

ORDINANCE #199

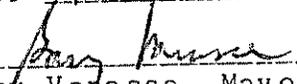
AN ORDINANCE OF THE CITY COUNCIL OF CITY OF BETHEL, ALASKA AMENDING BETHEL MUNICIPAL CODE SECTION 2.04.010 AND SECTION 2.04.030 REGARDS TO CITY COUNCIL.

SECTION 2.04.010 - SESSIONS to read as follows: The sessions of the Council shall be held commencing at seven-thirty p.m. on the second and fourth Tuesdays of each month and continuing until ten p.m. unless extended beyond that hour by consent of the majority of councilmembers present. Special sessions may be called at any time that business requires upon call of the Mayor or any one third of Councilmen. Sessions may be advanced or postponed by the Mayor if a quorum is made more possible thereby.

SECTION 2.04.030 - ORDER OF BUSINESS to read as follows: Business shall be conducted in the following manner:

- CALL TO ORDER
- ROLL CALL
- APPROVAL OF MINUTES
- APPROVAL OF AGENDA
- MAYOR'S REPORT
- MANAGER'S REPORT
- COUNCILMEMBER COMMENTS
- REPORTS OF STANDING COMMITTEES
- PEOPLE TO BE HEARD
- OLD BUSINESS
- NEW BUSINESS
- ADJOURNMENT

PASSED AND APPROVED THIS 13 DAY OF November, 1990.



Gary Vanasse, Mayor

ATTEST:



Anna McGowan, City Clerk

Title 2
ADMINISTRATION

Chapters:

<u>2.04</u>	<u>City Council</u>
<u>2.08</u>	<u>City Manager</u>
<u>2.12</u>	<u>City Officers</u>
<u>2.15</u>	<u>Department of Finance</u>
<u>2.16</u>	<u>Fire Department</u>
<u>2.20</u>	<u>Police Department</u>
<u>2.21</u>	<u>Department of Administration</u>
<u>2.22</u>	<u>Department of Public Works</u>
<u>2.23</u>	<u>Department of Community Services</u>
<u>2.24</u>	<u>Planning Commission</u>
<u>2.28</u>	<u>Transportation Commission</u>
<u>2.30</u>	<u>Phillips Alcoholism Treatment Center Advisory Board</u>
<u>2.32</u>	<u>Housing and Urban Development Powers</u>
<u>2.36</u>	<u>Civil Defense</u>

Chapter 2.04

CITY COUNCIL

Sections:

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2.04.020	Call to order.
2.04.030	Order of business.
2.04.040	Agenda.
2.04.050	Quorum.
2.04.060	Presiding officer.
2.04.070	Mayoral powers and duties.
2.04.080	Councilmen--Powers and duties.
2.04.090	Councilmen--Vacancies.
2.04.110	Appointive officers.
2.04.120	Motions.
2.04.130	Resolutions.
2.04.140	Ordinances.
2.04.150	Committee of the whole.
2.04.160	Executive session.
2.04.170	Board of adjustments or grievance.
2.04.180	Addressing council.
2.04.190	Voting.
2.04.200	Rules of order.
2.04.210	State law.
2.04.220	Smoking.

2.04.010 Sessions. The sessions of the council shall be held commencing at seven-thirty p.m. on the second and fourth Mondays of each month and continuing until ten p.m. 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. (Prior code §2.04.010)

2.04.020 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. (Prior code §2.04-.020)

2.04.030 Order of business. Business shall be conducted in the following order:

- Roll call
- Invocation
- Approval of the minutes
- Approval of the agenda
- Communications
- Manager's report
- Finance director's report
- Mayor's report
- Reports of standing committees
- People to be heard
- Old business
- New business
- Adjournment

(Prior code §2.04.030)

2.04.040 Agenda. A. A written agenda conforming to the form in Section 2.04.030 shall be prepared for every regularly scheduled council meeting with sufficient copies for the Mayor, each councilman and for posting public notice.

B. 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 seven days before the council session in three conspicuous places in the city;

3. Certification by the city clerk that such posting, as described in subdivision 2 of this subsection, was actually done; and

4. Any other requirement which may be necessary to satisfy the laws of Alaska in relation to posting of public meetings.

C. 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 six days immediately preceding the Monday meeting.

D. 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. (Prior code §2.04.040)

2.04.050 Quorum. At all meetings of the council four members or three 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. (Prior code §2.04.050)

2.04.060 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. (Prior code §2.04.060)

2.04.070 Mayoral powers and duties. A. The mayor shall preside at meetings of the council, approve 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. (Prior code §2.04.070)

2.04.080 Councilmen--Powers and duties. 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. (Prior code §2.04.080(a))

2.04.090 Councilmen--Vacancies. A. 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.

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

C. A council member's seat is defined as vacant and may be filled by the procedure set out in this section if:

1. The council member leaves the city with the intent of remaining absent more than ninety consecutive days; or

2. The council member fails to attend council meetings for ninety consecutive days; or

3. The council member has attended less than six of the council meetings during a continuous period of five 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.

(Prior code §2.04.080(b))

2.04.110 Appointive officers. A. The council by majority consent shall appoint a city attorney, city clerk, city manager and a city police chief and shall ratify such other appointments as they see fit. The council shall instruct them as to their duties and all the laws, regulations and procedures surrounding the office.

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

C. The city council shall perform an annual evaluation of the city attorney. (Ord. 132, 1982; prior code §2.04.090)

2.04.120 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. Roll call votes shall be conducted in alphabetical order. (Prior code §2.04.100)

2.04.130 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. (Prior code §2.04.110)

2.04.140 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, as outlined in AS 29.48.035, shall be framed in the form of an ordinance and subject to its rules of passage.

D. After drafting, an ordinance may be introduced by a member, or committee of the council, or by the city manager. The ordinance, and its amendments, if any, shall be set for a public hearing by a majority vote of the votes authorized on the question.

1. A summary of the ordinance and its amendments shall be published, together with notice of the time and place for the public hearing at least five days prior to the hearing.

2. At the public hearing, the proposed ordinance and amendments, if any, shall be read in full or, copies of the proposed ordinance shall be made available to all persons present.

3. After hearing all interested parties wishing to be heard, the council shall consider the proposed ordinance and may adopt it with or without amendment.

4. 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.

5. Amendments must be relevant to the subject matter of the ordinance and may be ruled irrelevant through the process of motioning (See Section 2.04.120).

E. Each ordinance shall provide for an effective date, penalties if any and other provisions as set forth in its title. (Prior code §2.04.120)

2.04.150 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. (Prior code §2.04.130)

2.04.160 Executive session. A. 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 the 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.

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

C. 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. (Prior code §2.04.140)

2.04.170 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. (Prior code §2.04.150)

2.04.180 Addressing council. 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 had finished his remarks, unless the chair in its wisdom decides to do so. (Prior code §2.04-.160)

2.04.190 Voting. When a roll call vote is taken, each councilman shall respond to his name by voting "yes" or "no" or "abstaining." (Prior code §2.04.170)

2.04.200 Rules of order. In all procedural cases not provided for in these rules, the council shall look to Robert's Rules of Order for the governing practice. (Prior code §2.04.180)

2.04.210 State law. All other matters relevant to the subject matter of this chapter but not covered by it shall be processed and settled in accordance with appropriate state law, if such law is in existence. (Prior code §2.04-.190)

2.04.220 Smoking. Smoking in any form may constitute a hazard and nuisance and shall be prohibited in the Council Chambers during public meetings. (Ord. 93, 1977: prior code §2.04.200)

Chapter 2.08

CITY MANAGER

Sections:

- 2.08.010 Form of government adopted.
- 2.08.020 Bond.

2.08.010 Form of government adopted. The city manager form of government specified within the conditions of Title 29 of the laws of Alaska applies to the operation of municipal government within the city. (Prior code §2.08.010)

2.08.020 Bond. The city manager 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. (Prior code §2.08.020)