

Introduced by: City Manager Herron  
Date: February 12, 2002  
Public Hearing: February 26, 2002  
Action: Adopted  
Vote: Unanimous

**CITY OF BETHEL, ALASKA**

**ORDINANCE #02-08**

**AN ORDINANCE AMENDING SECTIONS OF THE BETHEL MUNICIPAL CODE REGARDING THE FILLING OF VACANCIES FOR CITY COUNCIL SEATS, CITY COUNCIL MEETING TIMES AND OTHER PROCEDURES**

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

**Section 1. Classification.** This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

**Section 2. Amendment of Section 2.04.010.** Section 2.04.010 of the Bethel Municipal Code is amended to read as follows (new language underlined and old language stricken out):

**2.04.010 Regular meetings.**

Regular meetings of the city council shall be held on the second and fourth Tuesdays of each month, unless the city council cancels a meeting by motion. The city council shall meet at least once a month. Unless otherwise stated in the public notice of the meeting, each regular meeting shall be held at City Hall, located at 300 State Highway "log cabin" at 326 Akiachak Street and shall begin at six-thirty p.m.

**Section 3. Amendment of Section 2.04.050.** Section 2.04.050 of the Bethel Municipal Code is amended to read as follows (new language underlined):

**2.04.050 Order of business.**

- A. The business of the council at regular meetings shall be conducted in the following order.
  2. Items other than those appearing on the agenda; Approval of minutes; Approval of agenda and consent agenda; Mayor's report; ~~Manager's~~ Management team's report; Reports of standing committees; Old business; New business; Council member comments; Executive session; Adjournment.

**Section 4. Amendment of Section 2.04.100.** Section 2.04.100 of the Bethel Municipal Code is amended to read as follows (new language underlined):

**2.04.100 Council vacancies.**

- A. The city council shall declare a council seat vacant when the person elected:
1. Fails to qualify or take office within thirty days after election or appointment;
  2. Is physically absent from the city for ninety consecutive days unless excused by the council;
  3. Resigns and the resignation is accepted;
  4. Is physically or mentally unable to perform the duties of office as determined by a two-thirds vote of the council;
  5. Is convicted of a felony or of an offense involving a violation of the oath of office;
  6. Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the council concur in expelling the person elected;
  7. Is convicted of a violation of AS 15.13;
  8. No longer physically resides in the city and the council by a two-thirds vote declares the seat vacant; this subsection (A)(8) does not apply to a member of the council who forfeits office under AS 29.20.140(a); or
  9. Misses three consecutive regular meetings in a calendar year and is not excused.
- B. If a vacancy occurs on the city council, the remaining members shall, within thirty days of the vacancy, and subject to AS 29.20.180, appoint a qualified Bethel voter to fill the vacancy in accordance with the procedures established in section 2.04.105. The person appointed to fill the vacancy shall serve until the next regular election and until a successor is elected and has qualified for the vacated council seat. The elected successor shall serve the remainder of the term of the vacated council seat.

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**Section 5. Addition of new Section 2.04.105.** The Bethel Municipal Code is amended by adding the following new section:

2.04.105 Procedures for filling Council vacancies.

- A. The council shall meet in a regular or special meeting to appoint a qualified person to fill a vacancy. The council may request that persons interested in filling the vacant seat write a letter of interest to be submitted to the city clerk by the specified deadline in the public notice of

a council vacancy. The person submitting a letter of interest to fill a vacant council seat may attach any relevant information such as a resume to his or her letter of interest. The council shall nominate a qualified person to fill the vacant seat. If there is not a person qualified out of those persons who submitted a letter of interest to fill the vacant council seat, council may nominate a qualified person who has not applied for the vacant council seat. Nominations for the vacant seat shall be made by a motion approved by the council. Once all nominations are made, council members shall cast votes simultaneously by written ballot for persons nominated. All of the ballots will be collected by the city clerk who shall thereafter publicly announce the vote of each council member. The person who receives a majority of the votes shall fill the vacant seat.

B. If none of the persons nominated receives a majority of votes in the first round of balloting, the procedure provided for in subsection A of this section shall be repeated no more than twice. If none of the persons nominated receives a majority of votes in the third round of balloting, the vacancy shall be filled by a drawing of straws by the two nominees who received the highest and second highest number of votes. The nominee who draws the longest straw shall fill the vacant council seat. The Mayor may designate a person to draw straws for any absent candidate.

C. If it is not possible to determine the nominees with the two highest vote counts because of a tie in votes between the nominees who have the second highest number of votes in the third round of balloting, the seat shall be filled by a drawing of straws conducted in accordance with subsection B of this section by the person who received the highest number of votes and the persons who tied for second place. If there is a tie vote between the nominees who have the highest number of votes in the third round of balloting, the seat shall be filled by a drawing of straws by these nominees conducted in accordance with subsection B of this section.

D. The mayor shall publicly announce which person drew the longest straw and that person shall fill the vacant council seat.

**Section 6. Effective Date.** This ordinance shall become effective immediately.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2002, by a vote of 6 in favor and 0 opposed.**

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Stanley "Tundy" Rodgers, Mayor

ATTEST:

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Colleen Soberay, City Clerk