



# CITY OF BETHEL

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Introduced By: Council member Williams  
Date: November 25, 1997  
Public Hearing: December 9, 1997  
Action: Adopted  
Vote: 6-Yes, 1-No (Rodgers)

## ORDINANCE NO. 97-29

### AN ORDINANCE AMENDING THE PROVISIONS OF THE BETHEL MUNICIPAL CODE GOVERNING COUNCIL PROCEDURES, DUTIES AND POWERS.

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

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

Section 2. Repeal and Reenactment of Chapter. Chapter 2.04 of the Bethel Municipal Code is repealed and reenacted to read:

2.04.010 Regular Meetings. Regular meetings of the city council shall be held on the second and fourth Tuesdays of each month. Unless otherwise stated in the public notice of the meeting, each regular meeting shall be held at the "log cabin" at 326 Akiachak Street and shall begin at six-thirty p.m.

2.04.020 Special Meetings.

A. Special meetings of the city council may be held at the place, time, and upon the date set out in the public notice of the special meeting, provided;

1. the meeting is called by the mayor, the vice mayor if the mayor is absent from the city, or three council members, and
2. a majority of the members are given at least 24 hours oral or written notice and a reasonable effort has been made to give notice to all members, or
3. if less than 24 hours oral or written notice is provided to a majority of council members, then all members are present at the meeting or waive in writing the required notice either before or after the meeting and the waiver is made a part of the minutes of the meeting.

B. Delivery of written notice to the residence and to the place of employment of a council member constitutes a reasonable effort to notify.

C. Reasonable public notice of the special meeting must also be given.

2.04.025 Public Notice of Meetings.

A. Reasonable public notice shall be given of all meetings of the city council and of committees of the council, including meetings of the committee of the whole and work sessions not held as part of a previously noticed regular or special council meeting.

B. The notice shall contain the date, time and place of the meeting and a preliminary agenda. The notice shall be posted on the bulletin board at City Hall and on at least 3 other bulletin boards within the city at least six days before the meeting. If the meeting will be teleconferenced to permit the participation of the public or one or more council members, the location of each teleconference site shall be given in the notice. The failure of the notice to meet one or more conditions of this section does not constitute a failure to provide reasonable notice unless such failure violates the requirements of reasonable notice set out in AS 44.62.310.

2.04.030 Length of Meetings. Unless extended by motion, all regular and special meetings of the city council shall end at ten p.m.; provided no action taken by the city council shall be invalid solely because the action was taken after ten p.m. without first extending the time for adjournment.

2.04.040 Rules of Order. Roberts Rules of Order shall govern the procedures of the council, except as may be modified by resolution of the council or as otherwise required by law or ordinance.

2.04.050 Order of Business.

A. The business of the council at regular meetings shall be conducted in the following order:

- Call to Order
- Roll Call
- Persons to be Heard
  - a. Agenda Items Not Scheduled For Public Hearing
  - b. Items Other Than Those Appearing on the Agenda
- Approval of Minutes
- Approval of Agenda and Consent Agenda
- Mayor's Report
- Manager's Report
- Reports of Standing Committees
- Old Business
- New Business
- Council Member Comments
- Executive Session
- Adjournment

B. The clerk shall prepare an agenda for each regular and special meeting. The clerk shall place on the agenda items requested by the council, the mayor, a council member, a council committee, or the manager. The agenda for regular meetings shall include all items from the preceding regular meeting that were not reached for action. The clerk may establish deadlines for receipt of items to be placed on the agenda and of materials to be distributed to the council.

C. The council may add items to or delete items from the agenda, change the order of any items on the agenda, and may establish a time certain that specified items will be taken up. The mayor or the council may place limits on the amount of time persons will be given to address the council under any item of business.

#### 2.04.060 Quorum.

At all meetings of the council four members shall constitute a quorum for the transaction of business. Council members who are present but disqualified from voting on a matter are present for purposes of determining a quorum. In the absence of a quorum, a majority of the council members present may recess or adjourn the meeting to a later date. At least four affirmative votes are required to approve any action of the council except when the council acts in a quasi-judicial capacity.

#### 2.04.070 Presiding Officer.

The mayor shall be the presiding officer at council meetings. In the absence of the mayor from the meeting, the vice mayor shall preside. If neither the mayor or vice mayor is present, the members present shall elect one of the remaining members as mayor pro-tempore. In such event the mayor pro tempore shall preside at such council meeting and otherwise perform the duties of mayor during the period the mayor and vice mayor are absent.

#### 2.04.080 Mayoral Powers and Duties.

A. The mayor is the ceremonial head of the city and shall preside at meetings of the council, sign all ordinances and resolutions passed by the council and execute deeds and other documents on behalf of the city when authorized by the council.

B. The vice mayor shall have the powers and perform the duties of the mayor during the absence from the city or temporary disability of the mayor.

C. The mayor and vice mayor, as members of the council, may vote on all matters.

#### 2.04.090 Council Members--Powers and Duty to Vote.

A. Council members have the right to place matters on the agenda for a regular or special meeting, make and second motions at meetings, introduce ordinances and resolutions, propose policies or actions, vote on matters before the council, accept appointments to and chairmanships of standing, special or other committees, and to exercise all other powers that derive from their elected position.

B. Each member of the council present shall vote on each question before the council unless required by law to abstain.

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 30 days after election or appointment;
2. is physically absent from the city for 90 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)(B) 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 and is not excused.

B. If a vacancy occurs on the city council, the remaining members shall, within 30 days of the vacancy, and subject to AS 29.20.180, appoint a qualified Bethel voter to fill the vacancy.

2.04.110 Executive Sessions.

A. If permitted subjects are to be discussed by the council in executive session at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in BMC 2.04.110(B) shall be determined by a vote on a motion to convene in executive session. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not

be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main subject. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

B. The following subjects may be considered in an executive session:

1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the city;
2. subjects that tend to prejudice the reputation and character of any person, provided the person must first be notified of the request for executive session and may request a public discussion;
3. matters that by law or ordinance are required to be confidential; and
4. matters involving consideration of government records that by law are not subject to public disclosure.

2.04.120 Voting.

A. Except as provided in BMC 2.04.120(B), the vote on each motion shall be conducted and recorded in such a manner that the public may know the vote of each council member. If unanimous consent is requested, a roll call vote shall be conducted if any council member objects. All votes at a teleconference meeting shall be by roll call.

B. The council may vote by secret ballot on questions that are necessary to organize the council.

2.04.130 Committee of the Whole and Work Sessions.

A. The presiding officer may, upon concurrence of the council or if there is no objection from the council, resolve the council into a committee of the whole. In a committee of the whole, any person present may be heard provided the testimony of the person deals with the subject matter under consideration. The presiding officer shall enforce decorum and may establish time limits and other rules for speakers. The presiding officer may, upon concurrence of the committee or if there is no objection from the committee, dissolve the committee of the whole whereupon the members are reconvened as the city council if the committee of the whole meeting was convened from a council meeting.

B. The council may meet in a work session. The presiding officer may permit interested persons to speak before the council at work sessions.

C. The rules of procedure may be relaxed by the presiding officer in committee of the whole and at work sessions. No council action may be taken at committee of the whole or

work sessions, but the group may request information be provided, matters be scheduled, documents drafted for council consideration, and may formulate recommendations to the council and take similar actions. Minutes of committee of the whole and work sessions are not kept unless requested by the presiding officer.

2.04.140 Organization of Council.

A. Newly elected and reelected council members shall be sworn in at the first regular Council meeting following certification of the election, and the council shall then elect from among its members a mayor and a vice mayor who shall take office immediately. For purposes of this subsection (A), certification of a regular election in which there is a runoff election occurs when the runoff election results are certified.

B. The mayor shall appoint council members to such special or ad hoc council committees as the mayor may establish and shall appoint council members to such standing council committees as the council establishes by resolution or by motion. Appointees to council committees serve at the pleasure of the mayor. The first person in the list of appointments to a council committee shall be the chairperson unless the mayor specifically designates a different appointee as the chairperson. The term of council committee members expires annually upon the election of the mayor.

C. The term of the mayor expires upon the earlier of the election of a new mayor or the swearing in of the newly elected council member who replaces the council member who is the mayor.

D. The term of the vice mayor expires in the same manner as provided for the mayor.

2.04.150 Resolutions.

Expressions of council policy which are placed into writing but do not require the force of an ordinance may be accomplished by resolution. A resolution may be introduced by a council member, a committee of the council or the manager. Resolutions shall be in writing, shall be assigned a serial number by the clerk, and may be adopted at the meeting at which introduced. Each resolution shall contain

1. a title that summarizes the resolution,
2. a serial number assigned by the clerk,
3. whereas clauses as appropriate,
4. a resolved clause reading: "NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETHEL";
5. one or more clauses or sections setting out the position, policy or decision of the council, and

6. the date of adoption, to be supplied by the clerk after adoption.

Resolutions shall become effective immediately upon adoption unless a different effective date or time is set out in the resolution. The mayor or council member who presided over the meeting when the resolution was adopted shall sign the resolution and the clerk shall sign and affix the seal of the city to each adopted resolution.

2.04.160 Ordinance Form and Procedure.

- A. All actions of the council set out in AS 29.25.010 shall be by ordinance.
- B. Each ordinance must have a descriptive title, a serial number assigned by the clerk, and an enacting clause reading: "BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA."
- C. An ordinance may be introduced by a council member, or committee of the council, or by the city manager. The ordinance, as approved or amended by the council for introduction, shall be set for a public hearing by the council and acted upon as follows.
  1. A summary of the ordinance shall be published, together with notice of the time and place for the public hearing at least five days prior to the hearing. If publication is by posting, publication does not occur until the notice has been posted for five days in at least three public places.
  2. At the public hearing, copies of the proposed ordinance shall be available to all persons present or the ordinance shall be read in full.
  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. A new hearing is not required when an ordinance is amended unless the amendment has the effect of changing the basic character of the ordinance as described in the summary in the notice of the hearing.
- D. An ordinance shall take effect immediately upon adoption unless a different effective date or time is set out in the ordinance.
- E. The mayor or the council member who presided over the meeting when the ordinance was adopted shall sign the ordinance and the clerk shall insert the date of adoption, sign the ordinance and affix the seal of the city to each adopted ordinance.

2.04.170 Smoking.

Smoking and use of tobacco in any form may constitute a nuisance and a health hazard and is prohibited in the council chambers during public meetings.

Section 3. Effective Date. This ordinance becomes effective immediately upon adoption.

ADOPTED THIS 9TH DAY OF DECEMBER, 1997.

CITY OF BETHEL

By: *Agrès L. Phillips*  
Agrès L. Phillips, Mayor

*L.J. Warren*  
L.J. Warren, City Clerk