitates de-centralized waste processing and distributed power generation.
39. Heat can be recovered in boiler, Organic Rankine Cycle turbine generator, absorption chiller, or other exchanger.
40. Recovered energy can be used for industry, heating & cooling, electricity or mechanical power & desalination.
41. Low-profile plant exterior looks much like an ordinary warehouse for low visual impact.
42. Small site footprint.
43. Mobile BGS™ at 1.5 metric tonnes per day capacity are containerised for easy delivery & installation.
44. Automated process controls with manual override provide operator interface by touch-screen.
45. Digital control system can provide SCADA (Supervisory Control & Data Acquisition) data logging capability.
46. Digital control system can allow the WTEC team to provide real-time remote monitoring and technical support for local plant operators and management.
47. Long list of potential revenue streams: gate or "tipping" fees; electricity; process heat and/or steam to industry; low-pressure steam for district heating; chilled water or air for central cooling; desalinated water; bottom ash for concrete aggregate; scrap metal and glass recovered from bottom ash; carbon credits and renewable energy credits.
48. Qualifies for renewable energy grants, subsidies and tax credits.
49. Modular design and low capital and operating costs allow cost-effective waste processing and renewable energy generation even at small capacities.
50. Highly experienced international team for ongoing support, refinement and management.
51. De-centralized waste processing & distributed power generation cuts costs & environment effects of waste hauling or transfer stations and allows communities to take responsibility for their waste where it's generated for power where it is needed.
52. Via complimentary technology such as Materials Recycling, Anaerobic Digestion or Carbon Capture we can provide a full suite of solutions – we look forward to working with you.

TYPICAL 60MTPD BGS PROCESS FLOW



TYPICAL 60MTPD BGS LAYOUT



WTEC

Providing clean and smart technology for worldwide clients for over nineteen years

Waste to Energy Canada Inc. (WTEC) is a limited liability diversified waste-to-energy company headquartered in Vancouver, BC, Canada.

Waste-to-Energy Canada Inc
Clean & Smart solutions.
604.737.7377
info@wtecanada.com
wtecanada.com

WTEC

Case Study: Mobile Gasifier System into the High North

THE CHALLENGE

The Canadian arctic community of Old Crow is located in northern Yukon at the confluence of the Porcupine and Crow Rivers (approximately 800 km north of Whitehorse) by the Arctic National Wildlife Refuge - home range of the Porcupine Caribou herd and home to the Vuntut Gwitchin First Nation.

The only means of access is by air, with an occasional winter road. The daily temperature reaches above freezing for only 5 months of the year varying between -31.1 degrees and 25.0 degrees Celsius.

Old Crow required a waste destruction system in accordance with the Yukon Solid Waste Management Plan that prohibits burning and burying waste. Ensuring ecological integrity was a critical element as the community relies on the Porcupine Caribou herd for their livelihood - tourism and subsistence hunting.

A Working Group consisting of the community of Old Crow together with Yukon's Infrastructure Development Branch and Yukon Energy invested two years of rigorous due diligence before an RFP was developed attracting 12 proponents from North America and Europe.

WTEC was the successful proponent with the agreed plan of a modular Mobile Gasifier System to be transported via Hercules aircraft to Old Crow.

OUR TECHNOLOGY - YOUR SOLUTION

WTEC technology cleanly destroys waste with options for producing renewable energy.

The modular 1.5 tonne per day Mobile Gasifier Systems are ideally suited for remote locations, communities, camps, extraction industry sites, institutions, ports, airports, hospitals, military deployments, emergency relief and ships - in fact any situation where a mobile system would solve a waste problem.

At a medium scale - from 60 tonnes per day - the clean conversion of unprocessed or sorted waste for the production of renewable energy becomes cost effective - ask us for details.

Each fully enclosed WTEC systems use a long, slow, low temperature gasification process that uses the fuel value of the waste so that once the process has commenced it becomes a self-sustained conversion from solid waste to gas. A simple low temperature conversion is the preferred cleaner and energy efficient method. The gas is then completely oxidized in a second stage for 3 or 4 seconds at very high temperature providing thermal energy. This means few moving parts, and low operating costs. The small amount of inert bottom ash is clean and can be used for land remediation. Each system is modular and scalable.

WTEC technology has evolved from a widely deployed system with proven benefits.

CLEAN & SMART SOLUTIONS

Designed for communities, industries and organizations in Canada and overseas that require no landfilling or incineration, our Mobile Gasifier System is a technology and management solution that provides a clean, smart and affordable solution to deal with +/- 1.5 tonnes of waste per day.

Unlike other small-scale technologies our MGS systems use gasification/ oxidation and have evolved via a long track record, require little input energy, are simple, efficient, effective and self contained for rapid deployment.

Our MGS systems take any feedstock and cleanly convert it into inert bottom ash and enhance recycling where feasible.

Leasing options can lower capital requirements.

Our mobile systems mean reduced deployment bureaucracy for our clients.

The dual-module containerized design means ease of deployment in any location.

WTEC

Mobile Gasifier System

DEPLOYMENT

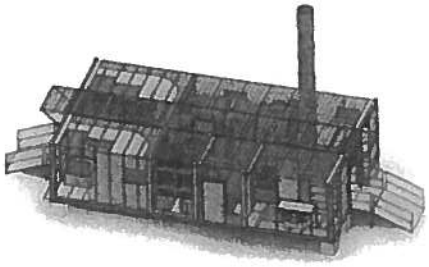
Each WTEC pre-configured and pre-tested MGS system is permanently housed in 2-customized 40' shipping containers, a Service Module and a Process Module.

The "plug-and-play" design allows the system to be setup and operational in hours with minimal assembly.

Once the Process Module and Recycling units in the Service Module are married to the common access-way and the stack assembly are complete, the MGS is ready for operation.

The MGS can include a fully containerized Emissions Control Systems module to meet any global air emission standard. Features such as loading devices, Continuous Emission Monitoring Systems (CEMS) and Supervisory Control And Data Acquisition system (SCADA) are options.

Each self-contained MGS allows for easy disassembly and transportation to another location.



▲
ABOVE: Service Module and a Process: Module For ease of deployment the two modules are joined to a common enclosed walkway accessed from all sections. All components and materials for assembly are shipped in the service module.

▼
BELOW: Mobile Gasifier System: Adaptable for varied climates and conditions and Canadian built to withstand the world's harshest environments.

HOW IT WORKS

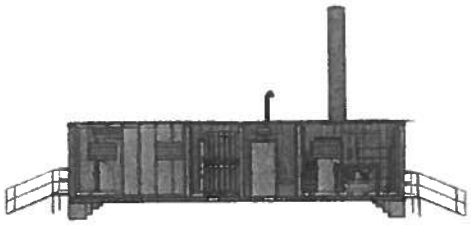
WTEC's 1.5 tonne per day gasification facility cleanly destroys waste and can provide a recycling centre – providing the convenience of a complete facility in a sturdy, compact and highly reliable format.

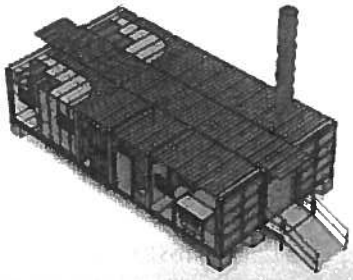
Robustly built for harsh environments and based within standard shipping containers the Mobile Gasifier System is air, truck, rail or sea transportable for rapid deployment worldwide.

Being safe and easy to operate the system can be monitored, controlled and serviced remotely.

The secure system is raised to avoid any ground or wildlife interference and is completely self-contained with its own generator.

Each MGS is equipped with a high pressure wash-down system that incorporates a drain system and return tank to avoid ground pollution.





WTEC
Waste to Energy Canada

Mobile Gasifier System

Dynamic/Flexible

- Handle all waste types cleanly – (*see separate item for accepted waste types*).
- Adaptable to all human-occupied altitudes, latitudes & climates.
- System is pre-configured to accept glass and metal crusher to enhance recycling where suitable.
- Unique and proprietary HVAC system accommodates all environmental conditions e.g. desert, jungle, polar, shipboard etc.
- All components are marine grade for durability, first in class from proven recognized industry leaders with warranties.
- Readily redeployed as required, ability to marry multiple units.
- For sale or lease.

Easy Operation

- Set up within one day, operational next day.
- Operator training included by WTEC (allow one week to adequately train operator).
- Mid-level operator skill level i.e. heavy equipment operator.
- One staff member required 1 hour per day.
- Easy loading of mixed waste – internal between modules for small/moderate sized waste.
- Systems pre-heat and check prior to operator arrival, monitored via phone or mobile device.
- SCADA remote monitored operation (Supervisory Control and Data Acquisition).
- Proprietary control software background monitored by WTEC technicians for troubleshooting, software upgrades etc.
- SCADA Satellite uplink option for remote locations.
- Enclosed wash down detention system (heated in freeze zones).
- Self-contained control/service module.
- Allows for recycling, transparency, can be overlaid with ISO 14001.

Design

- Widest most variable possible waste stream profile accepted i.e. any gasified waste that thermally destructs within 1200°C.
- Allows for special protocol loads e.g. medical.

- Mounted on location-specific blocks to avoid adverse effects on site.
- Adjustable jacking allows for leveling.
- Closed cell R8, polyurethane coated foam lining (food grade, non-porous) sheeted in 20 gauge closed seam sheet metal for durability and contamination avoidance.
- Proprietary technology and software
- Completely self-contained standalone concept including, environmental fuel containment systems, generator, 24volt system with 1-week battery backup, heat/moisture sensors in each zone, fire warning systems, auto shutdown, level warnings, spare FQD in control PLC, tools, workbench, lighting etc.
- Unique venting/heat management system for +45° to -40°C.
- System pre-heat and auto-shutdown.
- Extra hydraulic, air and power hook ups as required allows for future upgrades without extra install costs.
- One-year warranty, extended warranty available.
- Service support (24/7) including upgrades as required on demand.
- With average EU or North American MSW feedstock input, emissions will be within acceptable EPA, EU, and SEPA compliance.
- Optional Continuous Emissions Management Systems can be added for waste streams of higher contamination levels.

Dimensions/Capacities

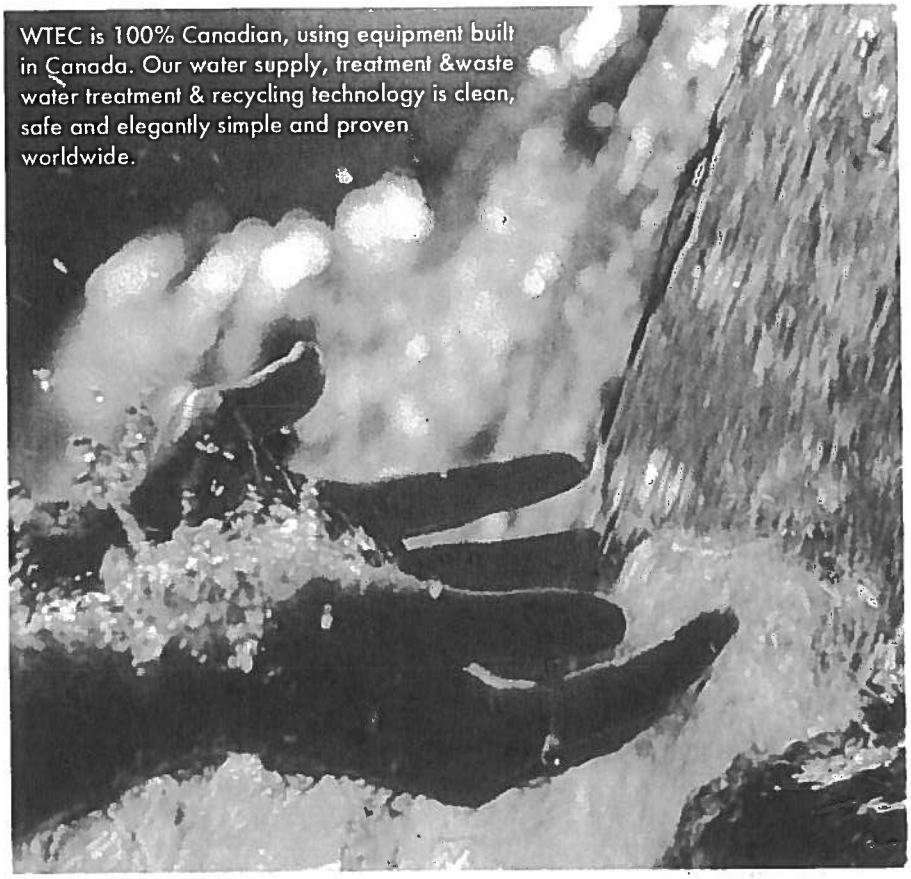
- Based on average N/American MSW input, 1.5mtpd MGS produces 0.6 MWt.
- 1.5mtpd (6m3 @ 95% full) Primary Gasification Chamber capacity.
- Gross Weight = Service Module 30T, Process Module 44T.
- Transport dimensions = Two x 12.2m long containers, 2.4m wide, 2.6m high.
- Primary aperture dimension = 3.3 x 1m.
- Enclosed 1.2m wide access walkway between modules.
- Small footprint 6 x 12.2m.
- Cool down period = 3 hours
- Stack height = 5.5m from grade, or to local code.
- External fuel (the match) is introduced for 3-7 minutes at start of process then shut-off, as balance of process is self-sustaining.
- Consumables = varies according to location, feedstock and other factors: Allow $45 per day for initial budgeting - discuss your needs with us.

WTEC
waste to energy canada

Deployment

- Road, Rail, Ship or Air transportable.
- Modular – MGS can be 'trained' together.
- Standard equipment, fixtures and systems for ease of replacement (rail on rail of Military field design) with spares in inventory.
- Sanitizing operation - waste receiving and holding areas are sealed and washed down via pressure hose using bio-degradable wash liquid or similar.
- Financing/leasing option - WTEC have favourable terms with a number of financial partners offering variable rates and terms to potential clients with suitable credit history, globally.
- Multiple applications e.g. mining or oil & gas sites, remote communities, military, industrial sites, ports, islands, resorts, medical facilities, prisons, remediation sites – discuss your need with us.

Water & Waste Water Treatment / Recycling & Reuse



Environmentally Safe, Clean & Efficient, Cost Effective, Proven & Accepted Technology

Bio-Brane + Bio-Wheel Waste Water Treatment

- High Process efficiency
- Combines the stability of fixed-film & compact activated sludge in a single treatment system
- Proven worldwide since 1990
- Simple control system
- Sturdy and simple construction
- Reliability of operations
- Compact footprint
- Scalable, modular to grow for changing needs or cash flow
- Operation is fully automated
- No annoying odours
- Extremely low noise levels
- Unobtrusive for good site aesthetics
- Low power consumption
- Reduced total community raw water use
- Low capital and operating costs allow for system to be decentralized
- Better system = better chance of federal or provincial funding

Our approach:

- √ Assess needs
- √ Use proven technology
- √ Incorporate waste water recycling
- √ Process design
- √ System engineering
- √ Commissioning
- √ Inspections & Compliance
- √ Management
- √ WtEC's service excellence

WTEC
waste to energy canada

H20 Innovations Bio-Brane & Bio-Wheel system advantages:

- ✓ High quality effluent that surpasses the most stringent regulations.
- ✓ Proven & durable with very low maintenance & operating costs.
- ✓ Low capital requirement (ask about lease or finance).

Bio-Brane & Bio-Wheel benefits

1. Best of both
Combines the stability of fixed-film and compact activated sludge in a single treatment system using proprietary & patented technology.

2. Mitigates leaching
Every gallon of waste water treated eliminates harmful leachate from entering the environment.

3. Award winning technology

4. Simple to install
Easy to manage & very cost effective to run using 20% less energy compared to other systems.

5. We export
Ask us about Export and Development Canada eligibility

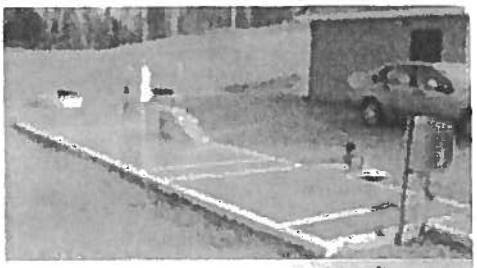
6. Scalable and Modular
Provides options from portable 'camp models' to complete municipal or regional applications.

Contact us at WTEC for clean and smart sustainable system sourcing, design, install and management.

Toll Free: 1 877 441 7377
www.wtecanada.com

WTEC
waste to energy canada

H20 installs and manages the Bio-Brane and Bio-Wheel system to have a very small footprint, extremely low noise and odour. SCADA background monitored and our service & support excellence.



Proven worldwide since 1990 the compact combined system ensures effective use of space, achieving 100% water reuse to EU, EPA and Canada standards. Matches criteria for LEED and Built Green.

"This wastewater treatment facility combines modern biotechnology, energy saving design concepts and practical engineering know-how into a high performance, high efficiency environmental protection." The American Council for Engineering Company (ACEC)

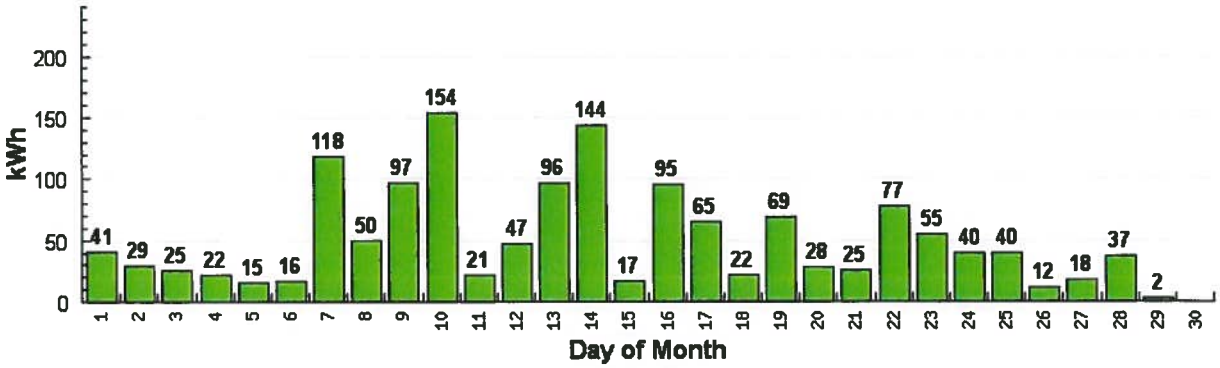
Geo-Cube treated wastewater & storm water detention for reuse:

- Flexibility in design & deployment, in line with Bio Brane & Bio-Wheel unaffected by frost
- Cost effective:
  - No cranes or concrete
  - 1/3 of the labour to install
  - No revetment required, just back fill over
- Less space required over traditional holding tanks
- Water is captured off roof spaces & impermeable surfaces (roads etc),
  - All debris & sediment is pre filtered before entering storage
  - All oils & contaminants are separated
- Excellent use of space rather than ponds = no bugs
- Service life is +90 years
- System design incorporates 100-year storm event
- Systems are easily designed in 3-ways:
  - Total retention, no water escapes
  - Retention with slow dispersal to ground
  - Total retention with slow release to watercourse
- Captured water held & used for: Green spaces or reused in lavatories.

We provide **financing** or **lease** options for water, waste and energy systems. We are proud of our long and successful history of working with many communities and corporations. Call us to discover more...

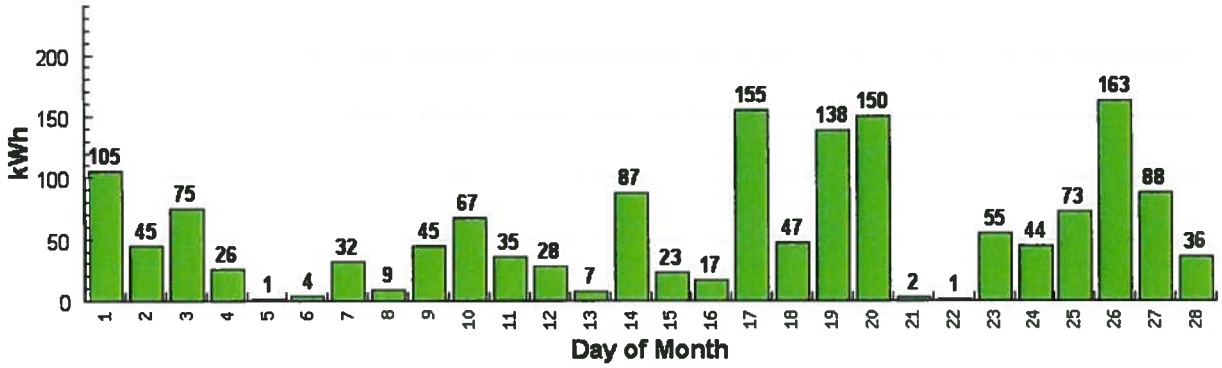
March 2013 Energy Produced

1,477 kWh total



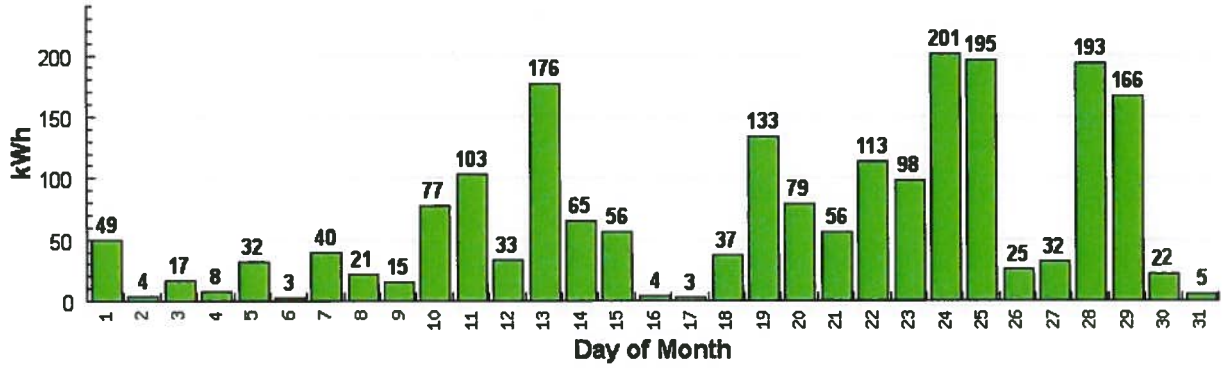
February 2013 Energy Produced

1,558 kWh total



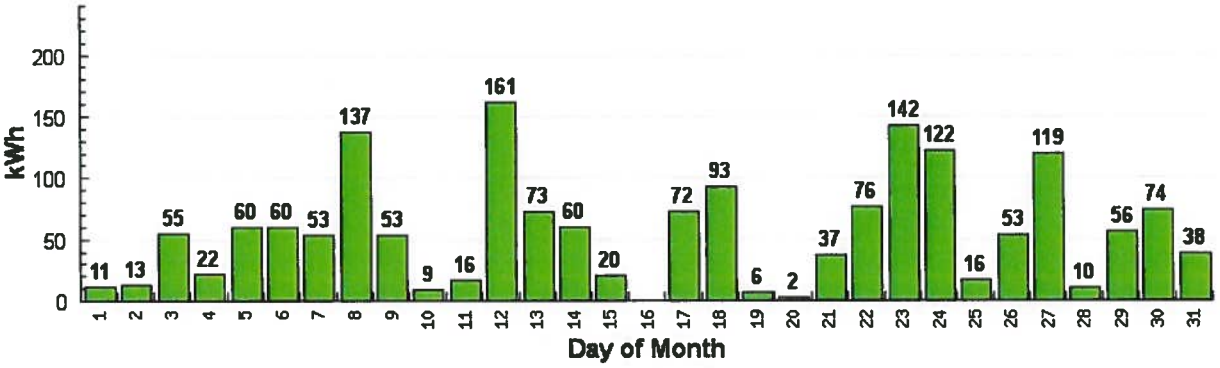
January 2013 Energy Produced

2,061 kWh total



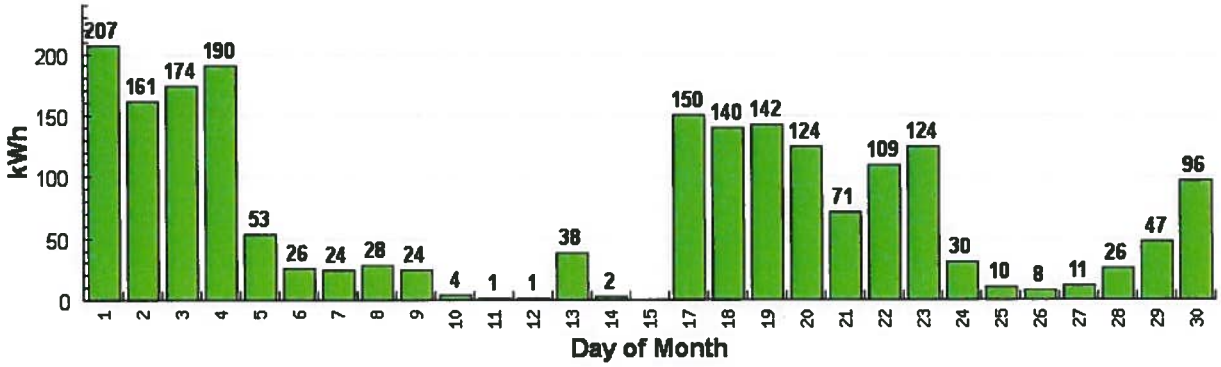
December 2012 Energy Produced

1,719 kWh total



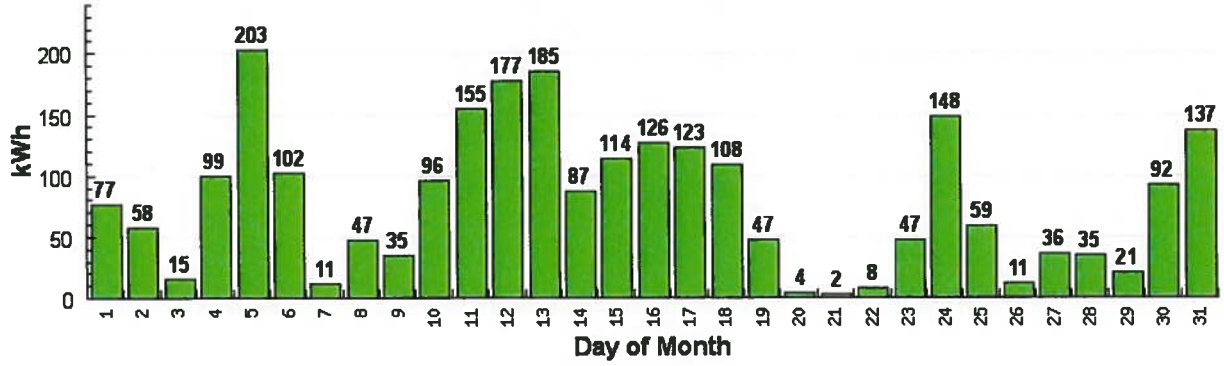
November 2012 Energy Produced

2,021 kWh total



October 2012 Energy Produced

2,465 kWh total



ERIC WHITNEY

ClimateWise®

Helping communities prepare for a changing climate.

Preparing Natural and Human Communities for Climate Change

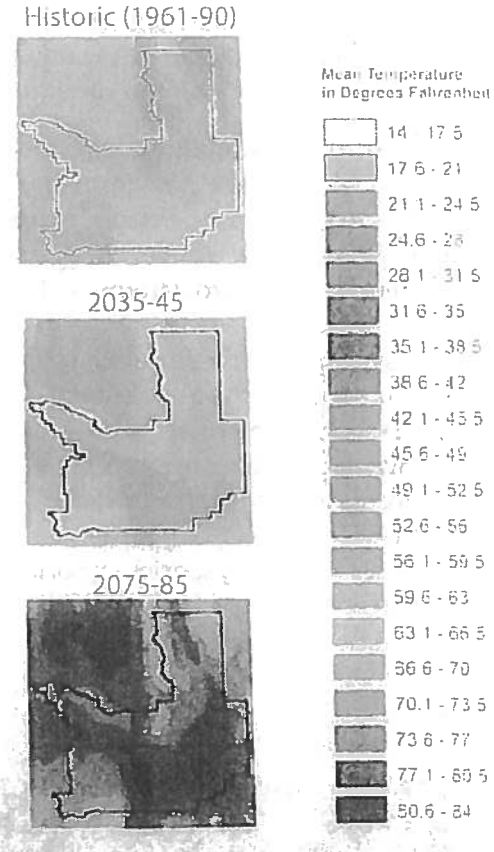
Photo courtesy of J. Zimmerlin

The Need for Climate Change Adaptation

Climate change is well underway. Global temperatures have increased 1.5° F. Sea level has risen 8 inches. Forest and rangeland fires have increased. Fish, wildlife, and plants are on the move. Climate change is expected to progress more quickly throughout the next century. Many changes will occur regardless of how well we curtail future greenhouse gas emissions, so we need to prepare for those impacts in order to protect people, our water and lands, and wildlife. Preparing for and responding to a changing climate is called climate change "adaptation." Unfortunately, we can no longer simply use past conditions to plan for the future.

About the Process

At the Geos Institute, we developed a process that walks a community, watershed, Tribe, county, federal planning unit, or region through understanding impacts and planning for climate change. An important component of the process is that it works across both socioeconomic and natural systems. The ClimateWise® process begins by compiling information about local impacts of climate change, based on output from climate models and studies of ecological effects. When available, we combine this information with Traditional Ecological Knowledge from tribal members.



Historic and projected future temperature across Missoula County based on the HadCM general climate model. We consult numerous models as part of the ClimateWise® process.

Individual steps in the process include:

1. Develop Strong Local Partnerships. Local leaders and experts are tasked with helping to guide the process and identify avenues for implementation. Partners with capacity, community standing, and political influence are ideal. A guiding committee with diverse representation is convened.

2. Identify Regional Impacts. We work closely with scientists and Tribal elders to collect information for a report that provides an overview of climate change projections specific to the resources and region of interest. In a series of meetings and workshops with local experts and leaders, we determine how these projections will translate to on-the-ground impacts.

3. Identify Vulnerabilities. Species and ecosystem vulnerabilities to climate change are identified by experts during a Natural Systems workshop. We also work with social scientists and community experts to determine the vulnerability of local scoioeconomic systems. The five main systems that we consider include infrastructure (buildings, roads, energy supply, etc.), social services (emergency response, health, disadvantaged populations, etc.), economics (business, agriculture, forestry, tourism, etc.), culture (ceremonies, language, etc.), and natural resources (including species important to subsistence and medicine).

Photo courtesy of NOAA

4. Develop and Prioritize Adaptation Strategies. In our Natural Systems workshop, we ask scientists and managers to develop a suite of strategies for maintaining species and ecosystems under a changing climate. These experts then present this information at a Socioeconomic workshop where local leaders and experts build

Typical participants in the ClimateWise process include:

- Natural resource scientists and managers
- Wildfire experts
- Water distribution and storage experts
- Tribal governments and leaders
- Renewable energy representatives
- City and county planners and engineers
- Emergency response officials
- Health care professionals
- Tourism industry representatives
- Farmers and ranchers
- Church leaders
- Minority and low income advocates
- Business leaders
- Elected officials
- Federal and state agencies such as USFS
- Local NGOs

cohesive strategies to reduce the vulnerability of the local community while supporting the natural systems they depend on for resources and quality-of-life.

5. Identify Opportunities for Collaboration. Together with our local partners, we put together a report that gives an over-view of the process and local climate projections. This report provides integrated strategies for preparing the community and its natural resources for climate change in a cohesive manner. Strategies are prioritized and steps for implementation are outlined. New potential partnerships and opportunities for working synergistically are emphasized.

6. Implement Adaptation Strategies. We start the conversation on implementation at the very beginning of the adaptation planning process. Having those individuals responsible for implementation participate in the workshop is especially important. Implementation can occur in a variety of different ways depending on specific strategies, political will, availability of new partnerships, and on-going efforts. "Mainstreaming" or moving adaptation strategies into ongoing planning and implementation efforts (Forest Plans, County zoning, etc.) is one promising avenue for implementation.

7. Monitoring and Evaluation. Effective strategies for preparing a community and the resources it relies on for climate change vary from region to region. Many strategies need to be tested on a small scale to determine efficacy before being carried out across larger landscapes. As climate change progresses, surprises are likely, and sudden changes in management approach will be needed.

Why it Works

ClimateWise is unique in its interdisciplinary approach to developing strategies that are integrated across the different sectors of the community. Such a unique approach is needed due to the severity and diversity of problems we face as the climate continues to change. Working across sectors now reduces future conflict over increasingly scarce resources. It also allows a community to maximize their return on investment by addressing common issues in a strategic and collaborative manner. Finally, it prevents actions in one sector from unintentionally exacerbating climate change impacts to other sectors.

ClimateWise in San Luis Obispo County, California

We carried out a ClimateWise process in San Luis Obispo County in 2010. Through our scientific assessment and local meetings and workshops, the following impacts to the region were identified:

- Longer, hotter summers
- Lower streamflow levels in late summer/fall
- Lower groundwater recharge
- Increased risk of flooding and dam failure
- Lower water quality
- Loss of native species, including pine forests
- Declines in forage for cattle
- Declines in wine grape production
- Erosion of beaches and bluffs
- Risk to coastal infrastructure, including a waste treatment plant and nuclear power plant
- Salt water intrusion into coastal wells

"The ClimateWise® process organized by the Geos Institute was marvelous in the way it brought together decision makers and citizens to share information about climate change. San Luis Obispo's decision process toward grass roots sustainability was made a whole lot easier by this. Two aspects really gave a jump start to helping city and regional planners: getting the Geos scientific expertise input early on; and getting the major stakeholders on board. The outcome of this process also helped fuel a successful grant for the city and region."

-Jan Marx, Mayor of San Luis Obispo

Some recommended strategies included:

- Prioritize water conservation, especially in agriculture by providing support for new equipment
- Monitor groundwater pumping to determine sustainable levels
- Encourage low impact development, natural filtration, and storm water catchments
- Identify populations at risk due to limited road access during emergencies
- Provide education and incentives for land management that reduces runoff and erosion
- Encourage rolling easements along the coast rather than coastal armoring (sea walls)
- Increase habitat buffers and connectivity for wildlife
- Increase maintenance of dams, culverts, and roads
- Provide support for agriculture to increase crop diversity and flexibility

GEOS INSTITUTE

For more information, please contact
Marni Koopman, Climate Change Scientist
541.482.4459; marni@geosinstitute.org

Introduced by: Council Member Sigmon
Introduction Date: March 12, 2013
Public Hearing: March 26, 2013
Action: Passed
Vote: 5-0

CITY OF BETHEL, ALASKA

Ordinance #13-04

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING THE BETHEL MUNICIPAL CODE TO REPEAL BMC 2.05 RESPONSIBILITIES OF CITY COUNCILMEMBERS, MUNICIPAL OFFICERS, APPOINTED OFFICIALS AND EMPLOYEES-CONFLICT OF INTEREST AND ENACT SECTION 2.05 CITY OFFICERS GENERALLY AND 2.06 BOARD OF ETHICS

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

SECTION 1. Classification. This ordinance is of permanent nature and shall be codified within the Bethel Municipal Code.

SECTION 2. Amendment. Amending Bethel Municipal Code by repealing BMC 2.05 Responsibilities of City Councilmembers, Municipal Officers, Appointed Officials and Employees -Conflicts of Interest and Enacting Bethel Municipal Code 2.05 City Officers Generally.

~~Chapter 2.05~~
~~RESPONSIBILITIES OF CITY COUNCILMEMBERS, MUNICIPAL OFFICERS, APPOINTED OFFICIALS AND EMPLOYEES – CONFLICTS OF INTEREST~~

~~Sections:~~
~~2.05.010 – Conduct in office – Investigations.~~
~~2.05.020 – Oath.~~
~~2.05.030 – Delivery of office.~~
~~2.05.040 – Reports.~~
~~2.05.050 – Resignation.~~
~~2.05.060 – Conflicts of interest.~~
~~2.05.070 – Representative of the city of Bethel.~~

~~2.05.010 Conduct in office – Investigations.~~

~~A. Definitions.~~

~~1. Municipal officers shall include the city manager, the city clerk and the city staff attorney of the city of Bethel.~~

~~2. City employees shall include all persons employed full-time or part-time, in a permanent or temporary capacity, in an active or inactive status by the city of Bethel.~~

~~3. Appointed officials shall include all committee and commission members.~~

~~B. The city manager shall have the power to inquire into the conduct of any office, department, officer, or employee of the municipality and to make investigations into municipal affairs and require that books, papers, and other evidence be made available for inspection. Failure to obey such orders to provide books or other documents or evidence may constitute grounds for the immediate discharge or suspension of any employee in accordance with the municipality's personnel policies, applicable law, or codes of conduct. The city council, by a majority vote, shall have the power to inquire into the conduct of any municipal officer, city councilmember, or appointed official about matters pertaining or possibly pertaining to administration of their duties which affect the operation of the affairs of the municipality.~~

~~2.05.020 Oath.~~

~~All employees of the municipality shall, before entering upon the duties of their office, individually take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his or her office and trust. This oath shall be filed in their personnel file.~~

~~2.05.030 Delivery of office.~~

~~Whenever an officer, appointed official, or employee leaves office or employment for any reason, he or she shall promptly deliver to his or her successor in office or to the mayor, manager, or other municipal official all municipal property, including books, working papers, records, money, equipment, and effects, that are in his or her custody, possession, or control.~~

~~2.05.040 Reports.~~

~~Every department head shall make a monthly report to the city council of the activities of the department for the preceding month and present a calendar of activities for the upcoming month. Subject to approval of the city manager, the department head may appoint someone familiar with the activities of the department to prepare and make the monthly report. Such monthly report shall include a report on the department's finances.~~

~~2.05.050 Resignation.~~

~~Resignations of municipal officers and appointed officials shall be made in writing and filed with the clerk. The clerk shall immediately notify the mayor or manager and city council. Appointed employees shall follow the resignation procedures in the city's personnel policies.~~

~~2.05.060 Conflicts of interest.~~

~~A. Prohibitions.~~

~~1. No elected official, appointed municipal officer, committee or commission member or municipal employee shall use his or her office or official position for the primary purpose of obtaining financial gain for themselves or their spouse, child, parent or business with which he or she is associated or owns stock. This provision does not apply to financial gain from salary under the terms of employment.~~

~~2. No elected official (except in the case of a member of the city council where the presiding officer or city council rule otherwise as provided in subsection D of this section), appointed municipal officer, appointed official or municipal employee shall participate in any official action in which he or she has a substantial financial interest. Prohibited participation includes voting as a member of the city council, taking part in debate, soliciting the vote of a member of the city council, or encouraging any municipal official or officer to act in a certain way.~~

~~3. No elected official, appointed municipal officer, appointed official or municipal employee may accept from any other elected official, appointed municipal officer, appointed official or municipal employee or any other person, money, gifts valued at more than ten dollars ($10), promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not prohibit any person from accepting an award or bonus authorized by the city council to be given for meritorious service.~~

~~4. No elected official, appointed municipal officer, appointed official or municipal employee, and no other person shall give or offer to give money, gifts valued at more than ten dollars ($10), promises of future benefits, or any other thing of value to any elected official, appointed municipal officer, appointed official, or municipal employee for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not prohibit any~~

~~person from voting for or participating in granting an award or bonus authorized by the city council to be given for meritorious service.~~

~~B. Financial Interests Which May Be Conflicts of Interest. The following is a list of examples of financial interests substantial enough that any member of the city council, appointed officer, appointed official or municipal employee who falls under any of the categories listed below should not vote or act on. The categories below are not meant to be a complete listing of all possible conflicts of interest. Any instances not covered below should come before the city council for a vote as the individual matters arise. A member of the city council, appointed officer, appointed official or municipal employee should abstain from voting or refrain from acting if:~~

~~1. He or she (or a member of his or her immediate family) individually, jointly, or in partnership with another has an interest in land or buildings, other than his or her residence, which will be affected by the vote or action.~~

~~2. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of one thousand dollars ($1,000) or more in value that will be affected by the vote or action.~~

~~3. He or she (or a member of his or her immediate family) is individually, jointly, or in partnership with another the owner of a business, or has an interest in a business of one thousand dollars ($1,000) or more that will be affected by the vote or action.~~

~~4. He or she (or a member of his or her immediate family) is a member of a board of directors or city council or an officer of, or holds a management position with, an organization that has financial dealings of one thousand dollars ($1,000) or more in value with the municipality that will be affected by his or her vote or action.~~

~~5. He or she is an employee of an organization that has financial dealings of one thousand dollars ($1,000) or more in value with the municipality that will be affected by his or her vote or action.~~

~~C. Conflicts of Interest and Disclosure—City Councilmembers.~~

~~1. Each member of the city council shall disclose any financial interest he or she may have in any matter that comes before the city council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.~~

~~2. The mayor shall rule on the request of a member of the city council to be excused from voting on a matter in which the member has or believes he or she has a~~

~~substantial financial interest, unless the mayor is the member making the request or has the same or a similar or related financial interest in the same matter, in which case the city council shall designate another councilmember who has no financial interest in the matter to rule on the request.~~

~~3. The decision of the mayor (or designated member of the city council) on the member's request to be excused from voting may be overridden by a majority vote of the city council. Neither the councilmember making the request nor any other councilmember, who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.~~

~~4. If any resident of the municipality believes that a member of the city council may have an undisclosed conflict of interest, the resident may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the mayor, any other member of the city council chosen by the resident requesting the meeting) and the councilmember who may have a conflict of interest. If, as a result of the confidential meeting, the member of the city council with the potential conflict or the mayor decides that the financial interest must be disclosed to the city council, the member of the city council shall disclose the interest to the city council as provided in subsection (C)(1) of this section.~~

~~5. A member of the city council who has a substantial financial interest in a matter before the city council, and who has been excused from voting on that matter, may not participate as a councilmember in the debate on the matter. If the matter is discussed by the city council in executive session, the member shall be excluded during the executive session.~~

~~6. If a conflict of interest is discovered after an official action has been undertaken or completed, the city council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action or to take any other remedial steps necessary.~~

~~D. Conflicts of Interest and Disclosure – Municipal Officers, Appointed Officials, and Employees.~~

~~1. Each municipal officer, appointed official and employee shall disclose any financial interest he or she may have in any matter that has come before the municipal officer, appointed official or employee for action in the course of his or her duties. If either the municipal officer, appointed official or employee making the disclosure, the mayor (or, in the case of city employees, the city manager) concludes that the financial interest in~~

~~question is substantial, then the municipal officer, appointed official or employee shall not act or participate in taking action on the matter.~~

~~2. Any resident of the municipality who thinks that a municipal officer, appointed official or employee may have an undisclosed conflict of interest may request a confidential meeting with the city manager (in the case of a city employee) or the mayor (in the case of a city municipal officer or appointed official) and the municipal officer, appointed official or employee who may have a conflict of interest. If, as a result of the confidential meeting, the municipal officer, appointed official or employee with the potential conflict concludes that he or she should refrain from acting on the matter, or the city manager (or the mayor) directs the municipal officer, appointed official or employee to refrain from acting on the matter, all proceedings of the meeting with the resident and the city manager (or mayor) will remain confidential. If neither the municipal officer, appointed official or employee nor the city manager (or mayor) decides that the municipal officer, appointed official or employee must refrain from acting, the resident may request the city council to consider the matter at its next regular meeting.~~

~~E. Violations.~~

~~1. Any member of the city council who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be censured by the city council. 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.~~

~~2. Any municipal officer who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be terminated from employment by a two thirds (2/3) vote of the city council in accordance with the municipal officer's contract with the city of Bethel. The municipal officer has the right to address the city council before any vote on the matter.~~

~~3. Any appointed official who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be suspended or permanently removed from the committee or commission. Such removal or suspension shall be made upon a two thirds (2/3) majority vote of the city council. Any suspension shall be for a period of up to ninety (90) days. The appointed official has the right to address the city council before any vote on the matter.~~

~~4. Any employee who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be terminated from employment by the city manager in accordance with the municipality's personnel policies and applicable law.~~

~~The employee has the right to address the city manager before any decision on the matter.~~

~~2.05.070 Representative of the city of Bethel.~~

~~City councilmembers, municipal officers, and appointed officials of the city of Bethel shall support the direction of the city council when representing the city of Bethel or acting on behalf of the city. All such individuals shall clearly make known any personal communication or action which contradicts city council direction as representing their own personal views and/or ideas.~~

Chapter 2.05
City Officers Generally

2.05.010 Definitions

As used in this chapter, the following definitions shall apply:

A. "Appointed Body" means any municipal commission, board, or committee created by ordinance or resolution with members of the public appointed subject to the confirmation by the City council.
B. "Appointed Official" means a board or commission member appointed by the mayor subject to confirmation by the City Council.
C. "City Official" means a person who holds elective office under the ordinances of the City, or who is a member of a board or commission whose appointment is subject to confirmation by the City Council.
D. "Elected Official" means a person holding an elective office subject to municipal elections under the code.
E. "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:
        a. Has an ownership interest in the organization or
        b. Is a director, officer or employee of the organization.
    3. Whether a financial interest is substantial is determined on a case-by-case basis.
F. "Hired consultant and contractors" means a person or organization hired by the city as an independent contractor and not as an employee.
G. "Immediate family member" means
    1. The spouse of the person;

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. "Municipal employee" means any person employed by the city, whether full time or part time, temporary or permanent, but excluding elected officials and appointed officials.

I. "Municipal officer" includes the city manager, city attorney and city clerk.

J. "Source of income" means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them hold a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them hold a controlling interest.

2.05.020 Oath.

All municipal officers and city officials shall, before entering upon the duties of their office, individually take an oath, in writing, to honestly, faithfully, and impartially perform and discharge the duties of his or her office and trust. This oath shall be filed in their personnel file.

2.05.030 Resignation.

Resignations of municipal officers and city officials shall be made in writing and filed with the clerk. The clerk shall immediately notify the mayor or manager and city council. Municipal employees shall follow the resignation procedures in the city's personnel policies.

2.05.040 Conflicts of interest and Code of Ethics- Generally

A. A person subject to the requirements of this chapter may not:

1. Use their official position or office for the primary purpose of obtaining personal financial gain or financial gain for an immediate family member or

business with which the person is associated or in which the person owns stock. This provision does not apply to financial gain from salary under the terms of employment.

2. No city official, shall use the implied authority of office or position for the purposes of unduly influencing the decision of others, or promoting a personal interest within the community. City officials will refrain from using their title except when duly representing the city in an authorized capacity. Unless duly appointed by the council to represent the interest of the full council, councilmembers shall refrain from implying their representation of the whole by the use of their title.

3. Solicit or receive money for advice or assistance given in the course of the officer's or employee's employment or relating to that employment.

4. Represent a client before the city council for a fee, except employee members of the unions pursuant to labor agreements.

5. Solicit or accept a gift if it can be reasonably inferred that the gift is intended to influence the elected official's independence of judgment in the exercise of official duties.

a. An item is a "gift" under this subjection if it is:
    i. Money, an item of value, service, loan, travel or hospitality accommodation, entertainment, or employment; and
    ii. Provided to an elected official, or to another person or entity designated by the elected official, for less than full value.
b. Unless rebutted by other factors, food or beverage for immediate consumption is presumed not to be given under circumstances in which it could be reasonably inferred that they are intended to include the elected official's independence of judgment in the exercise of official duties.
c. The following unsolicited gifts are allowed, provided that if disclosure is required, the gift disclosure form is timely filed with the municipal clerk within 30 days of the receipt of the gift:
    i. Payment for a business meal offered as a courtesy in the context of municipal duties, provided that such meals shall not be accepted on a basis so frequent from any one source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. No disclosure is required.
    ii. A discount or price available to public sector officials generally, or to a large business category of public officials to which the elected officials belongs. No disclosure is required.

iii. A monetary gift or award presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or non-profit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift or award in excess of $150.00.

iv. A perishable gift for immediate consumption or display, from member(s) of the public expressing general gratitude or holiday cheer. No disclosure is required.

v. In-state travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any municipal expense for the travel. No disclosure is required. Out of state gifts of travel and hospitality related to providing or obtaining information primarily of matters related to the duties of the elected official are allowed. Gifts in this category in excess of $250.00 shall be disclosed to the council prior to acceptance.

d. Gifts that are not connected with the recipient's status as an elected official are outside the scope of this chapter and no disclosure is required.

6. No city official may vote on any question in which the member has a direct or indirect substantial financial interest. Direct or indirect financial interest shall be disclosed to the presiding officer prior to the discussion on the question, for a ruling on a request from the member with the financial interest to be excused from discussion vote. The decision of the presiding officer on a request by a member of the governing body or an appointed body to be excused from a vote may be overridden by the majority vote of the body. If there are not at least four members in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four members qualified to vote on the matter are in attendance.

7. No city official, municipal officer, appointed official or municipal employee shall participate in any official action in which he or she has a substantial financial interest. Prohibited participation includes voting as a member of the city council, taking part in debate, soliciting the vote of a member of the city council, or encouraging any municipal official or officer to act in a certain way.

8. No city official municipal officer or municipal employee may disclose information he or she knows to be confidential concerning employees of the city, city property, city government, or other city affairs, including but not limited to confidential information disclosed during an executive session, unless authorized or required by law to do so.

B. Nothing in this section is intended to limit the scope of additional restrictions, prohibitions and disclosure requirements applicable to municipal employees, appointees and elected officials under this chapter.

2.05.050 Improper influence in grants, contracts, or leases.

A. A municipal officer or municipal employee, or immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a substantial personal or substantial financial interest in a city grant, contract, or lease if the municipal officer or public employee may take or withhold official action that affects the award, execution, or administration of the city grant, contract, or lease;
B. The prohibition in A. of this section does not apply to a city grant, contract, or lease competitively solicited unless the employee;
    1. is employed by the department or division awarding the grant, contract, or lease, or is employed by the department or division for which the grant, contract, or lease is let;
    2. takes official action with respect to the award, execution, or administration of the grant, contract, or lease.
C. A municipal employee shall report in writing to his/her supervisor any personal or financial interest held by the employee, or an immediate family member, in a city grant, contract, or lease that is awarded, executed, or administered by the department or division served by the employee.
D. The city council may provide a waiver from this section as provided in BMC 4.20.240.

2.05.060 Representative of the city of Bethel.

City Officials, municipal officers, and municipal employees of the city of Bethel shall support the direction of the city council when representing the city of Bethel or acting on behalf of the city. All such individuals shall clearly make known any personal communication or action which contradicts city council direction as representing their own personal views and/or ideas.

2.05.070 Outside employment restricted.

Municipal employees shall not engage in any employment or self-employment which is incompatible with or in conflict with his/her public employment. A public employee who wishes to engage in other employment or self-employment shall request prior approval from the city manager. If the manager determines that the employment is not incompatible and is not in conflict with the proper discharge of official duties, the manager may give written approval. Any change in an employee's approved outside

service or employment activities must be reported to the city manager. If the employee is the city manager, city attorney, or city clerk, the employee shall request approval from the city council, which will have the responsibility for determining compatibility, and, upon a determination that the services or employment are not incompatible or in conflict with official duties, may approve the services or employment in writing.

2.05.080 Report of financial and business interests.

A. A candidate for elective municipal office shall file a statement under oath with the city clerk, at the time of filing a nominating petition and declaration of candidacy, specifying the candidate's business interests and income sources, and shall file a similar statement of income sources and business interests with the City Clerk not later than April 15 of each year that they hold office.

B. The city manager and any appointed councilmember and planning commissioner shall file a statement under oath with the city clerk, within 30 days after appointment to office, specifying sources of business interests and income.

2.05.090 Contents of statement.

A. The statement filed by the city manager, elected official, planning commissioner or candidate under this chapter shall be an accurate representation of the financial affairs of the business interests and sources of income for the officer or the officer's immediate family, to the extent those sources of income or business interests are ascertainable by the officer or candidate.

B. The statement filed shall include the following information relating to the filer's immediate family <u>living in the household</u> <u>excluding filer's dependent children</u>:

1. The source of all income of $5,000 during the preceding calendar year, including taxable capital gains, except that a source of income that is a gift must be included if the value of the gift exceeds $250;

2. The name and address of each business entity owned or in which an interest was held during the preceding calendar year, including a statement of the nature of the interest owned or held, except that an interest held in a retirement account or an interest of less than $5,000 in the stock of a publicly traded corporation need not be included;

3. The name and address of each business in which the filer is an officer, director, manager, or employee during the preceding calendar year;

4. The identity and nature of each interest in real property located within the City limits, including an option to buy, owned at any time during the preceding calendar year;

5. A list of all contracts, bids, or offers to contract with the city during the preceding year, including those made through a proprietorship, partnership, or corporation in which the filer or an immediate family member, or a combination of them, hold a controlling interest.

2.05.100 Modified requirements for professionals.

Notwithstanding other provisions of this chapter, medical and psychiatric doctors, attorneys, ~~and~~ psychologists or other professionals are not required to disclose as sources of income the names of individual patients or clients who receive professional services normally considered to be confidential. This exemption shall not apply to the identity of any corporation or other business entity having a contract with the professional producing income of $5,000 or more for services to its members or a defined group, nor to the identity of clients receiving services that do not fall within the candidate's or official's field of professional expertise.

2.05.110 Administration and inspection.

The city clerk shall administer the provisions of this chapter. The clerk shall prepare and keep available for distribution standardized forms on which the reports required by this chapter shall be filed. The city clerk may make such alterations to the forms as may be necessary.

2.05.120 Records, public information.

All statements required to be filed by this chapter are public records.

2.05.130 Refusal or failure to disclose.

A. If a candidate fails or refuses to file the statement required by this chapter, his or her filing shall be refused or, if previously accepted, shall be returned and his or her name shall be withheld or removed from the filing records of candidates.

B. A person who refuses or knowingly fails to make a required disclosure of information as provided in this chapter or who files a statement containing false or misleading information knowing it to be false or misleading, shall be guilty of a violation and upon conviction is punishable by a fine as provided for violations in BMC 1.08 and may be removed from office which they are seated.

2.05.140 Application of state statues.

A. Nothing in this chapter is intended to curtail, modify, or otherwise circumvent the application of the Alaska Statutes to any conduct involving bribery or other offenses against public administration.

B. All municipal officers as defined by Alaska Statutes (AS) Chapter 39.50 are exempt from the provisions of AS 39.50 relating to conflicts of interest or financial disclosures.

2.05.150 Conflict of interest-elected city officials.

A. Excepts as provided herein a city official may not participate in any official action in which the official or a member of the officials' immediate family has a substantial financial interest. For purposes of this section participation shall not include discussing the matter with city officials or addressing the city council as a private citizen, but shall include voting and participating in the debate as a council member.

B. A city official shall disclose any substantial financial interest in any matter before the body, prior to debating or voting upon the matter. Any official of the body may raise a question concerning another member's financial interests, in which case the member in question shall disclose relevant facts concerning the official's financial interests in the subject of the action.

C. Whether the direct or indirect financial interest is substantial shall be determined by the presiding officer on a case-by-case basis, with evaluation of these factors:

1. Whether the financial interest is a substantial part of the consideration;
2. Whether the financial interest directly and substantially varies with the outcome of the official action;
3. Whether the financial interest is immediate and known or conjectural and dependent on the factors beyond the official action;
4. Whether the financial or private interest is monetarily significant;
5. Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council body, or commission.

D. After a city official has made known any substantial financial interest in any question to be voted upon by the body

1. The officer shall ask to be excused from the debate and vote on the matter;
2. The presiding officer shall rule on the request;

3. The decision of the presiding officer shall be final unless overridden by a majority vote of the body;

E. In the event that the official with a substantial financial interest is the presiding officer, the request shall be ruled upon by a vote of the body. An official may not participate in the matter if the presiding officer or a majority vote of the body determines the financial interest is substantial. Neither the city official making the request nor any other city official, who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.

2.05.160 Conflict of interest – municipal employee.

A municipal employee shall not participate in an official action in which the employee or a member of the employee's immediate family has a substantial financial or private interest. A municipal employee shall disclose, in written narrative form, to their supervisor the employee's financial or private interest in official action and the financial or private interest of any member of the employee's immediate family as defined in 2.05.010 E., if the employee's duties could influence the official action.

A. Whether the municipal employee is prohibited from participation in official action due to substantial financial or private interest shall be determined by the city manager with evaluation of these factors:

1. Whether the financial or private interest held by the employee or a family member is a substantial part of the official action under consideration;

2. Whether the financial or private interest varies directly and substantially with the outcome of the official action;

3. Whether the financial or private interest is monetarily significant;

4. Whether the public disclosure requirements applicable to municipal employees under this chapter have been fully met;

5. Whether public disclosure of the municipal employee's financial or private interest and management of the potential for conflict of interest are sufficient to maintain the integrity of the decision making process.

B. The determination of the city manager shall be filed with the municipal clerk as a public record.

C. A complaint to the city manager or mayor for conflict of interest based on substantial financial or private interest in official action by a municipal employee shall be filed as a notice of potential violation under 2.05.210.

2.05.170 Procedure for declaring potential conflicts of interest –City Manager

The city manager who has or may have a substantial financial interest in an official action shall disclose the facts concerning the manager's financial interests to the city council prior to taking any official action. If the city council determines the manager has a substantial financial interest in the action, the city council shall excuse the manager and assign another city employee to the matter.

2.05.180 Conflict with collective bargaining agreement.

In the event any section or provision in this chapter conflicts with an applicable collective bargaining agreement for a public employee, the collective bargaining agreement shall control with respect to that employee.

2.05.190 Employment prohibited.

No member of the council may be employed by the city in any capacity within a 12-month period immediately preceding or following the term of that individual unless the member is employed as a hired consultant or contractor and a waiver has been provided by the city council as described in BMC 4.20.240.

2.05.200 Political activity. The following limitations shall apply to political activity:

1. Departments, boards, and commissions, of municipal government shall not:

    a. Expend municipal funds for the support, opposition or endorsement of candidates for any elected government office.

    b. Expend municipal funds for paid advertisement which advocates or promotes a particular position, or solicits members of the public to advocate or promote a particular position, on legislation or other action pending before the council.

    c. Permit an administrative division of municipal government to endorse or oppose candidates for elected federal, state, municipal or other local office even if such endorsement does not include expenditure of funds. This prohibition applies to municipal employees while on duty and to the use of municipal property or facilities in a manner not made available to members of the public.

d. Authorize that money held by the municipality be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.

e. Actively campaign or prepare, publish, broadcast, or distribute by any means material of a partisan nature on any ballot measure, this including referendums, initiatives, bond issues or other special elections.

2. Subject to restrictions in AS 15.13.145 on the use and expenditure of municipal funds to influence the outcome of a ballot proposition or question, the City Manager may designate in advance, in writing, one or more executive employees to appear before the council, appointed public bodies of the municipality, community councils, civic organizations, and media representatives in support of or in opposition to any ballot measure coming before the voters in a municipal election. The designated executive employees shall be selected from among the employees with principal responsibility for carrying out policies and programs relevant to the ballot measure.

3. The limitation against dissemination of partisan materials on bond measures does not apply to municipal employees asked to assist an elected official in the preparation of ballot measures or to respond to inquiries from an elected official concerning any ballot measure.

4. A municipal employee shall not serve as a member of the Bethel City Council or school board or in elective office of the state, federal, or another local government. A municipal employee who is elected to one of these offices shall resign immediately from municipal employment.

5. For purposes of this section, public safety volunteers are not considered municipal employees (BMC 3.64.060).

2.05.210 Procedures for violation reporting.

A. Any person who believes that violation of any portion of this chapter has occurred may file a written complaint of potential violation with the city clerk's office.

B. All written complaints of potential violation submitted under this chapter shall be signed by the person submitting the complaint. A written complaint of potential violation shall state the address and telephone number of the person filing the complaint, identify the respondent, affirm to the best of the person's knowledge and belief the facts alleged in the complaint of potential violation signed by the person are true. The person filing the complaint of potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the complain of potential violation believes the facts alleged constitutes a violation of that

section and identify any documentary or testimonial evidence the person filing the complaint believes are in support of the notification of potential violation.

2.05.220 Conformity to law.

If any section or provision of this chapter is held to be contrary to law by a court of competent jurisdiction or by action of the Alaska State Legislature, that section or provision shall be deemed invalid. All other sections and provision of this chapter shall continue in full force and effect.

2.06 Board of Ethics

2.06.010 Board of ethics established – general provisions.

A. There is hereby established a Board of Ethics.

B. The Board shall be comprised of all members of the city council. The mayor, or the vice-mayor in the mayor's absence, will serve as presiding officer of the Board. In the absence of both, the members of the Board shall elect a presiding officer from among its members.

C. The city attorney or other legal counsel for the Board may assist the Board at every stage of the proceedings, but shall have no vote.

D. A quorum of the Board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other for cause recusal. However, in no event may a quorum be less than three.

E. Decisions of the Board shall be adopted by a majority of the members who are qualified to act on the matter, where a quorum is present.

F. Unless the Board delegates such authority to another member or decides that no one shall have such authority, the presiding officer shall have authority to make procedural decisions between Board meetings on behalf of the Board. Examples of matters that may be decided by such delegate include scheduling hearings and other matters, establishing pre-hearing requirements and filing deadlines for motions, exhibits, witness lists, hearing briefs, and deciding other procedural matters.

G. The presiding officer shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the Board.

2.06.020 Function and authority.

The Board of Ethics has authority to perform the following functions:

A. Investigate reported violations of Chapter 2.05.

B. Hear and decide written complaints of violations of Chapter 2.05.

C. Hear and decide on requests for exceptions as specified in Chapter 2.05.

D. Make findings and recommendations concerning sanctions, civil penalties and remedies for violations as provided in the code.

E. Adopt recommended policies and procedures governing the board's conduct of business.

F. Upon application of the complainant, respondent, or at the board's discretion, compel, by subpoena the appearance and sworn testimony at a specified time and place of a person the board reasonably believes may be able to provide information relating to a matter under investigation by the board or the production of documents, records or other items the board reasonably believes may relate to the matter under consideration.

G. Administer oaths and receive testimony from witnesses appearing before the board.

H. Request city agencies to cooperate with the board in the exercise of the board's jurisdiction.

I. Request the advising attorney to seek assistance of the district or superior court to enforce the board's subpoena.

J. Conduct investigative hearings in executive session, pursuant to notifications alleging violations of matters within the authority of the board.

2.06.030 Confidentiality; initial review.

A. Each written complaint of a violation of Chapter 2.05 received by the city manager or

mayor shall be submitted to the clerk's office and be assigned an identification number, which shall be used in lieu of names when referring to the complaint to maintain confidentiality. The city manager, city attorney, city clerk and the board shall keep all written complaints of potential violation confidential during investigation and the board's deliberative process. Complaints of potential violation may be disclosed only to the staff members of the city clerk's office providing administrative support to the board, members of the board, and legal counsel. Upon receipt of a notification of potential violation, the board shall, at its next scheduled meeting or earlier, as determined by the board chair, review the complaint of potential violation in executive session and determine if further action on the notification of potential violation is warranted.

B. If the board determines the facts alleged in the notification of potential violation, even if proven, do not constitute a violation, or that the board lacks jurisdiction to address the complaint of potential violation, the board shall return the complaint of potential violation to the complaining party or it may recommend to the person filing the complaint that it be amended and re-filed. Notifications of potential violation returned without further action shall remain confidential.

C. If the board determines the allegation in a complaint of potential violation, if proven, may constitute a violation of a matter within the board's jurisdiction, the board shall:

1. Request and receive assistance from legal counsel to assist the board in all further deliberative processes, investigations and reports.

2. Give the respondent a copy of the complaint of potential violation, along with a copy of the outline of the board's process under this chapter, including notice that the respondent may choose to hold the proceeding in public and may be represented by legal counsel of respondent's choosing and at respondent's own expense; and

3. Notify both the person submitting the complaint of potential violation and respondent of the date(s) on which each may be requested to meet with the board, present documentary or testimonial evidence, and assist the board in resolving the potential violation.

2.06.040 Disclosure of complaint of potential violation prohibited.

A. A complaint of potential violation of Chapter 2.05 is confidential until the board completes a written report for distribution as a public record.

1. No person, including the complainant, shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a complaint of

potential violation filed with the board, unless:

i. The respondent elects to proceed in public; or

ii. The written report of the board is electronically published by the city clerk.

2. Breach of confidentiality required by any provision of this chapter is a violation of this chapter subject to punishment.

3. Any person involved with a complaint of potential violation, including the filer of the complaint, shall keep the matter confidential. The confidentiality extends from the filing of the complaint and shall continue until the matter is concluded and made public. Maintaining confidentiality is essential to allowing for a neutral investigation into the matter. If the Board finds that any person has violated the confidentiality of a complaint of potential violation, the Board shall refer the matter for investigation. If a person is found to have breached confidentiality, they shall be subject to sanctions of $300 for a first offense, $500 for a second offense and $1,000 for each subsequent offense.

4. Public disclosure resulting from corrective action under this chapter is not a violation of this subsection.

2.06.050 Conduct of investigation and standard of proof.

A. The board's investigation shall be conducted in executive session, unless the respondent requests it be held in a public session. The respondent and the person who filed the complaint, and their counsel, if any, may be present in executive session while the investigation is being conducted.

1. The respondent and the person who filed the complaint of potential violation may identify other individuals and documents that each would like the board to interview and review.

2. If an individual with information bearing on the complaint of potential violation is unwilling to come forward with information, the respondent and the person who filed the complaint of potential violation may each request the board to subpoena the person and any documentary evidence.

3. Persons appearing before the board may be represented by counsel or other person serving in a representative capacity.

4. The board may question the respondent, the person who filed the complaint of

potential violation, and other persons appearing before the board.

5. The board may solicit questions and testimony from the person filing the complaint of potential violation, the respondent and other persons appearing for the purpose of providing information to the board. The board may solicit questions from counsel present to represent persons appearing before the board, but all questions during the board's investigation shall be posed through and by a member of the board. Consistent with due process, the board may limit or prohibit questions suggested to the board by or on behalf of persons appearing before the board.

6. The standard of proof to be applied by the board in determining a violation under Chapter 2.05 is proof by a preponderance of the evidence.

7. Technical rules of evidence do not apply, but the findings of the board shall be based upon substantial evidence, which means reliable and relevant information presented to the board.

8. The board's findings shall be binding.

9. When the board's investigation is conducted in executive session, the public shall be excluded and the session shall be electronically recorded. The recording shall be available for access as a public record after publication by the city clerk of the proposed resolution and settlement under subsection 2.06.110.

2.06.060 Deliberations of the board.

A. Deliberations of the board shall be conducted in executive session.

B. The deliberations of the board shall not be recorded.

C. The respondent, the person filing the complaint, and their counsel shall be excluded from the deliberations. The Board's legal counsel may attend the deliberations.

D. The board shall reconvene in open session when deliberations are complete.

2.06.070 Board member disclosures.

When an investigation is convened in executive session to determine whether the respondent has violated Chapter 2.05, the Board members will be requested to disclose any conflict of interest, ex-parte communications, or other facts that may affect their qualification to hear the matter. After such a disclosure, the other members of the

Board shall determine whether a member shall be excused for cause.

2.06.080 Duty of cooperation.

A city official or the city manager subject to a complaint of a violation shall work cooperatively with the City Clerk to establish a hearing date and shall appear at the place and time set for the hearing, regardless of the respondent's intentions concerning defense or exercise of other rights. Failure to appear, except when failure results from a serious condition or event that prevented the respondent's appearance, is a breach of respondent's duties under this chapter and in itself may result in a summary finding of violation by the Board and imposition of remedies, penalties and disciplinary action under section 2.06.110. Nothing in this section shall prevent the rescheduling of a hearing for cause upon written request of the respondent or the complainant.

2.06.090 Decisions on the record.

Using the identification number of the complaint of potential violation, the board shall vote in open session on these questions:

1. Whether the board finds by a preponderance of the evidence one or more violations within the jurisdiction of the board; and

2. Whether the board recommends further administrative or remedial actions; and

3. What specific sanctions, corrective actions or referrals, if any, the board recommends.

4. If the board does not find a violation under Chapter 2.05, the board shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the board in whole or in part, and the date of board closure. At the sole discretion of the respondent, the board may release the statement of closure as a public document.

2.06.100. Timely completion.

The board shall complete action on a complaint of potential violation and investigations within 90 days of the filing of the complaint of potential violation. By a majority vote, the board may extend the completion date for up to an additional 90 days, or longer for good cause shown.

2.06.110 Sanctions, civil penalties and remedies.

Upon conviction for any violation of Chapter 2.05 or after an investigation conducted by the Board under this chapter, the Board may impose (or recommend in the case of subsection 1.) as a sanction, penalty, or remedy any or all of the following, as appropriate to the seriousness of the violation:

1. A recommendation to the City Council that the office of a City Council member or the position of city manager be declared vacant for a serious violation that is (1) flagrant or (2) willful and knowing.

2. A member of a board or commission may be removed from the board or commission.

3. A public or private reprimand may be given to the official.

4. The official may be ordered to refrain from voting, deliberating, or participating in any matter in violation of Chapter 2.05.

5. The committee assignments of an official may be revoked.

6. An official's privilege to travel at city expense on city business may be revoked or restricted.

7. A contract, or transaction or appointment, which was the subject of an official act or action of the city that involved the violation of a provision of Chapter 2.05, may be voided or terminated.

8. The official must forfeit or make restitution of any financial benefit received as a consequence of a violation of Chapter 2.05.

9. A civil fine of not more than $1,000 per violation may be imposed.

2.06.120 Record of proceedings and public record.

Permanent records and minutes shall be kept of Board's proceedings. Such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk, and shall be a public record open to inspection by any person. Every finding and recommendation shall be directed to the City Council at the earliest possible date.

2.06.130 Settlement of complaints.

Introduced by: Council Member Sigmon
Introduction Date: March 12, 2013
Public Hearing: March 26, 2013
Action: Passed
Vote: 5-0

A. The respondent in any case accepted for investigation may propose a resolution and settlement of the complaint. A proposed resolution and settlement will include the admitted violation of Chapter 2.05; the remedial actions agreed to by the respondent subject to the city council's concurrence; any proposed preventive actions to be undertaken to avoid similar violation by respondent or others in the future; and other matters required by the board.

B. A proposed resolution and settlement is subject to approval by the Board and has no effect unless approved by the Board. The Board will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the Board, a proposed resolution and settlement must be kept confidential.

C. The proposed resolution and settlement becomes public record upon final approval by the Board.

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

ENACTED THIS 26 DAY OF MARCH 2013, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.

ATTEST:

_____
Joseph A. Klejka, Mayor

_____
Lori Strickler, City Clerk