

ORDINANCE # 39

AN ORDINANCE ESTABLISHING BY-LAWS
AND COUNCIL PROCEDURE FOR THE CITY
OF BETHEL, ALASKA.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF BETHEL ALASKA:

SECTION 1. In order to meet the need for by-laws and procedure in the government of Bethel, and by way of dispensing with previous methods, except insofar as they coincide herewith, the Council, in the exercise of its power under Title 29 Chapter 25 of the Alaska Statutes, hereby adopts the following rules of procedure and by-laws:

RULE 1. SESSIONS

The sessions of the Council shall be held commencing at 8PM on the second and fourth Mondays of each month and continuing until 10PM unless extended beyond that hour by consent of the majority of Council members present. Special sessions may be called at any time that business requires upon call of the Mayor or any two Councilmen. Sessions may be advanced or postponed by the Mayor if a quorum is made more possible thereby.

RULE 2. CALL TO ORDER

The Mayor, if present, or acting Mayor if the Mayor is not present, shall call the Council to order at the hour stated and if a quorum be present, proceed with the order of business.

RULE 3. ORDER OF BUSINESS

Business shall be conducted in the following order:
Invocation
Roll Call
Reading Of The Minutes
Communications
Treasurer's Report
Complaints
Reports of Standing Committees
Filing of Proposed Ordinances and Resolutions
Administrator's Report
Mayor's Comments
Old Business
New Business
Adjournment

RULE 4. AGENDA

A written agenda conforming to the form in Rule 3 this Section shall be prepared for every regularly scheduled Council meeting with sufficient copies for the Mayor, each councilman and for posting public notice.

Public notice of Council meetings shall consist of 1) publication of notice in all local papers if such are in existence; 2) public posting of the Council agenda no less than 3 days before the Council session in three(3) conspicuous places in the City of Bethel; 3) certification by the City Clerk that such posting as described in Part 2 of Rule 4, immediately above, was actually done, plus the attestation of one person who witnesses the Clerk's intent to do so; and 4) any other requirement which may be necessary to satisfy the laws of Alaska in relation to posting of public meetings.

Council members or City officials may place new business on the agenda. Matters which the public desires to have on the agenda for a particular meeting must be referred to the City Clerk not later than the close of business on the Friday immediately preceding the Monday meeting.

Old or unfinished business from previous meetings, including pending resolutions and ordinances, shall be placed on the agenda unless stricken, and may be restored upon request.

RULE 5. QUORUM

At all meetings of the Council five members or four members and the Mayor shall constitute a quorum for the transaction of business. No ordinance or resolution shall be passed at any meeting unless it receives at least four votes.

RULE 6. PRESIDING OFFICER

The Mayor shall be the presiding officer at Council meetings unless he is for some cause unable to attend in which event the members shall, by majority vote of those present, elect one of their own members as Acting Mayor. In this event the Acting Mayor shall preside at such council meeting or meetings and otherwise perform the duties of Mayor during the period involved.

RULE 7. DUTIES AND POWERS OF THE MAYOR

(a) The Mayor shall preside at meetings of the council, approve or disapprove all ordinances and resolutions passed by the council, execute deeds and other documents on behalf of the City when authorized by the council, and, shall sign warrants drawn on the city treasury unless such authority is granted to other city official(s), direct and supervise the business of the city and see that all ordinances and resolutions are executed.

(b) The Mayor, as an elected member of the council, may vote on all matters.

(c) An ordinance or resolution passed by the council by only four affirmative votes may be vetoed by the Mayor at the time of its passage. Upon vetoing an ordinance or resolution the Mayor shall submit to the council at its next regular meeting a written statement giving his reasons for the veto. An ordinance or resolution vetoed, which is thereafter adopted by the affirmative vote of five members of the council at a regular meeting becomes effective without the signature of the Mayor and notwithstanding his veto.

RULE 8. DUTIES AND POWERS OF COUNCILMEN; PROCEDURE FOR REPLACEMENT

(a) Councilmen have the right to place matters on the agenda for an upcoming meeting, motion and second at meetings, propose ordinances or resolutions or policies or suggestions, vote or abstain from voting, accept Chairmanships of Standing, Special or other Committees, and all other normal powers, insofar as such powers derive from their elected position.

(b) If a vacancy occurs on the City council for any reason, the Mayor shall select a candidate from the citizenry of Bethel and the Council shall vote by secret ballot in the election of such candidate. In the event the candidate does not receive a majority of the votes, the Mayor shall select another candidate from the citizenry of Bethel, and votes shall be cast in another election, until a majority of Council votes are cast for a candidate, who is then elected.

Such candidate, in order to be selected or elected, must have all the qualifications of a Bethel voter at normal election time.

A Council member's seat is defined as vacant and may be filled by the above procedure if

1) the council member leaves the City with the intent of remaining absent more than ninety (90) consecutive days; or

2) the council member fails to attend council meetings for ninety (90) consecutive days; or

3) the council member has attended less than six(6) of the council meetings during a continuous period of five(5) months; or

4) the council member resigns and such resignation is accepted by the council majority; or by the death of the member; or by his removal from office by a court of law.

RULE 9. APPOINTMENT OF OFFICERS

The Council by majority consent may appoint a City Attorney, City Clerk, City Auditor, City Administrator, City Treasurer, City Fire Chief, City Civil Defense Director and such other officials and employees it may consider necessary; and the Council shall instruct them as to their duties and all the laws, regulations and procedures surrounding the office.

Such officials remain in office at the pleasure of the Council and may be removed by the Council.

RULE 10. MOTIONS

On routine matters or preliminary phases in the conduct of business before it, the council may act on motion, duly seconded, and voice vote; or by unanimous consent. If put to a voice vote and a negative vote is heard, the matter shall be put to a roll call vote. Unanimous consent may be asked by any council member or the Mayor. If unanimous consent is asked, the presiding officer will ask if there is any objection; if there is objection, the matter will be put to a roll call vote. All motions authorizing expenditures shall be put to a roll call vote and the individual ayes and nos recorded in the minutes.

All roll call votes shall be conducted in alphabetical order.

RULE 11 RESOLUTIONS

Expressions of Council policy which are placed into writing but do not require the strength of an ordinance shall be accomplished by resolution. Resolutions shall be given one full reading and kept in such reading until all amendments if any shall be separately accepted by roll call vote at which time the resolution and its amendments if any shall be put to a roll call vote; it shall then be read by title only and put to a second roll call vote. Resolutions which do not pass in the first roll call vote are lost. Four or more affirmative votes are required for the passage of a resolution. For passage and approval, a resolution must pass the first and second roll call votes.

Any sale of real property of the City's shall be done by resolution.

RULE 12 ORDINANCES

(a) Each ordinance must pertain to one subject only and have a title broad enough to cover all of its provisions.

(b) The enacting clause shall read: "BE IT ENACTED BY THE COUNCIL OF THE CITY OF BETHEL, ALASKA"

(c) All enactments in the exercise of the City's police power or in the exercise of the City's regulatory powers relating to intoxicating beverages, franchises, curfews, building codes, zoning regulations, elections, sales tax other taxing procedures, dog control, sanitation, taxis and buses, fire or other City departments, or other related phases of local government regulation, shall be framed in the form of an ordinance and subject to its rules of passage.

(d) After drafting and presentation to the Council an ordinance shall immediately be given one full reading and kept in that reading until all amendments if any are separately passed by roll call vote at which time the ordinance is put to a roll call vote. This is the first reading.

Upon unanimous consent, the ordinance may be placed into the second reading. This reading is by title only and is kept in that reading until all amendments if any are separately passed by roll call vote at which time the ordinance is put to a roll call vote.

Upon unanimous consent, the ordinance may be placed into the third and final reading. This is a full reading of the ordinance and all approved amendments. The ordinance is kept in the third and final reading until all amendments if any are separately passed by roll call vote at which time the ordinance is put to a roll call vote.

In this legislative process any amendment separately passed immediately becomes a part of the ordinance at whatever stage or reading the ordinance is then in.

Amendments must be relevant to the subject matter of the ordinance and may be ruled irrelevant through the process of motioning(See Sec. 1 Rule 10).

(e) Each ordinance shall provide for an effective date, penalties if any and other provisions as set forth in its title.

(f) Ordinances that have passed any or all of the three provided readings shall be posted in three conspicuous places in the City of Bethel and the Clerk shall certify and a witness shall attest that such posting was in fact completed; such ordinances shall also be published in short form covering the material content of the ordinance in all local newspapers if any are in existence.

RULE 13. COMMITTEE OF THE WHOLE

The presiding officer may if there is no objection from the council resolve the council into a committee of the whole; if a councilman objects to this procedure, the presiding officer shall put the question to a vote of majority rule. In a committee of the whole anyone present may be heard provided such hearing deals with the subject matter under consideration. The presiding officer may, if he wishes, provide for decorum, debate and time rules for speakers if he considers it necessary. It shall not be necessary for the clerk to keep minutes of the details of such proceedings. The presiding officer may if there is no objection from the council dissolve the committee of the whole at his discretion; if a councilman objects to this procedure, the presiding officer shall put the question to a vote of majority rule.

RULE 14. EXECUTIVE SESSION

The presiding officer may if there is no objection from the council resolve the council into an executive session; if a councilman objects to this procedure, the presiding officer shall put the question to a vote of majority rule. In an executive session only the councilmen, those City officers or citizens they select, or others whom the council deems necessary to remain present, may remain in the chambers where the council is meeting. The presiding officer shall resolve the council into an executive session only if the matter to be discussed would adversely affect the finances of the City were this matter public knowledge, or if the matter would prejudice the reputation of some person, provided the person may request a public discussion, or if by ordinance or law or regulation the matter is required to be confidential.

No action shall be taken by the council in executive session; no motion, resolution or ordinance shall be voted upon in executive session.

The presiding officer may if there is no objection from the council dissolve the executive session and resume the regular session if it is in order; if a councilman objects to this procedure, the presiding officer shall put the question to a vote of majority rule.

RULE 15. BOARD OF ADJUSTMENTS OR GRIEVANCE

The council as a board of adjustments or grievance in any City matter may proceed as such board without resolution. The clerk need not record the details of such proceedings, but merely note the general contention asserted and record in the minutes the final public action of the Board. Final action in each such case shall be by roll call vote.

RULE 16. DECORUM AND DEBATE

When a councilman desires to address the council he shall signal the presiding officer, and, when recognized by the chair, he shall proceed to speak. When such councilman has finished, other councilmen, City officers or others duly recognized by the chair in turn shall be entitled to speak before the first speaker or others who have already spoken, speak again. No speaker, once recognized by the chair, shall be interrupted in speaking until he has finished his remarks, unless the chair in its wisdom decides to do so.

RULE 17. VOTING

When a roll call vote is taken, each Councilman shall respond to his name by voting Yes or No or Abstaining.

RULE 18. TABLING, OTHER RULES OF ORDER

As to any matter pending, resolution, ordinance or otherwise, a motion to lay same on the table shall be in order at any time; such motion may be passed by the affirmative vote of a majority of those present, and such motion, if lost, may not be made again. If it is passed, however, the matter shall remain tabled unless brought up by motion at a subsequent session and restored to the agenda by a majority vote of those present.

In all procedural cases not provided for in these rules, the council shall look to Robert's Rules Of Order for the governing practice.

SECTION II ANNUAL BUDGET

The budget prepared by the City Council for each fiscal year shall, when adopted by the Council, be deemed to be an appropriation of the items set forth therein for the purposes stated, and shall constitute authority for the Council to proceed to administer and expend funds accordingly, subject however to the power of the Council to transfer funds subsequently from one budgeted purpose to another as the exigencies of City affairs may from time to time require. No disbursement in any category may at any time exceed the effective amount so appropriated in any such category, unless such disbursement has been authorized by the Council under the voting procedures.

SECTION III CITY CLERK

The City clerk's office shall be the receiving office of tax monies or other revenue intended for the City. The City clerk shall be put under bond conditioned on the honest, faithful and lawful performance of his duties in such amount as the Council shall from time to time determine, unless the clerk and treasurer are one in the same person, in which event the clerk shall be bonded in a sum not to exceed \$10,000.00 to cover his duties in these capacities.

SECTION IV CITY TREASURER

If the Treasurer is not one in the same person as the Clerk, he shall be put under bond in a sum not to exceed \$10,000.00 to cover his duties as custodian of City funds. The person thus appointed may also be charged by the Council with the duty of being the active disbursing officer.

SECTION V AUDITS

The books and accounts of the City shall be audited as the Council requires, each fiscal year being the minimum audit.

SECTION VI AMENDMENTS

These by-laws and regulations may be amended by the Council by a majority vote of the whole Council, and a copy of each amendment shall be appended hereto and made a part hereof.

SECTION VII LEGALITY

If any clause, provision, section or part of this ordinance be found to be invalid by a court of competent jurisdiction, such invalidity shall not effect other provisions herein contained.

All other matters relevant to the subject matter of this ordinance but not covered by it shall be processed and settled in accordance with appropriate State law, if such law is in existence.

SECTION VIII EFFECTIVE DATE

This ordinance shall become effective as law in the City of Bethel upon its adoption by the Council and approval by the Mayor.

SECTION IX REPEALER

All other acts of past Councils relative to the subject matter of this ordinance, in particular Resolution #4 plus amendments and Resolution 21, are hereby repealed, and are no longer considered binding.

PASSED THIS _____ DAY OF _____, 1967, BY A VOTE OF _____ AYES AND _____ NOES IN THE CITY OF BETHEL, ALASKA.

(seal)

APPROVED:

Mayor -

ATTEST:

City Clerk

AMENDMENT #1
to
ORDINANCE NO. 39

AN AMENDMENT OF CITY OF BETHEL ORDINANCE 39, ENTITLED
CHAPTER 2.20 (MUNICIPAL BUDGET) IN THE BETHEL CODE OF
ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF BETHEL, ALASKA THAT
ORDINANCE 39, CHAPTER 2.20 OF THE BETHEL CODE OF ORDINANCES
IS AMENDED AS FOLLOWS:

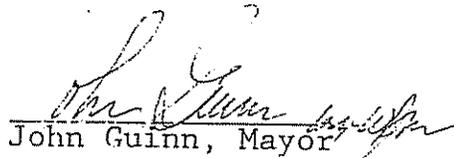
2.20.010 APPROPRIATION: AUTHORITY

Section 2.20.010 is amended as follows:

The budget prepared by the City Manager for each
fiscal year shall be in ordinance form and when
adopted by the City Council.....

The section is amended by adding the words....be in
ordinance form....

PASSED AND APPROVED THIS 24th DAY OF October, ¹⁹⁸³ 1984.


John Guinn, Mayor

ATTEST:


Wayne J. Maiers, City Clerk