

Introduced by: Mayor Williams
Date: August 15, 2006
Public Hearing: August 29, 2006
Action: Failed
Vote: *No vote taken, failed
for lack of a second*

CITY OF BETHEL, ALASKA

Ordinance #06-18

AN ORDINANCE MODIFYING CHAPTER 2.25 AND ADDING CHAPTER 2.28 OF THE BETHEL MUNICIPAL CODE BY DIVIDING THE PUBLIC SAFETY AND TRANSPORTATION COMMISSION INTO TWO SEPARATE ENTITIES; AND MAKING CONFORMING CHANGES TO THE BETHEL MUNICIPAL CODE

WHEREAS the City of Bethel has six committees or commissions on which city council members sit as voting members; and

WHEREAS the Bethel City Council is made up of seven members; and

WHEREAS the growth of the City of Bethel has increased the responsibilities for the Public Safety and Transportation Commission;

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

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

SECTION 2. The following is adopted as Bethel Municipal Code Section 2.25.010 et seq.:

2.25.010 ESTABLISHMENT OF COMMISSION

There is established the (~~public safety and transportation commission PSTC~~); transportation commission. The PSTS transportation commission shall provide advice regarding ~~public safety and~~ transportation issues, and regulate taxicabs, river taxis, buses, limousines, airport limousines, chauffeurs and dispatch services in accordance with this chapter, Chapters 5.20 through 5.50 BMC and other applicable law.

2.25.020 POWERS AND DUTIES

A. With respect to providing advice regarding ~~public safety and~~ transportation issues, the PSTS transportation commission shall:

1. Hear and review transportation concerns and advise the city council on these issues;
2. Hear and review citizen complaints regarding the police ~~and fire~~ departments and provide suggestions for resolution of the complaints to the city manager;
3. Produce reports on specific ~~public safety and~~ transportation concerns when appropriate;

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4. Inform the city council on municipal and state legislation relevant to ~~public safety and transportation~~;
5. Support municipal legislative programs on state issues relevant to ~~public safety and transportation~~, when appropriate;
6. Review information presented regarding the availability of all federal, state, municipal and private resources for ~~public safety and transportation~~ in the city, and advise the city council;
7. Advise the council with respect to the operation, management, regulation, and control of the city's public and private ground transportation facilities;
8. Advise the council with respect to the operation, management, regulation, and control of the city's public and private ground transportation facilities in accordance with Chapters 5.20, 5.30, 5.40, and 5.50 BMC, and other applicable ordinances now in effect of or hereinafter enacted;
9. Advise the council with respect to the integration of public and private ground transportation facilities within Bethel;
10. Periodically review the budget, capital improvement programs and funding of city-owned ground transportation systems and report its findings to the city council;
11. Periodically study and advise the city council with respect to location and development of transportation systems, transportation coders, traffic movement, and those aspects of urban growth which facilitate or impede movement of people and goods, and those aspects of transportation that contribute to orderly economic development within the city;
12. Perform such other duties as the city council may refer to it from time to time;
13. Do such other acts as are necessary and proper to the performance of the duties and functions set forth in this chapter.

B. With respect to regulating taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services, the PSTS transportation commission shall:

1. Regulate taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services in accordance with Chapters 5.20 through 5.50 BMC and other applicable law;
2. Hold public hearings as necessary to investigate the quality of service rendered by taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services and make such recommendations to the council as it deems necessary for the improvement of such services;
3. Administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the PSTS transportation commission for the purpose of regulating taxicabs, river taxis, buses, limousines or airport

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limousines, chauffeurs and dispatch services. The commission may petition a court of the state to enforce its subpoenas or other process;

4. Conduct hearings pursuant to Chapter 5.20 BMC and other applicable ordinances now in effect or hereinafter enacted;
5. Perform such other duties as the city council may refer to it from time to time;
6. Do such other acts as are necessary and proper to the performance of the duties and functions set forth in this chapter.

C. Nothing in this chapter should be construed to provide the following authority to the PSTS transportation commission:

1. To hear or advise on any concerns or complaints related to potential or pending litigation with the city;
2. To review or advise on any complaints, concerns or negotiation strategies related to labor contracts with the city;
3. To review or advise on any hiring or disciplinary decisions made by the Bethel police or fire department;
4. To review or advise on past, pending or potential grievance, arbitration or administrative matters that pertain to public safety personnel;
5. To review any personnel files of public safety employees;
6. To review police reports and records unless, prior to review by the PSTS transportation commission, the city attorney determines that review of such reports and records complies with applicable laws;
7. To issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the PSTS transportation commission for any purpose other than for the purpose of regulating taxicabs, limousines or airport limousines, chauffeurs and dispatch services.

2.25.030 COMPOSITION

A. Membership. The voting members of the PSTC transportation commission shall be seven citizens who have been residents of the city for at least one year and otherwise comply with the requirements of BMC 2.52.040 and this chapter. The seventh voting member shall be a member of the city council. No more than one member may have an interest in the vehicle-for-hire industry. A person who applies for a seat on the transportation commission shall disclose in the application all interests the person has in the vehicle-for-hire industry. A member of the commission who becomes a person with an interest in the vehicle-for-hire industry after appointment to the commission shall immediately disclose that interest and forfeits his or her seat on the commission if there already exists one member with an interest in the vehicle-for-hire industry.

B. Term. The terms of each member shall be as provided for in BMC 2.52.050.

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C. Presiding officer. The PSTS transportation commission shall designate a member to preside as chairperson for a period of one year. The PCTC transportation commission shall also designate as its vice-chairperson a member to serve in the absence of the chairperson.

2.25.040 EX OFFICIO MEMBERS AND STAFF

The police chief, ~~and fire chiefs~~ or their his/her designees, shall serve as ex officio members of the ~~PSTS~~ transportation commission in accordance with BMC 2.52.170. They shall insure that the ~~PSTS~~ transportation commission is provided with information requested by it in order to perform its functions under this chapter in a reasonable time to allow the ~~PSTS~~ transportation commission to conduct its business, except if provision of such information is prohibited by law.

2.25.050 APPLICATION OF CHAPTER 2.52

The provisions of Chapter 2.52 BMC apply to the ~~PSTS~~ transportation commission unless a specific, different procedure is provided for in this chapter.

2.25.060 REGULATIONS

The ~~PSTS~~ transportation commission may promulgate regulations relating to operation of, and rates to be charged for services provided by taxicabs, river taxis, buses, limousines or airport limousines and dispatch services not inconsistent with the provisions of Chapters 5.20, 5.30, 5.40, and 5.50 BMC, and other applicable ordinances now in effect or hereinafter enacted.

2.25.070 PUBLIC AND PRIVATE GROUND TRANSPORTATION FACILITIES DEFINED

"Public and private ground transportation facilities" mean and include, but are not limited to, buses, taxicabs, river taxis, limousines or airport limousines, and other motor driven passenger conveyances offered for public hire.

BE IT FURTHER ORDAINED by the City Council of Bethel, Alaska, that the following correlated Bethel Municipal Code chapters are hereby modified:

5.20.010 Definitions.

C. "Commission" means the Bethel ~~public safety and~~ transportation commission.

5.20.020 Bethel ~~public safety and~~ transportation commission.

The Bethel ~~public safety and~~ transportation commission is established in accordance with Chapter 2.25 of this code.

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5.20.030 Bethel ~~public safety and transportation commission~~—Powers and duties.
(Title change only)

5.20.040 Bethel ~~public safety and transportation commission~~—Regulations.
(Title change only)

5.20.050 Bethel ~~public safety and transportation commission~~—Rates.
(Title change only)

5.20.055 Bethel ~~public safety and transportation commission~~—Complaints.
(Title change only)

BE IT FURTHER ORDAINED by the City Council of Bethel, Alaska, that the following chapters are hereby added to the Bethel Municipal Code:

2.28.010 ESTABLISHMENT OF COMMITTEE

A public safety commission is hereby established to advise the city mayor and council on matters relating to public safety in the community. The public safety committee shall provide advice regarding public safety issues in accordance with this chapter, Chapters 6, 8 and 9 of this code and other applicable law.

2.28.020 POWERS AND DUTIES

With respect to providing advice regarding public safety issues, the public safety committee shall:

1. Hear and review public safety concerns and advise the city council on these issues;
2. Hear and review issues regarding the fire department, public safety, homeland security and other areas to be assigned, and provide suggestions for resolution of the complaints to the city manager;
3. Produce reports on specific public safety concerns when appropriate;
4. Inform the city council on municipal and state legislation relevant to public safety;
5. Support municipal legislative programs on state issues relevant to public safety, when appropriate;
6. Review information presented regarding the availability of all federal, state, municipal and private resources for public safety in the city, and advise the city council;

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10. Periodically review the budget, capital improvement programs and funding of city-owned public facilities and report its findings to the city council;
11. Periodically study and advise the city council with respect to location and development of public facilities, and those aspects of urban growth which would benefit from additions or modifications to facilities, and those aspects of city development which would promote prudent advancement of safeguards within the city;
12. Perform such other duties as the city council may refer to it from time to time;
13. Do such other acts as are necessary and proper to the performance of the duties and functions set forth in this chapter.

2.28.030 COMPOSITION

- A.** Membership. The voting members of the public safety committee shall be seven citizens who have been residents of the city for at least one year and otherwise comply with the requirements of Section 2.52.040 and this chapter. The seventh voting member shall be a member of the city council.
- B.** Term. The terms of each member shall be as provided for in Section 2.52.050.
- D.** Presiding officer. The public safety committee shall designate a member to preside as chairperson for a period of one year. The public safety committee shall also designate as its vice-chairperson a member to serve in the absence of the chairperson.

2.28.040 EX OFFICIO MEMBERS AND STAFF

The fire chief, or his/her designees, shall serve as ex officio members of the public safety committee in accordance with Section 2.52.170. They shall insure that the public safety committee is provided with information requested by it in order to perform its functions under this chapter in a reasonable time to allow the public safety committee to conduct its business, except if provision of such information is prohibited by law.

2.28.050 APPLICATION OF CHAPTER 2.52

The provisions of Chapter 2.52 of the Bethel Municipal Code apply to the public safety committee unless a specific, different procedure is provided for in this chapter.

R. Thor Williams, Mayor

ATTEST:

Sandra Modigh, City Clerk

City of Bethel, Alaska

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