



City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

Phone: 907- 543-2047

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Regular City Council Meeting

February 26, 2013

6:30 P.M.

Council Chambers; Bethel, Alaska



**City Council Meeting Agenda
Regularly Scheduled Meeting
February 26, 2013-6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

Joseph Klejka
Mayor
Term Expires 2014
543-2984
jklejka@cityofbethel.net

Gene Peltola Jr.
Vice-Mayor
Term Expires 2013
543-3151
gpeltola@cityofbethel.net

Rick Robb
Council Member
Term Expires 2013
543-1879
rrobb@cityofbethel.net

Mary Sattler
Council Member
Term Expires 2013
545-4954
msattler@cityofbethel.net

Mark Springer
Council Member
Term Expires 2013
545-1450
mspringer@cityofbethel.net

Eric Whitney
Council Member
Term Expires 2014
545-1309
ewhitney@cityofbethel.net

Sharon Sigmon
Council Member
Term Expires 2014
543-3452
ssigmon@cityofbethel.net

Lee Foley
City Manager
543-2047
lfoley@cityofbethel.net

Lori Strickler
City Clerk
543-1384
lstrickler@cityofbethel.net

Patty Burley
City Attorney
543-2047
pburley@cityofbethel.net

Paul Richards
Lobbyist
paul_richards@gqi.net

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PEOPLE TO BE HEARD – Five minutes per person**
- V. **APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA**
- VI. **APPROVAL OF MEETING MINUTES**
 - a) **P3** *01-22-2013 Regular City Council Meeting Minutes
- VII. **REPORTS OF STANDING COMMITTEES**
 - a) Port Commission
 - b) Planning Commission
 - c) Finance Committee
 - d) Public Works Committee
 - e) Energy Committee
 - f) Parks And Recreation Committee
 - g) Public Safety And Transportation Commission
- VIII. **SPECIAL ORDER OF BUSINESS**
 - a) **P27** Proclamation, Proclaiming May 25, 2013 As National Missing Children's Day (Mayor Klejka)
 - b) **P29** City of Bethel Water and Sewer Utilities Cost Analysis and Rate Study Presentation By CH2MHill, Kurt Playstead (City Manager Foley)
- IX. **UNFINISHED BUSINESS**
 - a) **P61** Public Hearing of Ordinance 13-02: Establishing Title 12 In The Bethel Municipal Code, Complete Streets (Public Safety and Transportation Commission)
- X. **NEW BUSINESS**
 - a) **P67** *Resolution 13-05: Opposing The Bethel Airport Master Plan Update's Option Of Westward Expansion Of The Crosswind Runway Due To Its Interference With Historical Land (Council Member Robb)
 - b) **P69** *Introduction Of Ordinance 13-04: Amending Bethel Municipal Code To Repeal BMC 2.05, Responsibilities Of City Council Members, Municipal Officers, Appointed Officials And Employees-Conflict Of Interest And Enacting Section 2.05 City Officers Generally And 2.06 Board Of Ethics (Council Member Sigmon)
 - c) **P95** *Introduction Of Ordinance 13-05: Amending Terminal Tariff #004 And Providing For An Effective Date (Port Commission)

Agenda posted on February 20, 2013, at City Hall, AC Co., Swansons, and the Post Office.

Lori Strickler, City Clerk's Office

(Items on the agenda noted with an asterisk (*) are considered the consent agenda.

All Resolutions noted with an asterisk (*) will automatically be adopted on the consent agenda unless removed from the consent agenda by Council.

Ordinances introduced with an asterisk (*) on the consent agenda will automatically be introduced and set for **Public Hearing March 12, 2013**)



**City Council Meeting Agenda
Regularly Scheduled Meeting
February 26, 2013-6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

- d) **P139** *Introduction Of Ordinance 13-06: Amending BMC 14.04.060, Fishing From City Cargo Dock And Petroleum Dock Prohibited (Port Commission)
- e) **P141** *AM 13-08: Administrative Leave Request For City Clerk To Attend Professional Development Training June 9 Through 13, 2013 (Mayor Klejka)
- f) *City Manager Administrative Leave Request for February 27 – March 2, To Travel To Juneau To Lobby On Behalf Of The City (City Manager Foley)
- g) *Amending Leave Request For City Attorney From 2/11-2/15/2013 To 2/11 Through 2/12 And 2/28 Through 3/1/2013 (Mayor Klejka)
- h) Council's Approval Of Annual Increase For City Clerk, Pending A Satisfactory Annual Evaluation (Mayor Klejka)

XI. MAYOR'S REPORT

XII. MANAGER'S REPORT

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

XV. EXECUTIVE SESSION

- a) **P165** Executive Session To Discuss The Annual Evaluation Of The City Clerk As Per Alaska Statutes 44.62.310: Personnel Matters (Unless the Person Has Requested To Have The Subjects Discussed In Public) Or Subjects That Tend To Prejudice The Reputation And Character Of A Person (Mayor Klejka)

XVI. ADJOURNMENT

Agenda posted on February 20, 2013, at City Hall, AC Co., Swansons, and the Post Office.

Lori Strickler, City Clerk's Office

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Bethel City Council

Approval of the Minutes

City of Bethel City Council Meeting Minutes

February 12, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on February 12, 2013 at 6:30pm, at the City Council Chambers, Bethel, Alaska.

Mayor Joseph Klejka called the meeting to order.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Council Member Joseph Klejka
Council Member Mark Springer
Council Member Rick Robb
Council Member Eric Whitney

ABSENT: Council Member Gene Jr. Peltola
Council Member Mary Sattler
Council Member Sharon Sigmon

STAFF: City Manager Lee Foley
City Clerk Lori Strickler

IV. PEOPLE TO BE HEARD

Tundy Rodgers-
Spoke in opposition to the States expansion plan for Tower Road. The State of Alaska 20 Year Expansion Plan intends to expand the runway for the airport right up against the Alaska Territorial Guard Fence. There are other measures that the State can take to expand the airport, invading on the people's land is not the best measure.

Jody Malus-
Read from an article in the Warriors Journal which recognized the efforts of men and women serving in the Alaska Territorial Guard as well as the soldiers currently serving.
Spoke in opposition to the expansion of Tower Road which is currently planned to cut through the Alaska Territorial Guard Memorial Park.

Fritz Grenfell -

Spoke in opposition to the States intent to expand Tower Road into the Alaska Territorial Guard Memorial. Over 600 people signed a petition to get the Alaska Territorial Guard Park established.

Shorty Salzbrun –

Spoke in opposition to the expansion of Tower Road which will impede onto the land of the Alaska Territorial Guard Memorial.

Eric Middlebrook –

Spoke in favor of Resolution 13-04 however encouraged the council to modify the document to include the environment impact of the genetically modified fish.

Buck Bukowski-

Spoke in opposition to the proposed Tower Road expansion. Read for an article in the Delta Discovery regarding the Alaska Territorial Guard Park.

Nancy Elliott-

Spoke on behalf the Bethel Friends of K9 and encouraged the Council to consider funding a full time animal control officer.

David Trantham –

Representing the Alaska Territorial Memorial Park Planning Group opposed the expansion of Tower Road which is expected to impede the Alaska Territorial Memorial Park.

MOVED:	Robb	Motion to suspend the rules to hear from Jody Malus a second time.
SECONDED:	Whitney	
VOTE ON MAIN MOTION		
All in favor		

Jody Malus-

Spoke in favor of Resolution 13-04 and encouraged the council to provide more information opposing the Genetically Modified Salmon.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

MOVED:	Robb	Motion to approve the consent and regular agenda.
SECONDED:	Whitney	

MOVED:	Robb	Remove Resolution 13-04 from the consent agenda.
VOTE ON MAIN MOTION	All in favor	

VI. APPROVAL OF THE MEETING MINUTES

Item A – 01-26-2012 Regular City Council Meeting
Passed on consent agenda

VII. REPORTS OF STANDING COMMITTEES

Item A- Port Commission –Port Director, Pete Williams –
 Said the port harbor is going to be closed to vehicles and snow machines due to open water and construction.

Digging up Browns Slough which is also not safe for snow machines or pedestrians.

Snow machines need to slow down when traveling in the Browns Slough area, there are many pedestrians in the area.

Item B- Planning Commission
 Rick Robb, Council Representative-
 Planning Commission will be meeting this Thursday to discuss the new BNC Store.

Item C-Public Works Committee
 Joseph Klejka, Committee Representative
 Meeting will be held on February 27th.

Item D-Energy Committee
 Eric Whitney, Committee Representative
 A quorum of the body was not established, a meeting was not held.

Item E-Public Safety and Transportation Commission
 No one available to provide a report.

Item F- Finance Committee,
 David Trantham, Committee Member-
 Held the election of new Chair and Vice-Chair.

Sugar Sweetened Beverage Tax Ordinance which failed by the committee.

Item G-Parks and Recreations Committee
No one available to provide a report.

VIII. UNFINISHED BUSINESS

Item A- Public Hearing Of Ordinance 13-02: Establishing Title 12 In The Bethel Municipal Code, Complete Streets.

*Mayor Klejka opened the public hearing.
No one wished to be heard.
Mayor Klejka closed the public hearing.*

MOVED:	Springer	Motion to postpone until the next Regular City Council Meeting.
SECONDED:	Whitney	
VOTE ON MAIN MOTION	All in favor	

I. NEW BUSINESS

Item A- Resolution 13-04: If AquaBounty's Petition To The United States Food And Drug Administration To Produce Genetically Engineered Salmon Is Approved, That Its Product Be Clearly Labeled As "Genetically Modified."

MOVED:	Whitney	Motion to adopt Resolution 13-04.
SECONDED:	Robb	
<p><i>Council Member Robb informed the council that he has had an Alaskan Commercial Fishing License. The Mayor ruled Council Member Robb does not have a conflict of interest.</i></p>		
MOVED:	Springer	Motion to amend the Resolution to substitute the language in the original Resolution for that provided by Council Member Whitney.
SECONDED:	Whitney	
VOTE ON MOTION	All in favor	

VOTE ON MAIN MOTION	All in favor
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Item B- AM 13-06 Approval Of The Re-Appointment Of Greg McIntyre To The Energy Committee For A Term Of Three Years.
Passed on the consent agenda.

Item C- AM 13-07 Approval Of The Appointment Of Donna Lindsey To The Public Works Committee For A Term Of Three Years.
Passed on the consent agenda.

XII. MAYOR'S REPORT

XIII. MANAGERS REPORT

XIV. CITY CLERK'S REPORT

XV. COUNCIL MEMBER COMMENTS

Council Member Whitney-
Happy there is a lot of snow.
Glad that the Council will have an opportunity to bring up the homelessness issue with the Governor.

Council Member Springer-
Attending the Alaska Municipal League Legislative Conference.
Spent today with Paul Richard lobbying the City's State Priority Requests.

Council Member Robb-
Thanked everyone from the public that came to speak on the various subjects tonight.
Homelessness issue in Bethel; the Point in Time survey is complete and will be available tomorrow to provide to the Governor.
Happy Valentine's Day

Mayor Klejka-
Thankful for all of the snow.
RAVEN is up and running at the hospital.

XVI. ADJOURNMENT

MOVED:	Whitney	Motion to adjourn.
SECONDED:	Springer	
VOTE ON MAIN MOTION	All in favor	

Council adjourned at 7:53

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Bethel City Council

Reports of Standing Committees

City of Bethel, Alaska

Public Safety and Transportation Commission

February 5, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on February 5, 2013 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:01PM

II. ROLL CALL

Present: Pat Jennings *Chair*
Brian Lefferts *Vice Chair*
Annette Sutton
Joe Yoon
Joan Dewey
Jennifer Dobson
Sharon Sigmon *Council Member*

Absent: Paul Gregory

Excused Absent: Johnny Furlong

III. PEOPLE TO BE HEARD

Dawn Wheeler- *Spoke against the sugar sweetened beverage tax.*
Dave Trantham- *Spoke against the sugar sweetened beverage tax.*

IV. APPROVAL OF AGENDA

MOVED:	Lefferts	Motion to approve the agenda.
SECONDED:	Yoon	
VOTE ON MAIN MOTION	All in favor	

V. APPROVAL OF MINUTES

MOVED:	Lefferts	Motion to approve the minutes of December 4 and January 9.
SECONDED:	Sutton	

MOVED:	Lefferts	Motion to have the minutes of December 4 amended by the Recorder and the City Clerk and brought back to the next meeting for editing and approval.
MOVED:	Lefferts	Motion to amend the minutes to include Alla Tinker while remaining legal.
VOTE ON AMENDMENT	All in favor	
VOTE ON AMENDMENT	All in favor	
VOTE ON MAIN MOTION	All in favor	

VI. CHIEFS' COMMENTS

Police Chief Larry Elarton- *See Chief's Monthly Report.*
 Fire Chief George Young- *Not present to be heard.*

VII. TRANSPORTATION INSPECTOR REPORT

KaJena Baty- *Taxi Cab Co. inspections have been moved from December to January. There are 58 permitted vehicles; it is not possible to keep track of how many Chauffeurs at this time since a lot of them come and go.*

VIII. COUNCIL MEMBER'S COMMENTS

Council Member Sigmon- *This is the first meeting she has been able to participate in. Will be attending the March meeting in person, was unable to view the packet via email.*

IX. SPECIAL ORDER OF BUSINESS

A. ANNUAL ELECTION OF CHAIR AND VICE CHAIR

MOVED:	Jennings	Nominates Brian Lefferts for Chair.
VOTE ON MAIN MOTION	All in favor.	

MOVED:	Jennings	Nominates Annette Sutton for Vice Chair
VOTE ON MAIN MOTION	All in favor.	

B. PUBLIC HEARING ON THE QUALITY OF SERVICES OF ALL REGULATED VEHICLES, CHAUFFEURS, AND DISPATCH SERVICES.

No one present to be heard.

X. UNFINISHED BUSINESS

A. RESTAURANT INSPECTION ORDINANCE

MOVED:	Sutton	Motion to introduce the Restaurant Inspection Ordinance to the City Council.
SECONDED:	Dobson	
VOTE ON MAIN MOTION	All in favor.	

B. SUGAR SWEETENED BEVERAGES ORDINANCE

MOVED:	Dobson	Motion to introduce the sugar sweetened beverages ordinance to City Council.
SECONDED:	Jennings	
VOTE ON MAIN MOTION	Motion fails unanimously.	

C. PROPOSED ORDINANCE: 09.38 CHRONIC OR EXCESSIVE NUISANCE PROPERTIES

MOVED:	Jennings	Motion to postpone this issue until the next regular meeting.
SECONDED:	Dobson	
VOTE ON MAIN MOTION	All in favor.	

XI. NEW BUSINESS

A. SUGGESTED ADDITIONS TO BMC TITLE 9 PUBLIC PEACE, MORALS, & WELFARE

MOVED:	Dewey	Motion to introduce the Suggested Additions to BMC Title 9 Public Peace, Morals, & Welfare and forward to City Council for passage.
SECONDED:	Jennings	
MOVED:	Sutton	Motion to suspend the rules to hear from David Trantham.
SECONDED:	Jennings	
VOTE ON MOTION	All in favor.	
VOTE ON MAIN MOTION	All in favor.	

B. PROPOSED ORDINANCE: BMC TITLE 10 VEHICLES AND TRAFFIC

MOVED:	Jennings	Motion to introduce BMC Title 10 Vehicles and Traffic and forward to City Council for passage.
SECONDED:	Sutton	
VOTE ON MAIN MOTION	All in favor.	

C. PROPOSED AMENDMENT TO BMC 5.40 CHAUFFEURS (PROHIBITING CELL PHONE USE WHILE OPERATING A PERMITTED VEHICLE).

MOVED:	Yoon	Motion to adopt this amendment into the BMC.
SECONDED:	Jennings	

MOVED:	Dobson	Motion to amend section B Part 3: Chauffeur's permit susceptible a minimum of 10 days up to revocation.
SECONDED:	Jennings	
MOVED:	Lefferts	Motion to amend the amendment to move the susceptibility of the revocation to after a minimum of 10 days.
VOTE ON AMENDMENT	All in favor.	
VOTE ON AMENDMENT	All in favor.	
VOTE ON MAIN MOTION	All in favor.	

I. COMMISSION MEMBER COMMENTS

Pat Jennings- *No comment.*

Brian Lefferts- *Welcomes new commission members; it was great to see seven members participating*

Sharon Sigmon- *Nothing to add, happy to be involved.*

Paul Gregory- *No comment.*

Annette Sutton- *No comment.*

Johnny Furlong- *Not present to be heard.*

Joan Dewey- *No comment.*

Jennifer Dobson- *Council Passed the Complete Streets Ordinance at the last meeting. Happy to be involved as an alternate.*

II. ADJOURNMENT

MOVED:	Sutton	Motion to adjourn.
SECONDED:	Jennings	
VOTE ON MAIN MOTION	All in favor.	

Meeting adjourned at 8:53PM

APPROVED THIS _____ DAY OF _____, 2013.

KaJena Baty, Recorder

Pat Jennings, Chair

City of Bethel, Alaska

Planning Commission

February 14, 2013

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on at 6: 30 pm in the City Hall conference room in Bethel, Alaska.

Recorder, Betsy Jumper, called the meeting to order at 6:35 pm.

II. ROLL CALL

Compromising a quorum of the Commission, the following members were present for roll call: Rick Robb, Mike Walter, Abe Palacios, Cliff Linderoth; absent: John Guinn and Joy Shantz. Ex -Officio members present were the following: Rachael Pitts, Planning Director and Betsy Jumper, Recorder.

MOTION TO NOMINATE ABE PALCIOS PRO-TEM CHAIRMAN OF THE PLANNING COMMISISON

MOVED:	Rick Robb	To nominate Abe Palacios as the pro-tem chairman for the Feb. 14, 2013 meeting.
SECONDED:	Mike Walter	
VOTE ON MAIN MOTION	All in favor 4 Motion passes; 4 yes and 0 opposed.	

III. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA FOR THE FEBRUARY 14, 2013 MEETING

MOVED:	Rick Robb	To approve the agenda for the February 14, 2013 meeting with noted changes, to move Item "B" under New Business, Kipsusvik building site plans, to the people to be heard portion of the agenda.
SECONDED:	Cliff Linderoth	
VOTE ON MAIN MOTION	All in favor 4 Motion passes; 4 yes and 0 opposed.	

IV. APPROVAL OF MINUTES

MOTION TO APPROVE THE MINUTES FROM THE NOVEMBER 8, 2012 Meeting

MOVED:	Mike Walter	To approve the minutes of the November 8, 2012 meeting.
SECONDED:	Rick Robb	
VOTE ON MAIN MOTION	All in favor 4 yes motion passes; 4 yes and 0 opposed.	

V. PEOPLE TO BE HEARD: Anna Hoffman of Bethel Native Corporation spoke to the group about the Kipsusvik building, and the group looked over the site plans and some of the materials that will be used for the interior of the theater and store/food court area. A big sign will go up at the building site to let the public know that this will be a B NC project, as there was some confusion as to what was going there. Both groundwork and building site plan permits have been issued for this project.

VI. PLANNER'S REPORT: Rachael went over and answered questions on the monthly planners report.

VII. COMMISSIONER'S COMMENTS: Rick updated the group on an initial meeting on the homeless situation in Bethel (there appears to be 100 or so) and the meeting was with other organizations of Bethel as well as the City. Rick also updated the group on the Polk road issue, there's no resolution in sight at this time. The Governor was here as well and we met with him and Polk Road was one of the topics discussed. The airport road extension around/near the new Veteran's Memorial Park/Gun Club Shooting range is causing a stir-- maybe have this on next month's agenda. Cliff, Bubba, and Mike had no comments.

VIII. SPECIAL ORDER OF BUSINESS:

A. City Clerk Planning Commission Training: The City Clerk gave her annual planning commission training.

B. Election of Planning Commission Chairman

C. Election of Planning Commission Vice-Chairman

MOTION TO TABLE THE ELECTION OF THE PLANNING COMMISSION CHAIRMAN

MOVED:	Mike Walter	To table the election of the planning commission chairman until the next planning meeting in March.
SECONDED:	Cliff Linderoth	
VOTE ON MAIN MOTION	All in favor 3 yes motion fails; 3 yes and 1 opposed.	

A discussion ensued as to why it should be postponed/tabled. After a brief debate:

MOTION TO TABLE THE ELECTION OF THE PLANNING COMMISSION CHAIRMAN

MOVED:	Cliff Linderoth	To postpone the election of the planning commission chairman until the next planning meeting in March.
SECONDED:	Mike Walter	
VOTE ON MAIN MOTION	All in favor 4 yes motion fails; 4 yes and 0 opposed.	

MOTION TO POSTPONE THE ELECTION OF THE PLANNING COMMISSION VICE-CHAIRMAN

MOVED:	Rick Robb	To postpone the election of the vice-chairman until the next planning meeting in March.
SECONDED:	Mike Walter	
VOTE ON MAIN MOTION	All in favor 4 yes motion passes; 4 yes and 0 opposed.	

IX. UNFINISHED BUSINESS: None.

- X. **NEW BUSINESS: A. Rewriting the Bethel Municipal Code on Nuisance Properties (to focus on abandoned homes and focusing responsibility for regulatory process to city staff) Sec. 15.03-abandoned homes, to rescind Sec. 15.04.** Rachael gave an overview of this rewriting, where the city staff would be responsible for the regulatory processes, rather than the City Council.

MOTION TO POSTPONE THIS MATTER UNTIL NEXT MEETING

MOVED:	Cliff Linderoth	To postpone the issue of Nuisance Properties and rewriting the Bethel Municipal Code until next Planning Commission meeting in March and make it an action item.
SECONDED:	Mike Walter	
VOTE ON MAIN MOTION	All in favor 1 yes motion fails; 1 yes and 3 opposed.	

A discussion ensued regarding the rewriting of this matter.

XI. ADJOURNMENT, Motion to adjourn the meeting.

MOVED:	Cliff Linderoth	To adjourn the meeting at 8:45.
SECONDED:	Mike Walter	
VOTE ON MAIN MOTION	All in favor 4-yes 0 no Motion passes; yes and 0 opposed.	

Next meeting on March 14, 2013.

John Guinn, Chairman

Betsy Jumper, Recorder



City of Bethel

Finance Committee Agenda

Regular Meeting

Monday February 18, 2013 – 6:30 p.m.

City Hall, Bethel, Alaska

Sadie Priem
Finance Committee Chair

Clark Davis
Finance Committee Vice Chair

Kevin Kristof
Finance Committee Member

Gene Peltola Jr
Council Representative

Dave Trantham, Jr.
Finance Committee Member

Carol Ann Willard
Finance Committee Member

Ann Willert
Finance Committee Member

Lee Foley
City Manager
543-1373
lfoley@cityofbethel.net

Bobby Sutton
Finance Director
543-1376
bsutton@cityofbethel.net

Eric Johnson
Assistant Finance Director
543-1375
ejohnson@cityofbethel.net

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD – Five minutes per person

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES OF REGULAR MEETINGS OF January 24, 2013

VI. NEW BUSINESS

B: Rescheduling Finance Committee Meetings- BMC: 2.52.130-
Requested by Finance Director

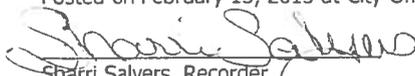
VII. COUNCIL MEMBER COMMENTS

VIII. FINANCE DIRECTOR'S COMMENTS

IX. FINANCE COMMITTEE MEMBER COMMENTS

X. ADJOURNMENT

Posted on February 13, 2013 at City Office, AC Co., Swanson's & Post Office


Sharrri Salyers, Recorder



Public Works Committee Agenda
Regular Meeting Wednesday February 20, 2013 – 6:30PM
City Shop Conference Room

MEMBERS

Joseph A Klejka
Council Rep.
Term Expires
11/2012

Frank Neitz
Chair
Term Expires
12/2013

Jennifer Dobson
Vice-Chair
Term Expires
12/2014

Bill Schreiner
Committee Member
Term Expires
12/2013

Scott Guinn
Committee Member
Term Expires
12/2014

VACANT
Committee Member
Term Expires

VACANT
Committee Member
Term Expires

Chuck Willert
Ex-Officio Member

Cheryl Roberts
Secretary/Recorder

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (15 Minute Limit)
- IV. SPECIAL ORDER OF BUSINESS
 - A. Annual Election of Chair & Vice-Chair
- V. APPROVAL OF MINUTES
 - A. Minutes from the previous regular meetings of December 19, 2012 and January 16, 2013.
- VI. APPROVAL OF AGENDA
- VII. DIRECTOR'S REPORT
- VIII. UNFINISHED BUSINESS
 - A. Update - Closeout of 2 Outstanding Grants / ABC Loop
 - B. Update - Sewer Lagoon
 - C. Update - 5 Year Plan/ RFP - Water & Sewer Master Plan
 - D. Update - Recycle Center
 - E. Update - Institutional Corridor - Feasibility Study
 - F. Update - RFP - Cost Analysis of the City of Bethel's Water & Sewer Utilities
 - G. Update - City Shop Floor
 - H. Update - New BNC/Swansons Complex Road Access
 - I. Update - Wind Generation 100kw per Public Building
- IX. NEW BUSINESS
 - A. Recommendation to Council in regards to Sewage Lagoon Rehabilitation Project
 - B. Water and Sewer Utilities Development Priorities
 - C. H-Marker Lake Road
 - D. TDX Avec Power Plant - Update
- X. MEMBER COMMENTS
- XI. ADJOURNMENT

Due to an Expected Lack of a Quorum, there

will not be a meeting on February 20, 2013.

Cheryl Roberts, Recorder, Public Works Department
Posted: February 14, 2013, AC, Post Office, Swanson's, City Hall



Planning Commission Meeting Agenda

Regular Meeting Thursday, February 14, 2013 – 6:30PM
City Hall Council Chambers 300 Chief Eddie Hoffman Highway

MEMBERS

John Guinn
Chair
Term Expires
12/2013

Joy Shantz
Vice-Chair
Term Expires
12/2013

Rick Robb
Council Rep.
Term Expires
10/2013

Mike Walter
Committee Member
Term Expires
12/2013

Abe Palacios
Committee Member
Term Expires
12/2015

Cliff Linderoth
Committee Member
Term Expires
12/2014

VACANT
Committee Member
Term Expires

Rachael Pitts
Ex-Officio Member

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (15 Minute Limit)
- IV. APPROVAL OF MINUTES OF THE NOVEMBER 8, 2012 MEETING
- V. APPROVAL OF AGENDA
- VI. DIRECTOR'S REPORT
- VII. COMMISSIONER'S COMMENTS
- VIII. SPECIAL ORDER OF BUSINESS
 - A. City Clerk Planning Commission Training
 - B. Election of Planning Commission Chairman
 - C. Election of Planning Commission Vice-Chairman
- IX. UNFINISHED BUSINESS
- X. NEW BUSINESS
 - A. Kipusvik (New Swanson's Store/Theater) Building Site Plans
 - B. Rewriting the Bethel Municipal Code on Nuisance Properties (to focus on abandoned homes and focusing responsibility for regulatory process to city staff) Sec. 15.03-abandoned homes, to rescind Sec. 15.04.
- XI. ADJOURNMENT

Bethel City Council

Special Order of Business



City of Bethel Proclamation
Proclaiming May 25, 2013 as
National Missing Children's Day in the City of Bethel

WHEREAS, the National Center for Missing and Exploited Children hold annual events to help raise awareness of the threat of child abduction, they inform families about ways to keep their children safe and support victims' families;

WHEREAS, the Center's initiative "Take 25" encourages parents, guardians and educators to take 25 minutes to talk to children about safety in the hopes to prevent another child from being reported as missing;

WHEREAS, on average, 800,000 children are reported missing each year, although many are reunited with their families, there are some who never return home;

WHEREAS, in the community of Bethel there were six children reported missing in 2012 and although all of those stories ended with the child being located, the State of Alaska in total did not fare so well with 55 children not recovered;

WHEREAS, as this issue continues to impact our country each day, it is important that we all join together with law enforcement to protect children from harm by creating greater awareness and through prevention education;

THEREFORE, the City of Bethel, City Council, does hereby proclaim May 25, 2013 as National Missing Children's Day in the City of Bethel.

Signed this 26th day in February, 2013.

Joseph A. Klejka, Mayor

Lori Strickler, City Clerk

City of Bethel, AK: Water and Sewer Rate Update



City Council Meeting
February 26, 2013

Presented by
CH2M HILL

Discussion Agenda

- Background
- Rate Study Objectives
- Rate study process
 - Financial Plan
 - Revenue Requirements
 - Cost of Service
- Water Utility
- Sewer Utility
- Recommendations
- Discussion/Q&A

Background

- A water and sewer rate study was completed in 1998.
- Water and Sewer Rate Increases adopted in 2007
- Subscription Fee implemented in 2012:
 - \$5/month subscription fee applied to all water and sewer accounts
 - Revenues generated to fund fleet replacement
- Water and Sewer Fund reliant on transfers from General Fund to cover operating losses.

3

Rate Study Objectives

- Revenue Adequacy
 - Rates that will generate sufficient revenues to meet projected costs and other requirements (e.g., fund reserves)
- Rate Equity
 - Costs will be distributed to customers in proportion to system use; achieved through rate structure
- Defensibility
 - The methods used to develop rates are consistent with industry standard practices



4

Financial Plan Development

1. Identify System Needs (forecast O&M + Capital Requirements)
2. Identify Funding Sources (rates, debt, other)
3. Develop Funding Plan (anticipated revenue from rates and other sources)

5

Revenue Requirements

Operation and Maintenance Expenses
+ Pay as you go Capital Projects
+ Debt Service Requirements
+ Funding of Reserves
= Revenue Requirements
Less: Non-Rate Revenue
Less: General Fund Transfers
Less: Use of reserves
= Revenue Requirements from Rates

6

Financial Plan

- Collaborated with City staff to develop assumptions
- 10-year planning period
- Revenues projected based on existing rate structure
- Assumed no debt funding
- Assumed 100% grant from state or federal agencies for all capital projects
- Water and Sewer utilities analyzed separately

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Financial Plan Assumptions

- Annual growth assumptions :
 - 1.0 percent for all customers
- O&M escalation range of 2.5% to 10.0% per year
- Contingency: 30 days of O&M expenses
- City has no current debt and will not issue debt for capital improvements
- Shared expenses between water and sewer utility allocated based on # of accounts
- Shared revenues allocated based on % of total revenue

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Financial Plan Results: Water

- Revenue from existing rates FY 2012/13= \$3.1 million
- O&M costs in FY 2012/13 = \$3.6 million
- Current revenues from rates not sufficient to cover operating expenses
- Non-rate revenues do not cover shortfall
- O&M costs increase from \$3.6 million in FY 2013 to approximately \$5.9 m over the 10 year analysis period (5.1% annually)
- Rate increase needed immediately

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Financial Plan Results: Sewer

- Revenue from existing rates FY 2013= \$2.4 million
- O&M costs FY 2013 = \$2.6 million
- Current revenues from rates not sufficient to cover operating expenses
- Non-rate revenues sufficient to cover shortfall
- O&M costs increase from \$2.6m to \$4.0m over the 10 year analysis period (4.6% annually)
- Moderate rate increase needed immediately

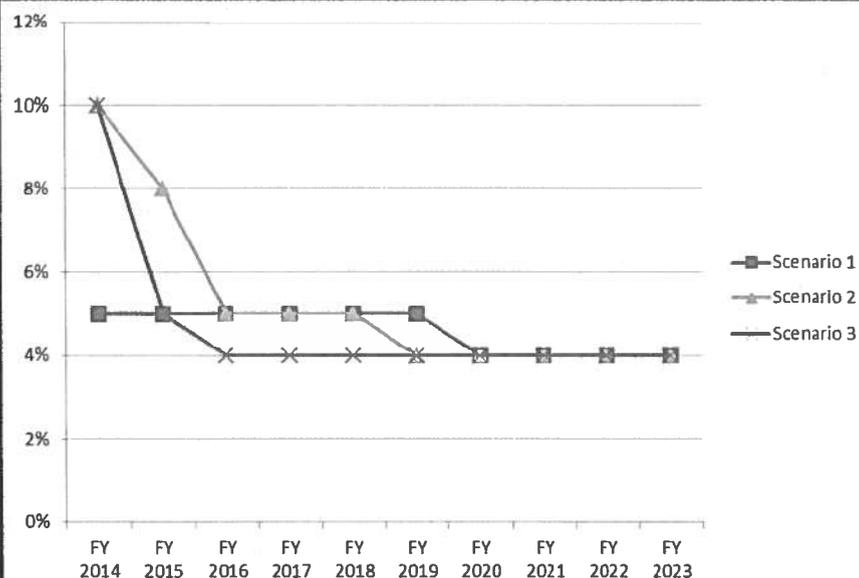
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Financial Plan Scenarios

- **Scenario 1:** This scenario assumes the water and sewer utility fund will continue to receive transfers from the General Fund to help offset operating losses. It is also assumed the City will continue to fund capital projects when 100 percent grant funding is available from state or federal agencies.
- **Scenario 2:** This scenario will phase out the annual transfers from the General Fund. Like Scenario 1, it assumed the city will continue to receive 100 percent grant funding for capital expenditures.
- **Scenario 3:** Scenario 3 includes the same assumptions as Scenario 2. It also assumes piped water service will be extended to the Institutional Corridor.

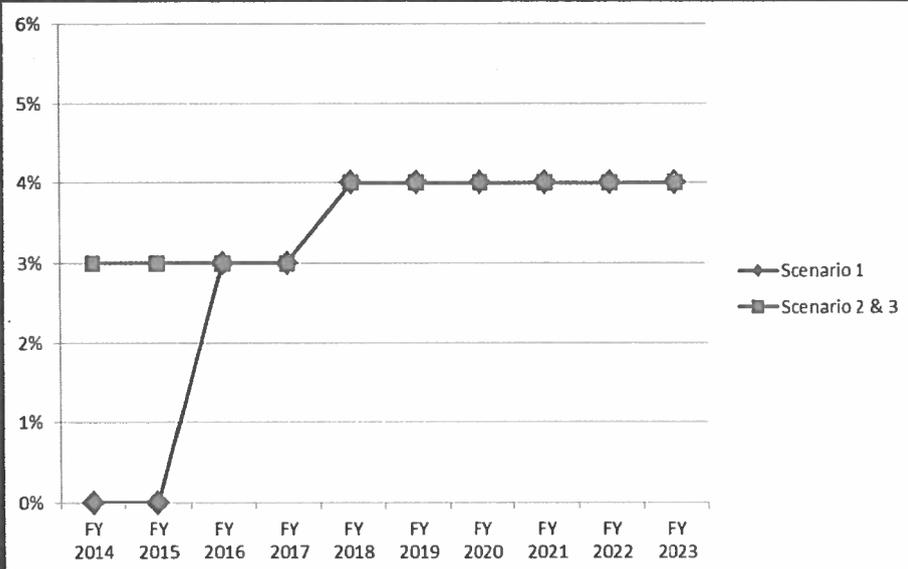
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Projected Water Rate Increases by Scenario



12

Projected Sewer Rate Increases by Scenario



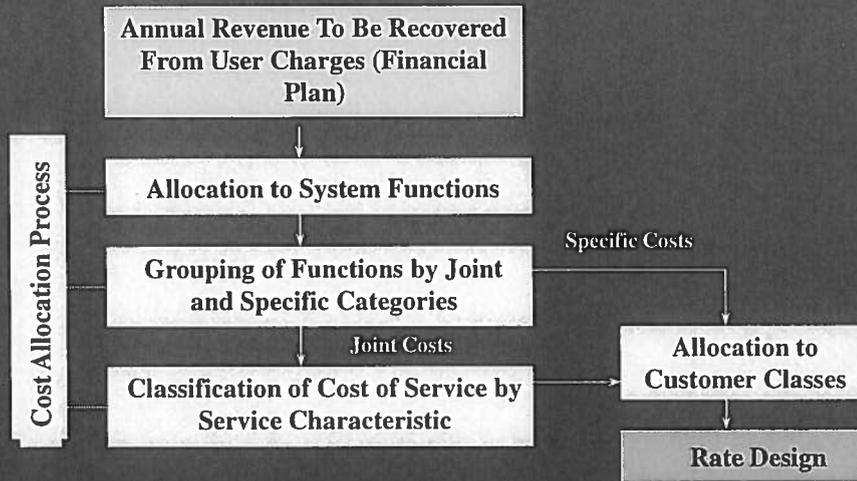
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Summary of Scenarios

- **Scenario 1** will result in the smallest rate impact as the transfers from the General Fund will help offset operating losses. However this scenario is not a long-term, financially sustainable solution
- Both **Scenarios 2 and 3** put the water and sewer fund on a stronger financial path
- **Scenario 2** requires slightly larger rate increases for Water Customers than Scenario 3 because it does not have the benefit of the additional revenues projected from the Institutional Corridor customers.
- Scenario 2 & 3 result in same sewer increases

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Cost of Service Rate Development



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Cost Allocation: Water

O&M Cost Centers	Costs Allocated to following Customer Class:
51-80 Utility Billing	All customers
51-81 Hauled Water	Hauled Water customers only
51-82 Piped Water	Piped water customer only
51-83 Bethel Heights Water Treatment Facility	All customers
51-84 City Subdivision Water Treatment Facility	All customers

16

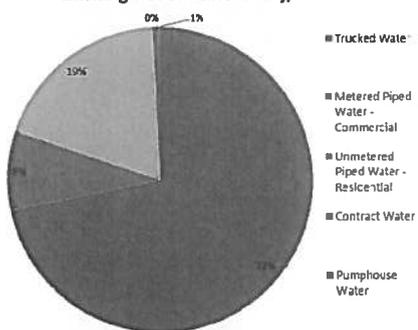
Cost Allocation: Sewer

O&M Cost Centers	Costs Allocated to following Customer Class:
51-80 Utility Billing	All customers
51-85 Hauled Sewer	Hauled Sewer customers only
51-86 Piped Sewer	Piped and hauled sewer customers
51-87 Sewer Lagoon	All customers

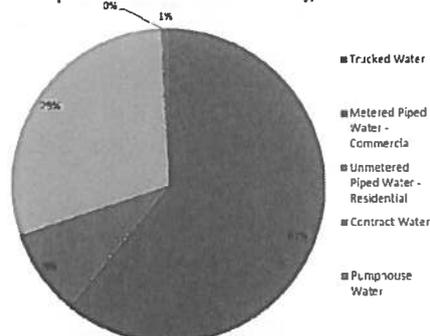
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Cost Recovery By Customer Class: Water Utility

Existing Revenue Recovery, FY 2013

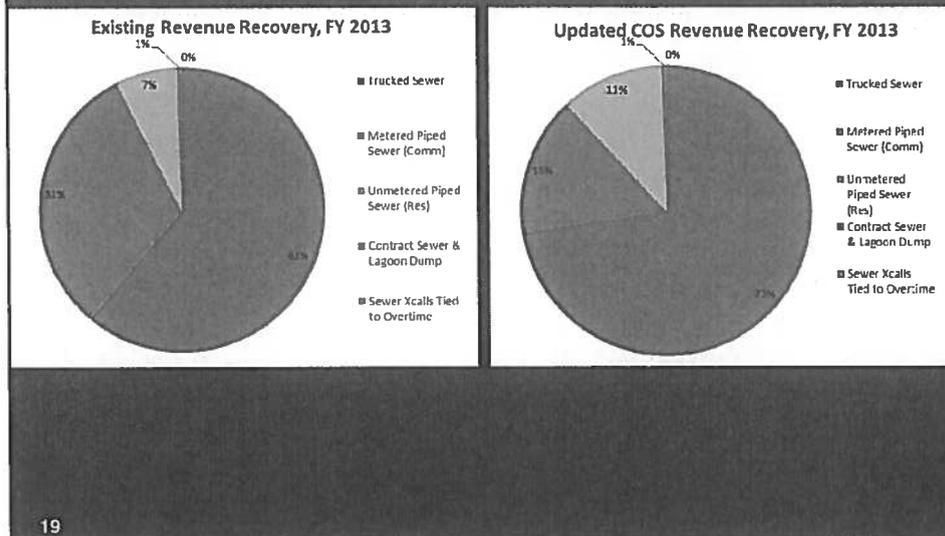


Updated COS Revenue Recovery, FY 2013



18

Cost Recovery By Customer Class: Sewer Utility



Cost of Service Study Results

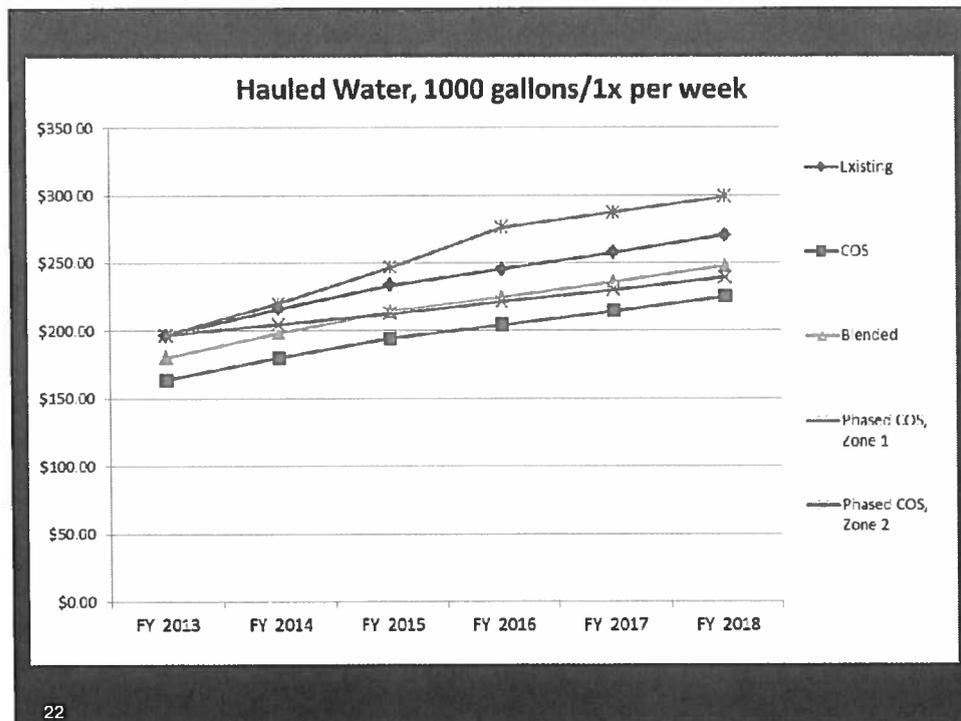
- **Water utility:** cost recovery shifts from hauled customers to piped customers. Potential rate impacts are largest for piped residential customers
- **Sewer utility:** cost recovery shifts from piped commercial to hauled customers (relatively small shift) and piped residential (larger shift).

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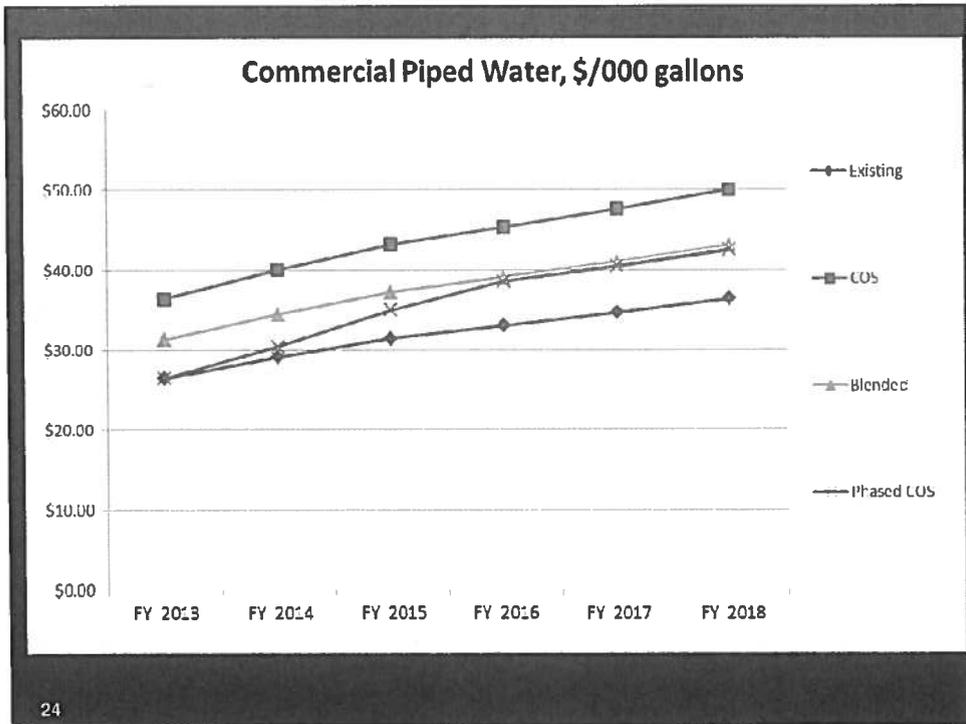
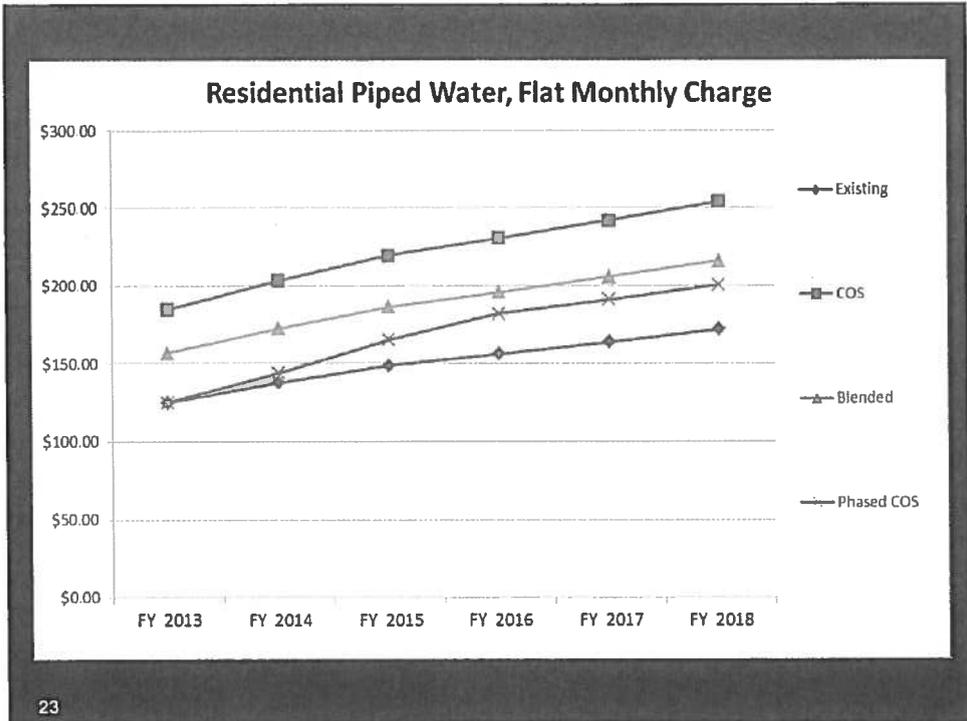
Policy Issues

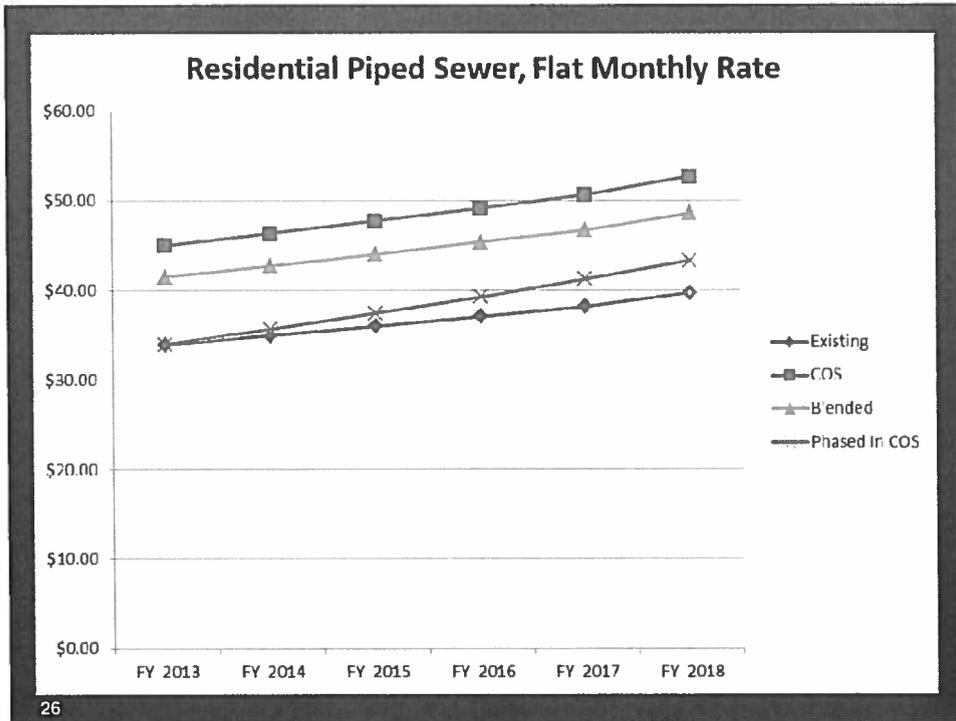
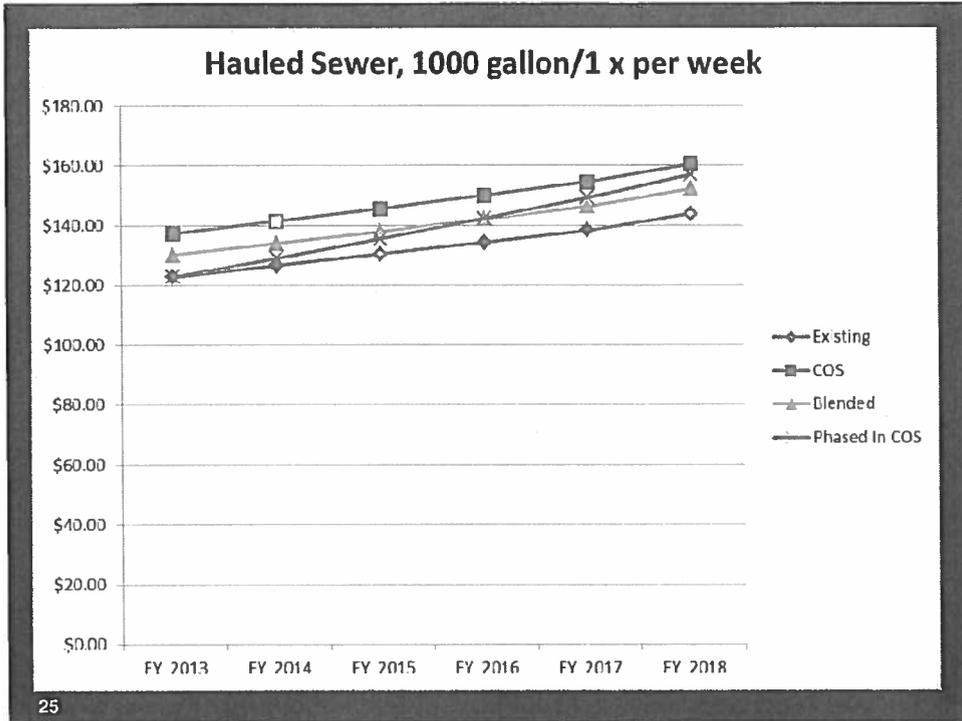
- Rate increase strategy
- Implementation of cost of service rates vs. other revenue recovery options
- Consideration of a two-zone hauled water rate structure
 - Zone 2 would include hauled customers in Kasayuli and Larsen subdivisions as well as hauled customers located near the airport

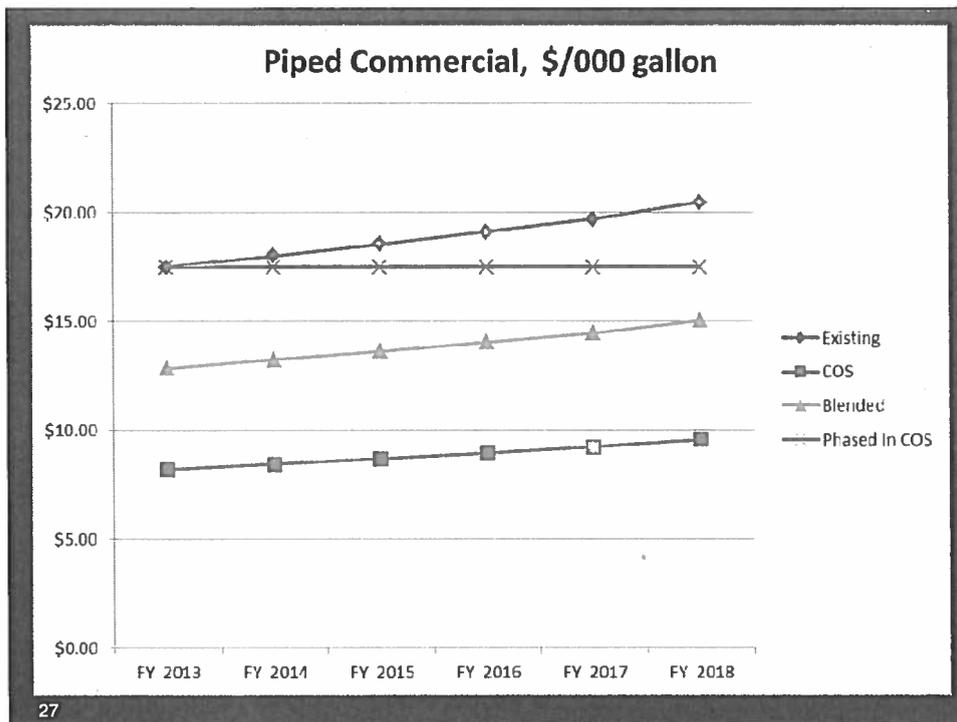
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Summary of Rate Design Options

Rate Design Description	Advantage	Disadvantage
Across the board increases	Easy to implement/explain; greater revenue stability	Equity; cost of service analysis supports a change in revenue recovery among customer classes
Cost of service rates	Rate equity—recovers revenue in proportion to estimated system demands	Shifts revenue recovery; harder to explain; significant bill impacts to some users
Blended Rates	Potential equity enhancement compared to current rates	Similar to option 2
Phased Cost of Service Rates	Maintains existing rate structure; more gradual shift towards COS rates;	Shifts revenue recovery gradually; More significant rate increases for piped water residential customers; moderate increases for piped sewer residential customers

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Recommendations

- Review financial plan regularly to ensure actual revenues and expenditures are tracking with the projections developed in this analysis
 - Potential O&M changes to Water Utility associated with addition of Institutional Corridor customers
- Increase rates as needed in future years to meet the financial needs of the systems.
- Implement data collection procedures to collect necessary data for future studies
- Conduct rate update in 5-6 years

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Discussion/Q&A



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Bethel City Council

Unfinished Business

Introduced by: Public Safety and
Transportation
Commission
Date: January 8, 2013
Introduction Date: January 22, 2013
Public Hearing: February 12, 2013
February 26, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-02

AN ORDINANCE OF THE BETHEL CITY COUNCIL PROVIDING FOR A COMPLETE STREETS POLICY AND DIRECTING STAFF TO DEVELOP IMPLEMENTATION STRATEGIES TO INCREASE THE USABILITY OF ALL STREETS FOR ALL MODES OF TRAVEL FOR CITIZENS OF ALL AGES AND ABILITIES IN BETHEL

- WHEREAS**, The City of Bethel wishes to ensure that all users of our transportation system are able to travel safely and conveniently on all streets and roadways within the public right-of-way in Bethel; and
- WHEREAS**, a complete street is defined as one which provides a safe, convenient, and context-sensitive facility for all modes of travel, for users of all ages and all abilities; and
- WHEREAS**, complete streets better serve the needs of those who use transit by providing access to transit systems; and
- WHEREAS**, complete streets have public health benefits, such as encouraging physical activity and improving air quality, by providing the opportunity for more people to bike and walk safely; and
- WHEREAS**, complete streets improve access and safety for those who cannot or choose not to drive motor vehicles; and
- WHEREAS**, complete streets are essential in providing safe routes to school for children; and
- WHEREAS**, complete streets policies have been adopted legislatively by at least five states, and by at least 36 localities – of which 13 are by local law (resolutions or ordinances); and

Introduced by: Public Safety and
Transportation
Commission
Date: January 8, 2013
Introduction Date: January 22, 2013
Public Hearing: February 12, 2013
February 26, 2013
Action:
Vote:

WHEREAS, the City of Bethel currently has a limited complete streets policy; and

WHEREAS, it is the desire of the City of Bethel to formalize a commitment to the principles of complete streets for all of our streets;

NOW THEREFORE BE IT ENACTED, by the City Council of Bethel Alaska that the following changes are made to the Bethel Municipal Code Chapter 12.01 to create a Complete Streets Policy.

THEREFORE BE IT ORDAINED by the City Council of Bethel Alaska as follows:

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

SECTION 2. Amending Section 12.01 of the Bethel Municipal Code is hereby amended as follows (new language is underlined).

Section 12.01 General Provisions

12.01.02 Application

- A. The provisions of this chapter will apply to the scoping, design, and construction of projects involving roadways in the City of Bethel.
- B. Any exception to applying these provisions to a specific roadway project must be approved by the City Council, with documentation of the reason for the exception.

12.01.03 Requirements

- A. Any roadway in the City of Bethel which is to be newly constructed or completely reconstructed must be designed and constructed to:
 1. Provide for the safety and convenience of all users of all ages and of all abilities: pedestrians, bicyclists, transit users, and motorists; and
 2. Address the needs of all users both along roadway corridors and crossing the corridors.

Introduced by: Public Safety and
Transportation
Commission
Date: January 8, 2013
Introduction Date: January 22, 2013
Public Hearing: February 12, 2013
February 26, 2013
Action:
Vote:

- B. Any project in which an existing roadway surface is to be restored or rehabilitated, and any remediation of deficient or non-existent sidewalks, shall be reviewed for the potential of making the roadway a complete street.
1. Consideration shall particularly include proportionality, the scope of work needed to make a complete street reasonable in relation to the scope of the proposed roadway construction, maintenance or improvement.
 2. The application of design standards will be flexible to permit context-sensitive design fitting the roadway design within the context of the neighborhood recognizing that all streets are different and user needs will be balanced.
- C. The Public Works and Planning Departments will review current design standards which apply to new roadway construction to assure that they reflect the best available design standards and guidelines, and effectively implement the Complete Streets Policy above stated.
- D. Design standards also serve as guidance for all existing roadway rehabilitation, reconstruction, or resurfacing, to the extent that the work required is reasonably proportional to the scale of the proposed rehabilitation, reconstruction, or resurfacing.

12.01.04 Reporting

An annual report will be made to the City Council by the City Administration showing progress made in implementing this chapter.

SECTION 5. Effective Date. This section shall become effective immediately June 1, 2013 ~~upon the passage by the City Council.~~

Introduced by: Public Safety and
Transportation
Commission
Date: January 8, 2013
Introduction Date: January 22, 2013
Public Hearing: February 12, 2013
February 26, 2013
Action:
Vote:

**ENACTED THIS _____ DAY OF _____ 2013, BY A VOTE OF _____ IN FAVOR AND
_____ OPPOSED.**

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Bethel City Council

New Business

Introduced by: Council Member Robb
Date: February 26, 2013
Action:
Vote:

CITY OF BETHEL, ALASKA

Resolution # 13-05

A RESOLUTION BY THE BETHEL CITY COUNCIL OPPOSING THE BETHEL AIRPORT MASTER PLAN UPDATE AS CURRENTLY PRESENTED WITH A WESTWARD EXPANSION OF THE CROSSWIND RUNWAY EXTENSION

WHEREAS, the Department of Transportation (DOT) is working on the Bethel Airport Master Plan Update which will provide guidelines for the Bethel Airport's development over the next 20 years;

WHEREAS, one option for expansion provided by DOT and DOWL HKM, the engineering firm assigned to the project, will expand the crosswind runway extension to the west which would require relocation of the existing Tower Road;

WHEREAS, with the plan currently under the "Recommendations" stages of the planning process, the Bethel City Council strongly encourages DOT to reconsider the suggested expansion westward and consider one of the three other options for an eastward expansion;

WHEREAS, if the westward expansion were to occur, as currently proposed, the Tower Road relocation would cut through the Alaska Territorial Memorial Park and Bethel's only rifle range as well as back up to the City's Memorial Cemetery;

WHEREAS, The Alaska Territorial Memorial Park honors those veterans, often neglected by history, who volunteered to keep Alaska safe during World War II;

WHEREAS, The Alaska Territorial Memorial Park was conceived and developed by concerned citizen volunteers in cooperation with the City of Bethel, the Alaska National Guard, and the community at large;

WHEREAS, The Alaska Territorial Memorial Park, still under development, is the culmination of numerous hours of volunteer work by citizens of Bethel, many of them veterans;

WHEREAS, The Alaska Territorial Memorial Park has been supported by communities, tribes, and individuals from around the State;

Introduced by: Council Member Robb
Date: February 26, 2013
Action:
Vote:

WHEREAS, Bethel has not had a shooting range for over 20 years;

WHEREAS, The shooting range, just recently opened and still under development, has been the work of volunteers from the community, the city, and the Bethel Sportsman's Club;

WHEREAS, The shooting range will have long term benefits for the people of Bethel and the region. These benefits include general firearms safety, a place for training for law enforcement, a training ground for subsistence hunting, youth, and the community;

WHEREAS, The Bethel Friends of the NRA Committee has hosted 12 annual fundraising dinners in Bethel. Most were sold out, and the community has donated over \$250,000 over this time the NRA Foundation;

WHEREAS, The community of Bethel has demonstrated tremendous support for the Alaska Territorial Guard Memorial Park and the Shooting Range;

WHEREAS, There are other viable options for expansion of the Bethel Airport to the east;

WHEREAS, with the impacts to religious and historical sites as well as a site established for life safety, the Bethel City Council cannot support the westward expansion as proposed, and encourages DOT to reconsider the impact to not only the community, but the region if a westward expansion is further considered;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council opposes the suggested expansion of the Bethel Airport to the west and encourages the Department of Transportation to focus on the three eastward expansion options.

ENACTED THIS 26 DAY OF FEBRUARY 2013 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Council Member Sigmon
Introduction Date: February 26, 2013
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-04

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING THE BETHEL MUNICIPAL CODE TO REPEAL BMC 2.05 RESPONSIBILITIES OF CITY COUNCILMEMBERS, MUNICIPAL OFFICERS, APPOINTED OFFICIALS AND EMPLOYEES-CONFLICT OF INTEREST AND ENACT SECTION 2.05 CITY OFFICERS GENERALLY AND 2.06 BOARD OF ETHICS

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

SECTION 1. Classification. This ordinance is of permanent nature and shall be codified within the Bethel Municipal Code.

SECTION 2. Amendment. Amending Bethel Municipal Code by repealing BMC 2.05 Responsibilities of City Councilmembers, Municipal Officers, Appointed Officials and Employees -Conflicts of Interest and Enacting Bethel Municipal Code 2.05 City Officers Generally.

Chapter 2.05

~~RESPONSIBILITIES OF CITY COUNCILMEMBERS, MUNICIPAL OFFICERS, APPOINTED OFFICIALS AND EMPLOYEES—CONFLICTS OF INTEREST~~

Sections:

- ~~2.05.010~~ Conduct in office—Investigations.
- ~~2.05.020~~ Oath.
- ~~2.05.030~~ Delivery of office.
- ~~2.05.040~~ Reports.
- ~~2.05.050~~ Resignation.
- ~~2.05.060~~ Conflicts of interest.
- ~~2.05.070~~ Representative of the city of Bethel.

~~2.05.010 Conduct in office—Investigations.~~

A. Definitions:

- ~~1. Municipal officers shall include the city manager, the city clerk and the city staff attorney of the city of Bethel.~~

Introduced by: Council Member Sigmon
Introduction Date: February 26, 2013
Public Hearing:
Action:
Vote:

~~2. City employees shall include all persons employed full-time or part-time, in a permanent or temporary capacity, in an active or inactive status by the city of Bethel.~~

~~3. Appointed officials shall include all committee and commission members.~~

~~B. The city manager shall have the power to inquire into the conduct of any office, department, officer, or employee of the municipality and to make investigations into municipal affairs and require that books, papers, and other evidence be made available for inspection. Failure to obey such orders to provide books or other documents or evidence may constitute grounds for the immediate discharge or suspension of any employee in accordance with the municipality's personnel policies, applicable law, or codes of conduct. The city council, by a majority vote, shall have the power to inquire into the conduct of any municipal officer, city councilmember, or appointed official about matters pertaining or possibly pertaining to administration of their duties which affect the operation of the affairs of the municipality.~~

~~**2.05.020 Oath.**~~

~~All employees of the municipality shall, before entering upon the duties of their office, individually take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his or her office and trust. This oath shall be filed in their personnel file.~~

~~**2.05.030 Delivery of office.**~~

~~Whenever an officer, appointed official, or employee leaves office or employment for any reason, he or she shall promptly deliver to his or her successor in office or to the mayor, manager, or other municipal official all municipal property, including books, working papers, records, money, equipment, and effects, that are in his or her custody, possession, or control.~~

~~**2.05.040 Reports.**~~

~~Every department head shall make a monthly report to the city council of the activities of the department for the preceding month and present a calendar of activities for the upcoming month. Subject to approval of the city manager, the department head may appoint someone familiar with the activities of the department to prepare and make the monthly report. Such monthly report shall include a report on the department's finances.~~

Introduced by: Council Member Sigmon
Introduction Date: February 26, 2013
Public Hearing:
Action:
Vote:

~~2.05.050 Resignation.~~

~~Resignations of municipal officers and appointed officials shall be made in writing and filed with the clerk. The clerk shall immediately notify the mayor or manager and city council. Appointed employees shall follow the resignation procedures in the city's personnel policies.~~

~~2.05.060 Conflicts of interest.~~

~~A. Prohibitions.~~

~~1. No elected official, appointed municipal officer, committee or commission member or municipal employee shall use his or her office or official position for the primary purpose of obtaining financial gain for themselves or their spouse, child, parent or business with which he or she is associated or owns stock. This provision does not apply to financial gain from salary under the terms of employment.~~

~~2. No elected official (except in the case of a member of the city council where the presiding officer or city council rule otherwise as provided in subsection D of this section), appointed municipal officer, appointed official or municipal employee shall participate in any official action in which he or she has a substantial financial interest. Prohibited participation includes voting as a member of the city council, taking part in debate, soliciting the vote of a member of the city council, or encouraging any municipal official or officer to act in a certain way.~~

~~3. No elected official, appointed municipal officer, appointed official or municipal employee may accept from any other elected official, appointed municipal officer, appointed official or municipal employee or any other person, money, gifts valued at more than ten dollars (\$10), promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not prohibit any person from accepting an award or bonus authorized by the city council to be given for meritorious service.~~

~~4. No elected official, appointed municipal officer, appointed official or municipal employee, and no other person shall give or offer to give money, gifts valued at more than ten dollars (\$10), promises of future benefits, or any other thing of value to any elected official, appointed municipal officer, appointed official, or municipal employee for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not prohibit any~~

Introduced by: Council Member Sigmon
Introduction Date: February 26, 2013
Public Hearing:
Action:
Vote:

~~person from voting for or participating in granting an award or bonus authorized by the city council to be given for meritorious service.~~

~~B. Financial Interests Which May Be Conflicts of Interest. The following is a list of examples of financial interests substantial enough that any member of the city council, appointed officer, appointed official or municipal employee who falls under any of the categories listed below should not vote or act on. The categories below are not meant to be a complete listing of all possible conflicts of interest. Any instances not covered below should come before the city council for a vote as the individual matters arise. A member of the city council, appointed officer, appointed official or municipal employee should abstain from voting or refrain from acting if:~~

- ~~1. He or she (or a member of his or her immediate family) individually, jointly, or in partnership with another has an interest in land or buildings, other than his or her residence, which will be affected by the vote or action.~~
- ~~2. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of one thousand dollars (\$1,000) or more in value that will be affected by the vote or action.~~
- ~~3. He or she (or a member of his or her immediate family) is individually, jointly, or in partnership with another the owner of a business, or has an interest in a business of one thousand dollars (\$1,000) or more that will be affected by the vote or action.~~
- ~~4. He or she (or a member of his or her immediate family) is a member of a board of directors or city council or an officer of, or holds a management position with, an organization that has financial dealings of one thousand dollars (\$1,000) or more in value with the municipality that will be affected by his or her vote or action.~~
- ~~5. He or she is an employee of an organization that has financial dealings of one thousand dollars (\$1,000) or more in value with the municipality that will be affected by his or her vote or action.~~

~~C. Conflicts of Interest and Disclosure—City Councilmembers:~~

- ~~1. Each member of the city council shall disclose any financial interest he or she may have in any matter that comes before the city council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.~~
- ~~2. The mayor shall rule on the request of a member of the city council to be excused from voting on a matter in which the member has or believes he or she has a~~

Introduced by: Council Member Sigmon
Introduction Date: February 26, 2013
Public Hearing:
Action:
Vote:

~~substantial financial interest, unless the mayor is the member making the request or has the same or a similar or related financial interest in the same matter, in which case the city council shall designate another councilmember who has no financial interest in the matter to rule on the request.~~

~~3. The decision of the mayor (or designated member of the city council) on the member's request to be excused from voting may be overridden by a majority vote of the city council. Neither the councilmember making the request nor any other councilmember, who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.~~

~~4. If any resident of the municipality believes that a member of the city council may have an undisclosed conflict of interest, the resident may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the mayor, any other member of the city council chosen by the resident requesting the meeting) and the councilmember who may have a conflict of interest. If, as a result of the confidential meeting, the member of the city council with the potential conflict or the mayor decides that the financial interest must be disclosed to the city council, the member of the city council shall disclose the interest to the city council as provided in subsection (C)(1) of this section.~~

~~5. A member of the city council who has a substantial financial interest in a matter before the city council, and who has been excused from voting on that matter, may not participate as a councilmember in the debate on the matter. If the matter is discussed by the city council in executive session, the member shall be excluded during the executive session.~~

~~6. If a conflict of interest is discovered after an official action has been undertaken or completed, the city council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action or to take any other remedial steps necessary.~~

~~D. Conflicts of Interest and Disclosure—Municipal Officers, Appointed Officials, and Employees.~~

~~1. Each municipal officer, appointed official and employee shall disclose any financial interest he or she may have in any matter that has come before the municipal officer, appointed official or employee for action in the course of his or her duties. If either the municipal officer, appointed official or employee making the disclosure, the mayor (or, in the case of city employees, the city manager) concludes that the financial interest in~~

Introduced by: Council Member Sigmon
Introduction Date: February 26, 2013
Public Hearing:
Action:
Vote:

~~question is substantial, then the municipal officer, appointed official or employee shall not act or participate in taking action on the matter.~~

~~2. Any resident of the municipality who thinks that a municipal officer, appointed official or employee may have an undisclosed conflict of interest may request a confidential meeting with the city manager (in the case of a city employee) or the mayor (in the case of a city municipal officer or appointed official) and the municipal officer, appointed official or employee who may have a conflict of interest. If, as a result of the confidential meeting, the municipal officer, appointed official or employee with the potential conflict concludes that he or she should refrain from acting on the matter, or the city manager (or the mayor) directs the municipal officer, appointed official or employee to refrain from acting on the matter, all proceedings of the meeting with the resident and the city manager (or mayor) will remain confidential. If neither the municipal officer, appointed official or employee nor the city manager (or mayor) decides that the municipal officer, appointed official or employee must refrain from acting, the resident may request the city council to consider the matter at its next regular meeting.~~

~~E. Violations:~~

~~1. Any member of the city council who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be censured by the city council. Such censure shall be made upon a two-thirds (2/3) majority vote of the city council. No member of the city council may vote on any question of his or her own censure, but may participate in any discussion and debate on the matter.~~

~~2. Any municipal officer who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be terminated from employment by a two-thirds (2/3) vote of the city council in accordance with the municipal officer's contract with the city of Bethel. The municipal officer has the right to address the city council before any vote on the matter.~~

~~3. Any appointed official who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be suspended or permanently removed from the committee or commission. Such removal or suspension shall be made upon a two-thirds (2/3) majority vote of the city council. Any suspension shall be for a period of up to ninety (90) days. The appointed official has the right to address the city council before any vote on the matter.~~

~~4. Any employee who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be terminated from employment by the city manager in accordance with the municipality's personnel policies and applicable law.~~

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The employee has the right to address the city manager before any decision on the matter.

~~2.05.070 Representative of the city of Bethel.~~

~~City councilmembers, municipal officers, and appointed officials of the city of Bethel shall support the direction of the city council when representing the city of Bethel or acting on behalf of the city. All such individuals shall clearly make known any personal communication or action which contradicts city council direction as representing their own personal views and/or ideas.~~

Chapter 2.05 City Officers Generally

2.05.010 Definitions

As used in this chapter, the following definitions shall apply:

- A. "Appointed Body" means any municipal commission, board, or committee created by ordinance or resolution with members of the public appointed subject to the confirmation by the City council.
- B. "Appointed Official" means a board or commission member appointed by the mayor subject to confirmation by the City Council.
- C. "City Official" means a person who holds elective office under the ordinances of the City, or who is a member of a board or commission whose appointment is subject to confirmation by the City Council.
- D. "Elected Official" means a person holding an elective office subject to municipal elections under the code.
- E. "Financial Interest" includes the receipt of a pecuniary benefit or the expectation of a pecuniary benefit.
 - 1. A financial interest of a person includes a financial interest of any member of the person's household.
 - 2. A person has a financial interest in an organization if the person:
 - a. Has an ownership interest in the organization or
 - b. Is a director, officer or employee of the organization.
 - 3. Whether a financial interest is substantial is determined on a case-by-case basis.
- F. "Hired consultant and contractors" means a person or organization hired by the city as an independent contractor and not as an employee.
- G. "Immediate family member" means
 - 1. The spouse of the person;

2. Another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
 3. A child, including a stepchild and an adoptive child, of the person;
 4. A parent, sibling, grandparent, aunt or uncle of the person; and
 5. A parent or sibling of the person's spouse.
- H. "Municipal employee" means any person employed by the city, whether full time or part time, temporary or permanent, but excluding elected officials and appointed officials.
- I. "Municipal officer" includes the city manager, city attorney and city clerk.
- J. "Source of income" means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them hold a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them hold a controlling interest.

2.05.020 Oath.

All municipal officers and city officials shall, before entering upon the duties of their office, individually take an oath, in writing, to honestly, faithfully, and impartially perform and discharge the duties of his or her office and trust. This oath shall be filed in their personnel file.

2.05.030 Resignation.

Resignations of municipal officers and city officials shall be made in writing and filed with the clerk. The clerk shall immediately notify the mayor or manager and city council. Municipal employees shall follow the resignation procedures in the city's personnel policies.

2.05.040 Conflicts of interest and Code of Ethics- Generally

A. A person subject to the requirements of this chapter may not:

1. Use their official position or office for the primary purpose of obtaining personal financial gain or financial gain for an immediate family member or

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business with which the person is associated or in which the person owns stock. This provision does not apply to financial gain from salary under the terms of employment.

2. No city official, shall use the implied authority of office or position for the purposes of unduly influencing the decision of others, or promoting a personal interest within the community. City officials will refrain from using their title except when duly representing the city in an authorized capacity. Unless duly appointed by the council to represent the interest of the full council, councilmembers shall refrain from implying their representation of the whole by the use of their title.

3. Solicit or receive money for advice or assistance given in the course of the officer's or employee's employment or relating to that employment.

4. Represent a client before the city council for a fee, except employee members of the unions pursuant to labor agreements.

5. Solicit or accept a gift if it can be reasonably inferred that the gift is intended to influence the elected official's independence of judgment in the exercise of official duties.

- a. An item is a "gift" under this subsection if it is:
 - i. Money, an item of value, service, loan, travel or hospitality accommodation, entertainment, or employment; and
 - ii. Provided to an elected official, or to another person or entity designated by the elected official, for less than full value.
- b. Unless rebutted by other factors, food or beverage for immediate consumption is presumed not to be given under circumstances in which it could be reasonably inferred that they are intended to include the elected official's independence of judgment in the exercise of official duties.
- c. The following unsolicited gifts are allowed, provided that if disclosure is required, the gift disclosure form is timely filed with the municipal clerk within 30 days of the receipt of the gift:
 - i. Payment for a business meal offered as a courtesy in the context of municipal duties, provided that such meals shall not be accepted on a basis so frequent from any one source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. No disclosure is required.
 - ii. A discount or price available to public sector officials generally, or to a large business category of public officials to which the elected officials belongs. No disclosure is required.

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- iii. A monetary gift or award presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or non-profit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift or award in excess of \$150.00.
 - iv. A perishable gift for immediate consumption or display, from member(s) of the public expressing general gratitude or holiday cheer. No disclosure is required.
 - v. In-state travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any municipal expense for the travel. No disclosure is required. Out of state gifts of travel and hospitality related to providing or obtaining information primarily of matters related to the duties of the elected official are allowed. Gifts in this category in excess of \$250.00 shall be disclosed to the council prior to acceptance.
- d. Gifts that are not connected with the recipient's status as an elected official are outside the scope of this chapter and no disclosure is required.

6. No city official may vote on any question in which the member has a direct or indirect substantial financial interest. Direct or indirect financial interest shall be disclosed to the presiding officer prior to the discussion on the question, for a ruling on a request from the member with the financial interest to be excused from discussion vote. The decision of the presiding officer on a request by a member of the governing body or an appointed body to be excused from a vote may be overridden by the majority vote of the body. If there are not at least four members in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four members qualified to vote on the matter are in attendance.

7. No city official, municipal officer, appointed official or municipal employee shall participate in any official action in which he or she has a substantial financial interest. Prohibited participation includes voting as a member of the city council, taking part in debate, soliciting the vote of a member of the city council, or encouraging any municipal official or officer to act in a certain way.

8. No city official municipal officer or municipal employee may disclose information he or she knows to be confidential concerning employees of the city, city property, city government, or other city affairs, including but not limited to confidential information disclosed during an executive session, unless authorized or required by law to do so.

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B. Nothing in this section is intended to limit the scope of additional restrictions, prohibitions and disclosure requirements applicable to municipal employees, appointees and elected officials under this chapter.

2.05.050 Improper influence in grants, contracts, or leases.

- A. A municipal officer or municipal employee, or immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a substantial personal or substantial financial interest in a city grant, contract, or lease if the municipal officer or public employee may take or withhold official action that affects the award, execution, or administration of the city grant, contract, or lease;
- B. The prohibition in A. of this section does not apply to a city grant, contract, or lease competitively solicited unless the employee;
 - 1. is employed by the department or division awarding the grant, contract, or lease, or is employed by the department or division for which the grant, contract, or lease is let;
 - 2. takes official action with respect to the award, execution, or administration of the grant, contract, or lease.
- C. A municipal employee shall report in writing to his/her supervisor any personal or financial interest held by the employee, or an immediate family member, in a city grant, contract, or lease that is awarded, executed, or administered by the department or division served by the employee.
- D. The city council may provide a waiver from this section as provided in BMC 4.20.240.

2.05.060 Representative of the city of Bethel.

City Officials, municipal officers, and municipal employees of the city of Bethel shall support the direction of the city council when representing the city of Bethel or acting on behalf of the city. All such individuals shall clearly make known any personal communication or action which contradicts city council direction as representing their own personal views and/or ideas.

2.05.070 Outside employment restricted.

Municipal employees shall not engage in any employment or self-employment which is incompatible with or in conflict with his/her public employment. A public employee who wishes to engage in other employment or self-employment shall request prior approval from the city manager. If the manager determines that the employment is not incompatible and is not in conflict with the proper discharge of official duties, the manager may give written approval. Any change in an employee's approved outside

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service or employment activities must be reported to the city manager. If the employee is the city manager, city attorney, or city clerk, the employee shall request approval from the city council, which will have the responsibility for determining compatibility, and, upon a determination that the services or employment are not incompatible or in conflict with official duties, may approve the services or employment in writing.

2.05.080 Report of financial and business interests.

A. A candidate for elective municipal office shall file a statement under oath with the city clerk, at the time of filing a nominating petition and declaration of candidacy, specifying the candidate's business interests and income sources, and shall file a similar statement of income sources and business interests with the City Clerk not later than April 15 of each year that they hold office.

B. The city manager and any appointed councilmember and planning commissioner shall file a statement under oath with the city clerk, within 30 days after appointment to office, specifying sources of business interests and income.

2.05.090 Contents of statement.

A. The statement filed by the city manager, elected official, planning commissioner or candidate under this chapter shall be an accurate representation of the financial affairs of the business interests and sources of income for the officer or the officer's immediate family, to the extent those sources of income or business interests are ascertainable by the officer or candidate.

B. The statement filed shall include the following information relating to the filer's immediate family:

1. The source of all income of \$5,000 during the preceding calendar year, including taxable capital gains, except that a source of income that is a gift must be included if the value of the gift exceeds \$250;
2. The name and address of each business entity owned or in which an interest was held during the preceding calendar year, including a statement of the nature of the interest owned or held, except that an interest held in a retirement account or an interest of less than \$5,000 in the stock of a publicly traded corporation need not be included;
3. The name and address of each business in which the filer is an officer, director, manager, or employee during the preceding calendar year;

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4. The identity and nature of each interest in real property located within the City limits, including an option to buy, owned at any time during the preceding calendar year;

5. A list of all contracts, bids, or offers to contract with the city during the preceding year, including those made through a proprietorship, partnership, or corporation in which the filer or an immediate family member, or a combination of them, hold a controlling interest.

2.05.100 Modified requirements for professionals.

Notwithstanding other provisions of this chapter, medical and psychiatric doctors, attorneys, and psychologists are not required to disclose as sources of income the names of individual patients or clients who receive professional services normally considered to be confidential. This exemption shall not apply to the identity of any corporation or other business entity having a contract with the professional producing income of \$5,000 or more for services to its members or a defined group, nor to the identity of clients receiving services that do not fall within the candidate's or official's field of professional expertise.

2.05.110 Administration and inspection.

The city clerk shall administer the provisions of this chapter. The clerk shall prepare and keep available for distribution standardized forms on which the reports required by this chapter shall be filed. The city clerk may make such alterations to the forms as may be necessary.

2.05.120 Records, public information.

All statements required to be filed by this chapter are public records.

2.05.130 Refusal or failure to disclose.

A. If a candidate fails or refuses to file the statement required by this chapter, his or her filing shall be refused or, if previously accepted, shall be returned and his or her name shall be withheld or removed from the filing records of candidates.

B. A person who refuses or knowingly fails to make a required disclosure of information as provided in this chapter or who files a statement containing false or misleading information knowing it to be false or misleading, shall be guilty of a violation and upon conviction is punishable by a fine as provided for violations in BMC 1.08 and may be removed from office which they are seated.

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2.05.140 Application of state statutes.

A. Nothing in this chapter is intended to curtail, modify, or otherwise circumvent the application of the Alaska Statutes to any conduct involving bribery or other offenses against public administration.

B. All municipal officers as defined by Alaska Statutes (AS) Chapter 39.50 are exempt from the provisions of AS 39.50 relating to conflicts of interest or financial disclosures.

2.05.150 Conflict of interest-elected city officials.

A. Excepts as provided herein a city official may not participate in any official action in which the official or a member of the officials' immediate family has a substantial financial interest. For purposes of this section participation shall not include discussing the matter with city officials or addressing the city council as a private citizen, but shall include voting and participating in the debate as a council member.

B. A city official shall disclose any substantial financial interest in any matter before the body, prior to debating or voting upon the matter. Any official of the body may raise a question concerning another member's financial interests, in which case the member in question shall disclose relevant facts concerning the official's financial interests in the subject of the action.

C. Whether the direct or indirect financial interest is substantial shall be determined by the presiding officer on a case-by-case basis, with evaluation of these factors:

1. Whether the financial interest is a substantial part of the consideration;
2. Whether the financial interest directly and substantially varies with the outcome of the official action;
3. Whether the financial interest is immediate and known or conjectural and dependent on the factors beyond the official action;
4. Whether the financial or private interest is monetarily significant;
5. Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council body, or commission.

D. After a city official has made known any substantial financial interest in any question to be voted upon by the body

1. The officer shall ask to be excused from the debate and vote on the matter;
2. The presiding officer shall rule on the request;

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3. The decision of the presiding officer shall be final unless overridden by a majority vote of the body;

E. In the event that the official with a substantial financial interest is the presiding officer, the request shall be ruled upon by a vote of the body. An official may not participate in the matter if the presiding officer or a majority vote of the body determines the financial interest is substantial. Neither the city official making the request nor any other city official, who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.

2.05.160 Conflict of interest – municipal employee.

A municipal employee shall not participate in an official action in which the employee or a member of the employee's immediate family has a substantial financial or private interest. A municipal employee shall disclose, in written narrative form, to their supervisor the employee's financial or private interest in official action and the financial or private interest of any member of the employee's immediate family as defined in 2.05.010 E., if the employee's duties could influence the official action.

A. Whether the municipal employee is prohibited from participation in official action due to substantial financial or private interest shall be determined by the city manager with evaluation of these factors:

1. Whether the financial or private interest held by the employee or a family member is a substantial part of the official action under consideration;
2. Whether the financial or private interest varies directly and substantially with the outcome of the official action;
3. Whether the financial or private interest is monetarily significant;
4. Whether the public disclosure requirements applicable to municipal employees under this chapter have been fully met;
5. Whether public disclosure of the municipal employee's financial or private interest and management of the potential for conflict of interest are sufficient to maintain the integrity of the decision making process.

B. The determination of the city manager shall be filed with the municipal clerk as a public record.

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C. A complaint to the city manager or mayor for conflict of interest based on substantial financial or private interest in official action by a municipal employee shall be filed as a notice of potential violation under 2.05.210.

2.05.170 Procedure for declaring potential conflicts of interest –City Manager

The city manager who has or may have a substantial financial interest in an official action shall disclose the facts concerning the manager's financial interests to the city council prior to taking any official action. If the city council determines the manager has a substantial financial interest in the action, the city council shall excuse the manager and assign another city employee to the matter.

2.05.180 Conflict with collective bargaining agreement.

In the event any section or provision in this chapter conflicts with an applicable collective bargaining agreement for a public employee, the collective bargaining agreement shall control with respect to that employee.

2.05.190 Employment prohibited.

No member of the council may be employed by the city in any capacity within a 12-month period immediately preceding or following the term of that individual unless the member is employed as a hired consultant or contractor and a waiver has been provided by the city council as described in BMC 4.20.240.

2.05.200 Political activity. The following limitations shall apply to political activity:

1. Departments, boards, and commissions, of municipal government shall not:
 - a. Expend municipal funds for the support, opposition or endorsement of candidates for any elected government office.
 - b. Expend municipal funds for paid advertisement which advocates or promotes a particular position, or solicits members of the public to advocate or promote a particular position, on legislation or other action pending before the council.
 - c. Permit an administrative division of municipal government to endorse or oppose candidates for elected federal, state, municipal or other local office even if such endorsement does not include expenditure of funds. This prohibition applies to municipal employees while on duty and to the use of municipal property or facilities in a manner not made available to members of the public.

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d. Authorize that money held by the municipality be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.

e. Actively campaign or prepare, publish, broadcast, or distribute by any means material of a partisan nature on any ballot measure, this including referendums, initiatives, bond issues or other special elections.

2. Subject to restrictions in AS 15.13.145 on the use and expenditure of municipal funds to influence the outcome of a ballot proposition or question, the City Manager may designate in advance, in writing, one or more executive employees to appear before the council, appointed public bodies of the municipality, community councils, civic organizations, and media representatives in support of or in opposition to any ballot measure coming before the voters in a municipal election. The designated executive employees shall be selected from among the employees with principal responsibility for carrying out policies and programs relevant to the ballot measure.

3. The limitation against dissemination of partisan materials on bond measures does not apply to municipal employees asked to assist an elected official in the preparation of ballot measures or to respond to inquiries from an elected official concerning any ballot measure.

4. A municipal employee shall not serve as a member of the Bethel City Council or school board or in elective office of the state, federal, or another local government. A municipal employee who is elected to one of these offices shall resign immediately from municipal employment.

5. For purposes of this section, public safety volunteers are not considered municipal employees (BMC 3.64.060).

2.05.210 Procedures for violation reporting.

A. Any person who believes that violation of any portion of this chapter has occurred may file a written complaint of potential violation with the city clerk's office.

B. All written complaints of potential violation submitted under this chapter shall be signed by the person submitting the complaint. A written complaint of potential violation shall state the address and telephone number of the person filing the complaint, identify the respondent, affirm to the best of the person's knowledge and belief the facts alleged in the complaint of potential violation signed by the person are true. The person filing the complaint of potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the complain of potential violation believes the facts alleged constitutes a violation of that

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section and identify any documentary or testimonial evidence the person filing the complaint believes are in support of the notification of potential violation.

2.05.220 Conformity to law.

If any section or provision of this chapter is held to be contrary to law by a court of competent jurisdiction or by action of the Alaska State Legislature, that section or provision shall be deemed invalid. All other sections and provision of this chapter shall continue in full force and effect.

2.06 Board of Ethics

2.06.010 Board of ethics established – general provisions.

A. There is hereby established a Board of Ethics.

B. The Board shall be comprised of all members of the city council. The mayor, or the vice-mayor in the mayor's absence, will serve as presiding officer of the Board. In the absence of both, the members of the Board shall elect a presiding officer from among its members.

C. The city attorney or other legal counsel for the Board may assist the Board at every stage of the proceedings, but shall have no vote.

D. A quorum of the Board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other for cause recusal. However, in no event may a quorum be less than three.

E. Decisions of the Board shall be adopted by a majority of the members who are qualified to act on the matter, where a quorum is present.

F. Unless the Board delegates such authority to another member or decides that no one shall have such authority, the presiding officer shall have authority to make procedural decisions between Board meetings on behalf of the Board. Examples of matters that may be decided by such delegate include scheduling hearings and other matters, establishing pre-hearing requirements and filing deadlines for motions, exhibits, witness lists, hearing briefs, and deciding other procedural matters.

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G. The presiding officer shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the Board.

2.06.020 Function and authority.

The Board of Ethics has authority to perform the following functions:

A. Investigate reported violations of Chapter 2.05.

B. Hear and decide written complaints of violations of Chapter 2.05.

C. Hear and decide on requests for exceptions as specified in Chapter 2.05.

D. Make findings and recommendations concerning sanctions, civil penalties and remedies for violations as provided in the code.

E. Adopt recommended policies and procedures governing the board's conduct of business.

F. Upon application of the complainant, respondent, or at the board's discretion, compel, by subpoena the appearance and sworn testimony at a specified time and place of a person the board reasonably believes may be able to provide information relating to a matter under investigation by the board or the production of documents, records or other items the board reasonably believes may relate to the matter under consideration.

G. Administer oaths and receive testimony from witnesses appearing before the board.

H. Request city agencies to cooperate with the board in the exercise of the board's jurisdiction.

I. Request the advising attorney to seek assistance of the district or superior court to enforce the board's subpoena.

J. Conduct investigative hearings in executive session, pursuant to notifications alleging violations of matters within the authority of the board.

2.06.030 Confidentiality; initial review.

A. Each written complaint of a violation of Chapter 2.05 received by the city manager or

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mayor shall be submitted to the clerk's office and be assigned an identification number, which shall be used in lieu of names when referring to the complaint to maintain confidentiality. The city manager, city attorney, city clerk and the board shall keep all written complaints of potential violation confidential during investigation and the board's deliberative process. Complaints of potential violation may be disclosed only to the staff members of the city clerk's office providing administrative support to the board, members of the board, and legal counsel. Upon receipt of a notification of potential violation, the board shall, at its next scheduled meeting or earlier, as determined by the board chair, review the complaint of potential violation in executive session and determine if further action on the notification of potential violation is warranted.

B. If the board determines the facts alleged in the notification of potential violation, even if proven, do not constitute a violation, or that the board lacks jurisdiction to address the complaint of potential violation, the board shall return the complaint of potential violation to the complaining party or it may recommend to the person filing the complaint that it be amended and re-filed. Notifications of potential violation returned without further action shall remain confidential.

C. If the board determines the allegation in a complaint of potential violation, if proven, may constitute a violation of a matter within the board's jurisdiction, the board shall:

1. Request and receive assistance from legal counsel to assist the board in all further deliberative processes, investigations and reports.
2. Give the respondent a copy of the complaint of potential violation, along with a copy of the outline of the board's process under this chapter, including notice that the respondent may choose to hold the proceeding in public and may be represented by legal counsel of respondent's choosing and at respondent's own expense; and
3. Notify both the person submitting the complaint of potential violation and respondent of the date(s) on which each may be requested to meet with the board, present documentary or testimonial evidence, and assist the board in resolving the potential violation.

2.06.040 Disclosure of complaint of potential violation prohibited.

A. A complaint of potential violation of Chapter 2.05 is confidential until the board completes a written report for distribution as a public record.

1. No person, including the complainant, shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a complaint of

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potential violation filed with the board, unless:

i. The respondent elects to proceed in public; or

ii. The written report of the board is electronically published by the city clerk.

2. Breach of confidentiality required by any provision of this chapter is a violation of this chapter subject to punishment.

3. Any person involved with a complaint of potential violation, including the filer of the complaint, shall keep the matter confidential. The confidentiality extends from the filing of the complaint and shall continue until the matter is concluded and made public. Maintaining confidentiality is essential to allowing for a neutral investigation into the matter. If the Board finds that any person has violated the confidentiality of a complaint of potential violation, the Board shall refer the matter for investigation. If a person is found to have breached confidentiality, they shall be subject to sanctions of \$300 for a first offense, \$500 for a second offense and \$1,000 for each subsequent offense.

4. Public disclosure resulting from corrective action under this chapter is not a violation of this subsection.

2.06.050 Conduct of investigation and standard of proof.

A. The board's investigation shall be conducted in executive session, unless the respondent requests it be held in a public session. The respondent and the person who filed the complaint, and their counsel, if any, may be present in executive session while the investigation is being conducted.

1. The respondent and the person who filed the complaint of potential violation may identify other individuals and documents that each would like the board to interview and review.

2. If an individual with information bearing on the complaint of potential violation is unwilling to come forward with information, the respondent and the person who filed the complaint of potential violation may each request the board to subpoena the person and any documentary evidence.

3. Persons appearing before the board may be represented by counsel or other person serving in a representative capacity.

4. The board may question the respondent, the person who filed the complaint of

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potential violation, and other persons appearing before the board.

5. The board may solicit questions and testimony from the person filing the complaint of potential violation, the respondent and other persons appearing for the purpose of providing information to the board. The board may solicit questions from counsel present to represent persons appearing before the board, but all questions during the board's investigation shall be posed through and by a member of the board. Consistent with due process, the board may limit or prohibit questions suggested to the board by or on behalf of persons appearing before the board.

6. The standard of proof to be applied by the board in determining a violation under Chapter 2.05 is proof by a preponderance of the evidence.

7. Technical rules of evidence do not apply, but the findings of the board shall be based upon substantial evidence, which means reliable and relevant information presented to the board.

8. The board's findings shall be binding.

9. When the board's investigation is conducted in executive session, the public shall be excluded and the session shall be electronically recorded. The recording shall be available for access as a public record after publication by the city clerk of the proposed resolution and settlement under subsection 2.06.110.

2.06.060 Deliberations of the board.

A. Deliberations of the board shall be conducted in executive session.

B. The deliberations of the board shall not be recorded.

C. The respondent, the person filing the complaint, and their counsel shall be excluded from the deliberations. The Board's legal counsel may attend the deliberations.

D. The board shall reconvene in open session when deliberations are complete.

2.06.070 Board member disclosures.

When an investigation is convened in executive session to determine whether the respondent has violated Chapter 2.05, the Board members will be requested to disclose any conflict of interest, ex-parte communications, or other facts that may affect their qualification to hear the matter. After such a disclosure, the other members of the

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Board shall determine whether a member shall be excused for cause.

2.06.080 Duty of cooperation.

A city official or the city manager subject to a complaint of a violation shall work cooperatively with the City Clerk to establish a hearing date and shall appear at the place and time set for the hearing, regardless of the respondent's intentions concerning defense or exercise of other rights. Failure to appear, except when failure results from a serious condition or event that prevented the respondent's appearance, is a breach of respondent's duties under this chapter and in itself may result in a summary finding of violation by the Board and imposition of remedies, penalties and disciplinary action under section 2.06.110. Nothing in this section shall prevent the rescheduling of a hearing for cause upon written request of the respondent or the complainant.

2.06.090 Decisions on the record.

Using the identification number of the complaint of potential violation, the board shall vote in open session on these questions:

1. Whether the board finds by a preponderance of the evidence one or more violations within the jurisdiction of the board; and
2. Whether the board recommends further administrative or remedial actions; and
3. What specific sanctions, corrective actions or referrals, if any, the board recommends.
4. If the board does not find a violation under Chapter 2.05, the board shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the board in whole or in part, and the date of board closure. At the sole discretion of the respondent, the board may release the statement of closure as a public document.

2.06.100. Timely completion.

The board shall complete action on a complaint of potential violation and investigations within 90 days of the filing of the complaint of potential violation. By a majority vote, the board may extend the completion date for up to an additional 90 days, or longer for good cause shown.

2.06.110 Sanctions, civil penalties and remedies.

Introduced by: Council Member Sigmon
Introduction Date: February 26, 2013
Public Hearing:
Action:
Vote:

Upon conviction for any violation of Chapter 2.05 or after an investigation conducted by the Board under this chapter, the Board may impose (or recommend in the case of subsection 1.) as a sanction, penalty, or remedy any or all of the following, as appropriate to the seriousness of the violation:

1. A recommendation to the City Council that the office of a City Council member or the position of city manager be declared vacant for a serious violation that is (1) flagrant or (2) willful and knowing.
2. A member of a board or commission may be removed from the board or commission.
3. A public or private reprimand may be given to the official.
4. The official may be ordered to refrain from voting, deliberating, or participating in any matter in violation of Chapter 2.05.
5. The committee assignments of an official may be revoked.
6. An official's privilege to travel at city expense on city business may be revoked or restricted.
7. A contract, or transaction or appointment, which was the subject of an official act or action of the city that involved the violation of a provision of Chapter 2.05, may be voided or terminated.
8. The official must forfeit or make restitution of any financial benefit received as a consequence of a violation of Chapter 2.05.
9. A civil fine of not more than \$1,000 per violation may be imposed.

2.06.120 Record of proceedings and public record.

Permanent records and minutes shall be kept of Board's proceedings. Such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk, and shall be a public record open to inspection by any person. Every finding and recommendation shall be directed to the City Council at the earliest possible date.

2.06.130 Settlement of complaints.

Introduced by: Council Member Sigmon
Introduction Date: February 26, 2013
Public Hearing:
Action:
Vote:

A. The respondent in any case accepted for investigation may propose a resolution and settlement of the complaint. A proposed resolution and settlement will include the admitted violation of Chapter 2.05; the remedial actions agreed to by the respondent subject to the city council's concurrence; any proposed preventive actions to be undertaken to avoid similar violation by respondent or others in the future; and other matters required by the board.

B. A proposed resolution and settlement is subject to approval by the Board and has no effect unless approved by the Board. The Board will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the Board, a proposed resolution and settlement must be kept confidential.

C. The proposed resolution and settlement becomes public record upon final approval by the Board.

SECTION 3. Effective Date. This ordinance shall become effective immediately, upon passage by the City Council.

ENACTED THIS ___ DAY OF ____ 2012, BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

ATTEST:

Joseph A. Klejka, Mayor

Lori Strickler, City Clerk

Introduced by: City Manager
Date: February 26, 2013
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

ORDINANCE #13-05

**AN ORDINANCE ADOPTING THE CITY OF BETHEL TERMINAL TARIFF #004,
NAMING RATES RULES AND REGULATION FOR TERMINAL SERVICES AT THE
PORT OF BETHEL ALASKA**

BE IT ORDAINED that the City Council of Bethel, Alaska,

SECTION 1. Classification. This ordinance is not permanent in nature and shall not be placed in the Bethel Municipal Code.

SECTION 2. The attached City of Bethel Terminal Tariff #004, is hereby adopted. It shall be adhered to by all traffic without specific notice of arrangement.

SECTION 3. Effective Date. This ordinance becomes effective ten days after the passage by the City Council except for the Inbound Petroleum Products (thru put fee), shall become effective March 1, 2014.

PASSED AND APPROVED THIS _ DAY OF MARCH 2013, by a vote of__in favor and _ opposed.

ATTEST:

Joseph A. Klejka, Mayor

Lori Strickler, City Clerk

PORT OF BETHEL

TERMINAL TARIFF NAMING

RATES, RULES, AND REGULATIONS

for

TERMINAL SERVICES

At

THE PORT OF BETHEL, ALASKA

TERMINAL TARIFF #004

Introduced: March 2008

Revised and Adopted: February 10, 2009

Revised and Adopted: XXXX

NOTICE TO THE PUBLIC

This tariff is published and filed as required by law and is, therefore, notice to the public, shippers, consignees, and carriers, that the rates, rules and charges apply to all traffic without specific notice, quotation, or arrangement.

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NOTES:

EXPLANATION OF SYMBOLS AND ABBREVIATIONS

Cont.	Continued
Period -	12 hours or less
Ft. -	Foot
Cu. -	Cube
Gal. -	U.S. gallons
Lbs. -	Pounds
LOA -	Length Overall
MT-	Metric Ton
N.O.S. -	Not Otherwise Specified
PUA -	Preferential Use Agreement
LT-	Long Ton
ST-	Short Ton
Sq. -	Square
Wt. -	Weight
\$-	U.S. Currency
Day -	Calendar Day

CONVERSION TABLES

1 Pound -	0.453592 Kilograms
1 Kilogram -	2.20462 Pounds
1 Short Ton -	2000 Pounds
1 Short Ton -	0.892857 Long Tons
1 Short Ton -	0.907185 Metric Tons
1 Long Ton-	2,240 Pounds
1 Long Ton -	1016.05 Metric Tons
1 Long Ton -	1.120 Short Tons
1 U.S. Gallon -	3.78543 Liters
1 Gallon Fresh Water -	8.34 Pounds
1 Short Ton Fresh Water -	239.808 Gallons
1 Foot -	0.304801 Meters
1 Meter -	3.28083 Feet

DEFINITIONS

The following definitions are used throughout the Terminal Tariff and are listed in the Bethel Municipal Code (BMC), Chapter 14.02, Section 14.02.020, for reference:

1. **Beam-** The greatest overall width of a vessel.
2. **Berth-** The space allotted to a vessel at anchor or at a wharf.
3. **Boat Owner-** The actual, or registered, owner, charterer, master, agent, or person in the navigational control, or person responsible for the operation of the boat.
4. **City-** The City of Bethel.
5. **Delinquent List-** The record of vessels, their owners, or agents, or other users of the Port of Bethel who have failed to pay charges when due, or who have not furnished proper cargo statements to the Port Director.
6. **Derelict-** Any watercraft moored, or otherwise located, within the Port which is forsaken, abandoned, deserted, or whose owner fails to contact the Port Director within seven (7) days after written notice declaring the watercraft to be abandoned is attached to said watercraft.
7. **Dockage-** A charge made for vessels at wharves, or moored on, or to, City property.
8. **Floating Docks/Floats-** Docks/floats equipped with, or without, gangways that are secured to the seawall, or appurtenant to it, for the use of small vessels.
9. **Free Time-** The period during which cargo and or vessels may occupy space at the Port of Bethel free of charges as specified in Item 200 of the Port of Bethel Terminal Tariff.
10. **Handling-** The service accorded to cargo movement to, or from, a vessel.
11. **Harbormaster-** The individual charged with directly supervising and facilitating cargo, freight, fuel, and Small Boat Harbor operations; the Port Director's designee.
12. **LOA-** The overall length of a watercraft measured from the most forward point at the stem (bow) To the after most part of the stern of the watercraft, to include the motor.
13. **Haul-out-** When a vessel is pulled, skidded, lifted, or floated and left partially or completely upon any Port facility or Port property.
14. **Local Boats-** Watercraft operating out of the Port and whose owners, or operators, are residents of the City of Bethel.
15. **Moorage-** The act or an instance of mooring, the place a vessel may be moored, a charge for mooring.

DEFINITIONS (Continued)

- 16. Mooring-** Any weight, chain, rope, float, structure, or any appliance used for anchoring purposes by a watercraft which is not carried aboard a watercraft as part of it.
- 17. Motor Vehicles-** A vehicle that is self-propelled except a vehicle moved by human, or animal power.
- 18. Person-** An individual, firm, association, organization, partnership, business trust, corporation, company, or any other business entity.
- 19. Port Director-** The Director of the Port, or the Port Director's designee.
- 20. Port Facilities-** All docks, floats, berths, wharfs, seawalls, and other landing, launching, mooring, cargo, or other facilities located within the Port of Bethel.
- 21. Port of Bethel, or Port-** All navigable streams, rivers, continuous waterways, the adjacent shorelines and facilities thereto under the ownership, or control, of the City located within the corporate limits of the municipality, including, but not limited to, the Petroleum Dock, the City Cargo Dock, the Small Boat Harbor, the City Seawalls, and any other similar facilities excepting those areas within the exclusive jurisdiction of the State, or Federal, government.
- 22. Small Vessels-** Boats, or other crafts, less than thirty-two (32) feet length overall (LOA) including, but not limited to, motor boats, steam ships, float planes, canal boats, tugs, barges, sailing vessels, and every structure, or vehicle designed, or adapted, to be navigated either wholly, or partially, on water and used to transport people, or property.
- 23. Seawall-** The bulkhead constructed of pipe piling, or other material, along the waterfront of the City of Bethel.
- 24. Summer Season-** June 1st through October 31st
- 25. Transit cargo or transit freight-** Cargo or freight onboard which upon arrival at the Port is not to be discharged at the Port.
- 26. Though-rated cargo-** Inbound cargo at the Port of Bethel and transferred to a vessel other than the vessel upon which it arrived with a final destination other than the Port of Bethel.
- 27. Transient Watercraft-** A watercraft whose home port is other than Bethel, or any watercraft that is not registered by an exclusive, or term, moorage agreement with the Bethel Small Boat Harbor.
- 28. Vessel-** ~~Ships, or crafts, of all types in excess of thirty two (32) feet length overall (LOA) including, but not limited to, motor ships, steam ships, canal boats, tugs, barges, sailing vessels, motor boats, and every structure adapted to be navigated from place to place for the transportation of property and persons by any means. (a)Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water. The US Code, Title 1, Chapter 1, (b)any ship or craft, or any structure capable of navigation, International Convention on Salvage 1989. (c)Every description of water craft, including non-~~

DEFINITIONS (Continued)

Displacement craft and seaplane, used or capable of being used as a means of transportation on Water, International Collision Regulations 1972 - COLREGS

- 29. Wharf-** includes every pier, bulkhead, dock, seawall, landing float, gridiron, and other structure to which vessels make fast, or upon which persons, or cargo, are discharged from a vessel, or from which persons, or cargo, are loaded upon a vessel.
- 30. Wharfage Demurrage-** The charge made against any cargo and commodities left on or attached to City premises beyond the time specified in item 202 of the Port of Bethel Terminal Tariff.
- 31. Winter Season-** November 1st through May 31st
- 32. Terminal Charges-** The charges included in the current Port of Bethel Terminal Tariff as filed with the Federal Maritime Commission. Terminal charges include only charges for facilities, goods, or services provided by the City of Bethel. See Vessel
- 33. Watercraft or Boats-** Any vessel, or small vessel, including, but not limited to houseboats, float planes, waterborne aircraft, floats, scows, rafts, pile drivers, or any other floating structure adapted to be navigated from place to place, used for recreational, commercial, or other purpose upon the waterways within the Port, or moored at any place within the Port.
- 34. Small Boat Harbor, or Harbor-** That area so designated as the Bethel Small Boat Harbor.
- 35. Loading Area-** That area designated by the Port Director for the purpose of loading and unloading small items into a boat for non-commercial purposes and is not subject to wharfage charges.
- 36. Launching Area-** That area designated by the Port Director for the purpose of launching and retrieving boats.
- 37. Parking Area-** That area designated and posted by the Port Director for the purpose of parking motor vehicles and boat trailers
- 38. Tariff Charges-** These charges include all dockage, wharfage demurrage, terminal charges, moorage fees, rentals, and any other charges, or fees, authorized by the Port Commission and approved by the City Council for use of the Port. Tariff charges shall also include any amounts a person owes the Port under the Bethel Municipal code (BMC), Sections 14.02.070 and 14.02.085 or 14.08.030 (G). Bethel City Ordinances 01-18-2 and 209-05, 1992, are applicable

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****APPLICATION OF TARIFF****100**

The rates, charges and tariffs set forth in this document are addressed in the Bethel Municipal Code, Chapter 14, Section 14.02.050.

(a) GENERAL APPLICATION OF TARIFF:

Vessel charges and assessments provided in this tariff are applicable to all vessels, self-propelled, or other than self-propelled, when such vessels are provided with dockage services, or other vessel services named in this tariff. Rates, charges, rules and regulations provided herein apply to any and all merchandise received at, or shipped from, the facilities, or properties, operated under the jurisdiction and control of the Port of Bethel, and specifically to the City Dock, Petroleum Dock, Seawall, appurtenant structures thereto, and waterways under the management of the Port Director. Information and applications for services are maintained at the Port of Bethel office.

(b) SUBJECT TO CHANGE:

The rates named in this tariff, revisions, or supplements thereto, are based upon ordinary traffic and labor conditions. If and when these conditions change because of demand of labor for increased wages, strikes, congestion, or other causes not reasonably within the control of the Port of Bethel, resulting in an increased cost of service, the rates are subject to change without notice, or the charge for services may be assessed on the basis prescribed in this Tariff.

(c) TARIFF EFFECTIVE:

The rates, charges, rules and regulations named in this tariff, additions, revisions, or supplements thereto will apply on all freight and/or cargo received at facilities subject to this tariff on and after revisions, or supplements thereto. Unless otherwise specified, all transit freight/cargo received at and undelivered prior to effective dates of tariff, revisions, or supplements thereto, will be charged the rates in effect on the date such freight/cargo was received, until entire lot, or shipment, has been withdrawn.

(d) ACCEPTANCE OF TARIFF:

Use of Port of Bethel facilities will be deemed as an acceptance of this tariff, revisions, or supplements, and the terms and conditions named therein.

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****APPLICATION OF TARIFF (Continued)****100****(e) RESERVATIONS OF AGREEMENT RIGHTS:**

Right is reserved by the Port of Bethel to enter into agreement with carriers, shippers, consignees and/or their agents concerning rates and services, providing such agreements are consistent with existing local, state and national law governing the civil and business relations of all parties concerned.

THIRD PARTY ACCESS INCLUDING STEVEDORES AND LONGSHOREMEN**101****(a) DEFINITION:**

All labor must be contracted through shipping agents, stevedoring agencies, or vessel agents, owners/operators. This item provides information regarding access, responsibilities, and requirements related to third party employers and employees. Third party access applies to stevedores, longshoremen, independent contractors, and other non-Port employees with business at the Port. Third party contractors performing stevedoring operations shall be permitted through the Port of Bethel. Refer to fees and charges listed elsewhere in this document.

(b) CARE IN THE PERFORMANCE OF OPERATIONS:

Third party employees shall exercise care in the performance of their operations in order to prevent injury to, or death of, any person and damage to, or destruction, or loss of property, whether of the Port, of the third party, of the vessel being loaded/unloaded, or of another party (Bethel Municipal Code, Sections 14.02.070 and 14.02.080).

When cargo/freight is in an elevated position, such as suspended from a crane hook, a safety line should be attached to the load and handled by a Safety Watch person to prevent spillage, or unplanned descent, which has the capability to produce injury, or death. In all cases, the Safety Watch should ensure that individuals are prevented from walking under a raised load and remain clear of cargo/freight operations.

Safety helmets (hard hats) and safety vests are required when working cargo and freight on, or at, Port of Bethel facilities. The use of steel-toed shoes/boots is strongly recommended.

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****THIRD PARTY ACCESS INCLUDING STEVEDORES AND LONGSHOREMEN (Continued) 101**

A person who is involved in an incident within the Port, or any Port facility which results in the injury, or death of a person, or any property damage, shall immediately notify the Port Director. If the office of the Port Director is closed, notification shall be given to the Bethel Police Department. The notification shall include the name and address of the person, the type and extent of the injury and the time when the injury occurred, and such other information as shall be requested in an accident form provided by the Port Director. (Bethel Municipal Code, Section 14.02.080; Ordinance 209.5, 1992)

(c) COMPLIANCE FIRE AND SAFETY PRECAUTIONS:

Any third party operating at the Port of Bethel shall take all necessary safety and fire precautions, and comply with recognized commercial and marine safety practices, procedures, and regulations. Any welding/open flame "hot work" must be approved by the Port Director, or Harbormaster, and the City of Bethel Fire Department. When "hot work" is being conducted, a Fire Watch will be assigned for the entire duration of the work being performed. The Fire Watch shall not be assigned other duties while performing this vital safety function and shall, at all times while "hot work" is ongoing, be not more than 20 feet from the work area.

All vehicles using Port of Bethel facilities must have an ABC Dry Chemical Fire Extinguisher in the vehicle, or the vehicle will be denied access (United States Coast Guard Safety Inspection Number 2960940 dated June 13, 2007).

(d) THIRD PARTY AND PORT INDEPENDENT CONTRACTORS:

The term "Third Party Employers," refers to employers of stevedores, vessel employees, longshoremen, independent contractors, and all other non-City employees.

In any service relationship the Port of Bethel and any third party shall be independent contractors, each to the other, and shall not be agents, or employees, one for the other, for any purpose.

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****THIRD PARTY ACCESS INCLUDING STEVEDORES AND LONGSHOREMEN (Continued) 101****(e) EFFICIENT AND EXPEDITIOUS VESSEL WORK:**

In order to ensure efficient and expeditious loading and discharge of vessels, and the maximum utilization of the full capacity of the Port of Bethel, third party employers will:

- (1) Make use of the appropriate facilities and equipment furnished by the Port of Bethel.
- (2) have at least one (1) qualified supervisor present at the loading/unloading site at all times while cargo/freight operations are in progress.
- (3) Have at least one (1) responsible officer, or representative available for contact by the Port of Bethel at all times, with full power and authority to make all operational decisions, including granting permission to customers to claim and/or pick up cargo, freight, or equipment. At a minimum, the third party will keep the Port of Bethel fully informed at all times as to how and where such officer, or representative, can be contacted by the Port.
- (4) Cooperate fully with the Port of Bethel in all respects by advising as far in advance as possible the type of vessel, Master's estimate of the quantity of cargo to be loaded, or discharged, estimated time required to load, or discharge, and any special problems that may exist or arise; determining the equipment needed for the operation, and coordinating sequence and timing of operations for the convenience and efficiency of Port operations.
- (5) Promptly restore terminal and/or dock working areas to a clean, safe and orderly condition on completion of third party operations.

LIMITS OF LIABILITY**102**

No provision contained in this tariff shall limit or relieve the City of Bethel and Port of Bethel from liability for its own negligence nor require any person, vessel or lessee to indemnify or hold harmless the City of Bethel and Port of Bethel from liability for its own negligence.

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****APPLICATION OF RATES****103**

- (a) Unless otherwise provided, rates are given in dollars per short ton, lineal feet, cubic feet, square feet, or U.S. gallon, whichever creates the greater revenue.
- (b) Users of Port facilities are required to furnish copies of invoices and a separate manifest for both inbound and outbound cargo and/or freight. Invoices and manifests shall be on company letterhead and will contain the name of the consignee, accurate weight, a personal contact, and a voyage number. Additional pages, if required, must clearly indicate company name and voyage number to avoid confusion.
- (c) Specific commodity rates will take precedence over any general or specified rates.
- (d) All current rates and fees schedules will be available at the Port of Bethel office.

INSURANCE**104**

Rates named in this tariff do not include insurance of any kind.

RESPONSIBILITY FOR COLLECTION AND TERMS OF PAYMENT**105****(a) RESPONSIBILITY FOR CHARGES:**

Vessels, their owners, agents, masters, and shippers, or consignees, of goods docking at, or using, the facilities covered by this tariff, agree to be responsible, jointly and severally, for the payments of charges assessed in accordance with this tariff. Rates, rules and regulations of this tariff and liability for charges apply without regard to the provision of any bills of lading, charter party agreement, third party agreement, contract, or any other conflicting documents (Bethel Municipal Code, Section 14.02.055).

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****RESPONSIBILITY FOR COLLECTION AND TERMS OF PAYMENT (Continued)****105**

Any charges accruing to the use of Port of Bethel facilities and/or services that are not contested within twenty (20) calendar days from the date of the invoice will become fully due and payable. Any contested charges submitted after twenty (20) calendar days will be considered invalid and will not be considered.

(b) TERMS AND CONDITIONS OF PAYMENT:

Use of Port of Bethel facilities; or services, is conditioned upon satisfactory assurance of the Port that applicable charges will be paid when due. All charges are due and payable, in U.S. currency, as they accrue, or upon completion of service, or use.

The Port of Bethel may require payment of charges in advance, as follows:

- (1) By the vessel, its owners, or agents before vessel is assigned a berth and commences loading, or unloading, operations.
- (2) By the cargo owner, shipper, or consignee before cargo leaves the custody and control of the Port of Bethel.
- (3) For all charges on perishable cargo, or cargo of doubtful value, and household Goods.
- (4) Payment terms are cash unless the Port of Bethel customer, prior to the use of Port facilities and/or services, has established credit worthiness, or has posted adequate security acceptable to the Port of Bethel and has thereby been relieved of cash payment requirements by the Port.

(c) COMPLIANCE WITH TERMINAL USE PERMIT CONDITIONS:

Use of Port facilities and services shall comply with the conditions of the Terminal Tariff as published by the Port of Bethel (Refer to Page 38, item 207)

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****DELINQUENT ACCOUNTS****106****(a) TIME OF DELINQUENCY:**

All invoices will be declared delinquent 31 days after the date of the invoice, and as such, will be charged a monthly finance charge of 3.00% (36% per annum), or portion thereof, for that the particular invoice. Any and all extra expense, including legal fees, litigation costs, or costs of agents employed to affect collection shall also be assessed to, and payable by such accounts (Bethel Municipal Code, Section 14.02.085).

(b) DELINQUENT LIST:

The Port of Bethel will maintain a current listing of all vessels, their owners and/or agents whose invoices are delinquent. Those individuals, or entities, on the delinquent list will not be allowed to use any Port of Bethel facilities, or services, until their past due account is settled in full.

LIABILITY FOR LOSS, DAMAGES, OR INJURY**107****(a) LIMITS OF RESPONSIBILITY:**

No persons other than employees, or agents, of the holder of an authorized Stevedoring Permit shall be permitted to perform any services on any premises, or at any facilities, of the Port of Bethel, except upon written authorization of the Port Director, or the Harbormaster.

The Port of Bethel will not be responsible for any loss, damage, injury, or death, including, but not limited to, loss, damage, injury, or death, caused by earthquakes, fire, frost, heating, dampness, leakage, the elements, evaporation, natural shrinkage, wastage, or decay, animals, rats*, mice, or other rodents, moths, weevils, or other insects, leakage, or discharge from sprinkler fire systems, collapse of building, or equipment, or by floats, logs, or pilings required in breasting vessels away from the Dock, or seawall, nor will it be liable for any loss, damage, injury, or death, or delay arising from insufficient notification, or from war, insurrection, shortage of labor, combinations, riots, or strikes of any person in its employ, or in service of others, or from any consequences arising here from, except, the Port of Bethel shall not be relieved from liability for its own negligence. (Bethel Municipal Code, Section 14.02.090).

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****LIABILITY FOR LOSS, DAMAGES, OR INJURY (Continued)****107****(b) CONTROL PROCEDURES:**

*The Alaska Board of Game has issued stricter rat and rodent control procedures in 2007, making it a misdemeanor for vessels with rats and rodents on board to enter into, or use, Alaskan waters. These more stringent steps were initiated due to an increase in rodent populations in various Alaskan ports, and the ability of rats and rodents to survive as far north as Nome (Alaska Administrative Code, Chapter 5, and Section 5AAC92.141).

(c) SERVICES ON PORT OF BETHEL PREMISES:

Except for the portion resulting from the negligence of the Port of Bethel, if any, owners, shippers, consignees, and carriers shall indemnify, defend, save and hold the City of Bethel, Port of Bethel, harmless from and against all charges, losses, damages, liabilities, expenses, causes of action, suits, claims, demands, or judgments of any nature whatsoever that may be incurred, or rise from, or grow out of, use of Port of Bethel facilities.

(d) PROVISIONS:

The provisions of this item are applicable to all persons, corporations, associations and the like who in any manner come upon, or use, the terminal facilities, except to agents, or employees of the Port. All such persons, corporations, associations and the like shall be strictly liable and responsible for damage to property or for damage or injury to, or for death of, any person, or persons, which may be occasioned by any acts, or omission of such persons, or the acts, or omissions of their agents, or employees. All such persons who come upon, or use, the terminal facilities shall be deemed to have irrevocably agreed to indemnify the Port of Bethel for any such loss, or damage to persons, or all such liability, together with all costs and expenses incurred by the Port in investigating, or defending, claims therefore, including, but not limited to, court costs, expert's fees and attorney fees.

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****RIGHTS OF THE PORT****108****(a) RIGHTS RESERVED:**

The Port of Bethel reserves the right to furnish equipment, supplies, and materials, and to perform all services in connection with the operation of its facilities, under rates and conditions named herein.

(b) RIGHT TO APPROVE:

The Port of Bethel reserves the right to approve, if it so deems necessary, the vessel agent's, or owner/operators, use of their own equipment, supplies and materials and performing all services in connection with the operation of the loading and unloading of cargo and gear. When, during the course of cargo/freight/logging operations, and in the opinion of the Port Director and/or Harbormaster, a condition, or issue, concerning safety, or damage to any Port of Bethel facility, manifests itself, the operation in question shall be halted until the situation is corrected.

(c) RIGHT TO REFUSE FREIGHT

The Port of Bethel reserves the right, without responsibility for demurrage, loss, or damage attaching, to refuse to accept, receive, or unload, or to permit vessels to discharge freight:

- (1) For which previous arrangements for space, receiving, unloading, or handling have not been made by shipper, consignee, or carrier.
- (2) Deemed extra offensive, perishable, or hazardous.
- (3) The value of which may be determined as less than the probable Port charges.
- (4) Not packed in packages, or containers, suitable for standing the ordinary handling incident to its transportation. Such freight, however, may be repacked, or reconditioned, at the discretion of the Port of Bethel, and all expense, loss, or damage incident thereto, will be the responsibility of the shipper, consignee, owner, or carrier.
- (5) Applicable portions from the Code of Federal Regulations (CFR) 49, Parts 100-185 Pertain.

(d) RIGHT TO REMOVE, TRANSFER, OR WAREHOUSE FREIGHT:

Hazardous, or offensive, freight, or freight which, by its nature, is liable to damage other freight, is subject to immediate removal, either from Port of Bethel facilities, or to other locations within said premises, with all expense and risk of loss, or damage, becoming the responsibility of the owner, shipper, or consignee.

SECTION 1

GENERAL RULES AND REGULATIONS

ITEM NO.

RIGHTS OF THE PORT (Continued)

108

Freight remaining at Port of Bethel facilities after expiration of free time (15 calendar days are allowed for local cargo/freight, and 30 calendar days are allowed for through-rated cargo/ freight), and freight remaining after the clearance of a vessel, may be piled, or re-piled, to make space, transferred to other locations, or receptacles, on/at Port of Bethel premises, or removed to public, or private warehouses, with all expense and risk of loss, or damage, becoming the responsibility of the owner, shipper, consignee, or carrier.

(e)EXPLOSIVES:

The acceptance, handling, or storage of explosives, or excessively flammable material will be subject to special arrangements with the Port of Bethel and governed by rules and regulations of federal, state and local authorities. A separate hazardous material (HAZMAT) manifest must be provided in writing to the Port of Bethel before any operations involving these types of materials commence (CFR-49, Parts 100-185, apply). Special arrangements with the Port of Bethel may include handling fees.

(f) OWNER’S RISK:

Glass, liquids, and fragile articles will be accepted only at owner’s risk for breakage, leakage, or chafing. Freight on open ground, or on open wharf, is at owner’s risk for loss, or damage.

Owners and operators of any waterborne craft, and any equipment on the aforementioned craft, or on Port of Bethel land areas, will be held liable for any damage to Port of Bethel facilities caused by their alongside vessels and/or equipment, and will have thirty (30) calendar days in which to restore, repair, or pay for said damages.

SHIPPER REQUESTS AND COMPLAINTS

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Shipper requests and complaints may be made by any shipper by filing a written statement with the Port Director, City of Bethel, Post Office Box 1388, Bethel, Alaska 99559.

SECTION 1**GENERAL RULES AND REGULATIONS****ITEM NO.****DEMURRAGE OR DELAYS****110**

In furnishing services related to loading and unloading vessels, no responsibility for any demurrage whatsoever will be assumed by the Port.

Delays in loading, unloading, receiving, delivering, or handling freight, arising from combinations, riots, or strikes of any person in the employ of the Port of Bethel, or in the services of others, or arising from any other cause not reasonably within control of the Port of Bethel, will not entitle the owners, shippers, consignees, or carriers of the freight to a waiver of wharf demurrage, or any other terminal charges, or expenses, that may be incurred.

The Port of Bethel does not accept liability for losses to vessel owners/operators, third party contractors, and others that are caused by adverse weather.

MANIFESTS REQUIRED OF VESSELS**111**

Masters, owners, agents, or operators, of vessels are required to furnish the Port of Bethel with complete copies of vessel manifests showing the port of discharge and the weights and measurements of all freight loaded, or discharged at the facilities of the Port of Bethel. Manifests shall, at a minimum, include Equipment Number, Consignee, Shipper, Quantity, Weight of Commodity, and Remarks. Manifests must be submitted to the Port of Bethel 24 hours in advance, ~~at a minimum, for arrivals and departures.~~ The Port Director must receive manifests and bills of lading prior to the arrival of inbound vessels. Outbound manifests and bills of lading listing cargo loaded across the port will be furnished to the Port Director concurrent with the departure of outbound vessels. Failure to submit a manifest as required herein may result in a fine of two hundred fifty dollars (\$250.00) and a denial of Port use privileges. If the Port of Bethel or the City is required to provide personnel for the purpose of checking freight on or off any vessel at any Port facility, the master, owner, agent, or operator of said vessel shall be charged the hourly man-hour labor rate for Port personnel established under Section 2, Item 205 of this Tariff.

SECTION 2**DESCRIPTIONS AND SCHEDULE OF CHARGES****ITEM NO.****GENERAL DESCRIPTIONS****200****(a) BERTHING:**

The Port of Bethel must be notified 24-hours in advance of any intent to dock/undock vessels at any of its facilities. Vessels intending to berth/moor, or depart, Port of Bethel facilities shall use sufficient tugs to dock/undock the vessel/barge in a safe manner. Safe working speed will be maintained given prevalent conditions. Line Handlers shall be used. In all cases, prudent seamanship and current Rules of the Road apply.

(b) FREE TIME FOR CARGO AND MOORAGE:

- (1) Cargo - The initial period during which cargo may occupy space assigned to it on Port of Bethel property, free of wharf demurrage, or terminal storage charges, immediately prior to the loading, or subsequent to the discharge, of such cargo on, or off, the vessel.

Cargo/freight, or equipment, in working areas, or that otherwise interferes with activities at the Port of Bethel, may be moved by Port personnel. In such cases, labor and equipment charges may be assessed.

Free time of fifteen (15) days is allowed for local cargo and thirty (30) days is allowed for through-rated cargo.

- (2) Moorage Free Time - Durations of one (1) hour, or less, during which a vessel may occupy space assigned to it at a Port of Bethel facility free of moorage charges. Example of moorage free time would be a short stop for a medical emergency, or to pick up/drop off personnel.

(c) LOAD LIMITS:

Cargo shall be stacked, or piled on, or at, Bethel Port facilities so as to produce a uniform loading for the areas covered. Containers shall not be stacked higher than four (4) high, and flats shall not be stacked higher than ten (10) high. No containers, or flats, shall be closer than six (6) feet to the perimeter of the City Dock.

(d) NORMAL WORKING HOURS:

Normal working hours for Bethel Port personnel are generally 0700 to 1900 (7:00 a.m. To 7:00 p.m.) Hours, seven (7) days per week from ~~May~~ June 1 through October 31 (summer season), and 0800 to 1700 (8:00a.m. to 5:00p.m.), five (5) days per week from November 1- through May 31st (winter season). Holidays are routinely worked, as necessary, or required, throughout the summer season to facilitate terminal operations, during the winter season the following holidays are observed by Bethel Port Personnel: Veteran's Day, Thanksgiving Day, day after

SECTION 2**DESCRIPTIONS AND SCHEDULE OF CHARGES****ITEM NO.****GENERAL DESCRIPTIONS (Continued)****200**

Thanksgiving, Chief Eddie Hoffman Day, Christmas Eve, Christmas Day, New Year's Day, President's Day, and every day designated by public proclamation by the President of the United States, or the Governor of the State of Alaska, as a legal holiday. Hours will be posted at the Port Office.

(e) CALL OUTS:

Call outs of Bethel Port personnel per person, before, or after, established working hours, shall be \$200.00 per hour with a minimum two (2) hour charge. Taxes are in addition to the callout cost. Pre-arranged after hours access will be \$100.00 per person per hour with a minimum two (2) hour charge.

(f) RESERVATIONS:

Reservations shall be made by facsimile, telephone, email, HF 4125, the Automated Information System (AIS) when available, or marine VHF, channels 10, or 16. Mainline carriers need to provide at least 24 hours advance notice of arrivals and departures. Local carriers need to provide a minimum of eight (8) hours advance notice of arrival and departures. Failure to notify the Port of Bethel of arrivals, departures, and cancellation of a confirmed schedule, or reservation, less than 24 hours in advance may result in a charge of \$250.00. Taxes will be assessed over and above this cancellation charge.

(g) RESPONSIBILITY FOR HOUSEKEEPING:

Users of Port of Bethel facilities/property will be required to maintain it in an orderly manner as prescribed by the Port Director, or Harbormaster. If a user does not properly clean up the space(s) used, the Port Director, or Harbormaster, shall order the work performed and the user will be billed at cost plus a thirty (30%) percent overhead charge.

Housekeeping of flammable cargo requires special provisions. Users, shippers, consignee, and persons in charge of ships will be held responsible for the following:

- (1) Providing steam, or other heating means, to assure proper flow of petroleum products requiring such heat.
- (2) Removal of temporary lines upon completion of receipt, or discharge of flammable liquids.
- (3) Preventing, or containing, any and all spillage, or leakage, associated with the receipt, or discharge, of their cargo(s). Spillage and/or leakage of petroleum products, or flammables must be cleaned up immediately.

SECTION 2**DESCRIPTIONS AND SCHEDULE OF CHARGES****ITEM NO.****GENERAL DESCRIPTIONS (Continued)****200**

- (4) Cleaning all petroleum products from lines located on, or adjacent to, the Terminal after vessel completes loading, or discharge.

(h) POINT OF REST:

Point of Rest is defined as that area on, or at, a Port of Bethel facility that is assigned for The receipt of inbound cargo from a vessel and from which inbound cargo may be delivered to the consignee, and that area which is assigned for the receipt of outbound cargo from shippers for vessel loading.

DOCKAGE - GENERAL INFORMATION**201****(a) DEFINITION:**

Dockage is the charge assessed against a vessel for berthing at a wharf, piling structure, pier, bulkhead structure, or bank of land, or for mooring a vessel so berthed.

(b) CALCULATION:

The period of time upon which dockage will be assessed shall commence when the vessel is made fast to a wharf, or when a vessel is made fast to a vessel so berthed, or when a vessel comes within, or moors within, a slip, and shall continue until such vessel is completely free from and has vacated such berth, or slip. In calculating dockage, billing rates are expressed in 24-hour periods, with a minimum of 12-hour per charged footage. For billing purposes, partial periods will be rounded up to the next half period.

(c) VESSELS REQUIRED TO VACATE BERTH:

The Port of Bethel reserves the right to order a vessel to shift its position at a wharf, to change berths, or to vacate a berth, when not actually engaged in loading, or discharging, freight/ cargo, or when occupying a berth beyond the time scheduled by the Port Director, or Harbormaster. Any vessel upon notice to move which refuses, or fails, to move, may be shifted, or moved by tug, or otherwise, and any expenses, damage to vessels, or berth during such removal will be charged to the vessel so moved.

(d) CHARGES ON VESSEL SHIFTING:

When a vessel is shifted directly from one berth to another berth operated by the Port of Bethel, the total time at such berths will be considered together in computing the dockage charge.

SECTION 2**DESCRIPTIONS AND SCHEDULE OF CHARGES****ITEM NO.****DOCKAGE - GENERAL INFORMATION (Continued)****201****(e) DOCK ASSIGNMENTS:**

The Port Director, or Harbormaster, have sole authority to determine how a vessel must use the Port of Bethel (e.g. the exact location for berthing), to reserve the vessel's arrival and departure time, and to maintain a written schedule of such reservations prepared from the Vessel Docking Request forms.

(f) RESOURCE ALLOCATION RULES:

Vessels berthed, but not taking on, or discharging, freight/cargo, may be required to shift berths, or move elsewhere, so the Port of Bethel can accommodate vessels with freight/cargo to load, or discharge. In any event, the Bethel Port Director and/or Bethel Harbormaster have full authority to reset berthing and Port of Bethel use priorities.

(g) GOVERNMENT VESSELS:

Government vessels may use the Port of Bethel. Only vessels belonging to Alaska Marine Highway System are exempt from all charges at Port of Bethel facilities. Government vessels such as those registered with the U.S. Navy, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, and Alaska Department of Game, may use Port of Bethel Facilities on a space available basis if they call infrequently (no more than twice in any one calendar year) and for short periods of time (24 hours, or less). In such instances they are exempt from dockage charges only, but must pay for all other services when rendered. All government ships must vacate facilities belonging to the Port of Bethel when requested to do so. Government agencies that have User Agreements on file with the City and Port of Bethel will pay for dockage and other services as outlined in individual agreements, for the duration of those agreements.

SECTION 2

DESCRIPTIONS AND SCHEDULE OF CHARGES

ITEM NO.

DOCKAGE – FEES AND CHARGES

201

(h) DOCKAGE RATES/CARGO TRANSFER:

Dockage rates/cargo transfers, expressed in \$ (U.S. dollars) per 24-hour period, with a minimum 12-hour per charged footage, will be assessed as follows (except as otherwise provided):

Overall Length of Vessel (Ft.)		Charge Per 24-Hour Day		
<i>Over</i>	<i>But Not Over</i>	<u>2013</u>	<u>2014</u>	<u>2015</u>
0	100	<u>153.00</u>	<u>157.59</u>	<u>162.32</u>
101	125	<u>181.00</u>	<u>186.43</u>	<u>192.02</u>
126	150	<u>209.00</u>	<u>215.27</u>	<u>221.73</u>
151	175	<u>264.00</u>	<u>271.92</u>	<u>280.08</u>
176	200	<u>295.00</u>	<u>303.85</u>	<u>312.97</u>
201	225	<u>328.00</u>	<u>337.84</u>	<u>347.98</u>
226	250	<u>359.00</u>	<u>369.77</u>	<u>380.86</u>
251	275	<u>391.00</u>	<u>402.73</u>	<u>414.81</u>
276	300	<u>423.00</u>	<u>435.69</u>	<u>448.76</u>
301	325	<u>455.00</u>	<u>468.65</u>	<u>482.71</u>
326	350	<u>490.00</u>	<u>504.70</u>	<u>519.84</u>
351	375	<u>575.00</u>	<u>592.25</u>	<u>610.02</u>
376	400	<u>610.00</u>	<u>628.30</u>	<u>647.15</u>
401	425	<u>646.00</u>	<u>665.38</u>	<u>685.34</u>
426	450	<u>682.00</u>	<u>702.46</u>	<u>723.53</u>
451	475	<u>715.00</u>	<u>736.45</u>	<u>758.54</u>
476	500	<u>753.00</u>	<u>775.59</u>	<u>798.86</u>
501	525	<u>790.00</u>	<u>813.70</u>	<u>838.11</u>
526	550	<u>828.00</u>	<u>852.84</u>	<u>878.43</u>
551	575	<u>865.00</u>	<u>890.95</u>	<u>917.68</u>
576	600	<u>903.00</u>	<u>930.09</u>	<u>957.99</u>
601	625	<u>978.00</u>	<u>1,007.34</u>	<u>1,037.56</u>
626	650	<u>1,165.00</u>	<u>1,199.95</u>	<u>1,235.95</u>
651	675	<u>1,353.00</u>	<u>1,393.59</u>	<u>1,435.40</u>
676	700	<u>1,540.00</u>	<u>1,586.20</u>	<u>1,633.79</u>
701	725	<u>1,728.00</u>	<u>1,779.84</u>	<u>1,833.23</u>
726	750	<u>1,915.00</u>	<u>1,972.45</u>	<u>2,031.62</u>
751	775	<u>2,103.00</u>	<u>2,166.09</u>	<u>2,231.07</u>
776	800	<u>2,290.00</u>	<u>2,358.70</u>	<u>2,429.46</u>
801	Up	\$2,300.00 plus \$5.00 for each foot LOA in excess of 800 feet		

SECTION 2

DESCRIPTIONS AND SCHEDULE OF CHARGES

ITEM NO.

DOCKAGE – FEES AND CHARGES

201

(i) HAUL-OUTS:

When a vessel is hauled out of the water and placed partially or completely upon any Port facility, including but not limited to the City Dock and Beach #1 during June 1 and October 15 of each year, the vessel will be charged a daily dockage rate for the length of the vessel.

(j) SEAWALL MOORING:

A vessel assigned a Seawall mooring permit will be charged a one time fee of twenty – six US dollars (\$26.00) per lineal foot at the rate for the summer season. Rates for the summer season (June 1 through October 31) will be assessed as follows: Vessels moored alongside the Seawall, or the east side of the City Dock within Brown's Slough, will be charged \$26.00 per lineal foot of designated wall space. Moored vessels will not extend out from the Seawall more than 100 feet maximum. Outboard vessels shall not be longer than the inboard vessel to which they are moored. Moorage of more than two (2) vessels wide is not allowed. Vessels will not be allowed to moor outboard of each other in Brown's Slough. The daily dockage rate will apply for any vessel in excess of 100 ft or two vessels wide. Rates listed above in the LOA Table do not include taxes.

Vessels that are moored outboard of the first vessel and have a load will be charged a daily dockage rate and the rate for a seawall mooring permit shall not apply. Daily dockage rates will be applied to vessels not in their designated berth as stated in there Seawall mooring permit.

Vessels moored in Brown's Slough during the winter season (November 1 to May 31) will be charged ten cents per square foot per month. All winter storage must be prearranged with the Port Director/City Manager for all Port facilities.

Vessels will not be allowed to moor outboard of each other in Brown's Slough at any time.

SECTION 2**DESCRIPTIONS AND SCHEDULE OF CHARGES****ITEM NO.****STORAGE – GENERAL INFORMATION****202****(a) DEFINITION:**

Terminal Storage is the service of providing warehousing, or other terminal facilities, for the storing of inbound, or outbound, freight/cargo, or gear/equipment, after the expiration of free time. This includes closed or covered storage, open or ground storage, bonded storage when available, and refrigerated storage when available after storage arrangements have been made.

(b) CONDITIONS GOVERNING ACCEPTANCE OF CARGO FOR MONTHLY STORAGE:

When space is available and arrangements are entered into prior to arrival of freight/cargo at the Terminal, monthly storage may be permitted on in-transit freight/cargo interchanged with, or between, cargos carriers at rates set forth herein.

(c) CALCULATIONS:

Equipment/Freight/cargo received for storage will be billed on a semi-monthly (twice per month) rate during the summer season (June 1 through October 31), and on a monthly (once monthly) rate during the winter season (November 1 through May 31). If storage for winter season (November 1 to May 31) is paid in full at the start of the winter season the customer will receive a five percent discount. If equipment/freight/cargo is pre-paid there will be no refunds if removed before May 31 (end of winter season).

SECTION 2

DESCRIPTIONS AND SCHEDULE OF CHARGES

ITEM NO.

STORAGE – GENERAL INFORMATION (Continued)

202

(d) CONDITIONS GOVERNING ACCEPTANCE OF CARGO FOR DAILY STORAGE:

When space is available and arrangements are entered into prior to arrival of freight/cargo at the Terminal, storage may be permitted on in-transit freight/cargo interchanged with, or between, cargo carriers at rates listed below.

STORAGE – FEES AND CHARGES

202

(e) MINIMUM CHARGES:

- (1) Minimum charges for storage, open areas: \$0.30 per square foot, monthly, or semi-monthly, depending on the season.
- (2) Minimum charges for storage, closed areas: \$0.30 per square foot, monthly, or semi-monthly, depending on the season.
- (3) Minimum charges for hazardous materials (HAZMAT): \$0.50 per square foot, monthly, or semi-monthly, depending on the season.
- (4) All charges listed in 1-3 above are “before taxes.”

(f) STORAGE RATES - OPEN AREAS:

Commodity	Monthly Charge (Nov 1-May 31)	Semi-Monthly Charge (Jun 1-Oct 31)
*Equipment	\$0.30 per sq. ft.	\$0.30 per sq. ft.
All Other Freight/Cargo	\$0.30 per sq. ft.	\$0.30 per sq. ft.
Gravel, sand, Rock (All Types and Sizes - No free Time for Gravel, Sand, and Rock)	\$0.30 per sq. ft.	\$0.30 per sq. ft.
**Hazardous Materials	\$0.50 per sq. ft.	\$0.50 per sq. ft.
<u>Logs any size</u>	<u>\$0.30 per sq. ft. per week, no free time</u>	

SECTION 2

DESCRIPTIONS AND SCHEDULE OF CHARGES

ITEM NO.

STORAGE – FEES AND CHARGES (Continued)

202

*Equipment includes all types of rolling stock, flats with and without freight/cargo, chassis', empty and loaded containers, boats including tugs, small craft with or without trailers, private/ personal-owned vehicles awaiting pickup or outbound transit, barges, and cranes.

(g)(STORAGE RATES - HAZARDOUS MATERIALS (HAZMAT)

** The maximum storage period for hazardous materials (HAZMAT) on the City Dock and/or Beach #1 (short-term storage area) is ten (10) calendar days. Failure to remove HAZMAT off the City Dock and/or Beach #1 within this established time period will result in a doubling of storage rates. Long-term storage areas are defined as the City Dock East Addition and the Port's Storage Yard located adjacent to the Petroleum Dock.

(h) Anything stored or residing in/on Port Facilities & not removed from the Facilities for 9 (nine) continuous months and not used for stevedoring purposes will be billed double the storage fees. The Port of Bethel has the right after 24 (twenty-four) months or 2 (two) years of continuous storage to seize and remove or remove and dispose of anything that is stored at any port of bethel facility longer than 2 years

WHARFAGE – GENERAL INFORMATION

203

(a)DEFINITION:

Wharfage is a charge assessed for cargo passing, or conveyed over, onto, or under, wharves, or between vessels, when berthed at a wharf. Wharfage is solely the charge for the use of the wharf and does not include charges for any other service.

(b)TAXES:

No taxes are assessed on wharfage.

(c)APPLICATION:

Wharfage rates listed in this tariff will be charged for all freight/cargo, excluding ship's gear and over stow received onto, or over, all property belonging to the Port and/or City of Bethel. Ship's gear and over stow includes any cargo/ freight/ equipment that is offloaded and then reloaded onto the same vessel and which departs on the same voyage and vessel.

(d) OVERSIDE:

All freight, cargo, or petroleum products, loaded, or discharged, over the side of a vessel directly to, or from, another vessel, barge, lighter, draft, or to, or from, the water while the vessel is berthed, or moored, will be assessed half the regular wharfage rate.

SECTION 2

DESCRIPTIONS AND SCHEDULE OF CHARGES

ITEM NO.

WHARFAGE – FEES AND CHARGES

203

(e) SCHEDULE OF CHARGES:

Charges are in U.S. Dollars.

Commodity	Charge
Freight, or Cargo (Includes all goods, equipment, or merchandise conveyed in a vessel, barge, or marine vehicle)	\$8.20 <u>\$9.02</u> per short ton
*Through-Rated Freight, or Cargo	\$10.25 <u>\$11.28</u> per short ton
Hazardous Material	\$8.20 <u>\$9.02</u> per short ton plus \$25.00 for each container, flat, or pallet containing more than 800 lbs. of hazardous material as defined in the CFR 49 parts 100 to 185. Rolling stock will be exempt from the \$25.00 fee. The manifest for this type of cargo must indicate each consignee
Through-Rated Hazardous Material	\$10.25 <u>\$11.28</u> per short ton plus \$50.00 per container.
Seafood ton	\$8.20 <u>\$9.02</u> per short ton
Inbound Petroleum Products (thru put fee)	\$0.04 <u>\$0.05</u> per U.S. gallon
All Types of Sand and Gravel less than 3 inches(-3')	\$1.25 <u>\$2.00</u> per short ton
All Types and Sizes of Rock ton greater than 3 inches(+3'')	\$8.20 <u>\$9.02</u> per short ton
All Types and Sizes of Logs (Logs may not be stacked more than 8 foot high)	\$0.30 per square foot <u>(wharfage fee)</u>

*Freight and/or cargo will not be considered Through-Rated unless a manifest is received 24-hours in advance with verifiable routing and clearly identifying where the freight and/or cargo's final destination is. If the freight and/or cargo is not removed from the Port of Bethel within thirty (30) calendar days, the Through-Rated designation will be voided and regular charges will be applied at the rate of \$8.20 per short ton on and off any Port facility. Freight already billed as through rated cargo that has forfeited its through rated designation due to time restraints will be charged the difference of \$6.76 per short ton.

SECTION 2

DESCRIPTIONS AND SCHEDULE OF CHARGES

ITEM NO.

WHARF DEMURRAGE

203

(f) DEFINITION:

Wharf demurrage is a charge assessed against freight/cargo/equipment remaining in, or on, Terminal facilities after the expiration of free time unless arrangements have been made for storage. After free time expires, storage charges will be assessed.

(g) MINIMUM CHARGES:

Minimum charges are set forth on page 27 of this Tariff.

HANDLING – GENERAL INFORMATION

204

(a) DEFINITION:

Handling is the service of moving freight/cargo and/or equipment from a vessel moored alongside a dock, wharf, or seawall, from a dock, wharf, or seawall to a moored vessel. Charges for handling are assessed against vessels, their owners, operators, or the party ordering the handling service.

(b) SPILLAGE:

All spillage and/or leakage of petroleum products, or flammables, shall be reported to the Port Director, ~~Harbormaster~~ Port Office, U.S. Coast Guard and Alaska Department of Environmental Conservation (ADEC) without delay. Clean up will commence immediately - no exceptions!

Port Office – (907)543-2310

Port Director – (907)545-4150

National Response Center – 1-800-424-8802

ADEC – (907)543-2315

USCG – (907)271-6700

(c) LINE HANDLING;

All labor must be contracted through shipping agents, stevedoring agencies, or vessel agents, owners, or operators.

(d) EXCEPTION - APPLICATION OF MAN-HOUR RATES ON HANDLING:

When the services of handling of freight and/or cargo are required, the Port of Bethel reserves the right to apply applicable man-hour rates (\$105.00 per person per hour).

HANDLING – FREE AND CHARGES

204

(e) STEVEDORING PERMITS - THIRD PARTY CONTRACTORS:

- (1) Full Service Permit: This permit enables the holder to unload and/or load common carriers, or contract vessels, and allows local carriers to deliver, or remove, freight/ cargo from designated areas. RATE: \$600.00.

SECTION 2**DESCRIPTIONS AND SCHEDULE OF CHARGES****ITEM NO.****HANDLING – FREE AND CHARGES (Continued)****204**

- (2) Specialty Permit: This permit allows the holder to engage in loading and unloading of ships, or barges. It also allows the holder to provide a specialty service. Holders of this permit will be subject to depart the City Dock during the period that mainline common carrier vessels have berthing reservations. RATE: \$450.00.
- (3) Independent Permit: An Independent Permit allows only the loading and unloading of fishery products to vessels no less than 150 feet in length overall (LOA). RATE: \$300.00.
- (4) Decals: Windshield decals will be issued by the Port of Bethel to permit holders without cost so that vehicles entering and leaving Port facilities are readily identifiable as belonging to valid permit holders. Decals will be displayed on the lower right hand side (passenger side of vehicle) of the windshield. Decals for 1-3 vehicles are free; 4-10 vehicles \$35.00 each vehicle; 10-20 vehicles \$45.00 for each vehicle.
- (5) Prospective Permit Holders: Prospective permit holders will be required to provide a listing of vehicles and equipment to be used under the auspices of the issued permit at the time of application. A new vehicle and equipment listing will be required each year during the application process.

LABOR**205****(a) LABOR RATES:**

Labor as described in this section of the Tariff refers to Port employees hired for specific tasks. It does not refer to third party employees.

(b) SPECIFIC LABOR COST SERVICES:

Unless otherwise provided for individual items, man-hour rates will be charged on services not arranged through a third party, including, but not limited to, the following:

- (1) Services of loading, unloading, handling, or transferring commodities not provided for by third party employers.
- (2) Services of extra sorting, inspection, cleaning, etc.
- (3) Materials and supplies furnished by the Port of Bethel in connection with services shall be billed at actual cost plus 18% for administrative costs.
- (4) When equipment is used in performance of services, the charge will not be less than the Tariff rate.

SECTION 2

DESCRIPTIONS AND SCHEDULE OF CHARGES

ITEM NO.

LABOR (Continue)

205

(c) SCHEDULE OF MAN-HOUR RATES:

Unless otherwise stated herein, the basic rate for Port labor is \$105.00 per man-hour.

(d) ELECTRIC SERVICES FOR VESSELS:

Electric Services may be available through the Bethel Utilities Corporation (BUC) at vessel owner/operators expense. All installations must meet Underwriter’s Laboratory (UL) standards.

(e) FRESH WATER FOR VESSELS

Water deliveries shall be arranged through the Port Office. Fresh water will be furnished to vessels as follows:

Volume	Rate
Regular call out hours 8a.m. – 5p.m. Monday – Friday	
Hook-up Fee	\$130.00
Rate per Gallon	\$0.17
After hours call out charge	\$70.00

NOTE: Rates are subject to change without notice!

(f) GRAY WATER SERVICES FOR VESSELS:

Arrangement for gray water services for vessels will be made through the Port Office. Gray water will be removed from vessels as follows:

Volume	Rate
Regular call out hours 8a.m. – 5p.m. Monday – Friday	
Hook-up Fee	\$155.00
Rate per Gallon	\$0.18
After hours call out charge	\$70.00

NOTE: Rates are subject to change without notice!

(g) REFUSE REMOVAL AND DISPOSAL CHARGES:

The following charges will be made when a ship places refuse in a Port-supplied box, or dumpster:

- (1) 4-Yard Dumpster: \$125.00
- (2) 8-Yard Dumpster: \$225.00

A request to dump a dumpster must be made no later than 10 am Monday through Saturday, no service on Sundays.

SECTION 2**DESCRIPTIONS AND SCHEDULE OF CHARGES****ITEM NO.****LABOR (Continue)****205**

NOTE: No wood, pallets, metal, heavy plastics such as crab line, or poly totes, fish waste, chemicals, or food additives, or hazardous materials are allowed in dumpsters. If vessels require any of these prohibitive materials to be hauled to the Landfill by the Port of Bethel, the following charges shall apply:

- (1) Pallets, or wood, per dump truck load: \$625.00
- (2) Other waste, or scrap, per dump truck load: Landfill charges plus \$250.00 plus 18% Administrative Fee.

NOTE: placing prohibited material in a dumpster and/or failure to sort refuse required by Landfill will result in a penalty equal to any fees incurred by the Port plus a 30% Administrative charge, or equal to any time and material plus a 30% Administrative Charge, whichever is greater.

(h) USED OIL DISPOSAL:

The Port of Bethel and its facilities may accept used oil. Used oil is defined as engine oil that is unmixed with any other product, when prior arrangements are made with the Port Director, or the Harbormaster, the Port of Bethel can provide drums and hauling services at a cost of \$8.00 per gallon plus the cost of the containers, or any other expenses that may arise in disposing of used oil. Payment for this service will be made directly to the Port of Bethel.

(i) SOLID AND LIQUID WASTE MATERIALS:

No solid or liquid waste products shall be disposed of on, or at, Port of Bethel facilities without prior authorization of the Port Director, or Harbormaster. Solid and liquid waste will only be accepted if placed in non-flammable and leak-proof containers. The fee for providing these services shall be the basic rate for Port of Bethel labor of \$105.00 per man-hour per person plus any additional costs that may be incurred with this operation. Only non-hazardous material will be accepted.

VESSEL OVERHAUL**(a) REPAIRS AND MAINTENANCE:**

When work is performed on tugboats, barges, or other types of maritime craft while they are in temporary storage on the City Dock, or on Beach #1, the area where the work is being performed must be cleaned up at the end of each working day. Failure to clean up after the work is performed could result in the owner/operator being assessed a clean-up fee plus being denied future temporary storage privileges. Tarpaulins, or some form of heavy-duty material must be placed under the section of the hull being scraped, or worked on, so as to preclude all of the residue being left on the land where the craft is located. Owner/operators shall be responsible for disposal of any debris, or residue, and for restoring the ground base to original condition when work is completed.

December 3, 2012

TO: Bethel City Council and Members of the Community
RE: Bethel Small Boat Harbor

Dear Members of the Council:

The Port Commission of the City of Bethel has submitted a recommendation to City Council on 03 Dec, 2012, to accept by Resolution, a one cent fuel thru put increase. The Port Commission has recommended this increase be dedicated directly for maintenance, future capital projects and operations for the Small Boat Harbor

The fuel thru-put increase would be an addition to the already existing \$0.04 per U.S. gallon Port of Bethel Terminal Tariff under (ITEM 245 WHARFAGE FEES AND CHARGES). This tariff is directed toward businesses delivering fuel across the City of Bethel terminal and is not intended to be directed to the public.

It should be noted that this tariff increase can last as long or as short as the City of Bethel deems appropriate and can be reduced or eliminated at any time.

Capital Projects

Over the last five years the COE, The Denali Commission, The State of Alaska, and the Port of Bethel will have invested 7.5 million dollars toward improvements for the SBH. The Port of Bethel has expended approximately \$1.1 million in matching funds, \$35 thousand for surveyors and attorney's fees and approximately \$150 thousand for resurfacing the parking lots and road improvements. Totaling \$ 1.2 million in cash. Revenue from the SBH for the last five years has been on the high side at approximately \$200,000, \$40 thousand per year.

The Port of Bethel in 1982 was tasked by the Federal Government to maintain, operate and have the SBH self-sustaining in exchange for dredging the entrance channel and turning basin.

I would imagine in the early years of the SBH to use a combination of a SBH usage fee and revenues from the City Dock was satisfactory. As the SBH has grown the maintenance, operations and matching funds that have come from wharage fees and so forth have left the City Dock without enough funds for improvements.

It is also important to note that besides the 1982 SBH M&O agreement with the Federal Government there was two other M&O agreements, one federally in 1997 The Seawall and Bank Stabilization Project of which \$0.02 thru-out fee goes towards. The other agreement was made with the State of Alaska in 1974 in regards to the help in building the City Dock. \$0.02 thru-put fee is in place for this agreement.

A dedicated revenue stream that is transparent will be important in coming years for capital projects. The major capital cost that we expect to deal with after the dredging is completed is replacement of the floats at \$700 thousand to \$1.5 million. And in 2019-2020 dredging the SBH.

The Port Commission has looked at several ways to increase revenues to pay for the needed maintenance and improvements at the small boat harbor, including raising user fees to a "break even point". That point would have been \$200.00 per permit or daily, weekly, monthly parking rates could be considered also. An increase of \$.01 per gallon to the fuel thru put was considered to be the absolute best option. At sixteen million gallons would collect approx. one hundred and sixty thousand annually.

Projected for Fiscal Year 2014

Currently \$30.00 per boat permit
Currently \$12.00 per foot moorage

SBH Expenditures \$133,894
SBH Revenues \$46,522
Excess expenses over revenues -\$78,372

The harbor is extremely important to the people of our community and region for obvious reasons and this is in danger of going away due to infilling and deteriorated infrastructure.

SMALL BOAT HARBOR
REVENUES AND EXPENCES

REVENUES			
SBH PERMITS	\$	16,962.00	\$ 16,962.00
SBH MOORAGE	\$	25,560.00	\$ 25,560.00
SBH STORAGE	\$	4,000.00	\$ 4,000.00
TOTAL REVENUES	\$	46,522.00	\$ 46,522.00
PERSONNEL			
PORT DIRECTOR @ 20%	\$	20,000.00	N/A
ADMIN ASSISTANT @ 33%	\$	13,500.00	\$ 13,500.00
2 MAINTENCE	\$	11,000.00	N/A
5 SBH ATTENDANTS @ %	\$	57,037.00	\$ 57,037.00
PERSONNEL TOTAL	\$	101,537.00	\$ 70,537.00
M&O			
SBH MAINT.	\$	10,000.00	\$ 10,000.00
ELECTRICITY	\$	4,100.00	\$ 4,100.00
INSURANCE	\$	8,100.00	\$ 8,100.00
FUEL	\$	5,727.00	\$ 5,727.00
OFFICE SUPPLIES	\$	1,750.00	\$ 1,750.00
SEWAGE & GARBAGE	\$	2,680.00	\$ 2,680.00
M&O TOTAL	\$	32,357.00	\$ 32,357.00
TOTAL EXPENDITURES	\$	133,894.00	\$ 102,894.00
EXPENDITURES OVER REVENUE	\$	(87,372.00)	\$ (56,372.00)

FUTURE CAPITAL PROJECTS

GRAVEL	\$	20,000.00	EACH YEAR
VECHILE	\$	30,000.00	EVERY 5 YEARS
FLOATS	\$	1,000,000.00	
PARKING IMPROVEMENTS		UNKNOWN	
LAND DEVELOPMENT		UNKNOWN	
SUB-SURFACE RIGHTS	\$	14,500.00	ONE TIME PURCHASE
CAPITAL PROJECTS TOTAL	\$	1,064,500.00	

SMALL BOAT HARBOR
REVENUES AND EXPENCES

REVENUES			
THRU-RATE INC. OF \$0.01 @ 16M GAL.	\$	160,000.00	\$ 160,000.00
SBH PERMITS	\$	16,962.00	\$ 16,962.00
SBH MOORAGE	\$	25,560.00	\$ 25,560.00
SBH STORAGE	\$	4,000.00	\$ 4,000.00
TOTAL REVENUES	\$	206,522.00	\$ 206,522.00
PERSONNEL			
PORT DIRECTOR @ 20%	\$	20,000.00	N/A
ADMIN ASSISTANT @ 33%	\$	13,500.00	\$ 13,500.00
2 MAINTENCE	\$	11,000.00	N/A
5 SBH ATTENDANTS @ %	\$	57,037.00	\$ 57,037.00
PERSONNEL TOTAL	\$	101,537.00	\$ 70,537.00
M&O			
SBH MAINT.	\$	10,000.00	\$ 10,000.00
ELECTRICITY	\$	4,100.00	\$ 4,100.00
INSURANCE	\$	8,100.00	\$ 8,100.00
FUEL	\$	5,727.00	\$ 5,727.00
OFFICE SUPPLIES	\$	1,750.00	\$ 1,750.00
SEWAGE & GARBAGE	\$	2,680.00	\$ 2,680.00
M&O TOTAL	\$	32,357.00	\$ 32,357.00
TOTAL EXPENDITURES	\$	133,894.00	\$ 102,894.00
REVENUE OVER EXPENDITURES	\$	72,628.00	\$ 103,628.00

Introduced by: Port Commission
Date: 2-26-2013
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #13-06

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE CHAPTER 14.04.060 FISHING FROM CITY CARGO DOCK AND PETROLEUM DOCK PROHIBITED

WHEREAS fishing from the petroleum dock and the city dock is prohibited during the months of June, July, and August;

WHEREAS the Port Commission found fishing to be un-safe for the remaining nine months of the year;

WHEREAS Personal Protective Equipment (PPE) must be worn when using the cargo dock and petroleum dock;

WHEREAS life, health and safety is an issue within the area because of lack of supervision and due to the use of heavy equipment working in these areas;

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

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

SECTION 2. Amendment. Chapter 14.04.060 of the Bethel Municipal Code is amended as follows: (new language is underlined and old language is stricken out):

14.04.060 Fishing from city cargo dock and petroleum dock prohibited.

Fishing from the petroleum dock and the city cargo dock is prohibited from the months of June, July and August.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon passage by the City Council.

ENACTED THIS DAY OF 2012, BY A VOTE OF IN FAVOR AND OPPOSED.

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel, Alaska

Ordinance #13-06
1 of 1

City of Bethel Action Memorandum

Action memorandum No.	13-08		
Date action introduced:	2-26-2013	Introduced by:	Mayor Klejka
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approve Training and Travel request for the City Clerk June 9 through June 13, 2013.

Route to:	Department/Individual:	Initials:	Remarks:
X	Finance Director		

Attachment(s):

Cost Estimate for Travel and Training

Northwest Clerks Institute Advanced Academy PD IV - Information Page

Amount of fiscal impact		Account information:
	No fiscal impact	
\$1,991.30	Funds are budgeted for.	10-52-545
	Funds are not budgeted. Budget modification is required. Affected account number:	

Action memorandum 13-08 is sponsored by the Mayor on behalf of the City Clerk.

The City Clerk, Lori Strickler, is working on obtaining the designation of Master Municipal Clerk having received her Certificate for Certified Municipal Clerk in 2010.

The Master Municipal Clerk program is one of the two professional designations granted by the International Institute of Municipal Clerks. The MMC program is an advanced continuing education program that prepared participants to perform complex municipal duties. The program has an extensive and Rigorous educational component and a professional and social contribution component.

The Professional Development Training provides specialized training specific to the skill set for city clerks.

City of Bethel

Travel Authorization Form

COST ESTIMATE

<u>City Clerk</u>	<u>IIMC Advanced Academy</u>	<u>Northwest Clerks Institute</u>
Department Lori Strickler	Activity City Clerk	Program 2-26-2013
Employee Requesting Authorization International Institute of Municipal Clerks	Title University Of Puget Sound	Date 6/10/13 – 6/13/13
Conference Title and Sponsor	Conference Site	Date of Meeting

Explanation of Travel Request:

Education opportunity as well as a requirement for obtaining the Master Municipal Clerk designation.

	<u>Estimated Totals</u>	<u>Account #</u>
Registration Fees (Specify whom check is payable to and attach copy of documentation)	\$500.00	10-52-545
Payable to: <u>University of Puget Sound</u>		
P.O. #: _____		
Transportation		
Airline(s): <u>Alaska Airlines</u>	\$991.30	10-52-545
Travel Agency: _____		
Confirmation #: _____		
P.O. #: _____		
Car Rental Co.: _____		
Confirmation #: _____		
P.O.# _____		
Hotel Name: <u>Dorm Room+ some meals</u>	\$300.00	10-52-545
Confirmation #: _____		
P.O. #: _____		
Meals:		
# Daily Rate		
Breakfast 2 X \$12.00 =	\$24.00	10-52-545
Lunch 3 X \$16.00 =	\$48.00	10-52-545
Dinner 4 X \$32.00 =	\$128.00	10-52-545
Cab Fare: _____		
Miscellaneous: (Explain in written detail on an attached sheet)		
TOTAL EXPENSES:	\$1,991.30	
Per Diem Advance Requested:		10-52-545

Approvals:

_____ Department Head / Date	_____ City Manager / Date	_____ Finance Director / Date
--	-------------------------------------	---



Flights

CHANGE FLIGHTS REMOVE FLIGHTS

Flight	Departs	Arrives
Alaska Airlines 44 Coach Nonstop Details	Bethel (BET) 2:15 pm Sun, Jun 9	Anchorage (ANC) 3:25 pm Sun, Jun 9
This flight uses a Boeing 737-400 <u>Combi aircraft</u> . When boarding this type of aircraft, customers will use two sets of stairs, board from the rear of the aircraft, and be exposed to the weather.		
Alaska Airlines 98 Coach Nonstop Details	Anchorage (ANC) 4:30 pm Sun, Jun 9	Seattle, WA (SEA) 8:56 pm Sun, Jun 9
Total: 1,841 mi 5 h 41 m		
Alaska Airlines 101 Coach Nonstop Details	Seattle, WA (SEA) 3:00 pm Thu, Jun 13	Anchorage (ANC) 5:47 pm Thu, Jun 13
Alaska Airlines 45 Coach Nonstop Details	Anchorage (ANC) 6:35 pm Thu, Jun 13	Bethel (BET) 7:53 pm Thu, Jun 13

Total Price for 1 Traveler
\$991.30 including [taxes & fees](#)
[Price Breakdown](#)
[Low Price Guarantee](#)
 Shop again using your [Discount Code](#).

This flight uses a Boeing 737-400 Combi aircraft. When boarding this type of aircraft, customers will use two sets of stairs, board from the rear of the aircraft, and be exposed to the weather.

Total: 1,841 mi | 5 h 53 m

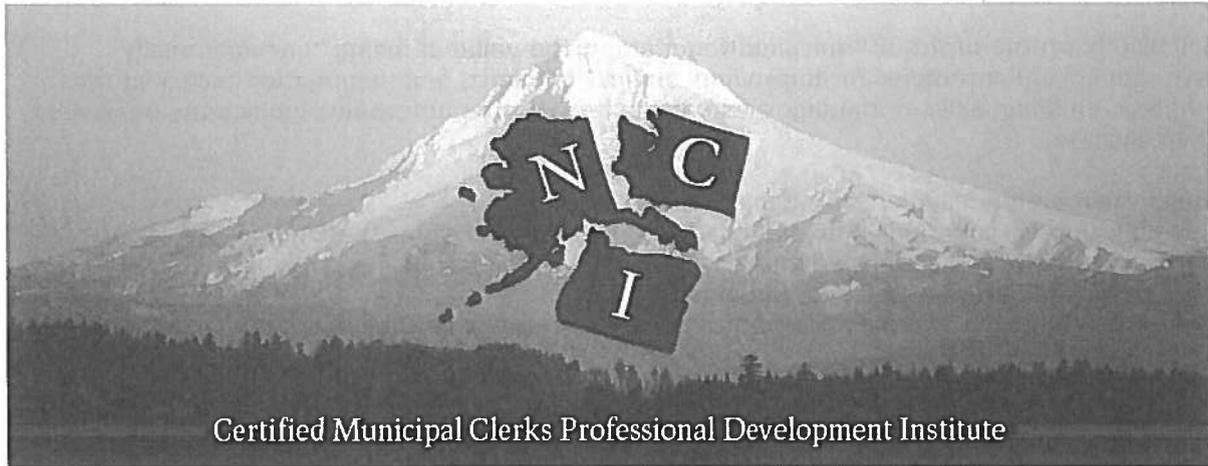
▸ [Fare Rules](#)

▼ [Baggage Rules](#)

- **Carry-on Baggage:** Each traveler is limited to one carry-on bag that measures up to 10 x 17 x 24 inches, plus one personal item.
- **Checked Baggage:** Alaska Airlines rules and fees apply for this itinerary. The first and second checked bag fees are \$20 each. See www.alaskaair.com/bagrules for details and exceptions.

Total Due Now **\$991.30 USD**
[Currency Converter](#)

PROCEED TO CHECKOUT



2013 Northwest Clerks Institute Advanced Academy – PD IV

Project Leadership: Align your leadership, project management and presentation skills for success

Today's work environment requires almost everyone to manage projects. As a municipal clerk, you manage a myriad of projects and it is essential that you have the leadership skills needed to motivate, improve performance, and solve the challenges that inevitably present themselves. This year's Advanced Leadership Academy is designed to build the essential leadership skills you need to lead, manage, and present the projects you deal with day-to-day.

Manage projects easily with the Project QuickStep™ Methodology

Successful and efficient projects approach the goal from the end result and require creative thinking to do things differently than previously done. What this does is foster bigger gains, in less time, with fewer resources – something we are all being asked to accomplish. This year's academy will help you develop, communicate, manage, and evaluate projects whether you have a project team, or are the team. You will learn a framework for project management that is both easy to understand, easy to communicate, and dynamic enough to handle large, multi-tiered projects and best of all is based on a methodology, not a tool.

Within the project framework, participants will learn the key leadership actions necessary to "make the project happen." They are:

- Staying in touch with project team members
- Getting commitment from individuals and organizations to support the project
- Accommodating change and staying focused on the project goal (end result)
- Satisfying customer and management expectations
- Delivering status reports and dealing with stakeholder feedback

Lead your team through effective communication

Understanding project management basics is the first step to success, but to be truly effective, you must manage results and relationships, to ensure satisfied expectations from project stakeholders and customers.

Over the course of the academy you will build valuable skills for becoming a more effective communicator and how to develop individual and project team communication action plans. You'll learn the dynamics of interpersonal communication, the four communication styles, and how your communication changes when you are under stress. These insights will allow you to identify situations where your communication can become a barrier.

You'll also learn the basics of Principled Negotiation; the value of being "unconditionally constructive," and strategies for improving conflict, influence, and negotiation tactics in the workplace. Building skills to manage these attributes of communication significantly improves project success.

To build their communication skills participants will:

- Learn their communication style in both non and stressful situations
- Learn their preferred conflict style
- Learn the different types of influence
- Identify tactics that can be used to achieve project goals while preserving relationships with others

Motivate others with polished presentation skills

Effective leaders negotiate with, influence and lead a team throughout a project which requires the skills necessary to organize and deliver winning presentations while generating enthusiasm and support from a group. Project Leadership weaves presentation skills throughout the workshop allowing participants the opportunity to improve their personal presentation skills to develop this essential skill.

DATES:

Monday, June 10 beginning at 1:00 p.m., Tuesday, June 11,
Wednesday, June 12, Thursday, June 13 ending at noon.

COST:

Registration: \$500

Meals and Housing: \$300

Commuter Meal Package: \$100

There will be a requirement for pre-work and evening work for this class. The total MMC Education points for attending this class and completing all work assignments is 12 points.

Questions: demah@wsu.edu Cell: 206-276-9181

Bethel City Council

Office of the Mayor

Mayor's Report



CITY OF BETHEL

P.O. Box 1388 Bethel, Alaska 99559
907-543-2047
FAX # 543-3817

February 20, 2013

Honorable Sean Parnell
Alaska State Capitol Building
Third Floor
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell:

I would first like to thank you for the opportunity to meet with you during your recent visit to Bethel. I would like to summarize four important items that are issues for both the State of Alaska and the City of Bethel which may benefit from executive attention at your level.

The closure of Tundra Ridge Road for the last three years is a huge issue for Bethel residents, especially those living in the Tundra Ridge Subdivision. The road connects Ptarmigan Street on the north with Chief Eddie Hoffman Highway on the south. It is the shortest, most direct route to the airport for those living in and near Tundra Ridge Subdivision and provides a much-needed second egress. Life, health, and safety are at risk with only one access road to a major subdivision occupied by hundreds. The Bethel Police and Bethel Fire Departments strongly encourage two access points to all subdivisions, which is prevented by the closure of the Tundra Ridge Road.

The negotiations between the State of Alaska and the Polk family have been ongoing for over ten years, well before the Polk's closed the road. As I mentioned to you, very little is known publically regarding these discussions. It is believed that the State offered 11 cents per square foot to the Polk's three years ago which is substantially lower than property values of \$2 to \$3 per square foot throughout the community. To help the City of Bethel determine if we need to pursue other options to resolve the inaccessibility of Tundra Ridge, it would be extremely helpful if the State could be more transparent with their negotiations so that we can determine whether the State has made a reasonable offer versus whether the Polk's are being unreasonable in their demands.

The second concern is the disposition of the former State National Guard Armory building. The Alaska National Guard in their lease with the City of Bethel is ultimately responsible for returning the site to its original condition. We have been told it will cost approximately \$6 million to demolish the building which includes the items buried on the land. Your State budget this year has only \$500,000 budgeted for the demolition. The Alaska National Guard has asked if the City of Bethel would accept the building, which has an estimated remaining life of 20 yrs. The \$500K vs. \$6 million dollar estimates for demolition is vastly different. I would ask that you determine what the actual cost to the State will be to demolish the building. If it is in truth closer to the \$6

"Deep Sea and Transportation Center of the Kuskokwim"

February 20, 2013

million mark, and the State would be willing to provide the money to the City, then the City of Bethel would consider taking on responsibility for the building which could benefit the schools and citizens of Bethel for the next 20 years. If you determine that the State is able to demolish the building and dispose of it for close to the \$500 K mark due to resources the City of Bethel could not take advantage of, then it would be reasonable for the State to demolish it. However if the State is going to front the \$6 million estimated to dispose of it, we would ask the State to come back to the table to discuss this before demolition begins.

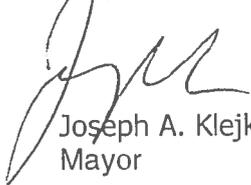
The Institutional Corridor project is another issue that is of major importance to the State. This corridor would provide water services to the YK Adult and Youth Correctional Facilities which are currently using a failing well system. As mentioned in our meeting, the Yukon Kuskokwim Correctional Center must provide bottled water to the inmates because their well system is significantly impaired. We hope that the State will consider taking the lead on this estimated 16 million dollar project considering that both the State jail and State youth facility would be the main beneficiaries.

Lastly, the Bethel Airport Master Plan describes the construction of the crosswind runway to the west of the airport as the preferred option. While this option might appear to be the least expensive from the State's perspective, it is the most expensive from the Bethel community's perspective. The westward expansion would require the relocation of the Alaska Territorial Guard Park, a historic location and the new Bethel Shooting Range. The planned rerouting of Tower Road would put it right up against the Veteran's Memorial Cemetery and the Bethel Cemetery. There are currently 80 people buried at the Cemetery with 21 veterans, this is a place for family members and friends to spend time remembering their loved ones in a peaceful environment.

The City of Bethel is opposed to the westward construction of the crosswind runway and in favor of eastward expansion. Four significant Bethel public facilities (Veterans Memorial Cemetery, Bethel Cemetery, Alaska Territorial Guard Park, and Bethel Shooting Range) must be protected.

It was a pleasure to meet with you in person. I look forward to discussing any of the above issues with you or your staff in the near future. Call me at 543-6028 or send an email to jklejka@cityofbethel.net.

Respectfully,



Joseph A. Klejka, M.D.
Mayor

Bethel City Council

Office of the City Manager

Manager's Report

CITY OF BETHEL

Post Office Box 1388
Bethel, Alaska 99559
Voice: 907-543-1373
Fax: 907-543-1394



February 19, 2013

From: Lee M. Foley, City Manager

To: Bethel City Council

-

Info: Lori Strickler, City Clerk

Subj: City Manager's Report

Listed below are some of the action items and activities that I've been working on, and involved in, for the period February 5-19, 2013

CITY ADMINISTRATION ACTION ITEMS AND ACTIVITIES

Projects:

- **YK Aquatic Center** - Regular weekly teleconference meetings between the Project Management Team and City Administration are held each Friday at 9:00 a.m. The following items are germane:
 1. There are ongoing discussions with BUC, BSI, Unit Company, and ProDev to work through the electrical power issues and determine a course of action to ensure temporary power during construction, and permanent power once the facility is open, is available.
 2. A Ground-Breaking and Ribbon-Cutting ceremony will be held on Tuesday, February 26 at 2:00 p.m. Refreshments will be served in Council Chambers following the ceremony. Official invitations have been sent and the media have been notified.
 3. BSI has submitted the foundation permit to the state. They are also working on permits from DEC and the City of Bethel.
- **Tundra Ridge Road** – A recently completed videoconference/teleconference ended without any forward movement discernible.

- **Brown's Slough Dredging** – Dredging is ongoing at the entrance to return the channel to previously permitted federal limits and allow safe vessel access.
- **Small Boat Harbor** – Denali Drilling has been selected as the prime contractor for dredging the SBH and replacing the north and south launch ramps. Faulkner-Walsh Constructors was selected as the sub-contractor. The Army Corps of Engineers have given Denali Drilling authorization to begin work on February 18. The actual ramp work is scheduled to begin in July 2012 with precasted planks being barged into Bethel to commence replacement of the south ramp.

Miscellaneous:

- **Institutional Corridor** – Staff to Senator Hoffman and Representative Herron have notified the Administration that they will be looking for some level of funding within the Legislature for this project. To that end, the letters from Gene Peltola, Sr., and the Administration, to the Department of Corrections and Department of Health & Human Services, requesting their respective Commissioners take the lead in seeking funding, are being utilized.
- **Port of Bethel Dock** – The Administration is seeking to identify what sources of funding might be available to use for construction of a new and larger dock facility.
- **City's Funding Priorities** – I will be traveling to Juneau to lobby on behalf of the City's priorities during the period February 27-March 2, 2013.

Thank you.

Bethel City Council

Office of the City Clerk

Clerk's Report



City of Bethel, Alaska

City Clerk's Office

To: City Council
From: Lori Strickler
Subject: Clerk's Report

Upcoming Council Events:

February 26, 2013 Ground Breaking Ceremony For YK Regional Health and Safety Aquatic Center

March 4, 2013 Joint Task Force Meeting with ONC at ONC Council Chambers

March 12, 2013 Regular City Council Meeting

Projects

Conflicts of Interest Ordinance presented to Council for consideration.

Reviewed Documents from the Public Safety and Transportation Commission prior to their presentation to the Council. Will be making suggested modifications to the documents for the Commissions consideration.

Records Retention modifications are being submitted to the Clerk's Office from various departments. We are in the process of reviewing the changes from each department and making changes to the Retention Schedule which will be presented to Council at a future meeting.

Will be attending an APOC training on February 25. Although the City has opted out of the Alaska Statutes requirement, this training will provide good feedback on what should be included when the council considered the new Conflict of Interest Ordinance, specifically the Financial Disclosure Statements.

City Attorney Burley provided modifications to Chapter 1 of the Bethel Municipal Code. I am reviewing the modifications and providing feedback prior to the document being provided to Council.

The following is an outline of the upcoming trainings for committees and commissions:

Parks and Recreation – February 4, 2013 (Done)
Planning Commission – February 16, 2013 (Done)
Public Works Committee- February 27, 2013
Energy Committee – March 4, 2013
Public Safety and Transportation Commission –March 5, 2013
Port Commission – March 25, 2013
Finance Committee –March 28, 2013

As a reminder, this is the year I will provide training to each committee/commission. Next year I will provide a general training to all committees and commissions.

Bethel City Council

Executive Session

ANNUAL PERFORMANCE EVALUATION

NAME: LORI STRICKLER

DATE: FEBRUARY 26, 2013

EMPLOYMENT CONTRACT EXPIRES MARCH 3, 2014

PART 1 — Evaluate the ability to accomplish the duties set forth by State statutes, the Municipal Code, and other duties as assigned by Council.

Attend City Council meetings as required, act as parliamentary advisor to Council, record and keep official journal of Council meetings	5	4	3	2	1
Assure notice and other requirements for public meetings are complied with	5	4	3	2	1
Assure public records are available for public inspection as required by law	5	4	3	2	1
Manage City records and develop retention schedules and procedures for inventory, storage, and destruction of records	5	4	3	2	1
Maintain an indexed file of all permanent municipal records, provide for codification of ordinances	5	4	3	2	1
Authenticate or certify City records as necessary	5	4	3	2	1
Prepare Council agendas and Council meeting packets as required by City Council	5	4	3	2	1
Conduct research and prepare information for Council as requested	5	4	3	2	1
Administer all municipal elections and assure that the municipality complies with the Voting Rights Act of 1965, as amended	5	4	3	2	1
Develop, prepare and defend the City Clerk's office annual budget and budget modifications	5	4	3	2	1
Take oaths and affirmations as necessary	5	4	3	2	1
Provide support and training to City boards, committees and commissions	5	4	3	2	1
Manage cemetery procedures and records	5	4	3	2	1
Ability to interface harmoniously and effectively with the public and all levels of management and government	5	4	3	2	1
Other duties as assigned by City Council	5	4	3	2	1

Total	
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PART 2 — Evaluate the work ethics and work habits.

Work ethic	5	4	3	2	1
Dependability; can be depended upon without	5	4	3	2	1

Rating Scale:

5=Outstanding; 4=Very Good; 3=Good; 2=Satisfactory; 1=Needs Improvement

ANNUAL PERFORMANCE EVALUATION

NAME: LORI STRICKLER

DATE: FEBRUARY 26, 2013

EMPLOYMENT CONTRACT EXPIRES MARCH 3, 2014

supervision					
Self-motivated; self-reliant; displays energy	5	4	3	2	1
Displays good judgment	5	4	3	2	1
Able to handle difficult or stressful situations	5	4	3	2	1
Adaptability; adjusts to various circumstances, new processes or changes	5	4	3	2	1
Manages time efficiently	5	4	3	2	1
Attitude and enthusiasm	5	4	3	2	1
Willingness and capability to carry out new assignments or projects	5	4	3	2	1
Availability to Council and public	5	4	3	2	1
Follows through with requests	5	4	3	2	1
Attendance record	5	4	3	2	1

Total	
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PART 3 — Evaluate the quality of work produced and the degree of knowledge of work procedures and operations.

Accuracy, Completeness and Conformity	5	4	3	2	1
Knowledge of job	5	4	3	2	1
Ability to research and understand City ordinances	5	4	3	2	1
Ability to prepare resolutions, ordinances and reports to City Council	5	4	3	2	1
Quality of work	5	4	3	2	1
Takes pride in work	5	4	3	2	1
Ability and desire to research ways to improve operations	5	4	3	2	1
Exceeds expectation	5	4	3	2	1
Productive with time	5	4	3	2	1
Ability and desire to learn basic job functions	5	4	3	2	1
Ability and desire to learn beyond basic job functions	5	4	3	2	1
Presents completed work in an orderly fashion	5	4	3	2	1
Attention to details	5	4	3	2	1

Total	
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Rating Scale:

5=Outstanding; 4=Very Good; 3=Good; 2=Satisfactory; 1=Needs Improvement

ANNUAL PERFORMANCE EVALUATION

NAME: LORI STRICKLER

DATE: FEBRUARY 26, 2013

EMPLOYMENT CONTRACT EXPIRES MARCH 3, 2014

PART 4 — Evaluate personal relations/interactions with City Council members, City staff members and the public

Friendly, courteous and flexible	5	4	3	2	1
Maintains a helpful attitude; willing to help	5	4	3	2	1
Steps outside of job duties to help other city staff when needed (team player)	5	4	3	2	1
Working relationship with City Manager and City Department Heads	5	4	3	2	1
Effectively communicates with City staff, Council and the public	5	4	3	2	1
Writes clearly and concisely	5	4	3	2	1
Expresses ideas and opinions in a forthright, logical manner	5	4	3	2	1
Ability to work in stressful situations	5	4	3	2	1
Provides answers when not readily available; Follows through with requests for information	5	4	3	2	1
Acts as a liaison between the City Council and the general public	5	4	3	2	1

Total	
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Part 1:	
Part 2:	
Part 3:	
Part 4:	
<i>Overall Evaluation Total:</i>	

Overall Evaluation

Outstanding	Very Good	Good	Satisfactory	Needs Improvement
250	204	153	102	51

Suggested Development/Training Goals:

Rating Scale:

5=Outstanding; 4=Very Good; 3=Good; 2=Satisfactory; 1=Needs Improvement

ANNUAL PERFORMANCE EVALUATION

NAME: LORI STRICKLER

DATE: FEBRUARY 26, 2013

EMPLOYMENT CONTRACT EXPIRES MARCH 3, 2014

Council Member Comments:

City Clerk Comments:

Council Member's Signature

Date:

City Clerk's Signature:

Date:

Rating Scale:

5=Outstanding; 4=Very Good; 3=Good; 2=Satisfactory; 1=Needs Improvement

NEGOTIATED AGREEMENT

**Between
CITY OF BETHEL
and
LORI STRICKLER**

THIS AGREEMENT, by and between the City of Bethel, Alaska ("City"), a municipal corporation, hereinafter called "Employer," and Lori Strickler, hereinafter called "Employee," both of whom understand as follows:

WITNESSETH

WHEREAS, Employer desires to employ the services of said Employee as City Clerk of the City, as provided by section AS 29.20.380 of the Alaska Statutes and BMC 2.12.010; and

WHEREAS, it is the desire of the City Council ("Council") to provide certain benefits, establish certain conditions of employment and to set working conditions of said employee; and

WHEREAS, it is the desire of the Council to secure and retain the services of Employee by and through the terms of this Agreement; and

WHEREAS, Employee desires to accept employment as City Clerk pursuant to the terms of this Agreement.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the Employer and Employee agree as follows:

Section 1. POWERS AND DUTIES

Employer hereby agrees to employ Lori Strickler as City Clerk of the City of Bethel, Alaska to perform the function, powers and duties specified in AS 29.20.380, Bethel ordinances, and other legal and proper duties and functions as the Council shall from time to time assign.

Lori Strickler
Contract with City of Bethel
Page | 1

Section 2. Term

- A. Employee shall serve at the pleasure of the Council and is an at-will employee of the City.
- B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of the Employee at any time with or without cause, subject only to the provisions set forth in Section 5, paragraph A of this Agreement. The City shall comply with the City's insurance policy endorsement regarding any termination.
- C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from the position of City Clerk, subject only to those provisions set forth in Section 5, paragraph B, of this Agreement.

Section 3. Duration

- A. This Agreement which expressly supersedes the provisions of any other previous agreement, is the sole and complete agreement between the Employer and Employee. This agreement shall become effective when signed by employer and employee and shall continue in full force and effect for a period of thirty-six (36) months.
- B. In the event the parties agree in writing, this Agreement may be extended on the same terms and conditions as herein provided, for additional periods of one (1) year.

Section 4. Salary

Employee shall be paid an annual salary at a gross rate of \$79,061.40 payable in installments at the same time as other employees of the Employer. Employee's base salary shall be increased between zero and 3% at the discretion of the council upon a satisfactory performance evaluation annually on March 3.

Section 5. Termination and Severance Pay

In the event Employee voluntarily resigns the position with Employer before the duration of this Agreement has expired, the Employee shall give Employer ninety (90) days notice in advance, unless both parties agree in writing to a lesser time span.

Section 6. Employee Evaluation.

- A. Evaluation of the performance of the Employee shall be directed toward improving the performance of the Employee. However, evaluations shall also serve as a method for gathering information relevant to employee's performance and continued employment.
- B. Employee shall be evaluated in writing by Council annually on or about March 3. Council shall determine the content of the document used to evaluate Employee, and shall make the document available to Employee for review.

Section 7. Hours/Days of Work

Employee's position requires the exercise of independent judgment on the part of the Employee and requiring periods of extended work to exceed the normal office hours, work day and work week established by the Employer. The Employee will be available during regular business hours. Employee will be expected to work whatever hours are needed based upon the demands of the job. Employee acknowledges she is an exempt employee and not entitled to overtime compensation or compensatory time compensation based on hours worked by Employee in excess of eight (8) hours per day or forty (40) hours per week. Any time in excess of the normal hours in a day or week is not compensated or credited in any manner by the Employer.

Section 8. Transportation

Within available City resources, employee may have access to a City vehicle to complete tasks required of employee.

Section 9. Outside Employment

Outside employment and business pursuits are prohibited unless first authorized by Council. Any outside employment or business pursuits must occur while Employee is on leave or must occur outside the regular business hours of the City. Notwithstanding the foregoing or any authorization by Council, the Employee is required to perform the duties of the City Clerk when the interests of the City require, without regard to regular work hours or days or the competing needs of the Employee's authorized outside employment or business pursuits.

Section 10. Compensated Leaves

A. Personal Time Off (PTO)

PTO shall accrue at the rate of 20 hours per month of service. PTO can be accumulated up to a maximum accrual of 400 hours. Sick leave shall be utilized only for the illness of the Employee, or illness in the Employee's immediate family, or vacation purposes. Should the employee be absent for more than five consecutive working days, she shall be required to provide a physician's certificate to the Mayor. The Employer agrees to compensate the Employee for all remaining PTO hours at the termination of this agreement, payable at the same value as cashed in annual leave.

B. Emergency Leave

The Employer agrees to grant the Employee a maximum of forty (40) hours emergency leave for death or serious illness in the immediate family. For purposes of this type leave, one's immediate family includes the Employee's spouse, child, parent, father-in-law, mother-in-law, brother and sister.

C. Family Medical Leave

The Employer is required under federal law to grant the Employee up to 12 workweeks of unpaid Family Medical Leave within a 12 month period for any of the following reasons:

- Birth or adoption of a child, placement of a child for adoption, foster care for children under age 18, or adoption of a child 18 or older if the child is incapable of self care due to disability.
- Caring for a child, spouse or parent with a serious medical condition.
- The employees own serious health condition.

To be eligible for leave the Employee must have worked a total of at least 12 consecutive months for at least 1,250 hours. The Employee must use any accrued vacation and sick leave concurrently with FMLA leave.

D. Injury Leave

Should the Employee become injured on the job, she will be entitled to the compensation benefits as provided by the Worker's Compensation Act.

E. Court Leave

The Employee shall be granted administrative leave for jury duty. Appearances in court by the Employee on behalf of the City are part of the Employee's normal job responsibilities, and she will be paid accordingly.

F. Administrative Leave

The Employee may be granted administrative leave with pay by a majority vote of the Council for reasons specified, including attendance at a clerk's professional conference.

G. Holidays

Employee is entitled to all City recognized paid holidays, but it is understood that from time to time Employee's duties may require her to work on such holidays.

Section 11. Benefits

- A. Employee shall be allowed to participate in the City employee's group coverage plan for full family Life, Accidental Death & Dismemberment, Long Term Disability, Dental, Vision and Health insurance program with no premium deductible charged to the employee; provided, however nothing set forth herein shall prevent Employer from modifying, or reducing, benefits currently offered to City employees.
- B. Employee shall have the opportunity to participate in the City Utility Services Benefit for the same monthly fee as paid by other City employees.
- C. The Employer shall offer the Employee the opportunity to join and participate in the Alaska Public Employees Retirement System (PERS) equal to that which is provided for all other employees of the Employer.

Section 12. Indemnification.

City shall defend and indemnify employee in accordance with BMC 2.48.010 – BMC 2.48.030.

Section 13 Bonding

Employer shall bear full costs of any fidelity or other bonds required for the Employee under any law or ordinance.

Section 14 Notices

(1) EMPLOYER: City of Bethel
 c/o Mayor, Eric Middlebrook
 P.O. Box 1388
 Bethel, Alaska 99559

(2) Employee: Lori R. Strickler
 c/o City of Bethel
 P.O. Box 1388
 Bethel, Alaska 99559

Section 15 General Provisions

- A. This Agreement constitutes the entire agreement between both parties. Any modification or amendment shall be enforceable only if approved by a majority vote of the Council in a duly convened public Session, and if transcribed to a written document executed by both parties.
- B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Employee.
- C. In any provisions or any portion thereof contained in this agreement is held unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable. The remainder of this agreement shall not be affected and shall remain in full force and effect.

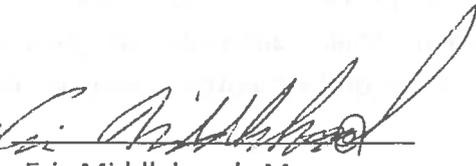
- D. Any civil action arising from this Agreement shall be brought in the superior court for the Fourth Judicial District of the State of Alaska at Bethel, Alaska. The laws of the State of Alaska and the City of Bethel shall govern the rights and obligations of the parties.
- E. The failure of the City at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this Agreement or any part thereof, or the right of the City thereafter to enforce each and every protection hereof.
- F. This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties.
- G. This Agreement is being executed by the parties following negotiations between them. It shall be construed according to the fair intent of the language as a whole, not for or against any party. The titles of sections in this Agreement are not to be construed as limitations or definitions but are for identification purposes only.
- H. If any section or clause of this Agreement is held invalid by a court of competent jurisdiction, or is otherwise invalid under the law, the remainder of this Agreement shall remain in full force and effect.
- I. The Consultant acknowledges that the Consultant has read and understands the terms of this Agreement, has had the opportunity to review the same with counsel of their choice, and is executing this Agreement of their own free will.
- J. This Agreement may be executed by the parties hereto individually or in separate counterparts, each of which shall be an original and all of which taken together shall constitute one and the same document.

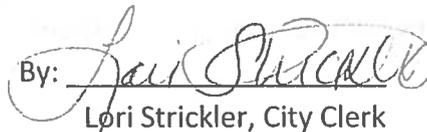
IN WITNESS WHEREOF, the City of Bethel has caused this agreement to be signed and executed in its behalf by its Mayor and the Employee has signed and executed this agreement both in duplicate.

Dated this 29 day of April, 2011.

Employer:

Employee:

By: 
Eric Middlebrook, Mayor
City of Bethel

By: 
Lori Strickler, City Clerk
City of Bethel

Additional Information

