



City of Bethel

P.O. BOX 1388

Bethel, Alaska 99559

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Regular City Council Meeting
Tuesday, November 24, 2015
6:30 P.M.
Council Chambers; Bethel, Alaska



City Council Meeting Agenda Regularly Scheduled Meeting November 24, 2015 – 6:30 pm City Hall 300 State Highway, Bethel, AK City of Bethel Council Chambers

Rick Robb
Mayor
Term Expires 2017
543-1879
rrobb@cityofbethel.net

Byron Maczynski
Vice-Mayor
Term Expires 2017
545-0970
bmaczynski@cityofbethel.net

Leif Albertson
Council Member
Term Expires 2017
543-2819
lalbertson@cityofbethel.net

Alisha Welch
Council Member
Term Expires 2017
545-6026
arwelch@cityofbethel.net

Nikki C. Hoffman
Council Member
Term Expires 2017
545-6653
nhoffman@cityofbethel.net

Chuck Herman
Council Member
Term Expires 2017
545-5394
cherman@cityofbethel.net

Zach Fansler
Council Member
Term Expires 2017
545-3300
zfansler@cityofbethel.net

Ann Capela
City Manager
543-2047
acapela@cityofbethel.net

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

Patty Burley
City Attorney

Mary Sattler
Lobbyist

- 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) *11-10-2015 Regular Meeting Minutes
- VII. REPORTS OF STANDING COMMITTEE**
 - a) Public Safety and Transportation Commission
 - b) Port Commission
 - c) Planning Commission
 - d) Parks, Recreation, Aquatic Health And Safety Center Committee
 - e) Finance Committee
 - f) Energy Committee
 - g) Public Works Committee
 - h) Marijuana Advisory Committee
 - i) Non Standing Committee Reports
- VIII. SPECIAL ORDERS OF BUSINESS**
 - a) Proclamation For Diabetes Prevention Month (City Manager Capela)
- IX. UNFINISHED BUSINESS**
 - a) Public Hearing Of Ordinance 15-29: Amending Bethel Municipal Code Chapter 4.08, Acquisition And Disposal Of Land (City Manager Capela)
 - b) Public Hearing Of Ordinance 15-32: Amending Bethel Municipal Code Section 5.08, Alcoholic Beverages (Council Member Fansler)
 - c) Consideration Of Continued Funding For The City Of Bethel Public Transit System And Approval To Submit Grant Application (City Manager Capela)
 - d) AM 15-42: Approval Of The City Of Bethel Employee Handbook (City Manager Capela)
- X. NEW BUSINESS**
 - a) *PTO Request For City Attorney Burley November 20 and 30, 2015 (Mayor Robb)
 - b) *AM 15-52: Appointment Of Milanna Shear To The Finance Committee (Mayor Robb)
 - c) *AM 15-53: Appointment Of Alan Murphy To The Port Commission (Mayor Robb)
 - d) Determination Of Council Representative To Attend The Alcohol Beverage Control Board Appeal Hearing (Council Member Hoffman)

Agenda posted on November 18, 2015, at City Hall, AC Co., Swanson's, and the Post Office.

Lori Strickler, City Clerk

(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 December 8, 2015**)



**City Council Meeting Agenda
Regularly Scheduled Meeting
November 24, 2015 – 6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

- XI. MAYOR'S REPORT**
- XII. MANAGER'S REPORTS**
- XIII. CLERK'S REPORT**
- XIV. COUNCIL MEMBER COMMENTS**
- XV. EXECUTIVE SESSION**
 - a) AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Labor Negotiation Contract Between City of Bethel Employees Association, Local 6055, APEA/AFT And City of Bethel (City Manager Capela)
 - b) AS 44.62.310 (C) 1: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Legal Liability For The Transit System (Council Member Fansler)
 - c) Alaska Statutes 44.62.310 Government Meetings, b, 1, Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity- Pending Litigation- Appeal On The Decision Made By The Alcohol Beverage Control Board To Not Uphold The City's Protest Of A Package Store License For Bethel Spirits (Mayor Robb)
- XVI. ADJOURNMENT**

Agenda posted on November 18, 2015, at City Hall, AC Co., Swanson's, and the Post Office.

Lori Stickler, City Clerk

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

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Approval of the Meeting Minutes

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on November 10, 2015 at 6:30 p.m., in the council chambers, Bethel, Alaska.

Mayor Richard Robb called the meeting to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

| | |
|---|--|
| Comprising a quorum of the Council, the following members were present: | |
| <input checked="" type="checkbox"/> Mayor Rick Robb | <input checked="" type="checkbox"/> Council Member Zach Fansler |
| <input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski (arrived at 6:34 p.m.) | <input checked="" type="checkbox"/> Council Member Chuck Herman |
| <input checked="" type="checkbox"/> Council Member Alisha Welch | <input checked="" type="checkbox"/> Council Member Nikki Hoffman |
| <input checked="" type="checkbox"/> Council Member Leif Albertson | |
| Also in attendance were the following: | |
| <input checked="" type="checkbox"/> City Manager Ann Capela | <input checked="" type="checkbox"/> City Attorney Patty Burley |
| <input checked="" type="checkbox"/> City Clerk Lori Strickler | |

IV. PEOPLE TO BE HEARD

Mary Nanauwaic –

Thanked the Council for their hard work, stated they do not have an easy job. Suggested that there is a public nuisance caused by alcohol. It is the culture of Bethel to always help when there are people in need.

Nancy Vernon, YKHC Representative –

Provided information to the community of Bethel on Diabetes Prevention Month.

Agnes Pete Phillips –

Thanked all of the first responders for the work on the fire as well as LKSD staff for their work on finding placement to all of the students.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: Approve the Consent and Regular Agenda.

Moved by: Maczynski

Seconded by: Welch

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman

Opposed: -0

Removal from

the Consent: Remove Resolution 15-17 from the consent agenda.

Moved by: Fansler

VI. APPROVAL OF THE MEETING MINUTES

Item A – 10-19-2015 Special Meeting Minutes

Item B – 10-20-2015 Special Meeting Minutes

Item C – 10-27-2015 Regular Meeting Minutes

Passed on the consent agenda.

VII. REPORTS ON STANDING COMMITTEES

Public Safety and Transportation Commission

Council Representative, Chuck Herman –
Nothing to report.

Port Commission

Council Representative, Alisha Welch –
A meeting has not been held since the last City Council meeting.

Planning Commission

Council Representative, Nikki Hoffman –
A meeting has not been held since the last City Council meeting.

Parks and Recreation Committee

Council Representative, Richard Robb –
Michelle Dewitt was elected chair of the Committee.
Discussed trails and boardwalks.

A recommendation was made to administration to do an assessment of the trails to be funded by the parks development fund. Budget review and advertising/marketing of the pool was discussed.

Finance Committee

Council Representative Leif Albertson –
A meeting has not been held since the last City Council meeting.

Public Works Committee

Council Representative, Byron Maczynski –
Discussed options on the rebuilding of the boardwalk between the college and the hospital.
Consideration of sleeving the pipes in housing to help alleviate the rust in that area of town.

Energy Committee

Council Representative, Zach Fansler –
Alternative energy list amendments were made/project review of the Committee.
Would like to start working with the Public Works Committee to see if there are code revisions that can be made to help with the conservation of energy.

Marijuana Advisory Committee

Council Representative, Zach Fansler –
The first meeting of the Committee will be tomorrow.

VIII. SPECIAL ORDER OF BUSINESS

Item A – Appreciation To Outgoing Council Members.

Mayor Robb read an appreciation plaque presented to Mark Springer and Heather Pike.

Item B – Proclamation Emergency Declaration By The City Of Bethel - Fire At Kuskokwim Learning Academy/Ayaprun Elitnaurvik - Yup'ik Immersion Schools.

Main Motion: Approve the City Manager’s Proclamation of Disaster.

| | |
|--------------|---|
| Moved by: | Hoffman |
| Seconded by: | Herman |
| Action: | Motion carries by a vote of 7-0 |
| In favor: | <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman |
| Opposed: | -0 |

Item C – United Pools Presentation.

Raunicka Ray provided a report to the City Council.

IX. UNFINISHED BUSINESS

Item A – Public Hearing Of Ordinance 15-32: Amending Bethel Municipal Code Section 5.08, Alcoholic Beverages.

Mayor Robb opened the public hearing.

No one present to be heard.

Mayor Robb closed the public hearing.

Motion to adopt Ordinance 15-32 was made on October 13, 2015

Main Motion: Regular Meeting.

| | |
|--------------|--------------------|
| Moved by: | Fansler |
| Seconded by: | Herman |
| Action: | Tabled-Adjournment |

Primary

Amendment: Amend 5.08.010 to strike Subsection H.

| | |
|--------------|---|
| Moved by: | Herman |
| Seconded by: | Hoffman |
| Action: | Motion carries by a vote of 7-0 |
| In favor: | <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman |
| Opposed: | -0 |

Primary Amendment: Amend 5.08.020 Subsection D. to strike "Not less than [keeping twenty (20)] but not more than thirty (30) days" and insert "within"; Subsection F. strike "ten (10)" and insert "seven (7)."

| | |
|--------------|---|
| Moved by: | Herman |
| Seconded by: | Hoffman |
| Action: | Motion carries by a vote of 7-0 |
| In favor: | <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman |
| Opposed: | -0 |

Secondary Amendment: Strike in the primary amendment, "Subsection F. strike "ten (1)" and insert "seven (7)."

| | |
|--------------|--|
| Moved by: | Fansler |
| Seconded by: | Albertson |
| Action: | Motion carries by a vote of 4-3 |
| In favor: | <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler |
| Opposed: | <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch |

Primary

Amendment: Amend 5.08.30 to strike Sections 4, 6, 7, 9, 13, 14.

Moved by: Herman
Seconded by: Maczynski
Action: Motion carries by a vote of 6-1
In favor: Robb Maczynski Welch Fansler Herman Hoffman
Opposed: Albertson

Secondary Amendment: Amend the primary amendment to include striking under Section 12 "church, senior citizen apartment housing/facilities."

Moved by: Herman
Seconded by: Hoffman
Action: Motion carries by a vote of 4-3
In favor: Robb Maczynski Welch Herman
Opposed: Albertson Hoffman Fansler

Secondary Amendment: Amend the primary amendment to strike from the amendment "7, 9, 13 A."

Moved by: Fansler
Seconded by: Albertson
Action: Motion carries by a vote of 4-3
In favor: Robb Albertson Fansler Herman
Opposed: Maczynski Welch Hoffman

Primary Amendment: Amend 5.08.040 to strike Subsection A; Amend Subsection B to strike "majority of the" [keeping city council] "votes" and insert after City Council "member wishes."

Moved by: Herman
Seconded by: Fansler
Action: Motion carries by a vote of 6-1
In favor: Robb Maczynski Welch Albertson Fansler Herman
Opposed: Hoffman

Primary Amendment: Amend .08.080 Subsection A, to strike "10:00PM" and insert "1:00 AM"; Subsection B, to strike "11:00PM and 11:00AM" and insert "2:00 AM and 11:00AM"; Subsection C, to strike "at 1:00," and insert "by 3:00."

Moved by: Herman
Seconded by: Fansler
Action: Motion carries by a vote of 6-1
In favor: Robb Maczynski Welch Fansler Herman Hoffman
Opposed: Albertson

**Primary
Amendment:**

Amend 5.05.080, Hours and Days of Operation, Subsection B, to strike "12:00 a.m." and "12:00 p.m." and insets "11:00 p.m." and "11:00 a.m."

Moved by: Herman
Seconded by: Fansler
Action: Motion carries by a vote of 5-2
In favor: Welch Albertson Fansler Herman Hoffman
Opposed: Robb Maczynski

**Primary
Amendment:**

Amend 5.08.080 to strike Subsection E.

Moved by: Herman
Seconded by: Welch
Action: Motion carries by a vote of 6-1
In favor: Robb Maczynski Welch Fansler Herman Hoffman
Opposed: Albertson

**Primary
Amendment:**

Amend 5.08.110 to strike B 1. Happy Hour, in its entirety; to strike Subsection B, 6 Solicitation of Purchase of Alcoholic Beverages for Consumption, in its entirety; Amend Section 5.08.130 A. 2, to strike in its entirety.

Moved by: Herman
Seconded by: Hoffman
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman
Opposed: -0

**Secondary
Amendment:**

Amend the primary amendment to strike from the amendment the removal of 5.08.110 Subsection B, 1.

Moved by: Fansler
Seconded by: Albertson
Action: Motion does not carry by a vote of 0-7
In favor: -0
Opposed: Robb Maczynski Welch Albertson Fansler Herman Hoffman

**Secondary
Amendment:**

Amend the primary amendment to insert "Happy Hours. The City adopts Alaska Statutes 4.16.015, Pricing and marketing of alcoholic beverages."

Moved by: Fansler
Seconded by: Albertson
Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman
Opposed: -0

Primary

Amendment: Amend 5.08.110 to strike "to" and insert "or."

Moved by: Herman

Seconded by: Fansler

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman

Opposed: -0

Primary

Amendment: Amend 5.08.110 to strike Subsection D. in its entirety.

Moved by: Herman

Seconded by: Maczynski

Action: Motion does not carry by a vote of 3-4

In favor: Maczynski Welch Hoffman

Opposed: Robb Albertson Fansler Herman

Secondary
Amendment: Amend the primary amendment to insert current Bethel Municipal Code language 5.08.040 Maintenance of order under Subsection D.

Moved by: Fansler

Seconded by: Albertson

Action: Motion does not carry by a vote of 3-4

In favor: Maczynski Welch Hoffman

Opposed: Robb Albertson Fansler Herman

Subsidiary
Motion: Suspend the rules to hear from Ana Hoffman regarding the motion.

Moved by: Welch

Seconded by: Maczynski

Action: Motion carries by a vote of 4-3

In favor: Robb Maczynski Welch Hoffman

Opposed: Albertson Fansler Herman

Primary
Amendment: Amend 5.08.110 to strike D, and insert current Bethel Municipal Code language 5.08.040 Maintenance of order.

Moved by: Herman

Seconded by: Fansler

Action: Motion carries by a vote of 6-1

In favor: Robb Maczynski Welch Fansler Herman Hoffman

Opposed: Albertson

Secondary Amendment: Amend the primary amendment to strike "manager, owner and co owner of the establishment" from the language.

Moved by: Herman
Seconded by: Maczynski
Action: Motion carries by a vote of 5-2
In favor: Robb Maczynski Welch Herman Hoffman
Opposed: Albertson Fansler

Secondary Amendment: Amend the primary amendment 5.08.110 Subsection D, as amended to current Bethel Municipal Code language 5.08.040 Maintenance of order, to strike "premises, except private clubs" and insert "each premises licensed under Alaska Statutes 4.11.090, Beverage dispensary license."

Moved by: Herman
Seconded by: Maczynski
Action: Motion carries by a vote of 5-2
In favor: Robb Maczynski Welch Herman Hoffman
Opposed: Albertson Fansler

Secondary Amendment: Amend 5.08.110 Subsection D, as amended to current Bethel Municipal Code language 5.08.040 Maintenance of order, to insert after "each premises licensed under Alaska Statutes 4.11.090, Beverage dispensary license," "4.11.150, Package store license, 4.11.220 Pub license."

Moved by: Fansler
Seconded by: Albertson
Action: Motion does not carry by a vote 3-4
In favor: Robb Albertson Fansler
Opposed: Maczynski Welch Herman Hoffman

Subsidiary Motion: Ten minute break.

Moved by: Maczynski
Seconded by: Hoffman
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman
Opposed: -0

Council went back on the record at 9:24 p.m.

Amend 5.08.110 to Subsection E. to read: "Security Cameras. At least one (1) twenty-four (24) hour time laps security camera is required to be installed and properly maintained in the interior of the building at all locations licensed to sell and/or store alcoholic beverages. The cameras must be able to capture all sales transaction. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security camera to the police department."

Primary Amendment:

Moved by: Herman
 Seconded by: Welch
 Action: Motion carries by a vote of 5-2
 In favor: Robb Maczynski Welch Herman Hoffman
 Opposed: Albertson Fansler

Amend the primary amendment to read: "Security Cameras. At least one (1) twenty-four (24) hour time laps camera required and properly maintained, facing the entrance of the establishment, in the interior of the building and to capture all sales transaction."

Secondary Amendment:

Moved by: Hoffman
 Seconded by: Albertson
 Action: Motion does not carry by a vote of 3-4
 In favor: Albertson Fansler Hoffman
 Opposed: Robb Herman Maczynski Welch

Amend the primary amendment to strike "licensed to sell and/or store alcoholic beverages "and insert "all licensed issued under Alaska Statutes 4.11.150 Package store license."

Secondary Amendment:

Moved by: Herman
 Seconded by: Maczynski
 Action: Motion carries by a vote of 5-2
 In favor: Robb Maczynski Welch Herman Hoffman
 Opposed: Albertson Fansler

Main Motion: Table until later in the meeting.

Moved by: Hoffman
 Seconded by:
 Action: Motion does not carry due to a lack of a second.

Main Motion: Amend to strike 5.08.160 in its entirety.

Moved by: Herman
 Seconded by: Maczynski

| | |
|-----------|---|
| Action: | Motion does not carry by a vote of 0-7 |
| In favor: | -0 |
| Opposed: | <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Herman |

Main Motion: Table until later in the meeting.

| | |
|--------------|--|
| Moved by: | Hoffman |
| Seconded by: | Maczynski |
| Action: | Motion carries by a vote of 4-3 |
| In favor: | <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Welch |
| Opposed: | <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler |

Item B – Public Hearing Of Ordinance 15-33: Amending Bethel Municipal Code Chapter 3.64, Personnel Rules And Regulations, Special Provisions, Prohibition Of Discrimination.

Mayor Robb opened the public hearing.

No one present to be heard.

Mayor Robb closed the public hearing.

Main Motion: Adopt Ordinance 15-33.

| | |
|--------------|---|
| Moved by: | Herman |
| Seconded by: | Fansler |
| Action: | Motion carries by a vote of 7-0 |
| In favor: | <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman |
| Opposed: | -0 |

Item C – Public Hearing Of Ordinance 15-34: Amending Bethel Municipal Code Chapter 4.20.050, Purchasing, Specifications Generally For Bids And Proposals, Prohibition Of Discrimination.

Mayor Robb opened the public hearing.

No one present to be heard.

Mayor Robb closed the public hearing.

Main Motion: Adopt Ordinance 15-34.

| | |
|--------------|---|
| Moved by: | Herman |
| Seconded by: | Welch |
| Action: | Motion carries by a vote of 7-0 |
| In favor: | <input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Welch <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman |

Opposed: | -0

Primary Amendment: Amend to strike under E. 4. "during the performance of a contract."

Moved by: | Herman
Seconded by: | Fansler
Action: | Motion carries by a vote of 7-0
In favor: | Robb Maczynski Welch Albertson Fansler Herman Hoffman
Opposed: | -0

Item D – Consideration Of Continued Funding For The City Of Bethel Public Transit System And Approval To Submit Grant Application.

Main Motion: Direct Administration to write a letter of intent to apply for the grant.

Moved by: | Hoffman
Seconded by: | Maczynski
Action: | Postponed

Main Motion: Postpone until November 24, Regular Meeting to include an Executive Session.

Moved by: | Fansler
Seconded by: | Welch
Action: | Motion carries by a vote of 4-3
In favor: | Maczynski Welch Albertson Fansler
Opposed: | Robb Herman Hoffman

Item E – Rescinding Resolution 15-08: Protesting the Issuance Of A Package Store License To Bethel Spirits, LLC. – License ID # 5384; Located At 905 Chief Eddie Hoffman Highway, Suite B, Bethel.

Main Motion: Rescind Resolution 15-08.

Moved by: | Maczynski
Seconded by: | Welch
Action: | Motion carries by a vote of 4-3
In favor: | Robb Maczynski Welch Hoffman
Opposed: | Albertson Fansler Herman

Subsidiary

Motion: Extend the meeting passed 11:45 p.m.

Moved by: | Hoffman

Seconded by: Albertson
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman
Opposed: -0

Main Motion: Amend to extend the meeting to 12:00 p.m.

Moved by: Hoffman
Seconded by: Albertson
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman
Opposed: -0

Main Motion: Call the question.

Moved by: Hoffman
Seconded by: Welch
Action: Motion does not carry by a vote of 3-4
In favor: Robb Albertson Fansler Herman
Opposed: Maczynski Welch Hoffman

Item F – Rescinding Resolution 15-15: Protesting the Issuance of a State of Alaska Alcoholic Package Store License For AC Quickstop; Located at 131 Akakeek Street; Owned by North West Company Inc.; License ID# - 5418.

Main Motion: Rescinding Resolution 15-15.

Moved by: Maczynski
Seconded by: Welch
Action: Motion carries by a vote of 4-3
In favor: Maczynski Welch Fansler Hoffman
Opposed: Herman Robb Albertson

X. NEW BUSINESS

Item A – Resolution 15-17: Establishing State Capital Priority Requests Fiscal Year 2017.

Main Motion: Adopt Resolution 15-17.

Moved by: Fansler
Seconded by: Hoffman
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman
Opposed: -0

Subsidiary

Motion: Motion to extend the meeting to 12:30 a.m.

Moved by: Fansler
Seconded by: Albertson
Action: Motion carries by a vote of 5-2
In favor: Robb Albertson Fansler Herman Hoffman
Opposed: Maczynski Welch

Primary

Amendment: Move priority number 5 to number 2.

Moved by: Hoffman
Seconded by: Albertson
Action: Motion carries by a vote of 5-2
In favor: Maczynski Welch Albertson Fansler Hoffman
Opposed: Herman Robb

Primary Amendment: Amend the Water and Sewer Trucks to a funding request of \$2,660,000.

Moved by: Fansler
Seconded by: Hoffman
Action: Motion carries by a vote of 7-0
In favor: Robb Maczynski Welch Albertson Fansler Herman Hoffman
Opposed: -0

Main Motion: Add a Road around H Marker Lake as the 3rd Priority in the amount \$1,820,752.

Moved by: Hoffman
Seconded by: Welch
Action: Motion carries by a vote of 4-3
In favor: Robb Maczynski Welch Hoffman
Opposed: Albertson Fansler Herman

Main Motion: Strike Bethel Heights Water Quality Solutions Study.

Moved by: Welch
Seconded by: Hoffman
Action: Motion carries by a vote of 5-2
In favor: Maczynski Welch Albertson Fansler Hoffman
Opposed: Robb Herman

Item B – Consideration Of Council Representation At the November 19, 2015 Alcohol Beverage Control Board’s Special And Regular Meetings.

Main Motion: Mayor Robb to be the City’s Representative at the Alcohol Beverage Control Board Meetings on November 19, 2015.

Moved by: Hoffman
Seconded by: Maczynski
Action: Motion carries by a vote of 4-2
In favor: Robb Maczynski Welch Herman Hoffman
Opposed: Albertson Fansler

Council Member Maczynski departed the meeting at 12:28 a.m. on November 11.

Main Motion: Extend the meeting to 1:00 a.m.

Moved by: Albertson
Seconded by: Fansler
Action: Motion carries by a vote of 4-2
In favor: Robb Albertson Fansler Herman
Opposed: Hoffman Welch

Item C – Determination On Council Member’s Interest In Running For Any Of The Elective Seats For The Alaska Municipal League.

Alisha Welch departed the meeting at 12:37 a.m.

Main Motion: Adjourn.

Moved by: Herman
Seconded by:
Action: Motion does not carry due to a lack of a second.

Main Motion: Pull from the table Ordinance 15-32

Moved by: Albertson
Seconded by: Fansler
Action: Motion carries by a vote of 5-0
In favor: Robb Albertson Fansler Herman Hoffman
Opposed: -0

UNFINISHED BUSINESS

Public Hearing Of Ordinance 15-32: Amending Bethel Municipal Code Section 5.08, Alcoholic Beverages.

Primary

Amendment: Amend 5.08.190, Access for Enforcement to strike in its entirety.

Moved by: Herman
Seconded by: Hoffman
Action: Motion does not carry by a vote of 3-2
In favor: Robb Hoffman Herman
Opposed: Albertson Fansler

Secondary
Amendment: Amend 5.08.190, Access for Enforcement to strike everything but D, 1 and 2.

Moved by: Fansler
Seconded by: Albertson
Action: Motion does not carry by a vote of 2-3
In favor: Albertson Fansler
Opposed: Robb Hoffman Herman

Amend Penalties to combine penalties under 5.08.110B2 "Failure to provide access to means of public transportation to patrons or to permit patron to arrange for transportation off premises" with a max fine of \$500; Amend penalties for 5.08.110 B3 to read "Failure to properly post signs" with a maximum fine of \$250.

Primary
Amendment:

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 5-0
In favor: Robb Maczynski Hoffman Herman Albertson Fansler
Opposed: 0

Primary
Amendment: Amend 5.08.190, Access for Enforcement to strike Subsection D.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 5-0
In favor: Robb Hoffman Herman Albertson Fansler
Opposed: 0

Main Motion: Adjourn.

Moved by: Hoffman
Seconded by:
Action: Motion does not carry due to a lack of a second.

Main Motion: Extend the Meeting to 1:15 a.m.

Moved by: Fansler
Seconded by: Albertson
Action: Motion carries by a vote of 4-1
In favor: Robb Hoffman Albertson Fansler
Opposed: Herman

Primary

Amendment: Amend 5.08.020 to strike Subsection B. 1.

Moved by: Hoffman
Seconded by: Fansler
Action: Motion carries by a vote of 5-0
In favor: Robb Hoffman Herman Albertson Fansler
Opposed: -0

Primary

Amendment: Amend 5.08.020 to strike B. "greater than \$100"

Moved by: Hoffman
Seconded by:
Action: Does not carry due to a lack of a second.

**Primary
Amendment:** Amend 5.08.020 Subsection A, to strike as soon as practicable and insert within (7) seven days.

Moved by: Hoffman
Seconded by:
Action: Motion does not carry due to a lack of a second

**Primary
Amendment:** Amend 5.08.030 to insert after protest "or recommend with conditions."

Moved by: Hoffman
Seconded by: Herman
Action: Motion carries by a vote of 5-0
In favor: Robb Hoffman Herman Albertson Fansler
Opposed: -0

**Primary
Amendment:** Amend 5.08.030 to strike "and potential" and insert after problems "with supporting data."

Moved by: Hoffman
Seconded by: Fansler
Action: Motion carries by a vote of 5-0
In favor: Robb Hoffman Herman Albertson Fansler

Opposed: | -0

Primary

Amendment: Extend the meeting to 1:30 a.m.

Moved by: Fansler

Seconded by: Albertson

Action: Motion does not carry by a vote of 3-2

In favor: Robb Albertson Fansler

Opposed: Herman Hoffman

XI. ADJOURNMENT

Council adjourned at 1:15 a.m.

ATTEST:

Richard Robb, Mayor

Lori Strickler, City Clerk

Reports of Standing Committees

City of Bethel, Alaska Planning Commission Meeting

Nov. 12, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on Thursday, Nov. 12, 2015, at 6:30 PM at the City Hall Chambers in Bethel, Alaska. Chair Shantz called the meeting to order at 6:30 pm.

II. ROLL CALL

Compromising a quorum of the Commission, the following members were present for roll call: John Guinn, Joy Shantz, Cliff Linderoth, Lorin Bradbury, Kurt Kuhne, and Nikki Hoffman. Kathy Hanson was excused. Also present was Recorder Pauline Boratko, City Manager Ann Capela and City Lawyer Patty Burley.

III. PEOPLE TO BE HEARD: Nobody wished to be heard.

IV. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA OF NOV. 12, 2015

| | | |
|-----------------------|--|--|
| MOVED: | Lorin Bradbury | To approve the agenda for the meeting of November 12, 2015, removing Item D. under new business. |
| SECONDED: | John Guinn | |
| VOTE ON MOTION | All in favor 6 yes and 0 opposed. Motion carries. | |

V. APPROVAL OF MINUTES FROM THE OCT. 8, 2015 PLANNING MEETINGS

MOTION TO APPROVE THE MINUTES

| | | |
|-----------------------|--|--------------------------------------|
| MOVED: | John Guinn | To approve the Oct. 8, 2015 minutes. |
| SECONDED: | Cliff Linderoth | |
| VOTE ON MOTION | All in favor 6 yes and 0 opposed. Motion carries. | |

VI. NEW BUSINESS: A. Proposed Bethel Municipal Code (BMC) Ordinance 15-32-An Ordinance by the Bethel City Council, Repealing and Replacing BMC 5.05, Alcoholic Beverages

MOTION MADE TO 5.08.050 TO NOT REMOVE/STRIKE PLANNING COMMISSION INVOLVEMENT EXCEPT AS OUTLINED IN BMC SECTION 16.20 (which doesn't exist yet)

| | | |
|-----------------------|--|---|
| MOVED: | Lorin Bradbury | Motion to not remove the Planning Commission involvement except as outlined in BMC section 16.20 (which does not exist yet) |
| SECONDED: | Kurt Kuhne | |
| VOTE ON MOTION | All in favor 6 yes and 0 opposed. Motion carries. | |

B. Consideration of Leases – Department of Law, Bethel Courthouse-for Lot 2, Block 1, Plat Number 99-12, the physical address is 208 Chief Eddie Hoffman Highway; and General Communications, Inc. (GCI) Lease-for Lot 5A, Block 9, United States Survey USS 3230 B, Plat Number 98-06, the physical address is 208 Main Street

MOTION MADE TO MOVE THE GCI LETTER BACK TO ADMINISTRATION

| | | |
|-----------------------|--|--|
| MOVED: | Kurt Kuhne | To send the GCI letter back to administration to draw up a lease and bring it back to the Planning Commission at the next meeting in order for the Planning Commission to move forward on. |
| SECONDED: | Lorin Bradbury | |
| VOTE ON MOTION | All in favor 6 yes and 0 opposed. Motion carries. | |

MOTION MADE TO MOVE THE DEPT. OF LAW LEASE BACK TO ADMINISTRATION

| | | |
|-----------------------|--|---|
| MOVED: | Kurt Kuhne | To take the Dept. of Law Courthouse Lease back to Administration to draw up a current proposed lease and bring back to the Planning Commission for review and recommendation. |
| SECONDED: | Cliff Linderoth | |
| VOTE ON MOTION | All in favor 6 yes and 0 opposed. Motion carries. | |

C. State of Alaska Marijuana Regulations

The City Manager spoke to the Commission about marijuana regulations and the role of land use.

VII. OLD BUSINESS **A.** Introduction of Ordinance 15-29: Amending the Bethel Municipal Code (BMC) Chapter 4.08—Acquisition and Disposal of Land; (ACTION ITEM)

MOTION TO SEND BACK TO ADMINISTRATION

| | | |
|-----------------------|--|--|
| MOVED: | Kurt Kuhne | To forward Ordinance 15-29 to Council with the following changes: Strike the last Whereas; on page 3, under 4.08.50, "C" take out the word "if available" and instead change to "if deemed appropriate by the City Manager". |
| SECONDED: | Cliff Linderoth | |
| VOTE ON MOTION | All in favor 6 yes and 0 opposed. Motion carries. | |

VIII. COMMISSIONER'S COMMENTS: Lorin--I enjoyed being here, it was an interesting experience; Cliff--glad to have this lease approval kinda squared away. The other thing that was suggested was whether we should have a December meeting because of the holidays; John--no comment; Kurt--thank you, it's been fun; Joy--my comments were the December meeting, to hash that out, and I am really happy we have a full table—I welcome the two new commissioners. I'll say what John always used to say to new commissioners (John Guinn was the Chairman for many years and I'm just trying to keep up and be half as good as he was). He used to say "being on the Planning Commission you get to keep your finger on the pulse of the City and know what's going on" and it's pretty exciting to be a Planning Commissioner, so, welcome to the Commission. Another thing I saw was a typo on Commissioner's terms on the agenda.

VIII. ADJOURNMENT

| | | |
|-----------------------|--------------------------------------|--|
| MOVED: | John Guinn | Motion to adjourn the meeting at 8:40. |
| SECONDED: | Lorin Bradburuy | |
| VOTE ON MOTION | 6 yes and 0 opposed. Motion carries. | |

The next meeting will be on December 10, 2015

ATTEST: _____, Joy Shantz, Chairman
 _____, Betsy Jumper, Recorder

DRAFT



City of Bethel

Committees and Commissions

Recommendation to City Council

Committees and Commissions that wish to make a recommendation to City Council should turn this form in to the City Clerk or to the City Council representative on the committee or commission.

| | |
|--|-----------------------------------|
| Committee/Commission: Planning Commission | Chairman: Joy Shantz |
| Date Submitted: 11-12-15 | Council Rep: Nikki Hoffman |
| Issue Introduction of Ordinance 15-29; Amending the Bethel Municipal Code Chapter 4.08 – Acquisition and Disposal of Land | |
| | |
| | |
| | |
| | |
| Recommendation: to take out the last "whereas"; then, on page 3, Section 4.08.50- under "C", omit the words "if available" and put "if deemed appropriate by the City Manager". | |
| | |
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| | |

Other: Passed unanimously by the PC Nov. 12 _____ on _____ 2015

Received by: _____
Date: _____

Special Order of Business



City of Bethel Proclamation

Proclaiming the Month of November 2015 as "Diabetes Awareness Month"

- WHEREAS,** nearly 30 million people in the United States and over 40,000 Alaskans have diabetes with potentially life threatening complications such as heart disease, stroke, blindness, kidney disease, and amputations; and
- WHEREAS,** in the last 5 years, there has been a 79% increase in high risk factors for the development of diabetes or pre-diabetes in the YK Delta Region; and
- WHEREAS,** currently, 5% of the Bethel population has diabetes or pre-diabetes; and
- WHEREAS,** an additional 86 million people in the United States are at risk for developing type 2 diabetes and type 2 diabetes has become increasingly prevalent among young people, largely due to increasing obesity; and
- WHEREAS,** during the National Diabetes Month, we recognize the impact of diabetes has on people's lives; and
- WHEREAS,** according to national data individuals who are in a high risk category for developing type 2 diabetes are people who do not participate in regular physical activities; and
- WHEREAS,** during the American Diabetes Month, the American Diabetes Association, the Alaska Department of Health and Social Services and many healthcare providers such as YKHC encourage Bethel residents to join all of us in making healthy choices and eating well throughout this month;

NOW, THEREFORE, I, Richard Robb, Mayor of the City of Bethel, do hereby proclaim the month of November 2015 as "Diabetes Awareness Month" in Bethel and encourage all Bethel residents to make healthy life choices and make a personal commitment to eat healthy and exercise.

IN OFFICIAL RECOGNITION WHEREOF, I hereby affix my signature on this 24th day of November 2015.

Richard Robb, Mayor

Attest: Lori Strickler, City Clerk

Unfinished Business

Introduced by: Council Member Maczynski
Introduction Date: September 22, 2015
Public Hearing: October 13, 2015
November 24, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-29

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE 4.08, ACQUISITION AND DISPOSAL OF LAND

WHEREAS, the City's Planning Commission has a vital role in all the City's land use planning and regulations;

WHEREAS, the City of Bethel, City Council recognizes and values the role of the Planning Commission in developing and recommending the City's 2035 Comprehensive Plan as well as numerous other land use documents, and

WHEREAS, SEC. 4.08.050(C) Lease procedures, a notice to renew the lease must be provided by the lessee to the City Clerk's Office at least 180 days prior to the expiration of a lease agreement made between the City of Bethel and the Lessee; and

WHEREAS, the requirement to have the Planning Commission approve all lease renewals by a vote of the Planning Commission and the City Council creates a redundancy in these procedures, and

WHEREAS, the requirement to have the Planning Commission's recommendation on any sale, lease or exchange of city land could negatively impact the city's ability to timely engage in property transfer due to the Planning Commissions quorum requirements;

NOW, THEREFORE BE IT ENACTED by the City Council of Bethel Alaska as follows:

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

SECTION 2. Amendment. The Bethel Municipal Code Chapter 4.08 is amended as follows (new language is underlined and ~~old language is stricken out~~):

Chapter 4.08
ACQUISITION AND DISPOSAL OF LAND

4.08.010 Rights and powers of City.

The city shall have and may exercise all rights and powers in the acquisition, ownership, holding and disposal of any interest in real property not prohibited by law.

A. Any sale, lease or exchange or purchase of city land shall be approved by the city council by ordinance after consideration of the recommendations of the planning commission.

B. Any lease, lease renewal or exchange of city land shall be approved by the city council by ordinance.

4.08.020 Acquisition.

A. The city may acquire any interest in real property by purchase, lease, exchange, transfer, donation or any other method. All acquisitions not otherwise provided for by law shall be by ordinance enacted by a majority vote of the city council.

B. Real property shall be held in the name of the "city of Bethel."

4.08.030 Disposal.

A. Property No Longer Necessary for Municipal Purposes. The city council may, by ordinance, provide for the disposal of an interest in any real property which is no longer necessary for municipal purposes. All such disposals shall be by sealed bid to the highest bidder and shall be made at least at current assessed value or at current appraised value unless otherwise determined by ordinance.

B. Disposal to Entity Providing Necessary Public Service. The city council may, by ordinance, provide for the disposal of an interest in real property to a municipal, borough, state, or federal or other appropriate entity providing a necessary public service without seeking bids and for less than the current assessed value or current appraised value of that interest in real property. All disposals made pursuant to this subsection for less than the current assessed value or current appraised value shall include a condition requiring that the interest of the city being disposed of shall revert to the city in the event the real property disposed of is not being used to provide the necessary public service justifying the original disposal.

C. Disposal in Furtherance of Development of Local Trade or Industry. The city council may, by ordinance, provide for the disposal of an interest in real property to any person or entity in furtherance of the development of local trade or industry without seeking competitive bids but not for less than the current assessed value or current appraised value, whichever is higher, of that interest in real property. All disposals made pursuant to this subsection shall include a condition requiring that the interest of the city being disposed of revert to the city in the event that the real property disposed of is not being used in furtherance of the development of local trade or industry justifying the original disposal.

Introduced by: Council Member Maczynski
Introduction Date: September 22, 2015
Public Hearing: October 13, 2015
November 24, 2015

Action:
Vote:

D. Disposal to Compromise Claim. The city council may, by ordinance, compromise disputed claims of litigation by authorizing disposal of an interest in real property.

E. Disposal to Individual With Equitable Claim. The city council may, by ordinance, provide for the disposal of an interest in real property to an individual with an equitable claim of an interest in the property by reason of their occupancy of the property as their principal place of residence prior to January 1, 1963, and their continued occupancy of the property as their principal place of residence after its transfer to the city by the federal townsite trustee without seeking bids and for less than the current assessed value or current appraised value of that property.

F. Disposal to Native Tribal Council. All disposals made by the city to a native tribal council shall include a requirement that the native tribal council waive any immunity from suit for the purpose of enforcing any conditions attached to the disposal of the city's interest in the real property to the native tribal council.

4.08.040 Notice of disposal.

A notice of the proposed disposal of any interest in real property shall be posted in three (3) conspicuous public places within the city for not less than thirty (30) days and published in a newspaper with general circulation for three (3) weeks before the date of the bid opening or not less than thirty (30) days before the date of the passage of the ordinance authorizing the disposal. The notice shall include:

- A. A legal description of the property including the square footage contained therein;
- B. A description of the city's interest being disposed of;
- C. The method of disposal;
- D. The value of the city's interest being disposed of, according to current assessment or current appraisal;
- E. The date of the proposed disposal; and
- F. The time, place and manner in which the proposed disposal shall occur.

4.08.050 Lease procedures.

A. General Regulations. In addition to the regulations governing disposal of property, the following regulations shall apply specifically to leases. The city may renew a lease without public bid and during the renewal process, the city may change any term or condition contained in the original lease.

B. Expiration. Unless the lease is terminated beforehand, or renewed as stated above, the lessee shall peaceably and quietly leave, surrender and yield up to the lessor all the leased land on the last day of the term of that lease.

C. Renewal. If the lessee wishes to renew the lease, the lessee shall make written application to the city clerk for renewal of the lease at least one hundred eighty (180) days prior to the expiration of the lease. The written renewal application shall contain terms of the proposed renewal. The city manager shall, upon majority vote of the ~~planning commission and city council~~ after a public hearing, after the recommendation of the planning commission, if available, issue a renewal of the lease to the lessee.

D. Subdivision Regulations. All leased property shall be subject to the land use and subdivision regulations of the city.

4.08.055 Use permit procedures.

In addition to the regulations governing disposal of property, the following regulations shall apply specifically to the issuance of use permits:

A. Use Permits. The city may issue revocable use permits allowing for short term or seasonal uses of city property not to exceed six (6) months. The use permit shall include a provision that it is revocable by the city at any time during the term of the permit without liability to the city save for a pro-rata refund of any prepaid permit fees.

B. Land Use Regulations. All property disposed of by use permit shall be subject to the land use regulations of the city. All property disposed of by use permit shall not be subject to the subdivision regulations of the city.

4.08.060 Definitions.

In this chapter, unless otherwise provided or the context otherwise requires:

A. Appropriate Entity. A determination shall be made by the city council as to whether or not the entity in question will further the public interest.

B. "Interest in real property" includes, but is not limited to, fee simple ownership, a lease, an easement, and the possibility of reverter.

C. "Necessary public service" includes, but is not limited to, police protection; fire protection; public health and safety; public education; electric, water and sewer utilities; and marine, land or air transportation.

D. "Shall" is considered mandatory.

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

ENACTED THIS ___ DAY OF SEPTEMBER 2015, BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

ATTEST:

Richard Robb, Mayor

Lori Strickler, City Clerk

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015

Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-32

AN ORDINANCE BY THE BETHEL CITY COUNCIL, REPEALING AND REPLACING BETHEL MUNICIPAL CODE 5.08, ALCOHOLIC BEVERAGES

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

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

SECTION 2. Amendment. Bethel Municipal Code Chapter 5.08 is repealed and replaced, (old language is stricken):

Chapter 5.08 *ALCOHOLIC BEVERAGES*

Sections:

~~5.08.010~~ Defined.

~~5.08.011~~ Consumption, sale and service of alcoholic beverages prohibited.

~~5.08.020~~ Closing hours.

~~5.08.030~~ Bringing liquor to licensed premises—Leaving partial containers.

~~5.08.040~~ Maintenance of order.

~~5.08.050~~ Liquor handler permit—Required.

~~5.08.060~~ Liquor handler permit—Issuance—Revocation.

~~5.08.070~~ Liquor handler permit—Cost.

~~5.08.080~~ Sunday and holiday sales.

~~5.08.090~~ Election day sales.

~~5.08.100~~ Minors.

~~5.08.110~~ Permitting violation.

~~5.08.120~~ Inspection of premises.

~~5.08.130~~ Violation—Penalty.

Introduced by: Council Member Fansler on behalf
of the City Attorney

Date: September 22, 2015

Public Hearing: October 13, 2015

October 20, 2015

October 27, 2015

November 3, 2015

November 10, 2015

November 24, 2015

Action:

Vote:

37 5.08.010-Defined.

38 For the purpose of this chapter, "intoxicating liquors" and/or "alcoholic beverages"
39 mean all spirituous, vinous, salt and other fermented and/or distilled liquors intended,
40 or used, for human consumption and containing more than one (1) percent alcohol by
41 volume.

42 5.08.011 Consumption, sale and service of alcoholic beverages prohibited.

43 A. No person may sell or offer to sell any alcoholic beverage in package stores or bars
44 within three hundred (300) feet of a church building or within three hundred (300) feet
45 of any school grounds.

46 B. No person may sell or offer to sell any alcoholic beverage in or within two hundred
47 (200) feet of a church building or within two hundred (200) feet of any school grounds.

48 C. Any person or business that is behind in taxes to the city of Bethel is prohibited from
49 receiving alcoholic beverage licenses.

50 D. As used in this section, the terms "school building," "school," "school grounds" or
51 "educational building" shall apply only to state, county, city, or church school buildings
52 and to such buildings at such other schools in which are taught subjects commonly
53 taught in the common schools, and which are public schools or private schools as
54 defined by the state of Alaska. The terms "school building" and "educational building"
55 include only those structures in which instruction is offered, except colleges and
56 universities. The term "school grounds" shall apply only to the parcel or parcels of land
57 on which a school, school building or educational building is located, except colleges
58 and universities.

59 E. The term "church building" as used herein shall mean the main structure used by any
60 religious organization for purposes of worship.

61 F. The requirements for minimum distance from a church building located in a shopping
62 center shall not apply to any license for retail package or retail consumption.

63 G. For purposes of this section, distance shall be measured by the most direct route of
64 travel on the ground and shall be measured in the following manner:

Introduced by: Council Member Fansler on behalf
of the City Attorney

Date: September 22, 2015

Public Hearing: October 13, 2015

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November 24, 2015

Action:

Vote:

65 ~~1. From the main parking lot entrance of the establishment from which alcoholic~~
66 ~~beverages are sold or offered for sale;~~

67 ~~2. In a straight line, regardless of obstructions, to the nearest public sidewalk,~~
68 ~~walkway, street, road or highway by the nearest route;~~

69 ~~3. To the main entrance of the church building or to the nearest portion of the~~
70 ~~school grounds.~~

71 ~~5.08.020 Closing hours.~~

72 ~~No person shall consume, sell, offer for sale, give, furnish, or deliver from an authorized~~
73 ~~licensee, any intoxicating liquor by the drink on any licensed premises between the~~
74 ~~hours of 12:00 midnight and 12:00 noon each day, except on those days when the~~
75 ~~licensed establishment is required to be closed for the entire day by this chapter or any~~
76 ~~other law. The package liquor store shall close at 6:30 p.m.~~

77 ~~5.08.030 Bringing liquor to licensed premises—Leaving partial containers.~~

78 ~~A. No person shall have in his immediate possession on a licensed premises any~~
79 ~~container which contains any alcoholic beverage which was not furnished to him by the~~
80 ~~licensee, or his agent or employee, of that premises.~~

81 ~~B. No person shall exit from a licensed premises, or a licensed building or enclosure, if~~
82 ~~there is any open or partially empty container which contains any alcoholic beverage~~
83 ~~which was furnished to him by the licensee, or his agent or employee.~~

84 ~~5.08.040 Maintenance of order.~~

85 ~~Each licensed premises, except private clubs, shall employ at least one (1) person,~~
86 ~~licensed as required in BMC 5.08.050, who shall be on duty between 8:00 p.m. and the~~
87 ~~closing hour of the licensed premises. This person shall not be the bartender on duty,~~
88 ~~manager, owner or co-owner of the establishment and shall be on duty for the express~~
89 ~~purpose of maintaining order within the establishment and assuring compliance, by the~~
90 ~~clientele, with the provisions of this chapter.~~

91 ~~5.08.050 Liquor handler permit—Required.~~

92 ~~No person in the employment of any retail liquor outlet in the city dispensing liquor to~~
93 ~~the public shall remain in that employment or handle intoxicating liquors unless such~~

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
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Action:
Vote:

94 ~~person is in possession of a liquor handler's permit. Such permit shall be immediately~~
95 ~~available to the permittee during all working hours for the licensee, and shall be~~
96 ~~displayed to any peace officer upon demand of the officer.~~

97 ~~5.08.060 Liquor handler permit— Issuance— Revocation.~~

98 ~~All liquor handler permits shall be prepared and issued by the city clerk. These permits~~
99 ~~issued under BMC 5.08.050 shall be marked with the word "Security" in addition to all~~
100 ~~other present wording and shall be issued only after approval of the chief of police. All~~
101 ~~permits issued under this chapter may be cancelled, suspended, or revoked, for cause,~~
102 ~~at any time by the chief of police. All such cancelled, suspended, or revoked permittees~~
103 ~~shall have the right to appeal to the city council within twenty one (21) days of the~~
104 ~~decision by the chief of police.~~

105 ~~5.08.070 Liquor handler permit— Cost.~~

106 ~~The cost of each permit issued under this chapter shall be twenty five dollars (\$25)~~
107 ~~except that those permits issued to waitresses shall be ten dollars (\$10).~~

108 ~~5.08.080 Sunday and holiday sales.~~

109 ~~A. No person may consume, sell, offer for sale, give, furnish or deliver, from an~~
110 ~~authorized licensee, any intoxicating liquor on any licensed premises on any Sunday, or~~
111 ~~on the following holidays:~~

- 112 ~~1. New Year's Day (January first (1st));~~
- 113 ~~2. Lincoln's Birthday;~~
- 114 ~~3. Washington's Birthday;~~
- 115 ~~4. Memorial Day;~~
- 116 ~~5. Independence Day (July Fourth (4th));~~
- 117 ~~6. Labor Day (first (1st) Monday in September);~~
- 118 ~~7. Thanksgiving Day (fourth (4th) Thursday in November);~~
- 119 ~~8. Christmas Day (December twenty fifth (25th)).~~

120 ~~B. For the purpose of this chapter, the holidays set out in subsection A of this section~~
121 ~~shall be observed according to the federal designation for their observation. For the~~
122 ~~purpose of determining Sundays and holidays as prescribed in this section, they shall~~
123 ~~commence at the closing hour of the business hours for the preceding day and shall~~
124 ~~terminate at the opening hour of the day following the Sunday or holiday.~~

Introduced by: Council Member Fansler on behalf
of the City Attorney

Date: September 22, 2015

Public Hearing: October 13, 2015
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November 24, 2015

Action:

Vote:

125 ~~5.08.090 Election day sales.~~

126 ~~It is unlawful to give, barter, sell, or in any licensed premises to dispose of, any~~
127 ~~intoxicating liquor upon a day upon which a general, special or primary election is held~~
128 ~~in the state at large, until the polls have closed, or to so dispose of liquor in the city~~
129 ~~when an election is being held therein until the polls are closed.~~

130 ~~5.08.100 Minors.~~

131 ~~No person shall give, barter, sell, furnish or deliver any intoxicating liquor to any~~
132 ~~intoxicated person or to any minor.~~

133 ~~5.08.110 Permitting violation.~~

134 ~~It is unlawful for the owner of any licensed premises or any other person to direct,~~
135 ~~request, cause, or permit any violation of this chapter.~~

136 ~~5.08.120 Inspection of premises.~~

137 ~~The premises of licensees authorized to sell or distribute intoxicating liquor shall be~~
138 ~~easily accessible for inspection by peace officers during all regular hours of the~~
139 ~~transaction of business upon the premises, and at any other time with reasonable~~
140 ~~notice by the officer.~~

141 ~~5.08.130 Violation—Penalty.~~

142 ~~Any person, firm, or corporation convicted of a violation of any provision of this chapter~~
143 ~~shall be punished pursuant to Chapter 1.08 BMC.~~

144 5.08.010 Definitions

145 5.08.020 Procedure for Administrative Review of License Applications

146 5.08.030 City Council Review of License

147 5.08.040 Council Action on Liquor License Applications

148 ~~5.08.050—Special Use Permit Required~~

149 ~~5.08.060—Restriction on Location of Alcohol Sales~~

150 5.08.070 Licensee Responsible for Employees' Actions on Premises

151 5.08.080 Hours and Days of Operation

152 5.08.090 Obligation to Enforce Restrictions within Licensed Premises

153 5.08.100 Alcohol Server Training Course Requirement

154 5.08.110 Operation of Licensed Premises

155 5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages

156 5.08.130 Sale to Intoxicated Persons

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
October 20, 2015
October 27, 2015
November 3, 2015
November 10, 2015
November 24, 2015

Action:
Vote:

| | | |
|-----|---------------------|---|
| 157 | 5.08.140 | Eviction of Patrons |
| 158 | 5.08.150 | Permitting Consumption on Premises <u>Open Container</u> |
| 159 | 5.08.160 | Transportation of Alcohol |
| 160 | 5.08.170 | Keg Registration |
| 161 | 5.08.180 | Inspection of Premises |
| 162 | 5.08.190 | Access for Enforcement |
| 163 | 5.08.200 | Alcohol Offenses |
| 164 | 5.08.210 | Penalties |

165 **5.08.10 5.08.10 Definitions.**

- 166
- 167 A. "Alcoholic Beverages" mean all spirituous, vinous, malt or other fermented or
168 distilled whatever the origin, that is intended for human consumption as a
169 beverage and that contains one-half of one (1) percent or more of alcohol by
170 volume, whether produced commercially or privately.
- 171 B. "Board" means the Alcoholic Beverage Control Board established under AS
172 04.06.010.
- 173 C. "Intoxicated Person" means a person whose physical or mental conduct is
174 substantially impaired as a result of the introduction of an alcoholic beverage
175 into the person's body and who exhibits those plain and easily observed or
176 discovered outward manifestations of behavior commonly known to be produced
177 by the overconsumption of alcoholic beverages.
- 178 D. "Licensed Premises" means any or all designated portions of a building or
179 structure, rooms or enclosures in the building or structure, or real estate leased,
180 used, controlled, or operated by a licensee in the conduct of business for which
181 the licensee is licensed by the ABC Board and the City at the specific address for
182 which the license is issued.
- 183 E. "Liquor License" means any of the licenses or permits described in AS 04.11.080
- 184 F. "Open containers" means any original container or package without the Internal
185 Revenue Service strip stamp intact upon such container or package; any
186 container or package that has been opened at least once since purchase or
187 manufacture; or any container or package containing an alcoholic beverage
188 other than the original container or package.
- 189 G. "Person" means an individual, partnership, cooperative, association, joint
190 venture, corporation, estate trust, business, receiver, or any entity, group or
191 combination acting as a unit.
- 192 ~~H. "School" means the physical building and/or grounds of an educational facility~~

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193 operated either publicly or privately in which are taught subjects commonly
194 taught in throughout the State of Alaska.

195 **5.08.020 Procedure for Administrative Review of License Applications.**

- 196 A. Upon receipt of notice from the Board of an application for the issuance,
197 renewal, transfer of location or transfer to another person of a liquor license for
198 a license location in the City, the clerk shall as soon as practicable distribute
199 copies of the notice to the city manager, the city council and the city attorney.
- 200 B. The city manager shall immediately refer the application for review as follows:
201 1. ~~To the planning director or their designee to determine if the applicant has~~
202 ~~complied with the Special Use provisions of BMC 16.20;~~
203 2. To the finance director or their designee to determine whether the licensee or
204 license transferee is delinquent in paying to the City any tax, assessment,
205 business license fee, or fee or charge for utility service for the business
206 and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,
207 under the liquor license.
208 3. To the police and fire chiefs to determine whether, in their opinion there have
209 been excessive calls for service, excessive numbers of convictions or arrests
210 for unlawful activity at the license location, police or ambulance reports,
211 reports of unlawful activity at the license location, or police, fire or ambulance
212 dispatches to the license location.
- 213 C. The fire chief, police chief, planning director and finance director shall forward
214 written statements to the city manager within fourteen (14) calendar days after
215 the application was referred by the city manager.
- 216 D. The city manager shall provide a written report to the city council, with a copy to
217 the applicant, listing any objections to the Board's issuance of the application.
218 The city manager's report is due ~~not less than~~ within twenty (20) days ~~but not~~
219 ~~more than thirty (30) days~~ after the date of receipt of notice from the city clerk.
- 220 E. An applicant who believes the city manager's report contains factual errors shall
221 file a written protest outlining, with specific, the sections of the report believed to
222 be factually incorrect. Such protest must be filed to the city manager not later
223 than ten (10) calendar days after issuance of the city manager report.
- 224 F. The city manager shall investigate the applicant's protest and shall issue a
225 written decision no later than ten (10) calendar days after receipt of the protest.
- 226 G. The city clerk shall place the matter of the application upon the city council
227 agenda not less than thirty (30) and not more than forty (40) calendar days
228 after the date of receipt from the Board;

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232 **5.08.030 City Council Review of License.**

233 The city council shall determine whether to protest or recommend with conditions, the
234 issuance, renewal or transfer of a liquor license application and shall consider the
235 following factors it believes are pertinent. Such factors shall include, but not be limited
236 to:

- 237 1. City records indicating whether the applicant and/or transferor is in violation
238 of the city sales tax ordinances or regulations, has failed to comply with any
239 of the filing, reporting or payment provisions of the city ordinances or
240 regulations, or has any unpaid balance due on tax accounts for which the
241 applicant and/or transferor is liable;
- 242 2. The character and public interests of the surrounding neighborhood;
- 243 3. Actual and ~~potential~~ law enforcement problems with supporting data;
- 244 4. ~~Whether the applicant can demonstrate prospective or continued compliance~~
245 ~~with a liquor server awareness training program approved by the Board, such~~
246 ~~as or similar to the program for techniques in alcohol management (T.A.M.);~~
- 247 5. The concentration of other licenses of the same and other types in the area;
- 248 6. ~~Whether the surrounding area experiences a high rate of alcohol abuse, crime~~
249 ~~or accidents in which the abuse of alcohol is involved;~~
- 250 7. The adequacy of parking facilities;
- 251 8. The safety of ingress to and egress from the premises;
- 252 9. Compliance with state and local fire, health and safety codes;
- 253 10. The degree of control the licensee has or proposes to have over the conduct
254 of the licensed business. In determining the applicant's demonstrated ability
255 to maintain order and prevent unlawful conduct, the city council may consider
256 police reports, the appearance of a readily identifiable pattern or practice of
257 recurring violent acts or unlawful conduct on the licensed premises.
258 testimony presented before the council, written comments, or other evidence
259 deemed to be reliable and relevant to the purpose of this subsection;

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- 260 11. Whether the applicant can demonstrate prospective or continued compliance
261 with operations procedures for licensed premises set forth in BMC section
262 5.08.110.
- 263 12. The proximity to a school or church, ~~senior citizen apartment~~
264 ~~housing/facilities~~, alcohol inpatient or outpatient treatment;
- 265 13. Any history of convictions of the applicants and affiliates of the applicants for:
266 (a) Any violation of AS Title 04;
267 ~~(b) Any violation of city ordinances;~~
- 268 ~~14. If application is made for the renewal or transfer of location or transfer of~~
269 ~~ownership of a license, the City shall consider whether the operator has~~
270 ~~engaged in a pattern of practices injurious to public health or safety, such as~~
271 ~~providing alcohol to minors or intoxicated persons, committing serious~~
272 ~~violations of state law relevant to public health or safety, or other actions~~
273 ~~within the knowledge and control of the operator which place the public~~
274 ~~health or safety at risk. In determining if a pattern or practices injurious to~~
275 ~~public health or safety exists, the city council may consider criminal~~
276 ~~convictions, credible proof of illegal activity even if not prosecuted, police~~
277 ~~reports, testimony presented before the council, or other evidence deemed to~~
278 ~~be reliable and relevant to the purpose of this subsection.~~
- 279 15. Any other factor the city council determines is relevant to a particular
280 application.

281 **5.08.40 Council Action on Liquor License Applications.**

- 282 ~~A. At the date and time set for consideration of the proposed application, the city~~
283 ~~council shall determine whether to protest the issuance, renewal, relocation or~~
284 ~~transfer of a license.~~
- 285 B. If a ~~majority of the city council~~ member wishes ~~votes~~ to protest the application, a
286 resolution shall be prepared and introduced at the next regularly scheduled
287 council meeting or earlier if necessary to meet the requirements of AS 04.11.480.
- 288 C. At least seven (7) calendar days prior to the council meeting, the city clerk shall
289 provide the applicant with:
290 1. A copy of the proposed resolution; and
291 2. Notice of the date and time when council will consider the resolution; and

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- 292 3. Notice the applicant will have an opportunity, pursuant to 3 AAC
293 304.145(d), to appear before the council to defend the application.
294 D. A protest by the council under this section cannot be based in whole or in part
295 on police reports or other written materials available to the City but which were
296 not provided to the affected applicant before the public hearing on that protest.
297 E. At the conclusion of the public hearing, and any deliberation of the council, the
298 council may choose to:
299 1. Pass the resolution protesting to the Board the issuance, transfer or
300 renewal of the liquor license application; or
301 2. Recommend the license be approved with conditions; or
302 3. Take no action on the application.

303 **~~5.08.050 — Special Use Permit Required.~~**

304 ~~Unless exempt, any use that includes the retail sale or dispensing of alcoholic beverages~~
305 ~~is permitted only by a special use permit as outlined in BMC section 16.20. The special~~
306 ~~use requirement applies only to the retail sale or dispensing of alcoholic beverages and~~
307 ~~not to related principal or accessory uses.~~

308 **~~5.08.060 — Restriction on Location of Alcohol Sales.~~**

- 309 ~~A. No beverage dispensary or package store licensee may sell or offer to sell any~~
310 ~~alcoholic beverage within three hundred (300) feet of a church building or within~~
311 ~~three hundred (300) feet of any school grounds.~~
312 ~~B. No other type of premises licensed under AS 04.11.080 may sell or offer to sell~~
313 ~~any alcoholic beverage in or within two hundred (200) feet of a church building,~~
314 ~~school grounds, senior housing facility, or alcohol treatment facility.~~
315 ~~C. For purposes of this section, distance shall be measured by the most direct route~~
316 ~~of travel on the ground and shall be measured in the following manner:~~
317 ~~1. From the main parking lot street entrance off of an established roadway of~~
318 ~~the establishment from which alcoholic beverages are sold or offered for~~
319 ~~sale;~~
320 ~~2. In a straight line, regardless of obstructions, to the nearest public~~
321 ~~sidewalk, walkway, street, road or highway by the nearest route;~~
322 ~~3. To the main entrance of the church building, senior housing facility,~~
323 ~~alcohol treatment facility or to the nearest portion of the school grounds.~~

324 **5.08.070 Licensee Responsible for Employees' Actions on Premises.**

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- 325 A. A licensee may neither knowingly allow agents or employees to violate this
326 chapter or AS Title 04 or regulations adopted thereunder, or to recklessly or with
327 criminal or civil negligence fail to act in accordance with the duties prescribed
328 under AS 04.21.030 with the result that an agent or employee of the licensee
329 violates a law, regulation or ordinance.
- 330 B. The licensee shall be responsible for all acts or omissions of the licensee's
331 employees on the licensed premises. The licensee may be cited and prosecuted
332 for all acts or omissions of employees which are committed on the licensed
333 premises and which are in violation of this chapter; provided, however, that the
334 prosecution of the licensee shall not prohibit the prosecution of the employee for
335 acts or omissions committed by the employee in violation of any provision of this
336 chapter.

337 **05.08.080 Hours and Days of Operation.**

- 338 A. Premises licensed under AS 4.11.080 for the service and consumption of
339 alcoholic beverages shall be closed for the sale, service and consumption of
340 alcoholic beverages between the hours of ~~10:00 p.m.~~ 1:00 a.m. and 11:00 a.m.
341 Monday through Friday, and between the hours of ~~11:00 p.m.~~ 2:00 a.m. and
342 ~~11:30 a.m.~~ 11:00 a.m. on Saturday or Sunday or on a legal holiday recognized
343 by the state under AS 44.12.010 with the exception of New Year's Day during
344 which the establishment shall close ~~at 1:00 a.m.~~ by 3:00 a.m.
- 345 B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale
346 of alcoholic beverages between the hours of ~~12:00-11:00 p.m.~~ 11:00
347 a.m. Monday through Friday, between the hours of 2:00 a.m. and 3:00 p.m. on
348 Saturday, and between the hours of 2:00 a.m. and noon on Sunday.
- 349 C. A person may not sell, offer for sale, give, furnish, deliver or consume an
350 alcoholic beverage on premises licensed under AS 04.11 during the hours of
351 closure set forth in this section.
- 352 D. A licensee, an agent, or employee may not permit a person to consume alcoholic
353 beverages on the licensed premises between the hours of closure set forth in this
354 section.
- 355 ~~E. A licensee, an agent, or employee may not permit a person to enter and a~~
356 ~~person may not enter premises licensed under AS 04.11 during the hours of~~
357 ~~closure set forth in this section. This subsection does not apply to common~~
358 ~~carriers or to an employee of the licensee who is on the premises to prepare for~~
359 ~~that day's or the next day's business.~~

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360 F. As authorized by AS 04.16.070(b) the sale of alcoholic beverages on State and/or
361 City Election Days is not prohibited.

362 **5.08.090 Obligation to Enforce Restrictions within Licensed Premises.**

363 A licensee, their agent or employee may not permit the consumption of alcoholic
364 beverages by any person within the licensed premises unless it is permitted by the
365 license.

366

367 **5.08.100 Alcohol Server Training Course Requirement.**

368 A. A licensee, their agent or employee may not sell or dispense alcoholic beverages
369 to the public prior to the successful completion of a liquor server awareness
370 training program approved by the Board.

371 B. A licensee, their agent or employee who elects to take an approved program
372 online, must have the examination proctored at the City of Bethel offices by a
373 duly appointed employee of the City.

374 C. Licensees, their agents and employee who sell or dispense alcoholic beverages
375 must be able to show proof of completion of a liquor server awareness training
376 program approved by the Board upon request by a peace officer, the city
377 manager (or their designee) or the Board.

378 **5.08.110 Operation of Licensed Premises.**

379 A. Except as otherwise provided in this section, the operations procedures set forth
380 in subsection B of this section shall apply to all persons seeking the issuance,
381 renewal or transfer of any license issued by the Board by virtue of AS Title 4 and
382 other applicable provisions of law allowing the sale or service of alcoholic
383 beverages. Subsections B1. of this section shall not apply to persons seeking the
384 issuance, transfer or renewal of licenses issued under AS Title 4 which do not
385 authorize the sale or service of alcoholic beverages for consumption on the
386 premises licensed.

387 B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board
388 under AS Title 4 and other applicable provisions of law shall comply with the
389 following operations procedures:

390 ~~1. *Happy Hours.* No licensee may:~~

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391 i. ~~Sell more than one (1) drink for the price of a single alcoholic drink,~~
392 ~~or sell a drink with increased alcoholic content, or sell a multiple of~~
393 ~~any number of drinks in a manner which has the effect of selling~~
394 ~~more than one (1) drink for the price of a single drink.~~

395 ii. ~~Advertise, promote or put in public notice the giving of free~~
396 ~~alcoholic drinks to customers.~~

397 iii. ~~Advertise, promote or put in public notice the sale of alcoholic~~
398 ~~beverages at a reduced price at certain times of the day or days of~~
399 ~~the week. Nothing in this subsection shall prohibit a licensee from~~
400 ~~increasing prices during times when entertainment is provided.~~

401 iv. ~~This subsection shall not be construed to prohibit licensees from~~
402 ~~giving away or selling at a reduced price food items to customers~~
403 ~~and patrons.~~

404 1. The City adopts Alaska Statutes 4.16.015, Pricing and marketing of alcoholic
405 beverages.

406 2. *Public Transportation.* Licensees shall make available to their patrons access
407 to means of public transportation ~~to~~ or permit patrons to make arrangements
408 for transportation off the premises.

409 3. *Notice of Penalties.* Operators shall place, at conspicuous locations within
410 licensed premises, a clear and legible sign describing applicable penalties for
411 driving under the influence, and for service or sale of alcoholic beverages to
412 minors or intoxicated persons.

413 4. *Availability of Nonalcoholic Drinks.* Operators shall have nonalcoholic drinks
414 available for their patrons.

415 5. *Compliance Determination.* In order to determine whether applicants seeking
416 the issuance, renewal or transfer of alcoholic beverage licenses have
417 complied with the provisions of this chapter, applicants shall, at the request
418 of the City, submit to the city manager (or their designee) an alcoholic
419 beverage licensee compliance form. Upon request, operators shall also
420 provide the city manager with certificates from all current employees
421 demonstrating that those employees have successfully completed a liquor
422 service awareness training program such as the program for techniques in
423 alcohol management (T.A.M.) as approved by the Board.

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424 ~~6. *Solicitation of Purchase of Alcoholic Beverages for Consumption by Employee.*~~
425 ~~A person employed by a licensee shall not solicit or encourage any patron of~~
426 ~~the licensed premises to purchase alcoholic beverages for consumption by the~~
427 ~~employee or by any other employee. For the purposes of this subsection, the~~
428 ~~term "employee" includes any contractual arrangement by which an individual~~
429 ~~provides services to the licensee, whether compensation be in the form of~~
430 ~~salary, commission, fee or otherwise.~~

431 7. *Warning Signs for impoundment and Forfeiture of Vehicles Seized Pursuant to*
432 *an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*
433 *Chemical Tests. Upon adoption of a municipal code allowing for the forfeiture,*
434 *operators shall display at conspicuous places in licensed premises two (2)*
435 *signs warning that vehicles are seized in cases of driving under the influence*
436 *or refusal to submit to chemical tests. One of these warning signs shall be at*
437 *least eleven (11") inches by fourteen (14") inches in size, and must read, in*
438 *lettering at least one-half (1/2") inch high and in contrasting colors or black*
439 *and white, "DRIVE UNDER THE INFLUENCE—LOSE YOUR CAR." The sign*
440 *described in the preceding sentence must carry a logo or illustration approved*
441 *by the chief of police or their designee which shows an automobile being*
442 *towed. The second warning sign shall be at least eleven (11") inches by*
443 *fourteen (14") inches and must read, in letters at least one-quarter (1/4")*
444 *inch high and in contrasting colors or black and white, "WARNING: IF YOU*
445 *DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE*
446 *UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE*
447 *cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED*
448 *for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if*
449 *the driver has been convicted of DUI in the past ten (10) years."*

450 C. *Mandatory identification check in the retail sale of alcoholic beverages:* Licensee
451 or licensee's employee or agent shall require any purchaser (and anyone
452 accompanying the purchaser) of alcoholic beverages to produce a current
453 government-issued identification with birth date and photograph for identification
454 check prior to any on-premises sale. The purpose of the identification check is to
455 verify age and eligibility to purchase alcoholic beverages. Failure to conduct the
456 mandatory identification check required by this section is a violation of code and
457 the licensee or licensee's employee or agent failing to conduct the mandatory
458 identification check shall be subject to the civil penalty provisions of this chapter.
459 For purposes of mandatory identification check required by this section:

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460 1. "*Current government-issued*" means a state, federal or foreign government
461 picture identification in force and effect for a specified period stated within
462 the identification, when presented prior to expiration of the period stated. A
463 state government identification with birth date and photograph issued by any
464 state of the United States is included within the meaning of "current
465 government-issued" if the period of validity is specified and the identification
466 is presented prior to expiration of the period stated.

467 2. The subsequent invalidation of the identification as a bona fide government-
468 issued identification does not invalidate the compliance.

469 3. An ongoing pattern of non-compliance with the mandatory identification
470 check required by this code may result in review of the conditions of use or
471 may result in the revocation of a special use permit previously approved by
472 the city council. Action by the city council on licensee's special use permit
473 under this section shall be in addition to any criminal or civil penalty
474 applicable to the individual making the sale without performing the
475 mandatory identification check.

476 D. ~~*Security Personnel.*—Package stores and bars shall have security personnel on~~
477 ~~the premises at all times that the premises are open to the public.~~

478 Each premises licensed under Alaska Statutes 4.11.090 Beverage dispensary
479 license, shall employ at least one (1) person who shall be on duty between 8:00
480 p.m. and the closing hour of the licensed premises. This person shall not be the
481 bartender on duty, and shall be on duty for the express purpose of maintaining
482 order within the establishment and assuring compliance, by the clientele, with
483 the provisions of this chapter.

484 E. ~~*Security Cameras.* At least two (2) twenty four (24) hour time lapse security~~
485 ~~cameras are required to be installed and properly maintained on the exterior of~~
486 ~~the building at locations licensed to sell and/or store alcoholic beverages. At~~
487 ~~least two (2) additional twenty four (24) hour time lapse security cameras are~~
488 ~~required to be installed and properly maintained in the interior of the building at~~
489 ~~all locations licensed to sell and/or store alcoholic beverages. At least one of the~~
490 ~~interior cameras must be able to capture all sales transactions. All criminal and~~
491 ~~suspicious activities recorded on the surveillance equipment must be reported to~~
492 ~~law enforcement as soon as practicable. To the extent allowed by law, the~~

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493 ~~establishment operators may be required to provide any tapes or other recording~~
494 ~~media from the security camera to the Police Department.~~

495 At least one (1) twenty-four (24) hour time laps security camera is required to be
496 installed and properly maintained in the interior of the building at all locations
497 licensed under Alaska Statutes 4.11.150 Package store license. The cameras
498 must be able to capture all sales transaction. To the extent allowed by law, the
499 establishment operators may be required to provide any tapes or other recording
500 media from the security camera to the police department.

501 F. *Premises to be cleared Upon Closing.* Upon closing, licensees shall clear alcoholic
502 beverage establishment of all persons, other than necessary employees, within
503 fifteen (15) minutes after the closing hours.

504 G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed
505 upon the premises and in the entrance to the premises of their establishments a
506 conspicuous sign in a prominent place visible from outside the establishment,
507 which shall in substance state: "No person under the age of 21 years permitted.
508 Any such person will be prosecuted to the full extent of the law." Excepting that
509 licensed establishments regularly serving meals may modify the sign in
510 accordance with the provisions of this chapter and AS 04.

511 **5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages.**

512 A. A person licensed under AS 04.11.090 (Beverage Dispensary), 04.11.100
513 (Restaurant or Eating Place), 04.11.110 (Club License), or 04.11.150 (Package
514 Store) may not purchase, sell, or offer for sale an alcoholic beverage unless the
515 alcoholic beverage being purchased, sold, or offered for sale was obtained from
516 a person licensed under:

- 517 1. AS 04.11.160 (wholesale licenses) as a primary source of supply for the
518 alcoholic beverage being purchased, sold, or offered for sale;
- 519 2. AS 04.11.150 (package store) and the alcoholic beverage being purchased,
520 sold, or offered for sale was obtained from a person licensed under AS
521 04.11.160 (wholesale) as a primary source of supply; or
- 522 3. AS 04.11.130 (licensed brewery), 04.11.140 (licensed winery), or 04.11.170
523 (licensed distillery).

524 **5.08.130 Sale to Intoxicated Persons.**

525 A. A licensee, his agent or employee may not knowingly or negligently:

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- 526 1. Sell, give or barter alcoholic beverages to an intoxicated person;
527 2. Allow another person to sell, give or barter an alcoholic beverage to an
528 intoxicated person within the licensed premises;
529 3. Allow an intoxicated person to enter and remain within the licensed
530 premises or to consume an alcoholic beverage within the licensed
531 premises; or
532 4. Permit an intoxicated person to sell or serve alcoholic beverages.

533 **5.08.140 Eviction of Patrons.**

534 The licensee and employees of the licensee are expressly permitted to evict any person
535 suspected of being under the age of twenty-one (21) or intoxicated and failure of such
536 person to leave after oral request is unlawful and an offense on the part of that person.

537 **5.08.150 Open Container.**

- 538 A. It shall be unlawful to carry, transport or possess an open container of alcoholic
539 beverages on the public streets, sidewalks, alleys, parks, or other public places
540 throughout the city; except that an open container of alcoholic beverages may
541 be carried in a vehicle in a locked trunk or other secured location inaccessible to
542 the driver and passengers within the vehicle.
543 B. Open containers are permitted on private residential property, with the consent
544 of the owner or legal occupant of the property.

545 **5.08.160 Transportation of Alcohol.**

546 The transportation of alcoholic beverages by common carrier or commercial carrier
547 within the City of Bethel to a residential home or non-licensed alcohol distribution
548 facility is strictly prohibited except as expressly authorized by AS 04.

549 ~~**5.08.170 Keg Registration.**~~

550 ~~A. Obligations of seller. Any person who sells or offers for sale kegs or other~~
551 ~~containers containing four (4) gallons or more of alcoholic beverages, or leases~~
552 ~~kegs or other containers capable of holding four (4) gallons or more of alcoholic~~
553 ~~beverage to consumers who are not licensed under AS 04.11 shall, prior to~~
554 ~~surrendering physical possession of the keg or other container:~~

555 ~~1. Require the purchaser of the alcoholic beverages to sign a declaration and~~
556 ~~keg registration form for the keg or other container on a form approved by~~
557 ~~the chief of police. The form shall contain:~~

558 ~~i. The name and address of the seller and the purchaser;~~

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- 559 ii.—~~The type and identifying number of the identification presented by~~
560 ~~the purchaser pursuant to AS 04.21.050~~
- 561 iii.—~~A sworn statement, signed by the purchaser under penalty of~~
562 ~~perjury, stating that the purchaser is twenty one (21) years of age~~
563 ~~or older; will not allow persons under twenty one (21) years of age~~
564 ~~to consume the alcoholic beverages purchased pursuant to AS~~
565 ~~04.16.051, will not remove or obliterate or allow the removal or~~
566 ~~obliteration of the temporary registration tag affixed to the keg or~~
567 ~~other container, and will return the keg to the seller within the time~~
568 ~~constraints set by the seller;~~
- 569 iv.—~~The return date specified by the seller;~~
- 570 v.—~~The particular address or addresses where the alcoholic beverages~~
571 ~~will be consumed, and the date on which it will be consumed;~~
- 572 vi.—~~A warning that it is illegal to obscure or remove the registration~~
573 ~~tag; and~~
- 574 vii.—~~The unique identifier of the temporary tag attached to the keg or~~
575 ~~container as required under this section.~~
- 576 2.—~~Affix an approved temporary tag with a unique identifier to all containers over~~
577 ~~four (4) gallons or more of an alcoholic beverage prior to surrendering~~
578 ~~possession or control thereof to a consumer; and~~
- 579 3.—~~Require the purchaser to separately and prominently display a copy of the~~
580 ~~keg registration form within five (5) feet of the keg or other container while~~
581 ~~the keg or other container is in the purchaser's possession or control.~~
- 582 4.—~~Upon return of the keg or other container, the seller shall note the date~~
583 ~~thereof and the initials of the person who accepts the return.~~
- 584 5.—~~The licensee shall retain a copy of the keg registration form and receipt,~~
585 ~~which shall be retained on the licensed premises for a period of one (1) year.~~
586 ~~The records shall be available for inspection and copying by any peace~~
587 ~~officer, the city finance director or their designee, the Alcohol Beverage~~
588 ~~Control Board investigator or agent.~~
- 589 B.—~~Obligations of purchaser. Any person who purchases or leases kegs or other~~
590 ~~containers containing four (4) gallons or more of alcoholic beverages shall:~~

Introduced by: Council Member Fansler on behalf
of the City Attorney

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- 591 1. ~~Sign a declaration and keg registration form for the keg or other container on~~
592 ~~a form provided by the seller pursuant to subsection A. of this section;~~
- 593 2. ~~Provide identification pursuant to AS 04.21.050;~~
- 594 3. ~~Be of legal age to purchase, possess, or use alcoholic beverages;~~
- 595 4. ~~Not allow any person under the age of 21 to consume the beverage except as~~
596 ~~provided by AS 04.16.051;~~
- 597 5. ~~Not remove, obliterate, or allow to be removed or obliterated, the~~
598 ~~identification required under subsection C. of this section;~~
- 599 6. ~~Return the keg or other container to the place of purchase no later than the~~
600 ~~date indicated on the identification tag required under this section;~~
- 601 7. ~~Not move, keep, or store the keg or its contents, except for transporting to~~
602 ~~and from the distributor, at any place other than that particular address~~
603 ~~declared on the keg registration form; and~~
- 604 8. ~~Separately and prominently display a copy of the keg registration form within~~
605 ~~five (5) feet of the keg or other container during the time that the keg or~~
606 ~~other container is in the purchaser's possession or control.~~

607 ~~C. Identification of containers.~~

- 608 1. ~~A keg registration form provided by licensees and approved by the Bethel~~
609 ~~police chief shall be properly completed by the licensee for sales and leases~~
610 ~~of kegs or other containers holding four (4) or more gallons of alcoholic~~
611 ~~beverages for off-premises consumption, and shall contain:~~
- 612 2. ~~The keg registration form affixed to the keg or container may serve as the~~
613 ~~purchaser's receipt.~~
- 614 3. ~~Kege or other containers holding four (4) gallons or more of alcoholic~~
615 ~~beverages shall have a properly completed keg registration form affixed~~
616 ~~thereon when sold for off-premises consumption. Possession of a keg or~~
617 ~~other container which holds four (4) gallons or more of alcoholic beverages,~~
618 ~~other than on the seller's premises, without a properly completed registration~~
619 ~~and declaration form either affixed thereon or in possession of the person~~
620 ~~with the keg(s) or other container holding four (4) or more gallons of~~
621 ~~alcoholic beverages shall be a violation of this chapter.~~

622 **5.08.180 Inspection of premises.**

Introduced by: Council Member Fansler on behalf
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- 623 A. The premises of licensees authorized to sell or distribute intoxicating liquor shall
624 be easily accessible for inspection by police officers during all regular hours of
625 the transaction of business upon the premises, and at any other time with
626 reasonable notice by the officer.
627
- 628 B. The police department may inspect any premises with an alcoholic beverage
629 license for compliance with conditions on the license. Upon discovering a
630 violation of such conditions, the police department shall submit a written report
631 of the violation to the city clerk for review by the city council and provide a copy
632 thereof to the licensee.
633
- 634 C. If at any time there appears to be a readily identifiable pattern or practice of
635 recurring violent acts or unlawful conduct in a licensed premise, the City may
636 send notice of possible protest to the licensee that he or she must submit and
637 implement a plan for remedial action or be in jeopardy that a protest will be filed
638 to any renewal, transfer of location or transfer of ownership sought by the
639 licensee.
- 640 D. Upon receiving a report of conditions violation, the city council may:
641 1. Revoke the premise's conditional use permit;
642 2. Protest the issuance, renewal, transfer, relocation or continued operation of
643 the license;
644 3. Recommend imposition of conditions on the state liquor license pursuant to
645 AS 04.11.480(c); or
646 4. Notify the Board that a licensee has violated conditions and request that an
647 accusation pursuant to AS 04.11.370 be brought against the licensee.
- 648 E. Prior to taking any of the actions listed in subsection c) of this section, the City
649 shall give the permittee or licensee notice and an opportunity to be heard on the
650 accusation(s) at a publicly noticed council meeting.

651 **5.08.190 Access for Enforcement.**

- 652 A. The public entrance of licensed alcoholic beverage establishments shall be open
653 and unlocked before and after the closing hour of such establishment if there are
654 any patrons in the establishment.
- 655 B. Licensees of licensed alcoholic beverage establishments, their employees and all
656 patrons in such establishments shall permit and aid the entry of any law
657 enforcement officer during all hours of operation and at any other time when
658 there are two or more persons in such licensed alcoholic beverage establishment.

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659 C. Lack of knowledge, lack of intent and absence from the premises shall not be
660 defenses to any action brought under this section against any such employee in
661 charge of such establishment or such licensee.

662 ~~D. The following evidence shall constitute a prima facie case of violation of this~~
663 ~~section in any action under this section against any such employee in charge of~~
664 ~~such establishment or against any licensee:~~

665 1. ~~A law enforcement officer knocked heavily at the public entrance of a licensed~~
666 ~~beverage dispensary or licensed alcoholic beverage establishment and such~~
667 ~~entrance was not opened within one minute thereafter to permit his~~
668 ~~entrance; plus~~

669 2. ~~Evidence of sound emanating from the licensed alcoholic beverage~~
670 ~~establishment, heard by such officer, and his opinion that he concluded that~~
671 ~~two or more persons were in such establishment.~~

672 E. Licensees shall provide the Police Chief with their current hours of operation. Any
673 changes to the hours of operation shall be communicated, in writing, to the
674 Police Chief, at least three (3) business days prior to the change being
675 implemented.

676 **5.08.200 Alcohol Offenses.**

- 677 A. Violation of any section of this chapter shall be an infraction.
- 678 B. The Bethel Police Department shall have the authority to write and serve
- 679 citations for violations of the provisions of any portion of this chapter.

680 **5.08.210 Penalties.**

| Offense | BMC Section | Mandatory Court Appearance | Penalty Amount |
|--|---------------|----------------------------|--|
| Premises Open during non-permissible hours | 5.08.080A & B | No | 1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700 |
| Premises Open during on non-permissible days | 5.08.080A & B | No | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |

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| Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming Alcohol on Premises during hours of Closure | 5.08.080C | No | \$300 |
| Allowing person to consume alcohol on premises during hours of closure | 5.08.080D | No | \$300 |
| Allowing non-employee onto premises during hours of closure | 5.08.080E | No | \$300 |
| Allowing consumption on premises in violation of license | 5.08.090 | No | \$500 |
| Selling or dispensing alcohol prior to successful completion of a liquor server awareness training program | 5.08.100A | Yes | \$1,000 |
| Allowing employee to sell or dispense alcohol prior to their successful completion of a liquor server awareness training program | 5.08.100A | Yes | \$1,000 |
| Failure to show proof of successful completion of a liquor server awareness training program | 5.08.100C | Correctable | \$300 |
| Violation of Happy Hour rules | 5.08.110B1 | No | \$300 |
| Failure to provide access to means of public transportation to patrons <u>or to arrange for transportation off premises</u> | 5.08.110B2 | No | \$150 <u>\$500</u> |
| Failure to permit patron to arrange for transportation off premises | 5.08.110B2 | No | \$500 |
| Failure to <u>properly</u> post clear and legible signs describing applicable penalties for DUI and for service of alcoholic beverages to minors or intoxicated persons | 5.08.110B3 | No | \$250 |
| Failure to have non-alcoholic drinks available | 5.08.110B4 | No | \$150 |

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| Failure to submit an alcoholic beverage compliance form upon request | 5.08.110B5 | No | \$300 |
| Solicitation by employee of the purchase of an alcoholic beverage for personal consumption by the employee | 5.08.110B6 | Yes | \$500 |
| Failure to post warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal | 5.08.110B7 | No | \$250 |
| Improper sized warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal | 5.08.110B7 | No | \$150 |
| Failure to check identification of purchaser | 5.08.110C | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Acceptance of non-conforming identification for purchase of alcoholic beverage | 5.08.110C | Yes | 1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700 |
| ! Failure to have security personnel on premises during hours of operation | 5.08.110D | No | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Failure to install or maintain security equipment | 5.08.110E | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Failure to report suspicious activity from security cameras to law enforcement | 5.08.110E | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 |

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| Interior camera not positioned to capture sales transactions | 5.08.110E | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Failure to clear premises after closing | 5.08.110F | No | 1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700 |
| Failing to post age limit signs | 5.08.150 | No | \$300 |
| Sale of alcoholic beverages improperly obtained | 5.08.120 | Yes | \$700 |
| Sale of alcohol to an intoxicated person | 5.08.130 | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Providing alcohol to an intoxicated person | 5.08.130 | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Allowing another person to sell or provide alcohol to an intoxicated person | 5.08.130A2 | Yes | 1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000 |
| Allowing an intoxicated person to enter and remain within licensed premises | 5.08.130A3 | Yes | 1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700 |
| Permitting intoxicated person to consume alcoholic beverage within a licensed premise | 5.08.130A3 | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Permitting an intoxicated person to sell or serve an alcoholic beverage | 5.08.130A4 | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |

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| Carrying, transporting or possessing an open container in public | 5.08.150 | No | 1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700 |
| Transportation of alcohol by common carrier | 5.08.160 | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Transportation of alcohol by commercial carrier | 5.08.160 | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Failure to Require or complete keg registration form | 5.08.170 | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 |
| Incomplete keg registration form | 5.08.170 | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 |
| Failure to tag or improperly tagged keg | 5.08.170 | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 |
| Removal or damaging of tag on keg | 5.08.170 | No | \$500 |
| Failure to display keg registration form | 5.08.170 | No | \$300 |
| Failure to affix keg declaration form to keg | 5.08.170 | No | \$300 |
| Failure to retain keg declaration forms for one (1) year | 5.08.170 | No | \$500 |
| Failure to make premises easily accessible for inspection by police officers | 5.08.180A | Yes | \$700 |

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| Failing to maintain premises unlocked while patrons are on premises | 5.08.190A | Yes | \$1,000 |
| Failure to permit or aid the entry of law enforcement during hours of operation | 5.08.190B | Yes | \$700 |
| Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises | 5.08.190B | Yes | \$700 |

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**Editor Note regarding amendments: The penalty section was amended de-facto after the adopted motion to strike the relevant section(s). LS 10-29-15*

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

ENACTED THIS 10th DAY OF NOVEMBER 2015, BY A VOTE OF ___ IN FAVOR AND OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Recommendation from the Finance Committee

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5.08.100 Alcohol Server Training Course Requirement.

- A. A licensee, their agent or employee may not sell or dispense alcoholic beverages to the public prior to the successful completion of a liquor server awareness training program approved by the Board.
- B. A licensee, their agent or employee who elects to take an approved program online, must have the examination proctored at the City of Bethel offices by a duly appointed employee of the City.
- C. Licensees, their agents and employee who sell or dispense alcoholic beverages must be able to show proof of completion of a liquor server awareness training program approved by the Board upon request by a peace officer, the city manager (or their designee) or the Board.

Comment [c1]: Wants to add in: "Licensee, and/or permittee"

5.08.110 Operation of Licensed Premises.

Security Cameras. At least two (2) twenty-four (24) hour time lapse security cameras are required to be installed and properly maintained on the exterior of the building at locations licensed to sell and/or store alcoholic beverages. At least two (2) additional twenty-four (24) hour time lapse security cameras are required to be installed and properly maintained in the interior of the building at all locations licensed to sell and/or store alcoholic beverages. At least one of the interior cameras must be able to capture all sales transactions. All criminal and suspicious activities recorded on the surveillance equipment must be reported to law enforcement as soon as practicable. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security camera to the Police Department.

Comment [c2]: Insert "Security footage shall be retained by the operator for thirty days."

5.08.170 Keg Registration.

- A. Obligations of seller. Any person who sells or offers for sale kegs or other containers containing four (4) gallons or more of alcoholic beverages, or leases kegs or other containers capable of holding four (4) gallons or more of alcoholic beverage to consumers who are not licensed under AS 04.11 shall, prior to surrendering physical possession of the keg or other container:
 - 1. Require the purchaser of the alcoholic beverages to sign a declaration and keg registration form for the keg or other container on a form approved by the chief of police. The form shall contain:

Recommendation from the Finance Committee

- 38 i. The name and address of the seller and the purchaser;
- 39 ii. The type and identifying number of the identification presented by
40 the purchaser pursuant to AS 04.21.050
- 41 iii. A sworn statement, signed by the purchaser under penalty of
42 perjury, stating that the purchaser is twenty-one (21) years of age
43 or older; will not allow persons under twenty-one (21) years of age
44 to consume the alcoholic beverages purchased pursuant to AS
45 04.16.051, will not remove or obliterate or allow the removal or
46 obliteration of the temporary registration tag affixed to the keg or
47 other container, and will return the keg to the seller within the time
48 constraints set by the seller;
- 49 iv. The return date specified by the seller;
- 50 v. The particular address or addresses where the alcoholic beverages
51 will be consumed, and the date on which it will be consumed;
- 52 vi. A warning that it is illegal to obscure or remove the registration
53 tag; and
- 54 vii. The unique identifier of the temporary tag attached to the keg or
55 container as required under this section.
- 56 2. Affix an approved temporary tag with a unique identifier to all containers over
57 four (4) gallons or more of an alcoholic beverage prior to surrendering
58 possession or control thereof to a consumer; and
- 59 3. Require the purchaser to separately and prominently display a copy of the
60 keg registration form within five (5) feet of the keg or other container while
61 the keg or other container is in the purchaser's possession or control.
- 62 4. Upon return of the keg or other container, the seller shall note the date
63 thereof and the initials of the person who accepts the return.
- 64 5. The licensee shall retain a copy of the keg registration form and receipt,
65 which shall be retained on the licensed premises for a period of one (1) year.
66 The records shall be available for inspection and copying by any peace
67 officer, the city finance director or their designee, the Alcohol Beverage
68 Control Board investigator or agent.
- 69 B. Obligations of purchaser. Any person who purchases or leases kegs or other
70 containers containing four (4) gallons or more of alcoholic beverages shall:
- 71 1. Sign a declaration and keg registration form for the keg or other container on
72 a form provided by the seller pursuant to subsection A. of this section;

Comment [c3]: Strike this. Not necessary.

Comment [c4]: Strike this.

Recommendation from the Finance Committee

- 73 2. Provide identification pursuant to AS 04.21.050; Comment [c5]: Strike This. It's already understood that they would provide identification as they would be purchasing alcohol.
- 74 3. Be of legal age to purchase, possess, or use alcoholic beverages; Comment [c6]: Strike this.
- 75 4. Not allow any person under the age of 21 to consume the beverage except as
76 provided by AS 04.16.051; Comment [c7]: Strike this.
- 77 5. Not remove, obliterate, or allow to be removed or obliterated, the
78 identification required under subsection C. of this section;
- 79 6. Return the keg or other container to the place of purchase no later than the
80 date indicated on the identification tag required under this section; Comment [c8]: Strike this.
- 81 7. Not move, keep, or store the keg or its contents, except for transporting to
82 and from the distributor, at any place other than that particular address
83 declared on the keg registration form; and
- 84 8. Separately and prominently display a copy of the keg registration form within
85 five (5) feet of the keg or other container during the time that the keg or
86 other container is in the purchaser's possession or control. Comment [c9]: Strike This. This is a duplicate of line 602.

| | | | |
|--|----------|----|-------|
| Failure to display keg registration form | 5.08.170 | No | \$300 |
|--|----------|----|-------|

Comment [c10]: Remove

87

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
Public Hearing: October 13, 2015
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Action:
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CITY OF BETHEL, ALASKA

Ordinance #15-32

**AN ORDINANCE BY THE BETHEL CITY COUNCIL, REPEALING AND
REPLACING BETHEL MUNICIPAL CODE 5.08, ALCOHOLIC BEVERAGES**

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel
Municipal Code shall be amended and revised as follows:

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

SECTION 2. Amendment. Bethel Municipal Code Chapter 5.08 is repealed and replaced,
(old language is stricken):

Chapter 5.08
ALCOHOLIC BEVERAGES

Sections:

- ~~5.08.010~~ — Defined.
- ~~5.08.011~~ — Consumption, sale and service of alcoholic beverages prohibited.
- ~~5.08.020~~ — Closing hours.
- ~~5.08.030~~ — Bringing liquor to licensed premises — Leaving partial containers.
- ~~5.08.040~~ — Maintenance of order.
- ~~5.08.050~~ — Liquor handler permit — Required.
- ~~5.08.060~~ — Liquor handler permit — Issuance — Revocation.
- ~~5.08.070~~ — Liquor handler permit — Cost.
- ~~5.08.080~~ — Sunday and holiday sales.
- ~~5.08.090~~ — Election day sales.
- ~~5.08.100~~ — Minors.
- ~~5.08.110~~ — Permitting violation.
- ~~5.08.120~~ — Inspection of premises.
- ~~5.08.130~~ — Violation — Penalty.

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37 ~~5.08.010 Defined.~~

38 ~~For the purpose of this chapter, "intoxicating liquors" and/or "alcoholic beverages"~~
39 ~~mean all spirituous, vinous, salt and other fermented and/or distilled liquors intended,~~
40 ~~or used, for human consumption and containing more than one (1) percent alcohol by~~
41 ~~volume.~~

42 ~~5.08.011 Consumption, sale and service of alcoholic beverages prohibited.~~

43 ~~A. No person may sell or offer to sell any alcoholic beverage in package stores or bars~~
44 ~~within three hundred (300) feet of a church building or within three hundred (300) feet~~
45 ~~of any school grounds.~~

46 ~~B. No person may sell or offer to sell any alcoholic beverage in or within two hundred~~
47 ~~(200) feet of a church building or within two hundred (200) feet of any school grounds.~~

48 ~~C. Any person or business that is behind in taxes to the city of Bethel is prohibited from~~
49 ~~receiving alcoholic beverage licenses.~~

50 ~~D. As used in this section, the terms "school building," "school," "school grounds" or~~
51 ~~"educational building" shall apply only to state, county, city, or church school buildings~~
52 ~~and to such buildings at such other schools in which are taught subjects commonly~~
53 ~~taught in the common schools, and which are public schools or private schools as~~
54 ~~defined by the state of Alaska. The terms "school building" and "educational building"~~
55 ~~include only those structures in which instruction is offered, except colleges and~~
56 ~~universities. The term "school grounds" shall apply only to the parcel or parcels of land~~
57 ~~on which a school, school building or educational building is located, except colleges~~
58 ~~and universities.~~

59 ~~E. The term "church building" as used herein shall mean the main structure used by any~~
60 ~~religious organization for purposes of worship.~~

61 ~~F. The requirements for minimum distance from a church building located in a shopping~~
62 ~~center shall not apply to any license for retail package or retail consumption.~~

63 ~~G. For purposes of this section, distance shall be measured by the most direct route of~~
64 ~~travel on the ground and shall be measured in the following manner:~~

65 ~~1. From the main parking lot entrance of the establishment from which alcoholic~~
66 ~~beverages are sold or offered for sale;~~

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67 ~~2. In a straight line, regardless of obstructions, to the nearest public sidewalk,~~
68 ~~walkway, street, road or highway by the nearest route;~~

69 ~~3. To the main entrance of the church building or to the nearest portion of the~~
70 ~~school grounds.~~

71 5.08.020 Closing hours.

72 ~~No person shall consume, sell, offer for sale, give, furnish, or deliver from an authorized~~
73 ~~licensee, any intoxicating liquor by the drink on any licensed premises between the~~
74 ~~hours of 12:00 midnight and 12:00 noon each day, except on those days when the~~
75 ~~licensed establishment is required to be closed for the entire day by this chapter or any~~
76 ~~other law. The package liquor store shall close at 6:30 p.m.~~

77 5.08.030 Bringing liquor to licensed premises — Leaving partial containers.

78 ~~A. No person shall have in his immediate possession on a licensed premises any~~
79 ~~container which contains any alcoholic beverage which was not furnished to him by the~~
80 ~~licensee, or his agent or employee, of that premises.~~

81 ~~B. No person shall exit from a licensed premises, or a licensed building or enclosure, if~~
82 ~~there is any open or partially empty container which contains any alcoholic beverage~~
83 ~~which was furnished to him by the licensee, or his agent or employee.~~

84 5.08.040 Maintenance of order.

85 ~~Each licensed premises, except private clubs, shall employ at least one (1) person,~~
86 ~~licensed as required in BMC 5.08.050, who shall be on duty between 8:00 p.m. and the~~
87 ~~closing hour of the licensed premises. This person shall not be the bartender on duty,~~
88 ~~manager, owner or co-owner of the establishment and shall be on duty for the express~~
89 ~~purpose of maintaining order within the establishment and assuring compliance, by the~~
90 ~~clientele, with the provisions of this chapter.~~

91 5.08.050 Liquor handler permit — Required.

92 ~~No person in the employment of any retail liquor outlet in the city dispensing liquor to~~
93 ~~the public shall remain in that employment or handle intoxicating liquors unless such~~
94 ~~person is in possession of a liquor handler's permit. Such permit shall be immediately~~
95 ~~available to the permittee during all working hours for the licensee, and shall be~~
96 ~~displayed to any peace officer upon demand of the officer.~~

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97 ~~5.08.060 Liquor handler permit— Issuance— Revocation.~~
98 ~~All liquor handler permits shall be prepared and issued by the city clerk. These permits~~
99 ~~issued under BMC 5.08.050 shall be marked with the word "Security" in addition to all~~
100 ~~other present wording and shall be issued only after approval of the chief of police. All~~
101 ~~permits issued under this chapter may be cancelled, suspended, or revoked, for cause,~~
102 ~~at any time by the chief of police. All such cancelled, suspended, or revoked permittees~~
103 ~~shall have the right to appeal to the city council within twenty-one (21) days of the~~
104 ~~decision by the chief of police.~~

105 ~~5.08.070 Liquor handler permit— Cost.~~
106 ~~The cost of each permit issued under this chapter shall be twenty five dollars (\$25)~~
107 ~~except that those permits issued to waitresses shall be ten dollars (\$10).~~

108 ~~5.08.080 Sunday and holiday sales.~~
109 ~~A. No person may consume, sell, offer for sale, give, furnish or deliver, from an~~
110 ~~authorized licensee, any intoxicating liquor on any licensed premises on any Sunday, or~~
111 ~~on the following holidays:~~

- 112 ~~1. New Year's Day (January first (1st));~~
- 113 ~~2. Lincoln's Birthday;~~
- 114 ~~3. Washington's Birthday;~~
- 115 ~~4. Memorial Day;~~
- 116 ~~5. Independence Day (July Fourth (4th));~~
- 117 ~~6. Labor Day (first (1st) Monday in September);~~
- 118 ~~7. Thanksgiving Day (fourth (4th) Thursday in November);~~
- 119 ~~8. Christmas Day (December twenty-fifth (25th)).~~

120
121 ~~B. For the purpose of this chapter, the holidays set out in subsection A of this section~~
122 ~~shall be observed according to the federal designation for their observation. For the~~
123 ~~purpose of determining Sundays and holidays as prescribed in this section, they shall~~
124 ~~commence at the closing hour of the business hours for the preceding day and shall~~
125 ~~terminate at the opening hour of the day following the Sunday or holiday.~~

126 ~~5.08.090 Election day sales.~~
127 ~~It is unlawful to give, barter, sell, or in any licensed premises to dispose of, any~~
128 ~~intoxicating liquor upon a day upon which a general, special or primary election is held~~
129 ~~in the state at large, until the polls have closed, or to so dispose of liquor in the city~~
130 ~~when an election is being held therein until the polls are closed.~~

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131 ~~5.08.100 Minors.~~

132 ~~No person shall give, barter, sell, furnish or deliver any intoxicating liquor to any~~
133 ~~intoxicated person or to any minor.~~

134 ~~5.08.110 Permitting violation.~~

135 ~~It is unlawful for the owner of any licensed premises or any other person to direct,~~
136 ~~request, cause, or permit any violation of this chapter.~~

137 ~~5.08.120 Inspection of premises.~~

138 ~~The premises of licensees authorized to sell or distribute intoxicating liquor shall be~~
139 ~~easily accessible for inspection by peace officers during all regular hours of the~~
140 ~~transaction of business upon the premises, and at any other time with reasonable~~
141 ~~notice by the officer.~~

142 ~~5.08.130 Violation — Penalty.~~

143 ~~Any person, firm, or corporation convicted of a violation of any provision of this chapter~~
144 ~~shall be punished pursuant to Chapter 1.08 BMC.~~

145

146 5.08.010 Definitions

147 5.08.020 Procedure for Administrative Review of License Applications

148 5.08.030 City Council Review of License

149 5.08.040 Council Action on Liquor License Applications

150 ~~5.08.050 Special Use Permit Required~~

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151 ~~5.08.060 Restriction on Location of Alcohol Sales~~

152 5.08.070 Licensee Responsible for Employees' Actions on Premises

153 5.08.080 Hours and Days of Operation

154 5.08.090 Obligation to Enforce Restrictions within Licensed Premises

155 5.08.100 Alcohol Server Training Course Requirement

156 5.08.110 Operation of Licensed Premises

157 5.08.120 Restrictions on Purchase and Sale of Alcoholic Beverages

158 5.08.130 Sale to Intoxicated Persons

159 5.08.140 Eviction of Patrons

160 5.08.150 Permitting Consumption on Premises

161 5.08.160 Open Container

162 ~~5.08.170 Transportation of Alcohol~~

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163 ~~5.08.180 Keg Registration~~

164 5.08.190 Inspection of Premises

165 ~~5.08.200 Access for Enforcement~~

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166 5.08.210 Alcohol Offenses

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167 5.08.220 Penalties

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171

172 **5.08.010 Definitions.**

173 A. "Alcoholic Beverages" mean all spirituous, vinous, malt or other fermented or
174 distilled whatever the origin, that is intended for human consumption as a
175 beverage and that contains one-half of one (1) percent or more of alcohol by
176 volume, whether produced commercially or privately.

177

178 B. "Board" means the Alcoholic Beverage Control Board established under AS
179 04.06.010.

180

181 C. "Intoxicated Person" means a person whose physical or mental conduct is
182 substantially impaired as a result of the introduction of an alcoholic beverage
183 into the person's body and who exhibits those plain and easily observed or
184 discovered outward manifestations of behavior commonly known to be produced
185 by the overconsumption of alcoholic beverages.

186

187 D. "Licensed Premises" means any or all designated portions of a building or
188 structure, rooms or enclosures in the building or structure, or real estate leased,
189 used, controlled, or operated by a licensee in the conduct of business for which
190 the licensee is licensed by the ABC Board and the City at the specific address for
191 which the license is issued.

192

193 E. "Liquor License" means any of the licenses or permits described in AS 04.11.080

194

195 F. "Open containers" means any original container or package without the Internal
196 Revenue Service strip stamp intact upon such container or package; any
197 container or package that has been opened at least once since purchase or
198 manufacture; or any container or package containing an alcoholic beverage
199 other than the original container or package.

200

201 G. "Person" means an individual, partnership, cooperative, association, joint
202 venture, corporation, estate trust, business, receiver, or any entity, group or
203 combination acting as a unit.

204

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205 | H. ~~“School” means the physical building and/or grounds of an educational facility~~
206 | ~~operated either publicly or privately in which are taught subjects commonly~~
207 | ~~taught in throughout the State of Alaska.~~

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210

211 | **5.08.020 Procedure for Administrative Review of License Applications.**

212 | A. Upon receipt of notice from the Board of an application for the issuance,
213 | renewal, transfer of location or transfer to another person of a liquor license for
214 | a license location in the City, the clerk shall as soon as practicable distribute
215 | copies of the notice to the city manager, the city council and the city attorney.

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216 | B. With in 7 business days of notification

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217 |
218 | C. The city manager shall immediately refer the application for review as follows:

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219 |
220 | 1. To the planning director or their designee to determine if the applicant has
221 | complied with the Special Use provisions of BMC ~~16.20;~~

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222 |
223 | 2. To the finance director or their designee to determine whether the licensee or
224 | license transferee is delinquent in paying to the City any tax, assessment,
225 | business license fee, or fee or charge for utility service for the business
226 | and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,
227 | under the liquor license.

228 | ~~3. To the police and fire chiefs to determine whether, in their opinion there have~~
229 | ~~been excessive calls for service, excessive numbers of convictions or arrests~~
230 | ~~for unlawful activity at the license location, police or ambulance reports,~~
231 | ~~reports of unlawful activity at the license location, or police, fire or ambulance~~
232 | ~~dispatches to the license location. Need evidence and data to support~~
233 | ~~protest~~

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234 |
235 | D. The fire chief, police chief, planning director and finance director shall forward
236 | written statements to the city manager within fourteen (14) business days after
237 | the application was referred by the city manager.

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238 |
239 | E. The city manager shall provide a written report to the city council, with a copy to
240 | the applicant, listing any objections to the Board’s issuance of the application.

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242 | The city manager's report is due within ~~not less than twenty (20) days but not~~
243 | ~~more than thirty (30) days~~ after the date of receipt of notice from the city clerk.

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245 | F. An applicant who believes the city manager's report contains factual errors shall
246 | file a written protest outlining, with specifics, the sections of the report believed
247 | to be factually incorrect. Such protest must be filed to the city manager not later
248 | than ten (10) calendar days after issuance of the city manager report.

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250 | G. The city manager shall investigate the applicant's protest and shall issue a
251 | written decision no later than seven (7) ~~ten (10)~~ calendar days after receipt of
252 | the protest.

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254 | H. The city clerk shall place the matter of the application upon the city council
255 | agenda not less than thirty (30) and not more than forty (40) calendar days
256 | after the date of receipt from the Board;

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257 | **5.08.030 City Council Review of License.**

258 | The city council shall determine whether to grant or protest the issuance, renewal or
259 | transfer of a liquor license application and shall consider the following factors it
260 | believes are pertinent. Such factors shall include, but not be limited to:

261 | 1. City records indicating whether the applicant and/or transferor is in violation
262 | of the city sales tax ordinances or regulations, has failed to comply with any
263 | of the filing, reporting or payment provisions of the city ordinances or
264 | regulations, or has any unpaid balance due on tax accounts for which the
265 | applicant and/or transferor is liable; in amount greater than \$250

266 | 2. The ~~character and~~ public interests of the surrounding neighborhood;

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267 | 3. Actual ~~and potential~~ law enforcement problems; with supporting data

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268 | 4. ~~Whether the applicant can demonstrate prospective or continued compliance~~
269 | ~~with a liquor server awareness training program approved by the Board, such~~
270 | ~~as or similar to the program for techniques in alcohol management (T.A.M.);~~

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271 | 5. The concentration of other licenses of the same and other types in the area;

272 | 6. ~~Whether the surrounding area experiences a high rate of alcohol abuse, crime~~
273 | ~~or accidents in which the abuse of alcohol is involved;~~

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274 | 7. ~~The adequacy of parking facilities;~~

275 | 8. The safety of ingress to and egress from the premises;

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- ~~9. Compliance with state and local fire, health and safety codes;~~
- ~~10. The degree of control the licensee has or proposes to have over the conduct of the licensed business. In determining the applicant's demonstrated ability to maintain order and prevent unlawful conduct, the city council may consider police reports, the appearance of a readily identifiable pattern or practice of recurring violent acts or unlawful conduct on the licensed premises; testimony presented before the council, written comments, or other evidence deemed to be reliable and relevant to the purpose of this subsection;~~
- ~~11. Whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in BMC section 5.08.110.~~
- ~~12. The proximity to a school or church, senior citizen apartment housing/facilities, alcohol inpatient or outpatient treatment;~~
- ~~13. Any history of convictions of the applicants and affiliates of the applicants for:
 - ~~(a) Any violation of AS Title 04;~~
 - ~~(b) Any violation of city ordinances;~~~~
- ~~14. If application is made for the renewal or transfer of location or transfer of ownership of a license, the City shall consider whether the operator has engaged in a pattern of practices injurious to public health or safety, such as providing alcohol to minors or intoxicated persons, committing serious violations of state law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. In determining if a pattern or practices injurious to public health or safety exists, the city council may consider criminal convictions, credible proof of illegal activity even if not prosecuted, police reports, testimony presented before the council, or other evidence deemed to be reliable and relevant to the purpose of this subsection.~~
- ~~15. Any other factor the city council determines is relevant to a particular application.~~

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5.08.40 Council Action on Liquor License Applications.

- ~~A. At the date and time set for consideration of the proposed application, the city council shall determine whether to protest the issuance, renewal, relocation or transfer of a license.~~

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310 | B. If a ~~majority of the city council~~ member wishes ~~votes to grant or~~ protest the
311 | application, a resolution shall be prepared and introduced at the next regularly
312 | scheduled council meeting or earlier if necessary to meet the requirements of AS
313 | 04.11.480.

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315 | C. At least seven (7) calendar days prior to the council meeting, the city clerk shall
316 | provide the applicant with:

- 317 |
318 | 1. A copy of the proposed resolution; and
319 | 2. Notice of the date and time when council will consider the resolution; and
320 | 3. Notice the applicant will have an opportunity, pursuant to 3 AAC
321 | 304.145(d), to appear before the council to defend the application.

322 |
323 | D. A protest by the council under this section cannot be based in whole or in part
324 | on ~~police reports or other written materials~~ available to the City but which were
325 | not provided to the affected applicant before the public hearing on that protest.

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326 |
327 | E. At the conclusion of the public hearing, and any deliberation of the council, the
328 | council may choose to:

- 329 |
330 | 1. Recommend the license be approved with conditions; or
331 | 2. Take no action on the application.
332 | 3. Pass the resolution protesting to the Board the issuance, transfer or
333 | renewal of the liquor license application; or

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Deleted: <#>Recommend the license be approved with conditions; or¶
<#>Take no action on the application.¶

334 |
335 | ~~**5.08.050 — Special Use Permit Required.**~~

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336 | ~~Unless exempt, any use that includes the retail sale or dispensing of alcoholic beverages~~
337 | ~~is permitted only by a special use permit as outlined in BMC section 16.20. The special~~
338 | ~~use requirement applies only to the retail sale or dispensing of alcoholic beverages and~~
339 | ~~not to related principal or accessory uses.~~

340 | ~~**5.08.060 — Restriction on Location of Alcohol Sales.**~~

341 | ~~A. No beverage dispensary or package store licensee may sell or offer to sell any~~
342 | ~~alcoholic beverage within three hundred (300) feet of a church building or within~~
343 | ~~three hundred (300) feet of any school grounds.~~
344 |

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348 B. ~~No other type of premises licensed under AS 04.11.080 may sell or offer to sell~~
349 ~~any alcoholic beverage in or within two hundred (200) feet of a church building,~~
350 ~~school grounds, senior housing facility, or alcohol treatment facility.~~

351
352 C. ~~For purposes of this section, distance shall be measured by the most direct route~~
353 ~~of travel on the ground and shall be measured in the following manner:~~

- 354
- 355 1. ~~From the main parking lot street entrance off of an established roadway of~~
356 ~~the establishment from which alcoholic beverages are sold or offered for~~
357 ~~sale;~~
 - 358 2. ~~In a straight line, regardless of obstructions, to the nearest public~~
359 ~~sidewalk, walkway, street, road or highway by the nearest route;~~
 - 360 3. ~~To the main entrance of the church building, senior housing facility,~~
361 ~~alcohol treatment facility or to the nearest portion of the school grounds.~~

362 **~~5.08.070 Licensee Responsible for Employees' Actions on Premises.~~**

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363 A. ~~A licensee may neither knowingly allow agents or employees to violate this~~
364 ~~chapter or AS Title 04 or regulations adopted thereunder, or to recklessly or with~~
365 ~~criminal or civil negligence fail to act in accordance with the duties prescribed~~
366 ~~under AS 04.21.030 with the result that an agent or employee of the licensee~~
367 ~~violates a law, regulation or ordinance.~~

368 B. ~~The licensee shall be responsible for all acts or omissions of the licensee's~~
369 ~~employees on the licensed premises. The licensee may be cited and prosecuted~~
370 ~~for all acts or omissions of employees which are committed on the licensed~~
371 ~~premises and which are in violation of this chapter; provided, however, that the~~
372 ~~prosecution of the licensee shall not prohibit the prosecution of the employee for~~
373 ~~acts or omissions committed by the employee in violation of any provision of this~~
374 ~~chapter.~~

376 **05.08.080 Hours and Days of Operation.**

377 A. Premises licensed under AS 4.11.080 for the service and consumption of
378 alcoholic beverages shall be closed for the sale, service and consumption of
379 alcoholic beverages between the hours of 1:00 a.m. 10:00 p.m. and 11:00 a.m.
380 Monday through Friday, and between the hours of 2:00 a.m. and 11:00 a.m.
381 11:00 p.m. and 11:30 a.m. on Saturday or Sunday or on a legal holiday
382 recognized by the state under AS 44.12.010 with the exception of New Year's
383 Day during which the establishment shall close by at 1:00 3:00 am.

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B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale of alcoholic beverages between the hours of 11:00 p.m. and 11:00 a.m. ~~12:00 a.m. and 12:00 p.m. Monday through Friday, between the hours of 2:00 a.m. and 3:00 p.m. on Saturday, and between the hours of 2:00 a.m. and noon on Sunday.~~

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C. A person may not sell, offer for sale, give, furnish, deliver or consume an alcoholic beverage on premises licensed under AS 04.11 during the hours of closure set forth in this section.

D. A licensee, an agent, or employee may not permit a person to consume alcoholic beverages on the licensed premises between the hours of closure set forth in this section.

~~E. A licensee, an agent, or employee may not permit a person to enter and a person may not enter premises licensed under AS 04.11 during the hours of closure set forth in this section. This subsection does not apply to common carriers or to an employee of the licensee who is on the premises to prepare for that day's or the next day's business.~~

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F. As authorized by AS 04.16.070(b) the sale of alcoholic beverages on State and/or City Election Days is not prohibited.

5.08.090 Obligation to Enforce Restrictions within Licensed Premises.

A licensee, their agent or employee may not permit the consumption of alcoholic beverages by any person within the licensed premises unless it is permitted by the license.

5.08.100 Alcohol Server Training Course Requirement.

A. A licensee, their agent or employee may not sell or dispense alcoholic beverages to the public prior to the successful completion of a liquor server awareness training program approved by the Board.

~~B. A licensee, their agent or employee who elects to take an approved program online, must have the examination proctored at the City of Bethel offices by a duly appointed employee of the City.~~

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420 C. Licensees, their agents and employee who sell or dispense alcoholic beverages
421 must be able to show proof of completion of a liquor server awareness training
422 program approved by the Board upon request by a peace officer, the city
423 manager (or their designee) or the Board.

424 **5.08.110 Operation of Licensed Premises.**

425 ~~A. Except as otherwise provided in this section, the operations procedures set forth~~
426 ~~in subsection B of this section shall apply to all persons seeking the issuance,~~
427 ~~renewal or transfer of any license issued by the Board by virtue of AS Title 4 and~~
428 ~~other applicable provisions of law allowing the sale or service of alcoholic~~
429 ~~beverages. Subsections B1. of this section shall not apply to persons seeking the~~
430 ~~issuance, transfer or renewal of licenses issued under AS Title 4 which do not~~
431 ~~authorize the sale or service of alcoholic beverages for consumption on the~~
432 ~~premises licensed.~~

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433 ~~B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board~~
434 ~~under AS Title 4 and other applicable provisions of law shall comply with the~~
435 ~~following operations procedures:~~

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436 1. ~~Happy Hours.~~ No licensee may:

437 i. ~~Sell more than one (1) drink for the price of a single alcoholic drink,~~
438 ~~or sell a drink with increased alcoholic content, or sell a multiple of~~
439 ~~any number of drinks in a manner which has the effect of selling~~
440 ~~more than one (1) drink for the price of a single drink.~~

441 ii. ~~Advertise, promote or put in public notice the giving of free~~
442 ~~alcoholic drinks to customers.~~

443 iii. ~~Advertise, promote or put in public notice the sale of alcoholic~~
444 ~~beverages at a reduced price at certain times of the day or days of~~
445 ~~the week. Nothing in this subsection shall prohibit a licensee from~~
446 ~~increasing prices during times when entertainment is provided.~~

447 iv. ~~This subsection shall not be construed to prohibit licensees from~~
448 ~~giving away or selling at a reduced price food items to customers~~
449 ~~and patrons.~~

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450 2. *Public Transportation.* Licensees shall make available to their patrons access
451 to means of public transportation ~~or to~~ permit patrons to make arrangements
452 for transportation off the premises.

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453 3. *Notice of Penalties.* Operators shall place, at conspicuous locations within
454 licensed premises, a clear and legible sign describing applicable penalties for
455 driving under the influence, and for service or sale of alcoholic beverages to
456 minors or intoxicated persons.

457 4. *Availability of Nonalcoholic Drinks.* Operators shall have nonalcoholic drinks
458 available for their patrons.

459 5. *Compliance Determination.* In order to determine whether applicants seeking
460 the issuance, renewal or transfer of alcoholic beverage licenses have
461 [demonstrated](#) complied with the provisions of this chapter, applicants shall, at
462 the request of the City, submit to the city manager (or their designee) an
463 alcoholic beverage licensee compliance form [to ensure general assurance](#).
464 Upon request, operators shall also provide the city manager with certificates
465 from all current employees demonstrating that those employees have
466 successfully completed a liquor service awareness training program such as
467 the program for techniques in alcohol management (T.A.M.) as approved by
468 the Board.

469 6. ~~*Solicitation of Purchase of Alcoholic Beverages for Consumption by Employee.*~~
470 ~~A person employed by a licensee shall not solicit or encourage any patron of~~
471 ~~the licensed premises to purchase alcoholic beverages for consumption by the~~
472 ~~employee or by any other employee. For the purposes of this subsection, the~~
473 ~~term "employee" includes any contractual arrangement by which an individual~~
474 ~~provides services to the licensee, whether compensation be in the form of~~
475 ~~salary, commission, fee or otherwise.~~

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476 7. ~~*Warning Signs for Impoundment and Forfeiture of Vehicles Seized Pursuant to*~~
477 ~~*an Arrest for or Charge of Driving Under the Influence or Refusal to Submit to*~~
478 ~~*Chemical Tests. Upon adoption of a municipal code allowing for the forfeiture,*~~
479 ~~operators shall display at conspicuous places in licensed premises two (2)~~
480 ~~signs warning that vehicles are seized in cases of driving under the influence~~
481 ~~or refusal to submit to chemical tests. One of these warning signs shall be at~~
482 ~~least eleven (11") inches by fourteen (14") inches in size, and must read, in~~
483 ~~lettering at least one-half (1/2") inch high and in contrasting colors or black~~
484 ~~and white, "DRIVE UNDER THE INFLUENCE — LOSE YOUR CAR." The sign~~

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485 | ~~described in the preceding sentence must carry a logo or illustration approved~~
486 | ~~by the chief of police or their designee which shows an automobile being~~
487 | ~~towed. The second warning sign shall be at least eleven (11") inches by~~
488 | ~~fourteen (14") inches and must read, in letters at least one quarter (1/4")~~
489 | ~~inch high and in contrasting colors or black and white, "WARNING: IF YOU~~
490 | ~~DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE~~
491 | ~~UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE~~
492 | ~~cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED~~
493 | ~~for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if~~
494 | ~~the driver has been convicted of DUI in the past ten (10) years."~~

495 | C. *Mandatory identification check in the retail sale of alcoholic beverages:* Licensee
496 | or licensee's employee or agent shall require any purchaser (and anyone
497 | accompanying the purchaser) of alcoholic beverages to produce a current
498 | government-issued identification with birth date and photograph for identification
499 | check prior to any on-premises sale. The purpose of the identification check is to
500 | verify age and eligibility to purchase alcoholic beverages. Failure to conduct the
501 | mandatory identification check required by this section is a violation of code and
502 | the licensee or licensee's employee or agent failing to conduct the mandatory
503 | identification check shall be subject to the civil penalty provisions of this chapter.
504 | For purposes of mandatory identification check required by this section:

- 505 | 1. "*Current government-issued*" means a state, federal, tribal, or passport in
506 | force and effect for a specified period stated within the identification, when
507 | presented prior to expiration of the period stated. A state government
508 | identification with birth date and photograph issued by any state of the
509 | United States is included within the meaning of "current government-issued"
510 | if the period of validity is specified and the identification is presented prior to
511 | expiration of the period stated.
- 512 | 2. The subsequent invalidation of the identification as a bona fide government-
513 | issued identification does not invalidate the compliance.
- 514 | 3. An ongoing pattern of non-compliance with the mandatory identification
515 | check required by this code may result in review of the conditions of use or
516 | may result in the revocation of a special use permit previously approved by
517 | the city council. Action by the city council on licensee's special use permit
518 | under this section shall be in addition to any criminal or civil penalty
519 | applicable to the individual making the sale without performing the
520 | mandatory identification check.

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identification

Introduced by: Council Member Fansler on behalf
of the City Attorney
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523 | ~~D. *Security Personnel.* Package stores and bars shall have security personnel on~~
524 | ~~the premises at all times that the premises are open to the public.~~ Formatted: Strikethrough

525 | E. *Security Cameras.* ~~At least two (2) twenty four (24) hour time lapse security~~
526 | ~~cameras are required to be installed and properly maintained on the exterior of~~
527 | ~~the building at locations licensed to sell and/or store alcoholic beverages. At~~
528 | ~~least one (1) two (2) additional twenty-four (24) hour time lapse security~~
529 | ~~cameras are~~ is ~~required to be installed and properly maintained in the interior of~~
530 | ~~the building at all locations licensed to sell and/or store alcoholic beverages. At~~
531 | ~~least one of the interior. The cameras must be able to capture all sales~~
532 | ~~transactions. All criminal and suspicious activities recorded on the surveillance~~
533 | ~~equipment must be reported to law enforcement as soon as practicable. To the~~
534 | ~~extent allowed by law, the establishment operators may be required to provide~~
535 | ~~any tapes or other recording media from the security camera to the Police~~
536 | ~~Department with reasonable cause.~~ Formatted: Strikethrough
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537 | ~~F. *Premises to be cleared Upon Closing.* Upon closing, licensees shall clear alcoholic~~
538 | ~~beverage establishment of all persons, other than necessary employees, within~~
539 | ~~fifteen (15) minutes after the closing hours.~~ Formatted: Strikethrough

540 | G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed
541 | upon the premises and in the entrance to the premises of their establishments a
542 | conspicuous sign in a prominent place visible from outside the establishment,
543 | which shall in substance state: "No person under the age of 21 years permitted.
544 | Any such person will be prosecuted to the full extent of the law." Excepting that
545 | licensed establishments regularly serving meals may modify the sign in
546 | accordance with the provisions of this chapter and AS 04.

547 | H. *Display signs stating the adverse effects of consuming alcoholic beverages during*
548 | *pregnancy can cause birth defects.* Formatted: Bullets and Numbering

549 | ~~**5.08.120 — Restrictions on Purchase and Sale of Alcoholic Beverages.**~~ Formatted: Strikethrough

550 | A. A person licensed under AS 04.11.090 (Beverage Dispensary), 04.11.100
551 | (Restaurant or Eating Place), 04.11.110 (Club License), or 04.11.150 (Package
552 | Store) may not purchase, sell, or offer for sale an alcoholic beverage unless the
553 | alcoholic beverage being purchased, sold, or offered for sale was obtained from
554 | a person licensed under:

555 | 1. AS 04.11.160 (wholesale licenses) as a primary source of supply for the
556 | alcoholic beverage being purchased, sold, or offered for sale;

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558 | ~~2. AS 04.11.150 (package store) and the alcoholic beverage being purchased,~~
559 | ~~sold, or offered for sale was obtained from a person licensed under AS~~
560 | ~~04.11.160 (wholesale) as a primary source of supply; or~~

561 | ~~3. AS 04.11.130 (licensed brewery), 04.11.140 (licensed winery), or 04.11.170~~
562 | ~~(licensed distillery).~~

563 | **5.08.130 Sale to Intoxicated Persons.**

- 564 | A. A licensee, his agent or employee may not knowingly or negligently:
- 565 | 1. Sell, give or barter alcoholic beverages to an intoxicated person;
 - 566 | ~~2. Allow another person to sell, give or barter an alcoholic beverage to an~~
567 | ~~intoxicated person within the licensed premises;~~
 - 568 | 3. Allow an intoxicated person to enter and remain within the licensed
569 | premises or to consume an alcoholic beverage within the licensed
570 | premises; or
 - 571 | 4. Permit an intoxicated person to sell or serve alcoholic beverages.

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572 | **5.08.140 Eviction of Patrons.**

573 | The licensee and employees of the licensee are expressly permitted to verbally evict
574 | any person suspected of being under the age of twenty-one (21) or intoxicated and
575 | failure of such person to leave after oral request is unlawful and an offense on the part
576 | of that person.

577 | **5.08.150 Open Container.**

- 578 | A. ~~It shall be unlawful to carry, transport or possess an open container of alcoholic~~
579 | ~~beverages on the public streets, sidewalks, alleys, parks, or other public places~~
580 | ~~throughout the city; except that an open container of alcoholic beverages may~~
581 | ~~be carried in a vehicle in a locked trunk or other secured location inaccessible to~~
582 | ~~the driver and passengers within the vehicle.~~
- 583 | B. Open containers are permitted on private residential property, with the consent
584 | of the owner or legal occupant of the property.

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585 | ~~**5.08.160 Transportation of Alcohol.**~~

586 | ~~— The transportation of alcoholic beverages by common carrier or commercial~~
587 | ~~carrier within the City of Bethel to a residential home or non-licensed alcohol~~
588 | ~~distribution facility is strictly prohibited except as expressly authorized by AS 04.~~

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Introduced by: Council Member Fansler on behalf
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589 **5.08.170—Keg Registration.**

- 590 ~~A.—Obligations of seller. Any person who sells or offers for sale kegs or other~~
591 ~~containers containing four (4) gallons or more of alcoholic beverages, or leases~~
592 ~~kegs or other containers capable of holding four (4) gallons or more of alcoholic~~
593 ~~beverage to consumers who are not licensed under AS 04.11 shall, prior to~~
594 ~~surrendering physical possession of the keg or other container:~~
- 595 ~~1.—Require the purchaser of the alcoholic beverages to sign a declaration and~~
596 ~~keg registration form for the keg or other container on a form approved by~~
597 ~~the chief of police. The form shall contain:~~
- 598 ~~i.—The name and address of the seller and the purchaser;~~
- 599 ~~ii.—The type and identifying number of the identification presented by~~
600 ~~the purchaser pursuant to AS 04.21.050~~
- 601 ~~iii.—A sworn statement, signed by the purchaser under penalty of~~
602 ~~perjury, stating that the purchaser is twenty one (21) years of age~~
603 ~~or older; will not allow persons under twenty one (21) years of age~~
604 ~~to consume the alcoholic beverages purchased pursuant to AS~~
605 ~~04.16.051, will not remove or obliterate or allow the removal or~~
606 ~~obliteration of the temporary registration tag affixed to the keg or~~
607 ~~other container, and will return the keg to the seller within the time~~
608 ~~constraints set by the seller;~~
- 609 ~~iv.—The return date specified by the seller;~~
- 610 ~~v.—The particular address or addresses where the alcoholic beverages~~
611 ~~will be consumed, and the date on which it will be consumed;~~
- 612 ~~vi.—A warning that it is illegal to obscure or remove the registration~~
613 ~~tag; and~~
- 614 ~~vii.—The unique identifier of the temporary tag attached to the keg or~~
615 ~~container as required under this section.~~
- 616 ~~2.—Affix an approved temporary tag with a unique identifier to all containers over~~
617 ~~four (4) gallons or more of an alcoholic beverage prior to surrendering~~
618 ~~possession or control thereof to a consumer; and~~

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- 619 ~~3. Require the purchaser to separately and prominently display a copy of the~~
620 ~~keg registration form within five (5) feet of the keg or other container while~~
621 ~~the keg or other container is in the purchaser's possession or control.~~
- 622 ~~4. Upon return of the keg or other container, the seller shall note the date~~
623 ~~thereof and the initials of the person who accepts the return.~~
- 624 ~~5. The licensee shall retain a copy of the keg registration form and receipt,~~
625 ~~which shall be retained on the licensed premises for a period of one (1) year.~~
626 ~~The records shall be available for inspection and copying by any peace~~
627 ~~officer, the city finance director or their designee, the Alcohol Beverage~~
628 ~~Control Board investigator or agent.~~
- 629 ~~B. Obligations of purchaser. Any person who purchases or leases kegs or other~~
630 ~~containers containing four (4) gallons or more of alcoholic beverages shall:~~
- 631 ~~1. Sign a declaration and keg registration form for the keg or other container on~~
632 ~~a form provided by the seller pursuant to subsection A. of this section;~~
- 633 ~~2. Provide identification pursuant to AS 04.21.050;~~
- 634 ~~3. Be of legal age to purchase, possess, or use alcoholic beverages;~~
- 635 ~~4. Not allow any person under the age of 21 to consume the beverage except as~~
636 ~~provided by AS 04.16.051;~~
- 637 ~~5. Not remove, obliterate, or allow to be removed or obliterated, the~~
638 ~~identification required under subsection C. of this section;~~
- 639 ~~6. Return the keg or other container to the place of purchase no later than the~~
640 ~~date indicated on the identification tag required under this section;~~
- 641 ~~7. Not move, keep, or store the keg or its contents, except for transporting to~~
642 ~~and from the distributor, at any place other than that particular address~~
643 ~~declared on the keg registration form; and~~
- 644 ~~8. Separately and prominently display a copy of the keg registration form within~~
645 ~~five (5) feet of the keg or other container during the time that the keg or~~
646 ~~other container is in the purchaser's possession or control.~~
- 647 ~~C. Identification of containers.~~

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- 648 1. ~~A keg registration form provided by licensees and approved by the Bethel~~
649 ~~police chief shall be properly completed by the licensee for sales and leases~~
650 ~~of kegs or other containers holding four (4) or more gallons of alcoholic~~
651 ~~beverages for off-premises consumption, and shall contain:~~
- 652 2. ~~The keg registration form affixed to the keg or container may serve as the~~
653 ~~purchaser's receipt.~~
- 654 3. ~~Kegs or other containers holding four (4) gallons or more of alcoholic~~
655 ~~beverages shall have a properly completed keg registration form affixed~~
656 ~~thereon when sold for off-premises consumption. Possession of a keg or~~
657 ~~other container which holds four (4) gallons or more of alcoholic beverages,~~
658 ~~other than on the seller's premises, without a properly completed registration~~
659 ~~and declaration form either affixed thereon or in possession of the person~~
660 ~~with the keg(s) or other container holding four (4) or more gallons of~~
661 ~~alcoholic beverages shall be a violation of this chapter.~~

662 **5.08.180 Inspection of premises.**

- 663
- 664 A. The premises of licensees authorized to sell or distribute intoxicating liquor shall
665 be easily accessible for inspection by authorized personnel during all regular
666 hours of the transaction of business upon the premises, and at any other time
667 with reasonable cause and notice by the authorized personnel.
- 668
- 669 B. The police department may inspect any premises with an alcoholic beverage
670 license for compliance with conditions on the license. Upon discovering a
671 violation of such conditions, the police department shall submit a written report
672 of the violation to the city clerk for review by the city council and provide a copy
673 thereof to the licensee.
- 674
- 675 C. If at any time there appears to be a readily identifiable pattern or practice of
676 recurring violent acts or unlawful conduct in a licensed premise, the City may
677 send notice of possible protest to the licensee that he or she must submit and
678 implement a plan for remedial action, identifying reasonable and realistic
679 attainable short and long term goals, with identified logic and a sunset date; or
680 be in jeopardy that a protest will be filed to any renewal, transfer of location or
681 transfer of ownership sought by the licensee.
- 682
- 683 D. Upon receiving a report of conditions violation, the city council may:
- 684

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Introduced by: Council Member Fansler on behalf
of the City Attorney
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- 687 1. Revoke the premise's conditional use permit;
688
689 2. Protest the issuance, renewal, transfer, relocation or continued operation of
690 the license;
691 3. Recommend imposition of conditions on the state liquor license pursuant to
692 AS 04.11.480(c); or
693
694 4. Notify the Board that a licensee has violated conditions and request that an
695 accusation pursuant to AS 04.11.370 be brought against the licensee.
696
697 E. Prior to taking any of the actions listed in subsection c) of this section, the City
698 shall give the permittee or licensee notice and an opportunity to be heard on the
699 accusation(s) at a publicly noticed council meeting.

700 ~~5.08.190 — Access for Enforcement.~~

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- 701 ~~A. The public entrance of licensed alcoholic beverage establishments shall be open~~
702 ~~and unlocked before and after the closing hour of such establishment if there are~~
703 ~~any patrons in the establishment.~~
704
705 ~~B. Licensees of licensed alcoholic beverage establishments, their employees and all~~
706 ~~patrons in such establishments shall permit and aid the entry of any law~~
707 ~~enforcement officer during all hours of operation and at any other time when~~
708 ~~there are two or more persons in such licensed alcoholic beverage establishment.~~
709
710 ~~C. Lack of knowledge, lack of intent and absence from the premises shall not be~~
711 ~~defenses to any action brought under this section against any such employee in~~
~~charge of such establishment or such licensee.~~
712
713 ~~D. The following evidence shall constitute a prima facie case of violation of this~~
714 ~~section in any action under this section against any such employee in charge of~~
~~such establishment or against any licensee:~~
715 1. ~~A law enforcement officer knocked heavily at the public entrance of a licensed~~
716 ~~beverage dispensary or licensed alcoholic beverage establishment and such~~
717 ~~entrance was not opened within one minute thereafter to permit his~~
718 ~~entrance; plus~~
719 2. ~~Evidence of sound emanating from the licensed alcoholic beverage~~
720 ~~establishment, heard by such officer, and his opinion that he concluded that~~
721 ~~two or more persons were in such establishment.~~

Introduced by: Council Member Fansler on behalf
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722 E. Licensees shall provide the Police Chief with their current hours of operation. Any
723 changes to the hours of operation shall be communicated, in writing, to the
724 Police Chief, at least three (3) business days prior to the change being
725 implemented.

726 **5.08.200 Alcohol Offenses.**

- 727 A. Violation of any section of this chapter shall be an infraction.
728 B. The Bethel Police Department shall have the authority to write and serve
729 citations for violations of the provisions of any portion of this chapter.

730 **5.08.210 Penalties.**

| Offense | BMC Section | Mandatory Court Appearance | Penalty Amount |
|---|------------------------------|----------------------------|--|
| Premises Open during non-permissible hours | 5.08.080A & B | No | 1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700 |
| Premises Open during on non-permissible days | 5.08.080A & B | No | 1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000 |
| Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming Alcohol on Premises during hours of Closure | 5.08.080C | No | \$300 <u>per person</u> |
| Allowing person to consume alcohol on premises during hours of closure | 5.08.080D | No | \$300 <u>per person</u> |
| Allowing non-employee onto premises during hours of closure | 5.08.080E | No | \$300 |
| Allowing consumption on premises in violation of license | 5.08.090 | No | \$500 |
| Selling or dispensing alcohol prior to successful completion of a liquor server awareness training program | 5.08.100A | Yes | \$1,000 |

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|---|-----------------------|----------------|----------------------------------|---|
| Allowing employee to sell or dispense alcohol prior to their successful completion of a liquor server awareness training program | 5.08.100A | Yes | \$1,000 | |
| Failure to show proof of successful completion of a liquor server awareness training program | 5.08.100C | Correctable | \$300 | |
| Violation of Happy Hour rules | 5.08.110B1 | No | \$300 | Formatted: Strikethrough |
| Failure to provide access to means of public transportation to patrons <u>or permit patrons to arrange transportation off premises.</u> | 5.08.110B2 | No | <u>\$500</u> \$150 | Formatted: Underline, Not Strikethrough Formatted: Strikethrough |
| Failure to permit patron to arrange for transportation off premises | 5.08.110B2 | No | \$500 | Formatted: Underline Formatted: Strikethrough |
| Failure to <u>properly</u> post <u>a required sign</u> clear and legible signs describing applicable penalties for DUI and for service of alcoholic beverages to minors or intoxicated persons | 5.08.110B3 | No | \$250 | Formatted: Strikethrough |
| Failure to have non-alcoholic drinks available | 5.08.110B4 | No | \$150 | |
| Failure to submit an alcoholic beverage compliance form upon request | 5.08.110B5 | No | \$300 | |
| Solicitation by employee of the purchase of an alcoholic beverage for personal consumption by the employee | 5.08.110B6 | Yes | \$500 | Formatted: Strikethrough |
| Failure to post warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal | 5.08.110B7 | No | \$250 | Formatted: Strikethrough |
| Improper sized warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest or charge of DUI or Refusal | 5.08.110B7 | No | \$150 | Formatted: Strikethrough |

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| Failure to check identification of purchaser | 5.08.110C | Yes | \$500 | Deleted: 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Failure to have security personnel on premises during hours of operation | 5.08.110D | No | 1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000 | Formatted: Strikethrough |
| Failure to install or maintain security equipment | 5.08.110E | Yes | \$200 | Deleted: 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Failure to report suspicious activity from security cameras to law enforcement | 5.08.110E | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 | Formatted: Strikethrough |
| Interior camera not positioned to capture sales transactions | 5.08.110E | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 | |
| Failure to clear premises after closing | 5.08.110F | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 | Formatted: Strikethrough |
| Failing to post age limit signs | 5.08.150 | No | \$300 | Formatted: Strikethrough |
| Sale of alcoholic beverages improperly obtained | 5.08.120 | Yes | \$700 | |
| Sale of alcohol to an intoxicated person | 5.08.130 | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 | |

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| Providing alcohol to an intoxicated person | 5.08.130 | Yes | 1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000 | Formatted: Strikethrough |
| Allowing another person to sell or provide alcohol to an intoxicated person | 5.08.130A2 | Yes | 1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000 | Formatted: Strikethrough |
| Allowing an intoxicated person to enter and remain within licensed premises | 5.08.130A3 | Yes | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 | Formatted: Strikethrough |
| Permitting intoxicated person to consume alcoholic beverage within a licensed premise | 5.08.130A3 | Yes | 300 | Deleted: 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 |
| Permitting an intoxicated person to sell or serve an alcoholic beverage | 5.08.130A4 | Yes | 1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000 | |
| Carrying, transporting or possessing an open container in public | 5.08.150 | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 | Formatted: Strikethrough |
| Transportation of alcohol by common carrier | 5.08.160 | Yes | 1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000 | Formatted: Strikethrough |
| Transportation of alcohol by commercial carrier | 5.08.160 | Yes | 1st Offense: \$500 2nd Offense: \$700 3rd & subsequent offenses: \$1,000 | Formatted: Strikethrough |
| Failure to Require or complete keg registration form | 5.08.170 | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 | Formatted: Strikethrough |

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|---|----------------------|----------------|--|-------------------------------------|
| Incomplete keg registration form | 5.08.170 | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 | Formatted: Strikethrough |
| Failure to tag or improperly tagged keg | 5.08.170 | No | 1st Offense: \$150 2nd Offense: \$300 3rd & subsequent offenses: \$700 | Formatted: Strikethrough |
| Removal or damaging of tag on keg | 5.08.170 | No | \$500 | Formatted: Strikethrough |
| Failure to display keg registration form | 5.08.170 | No | \$300 | Formatted: Strikethrough |
| Failure to affix keg declaration form to keg | 5.08.170 | No | \$300 | Formatted: Strikethrough |
| Failure to retain keg declaration forms for one (1) year | 5.08.170 | No | \$500 | Formatted: Strikethrough |
| Failure to make premises easily accessible for inspection by police officers | 5.08.180A | Yes | \$700 | |
| Failing to maintain premises unlocked while patrons are on premises | 5.08.190A | Yes | \$1,000 | |
| Failure to permit or aid the entry of law enforcement during hours of operation | 5.08.190B | Yes | \$700 | |
| Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises | 5.08.190B | Yes | \$700 | Formatted: Strikethrough |

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

**ENACTED THIS ____ DAY OF (MONTH) 2015, BY A VOTE OF ___ IN FAVOR AND
OPPOSED.**

Richard Robb, Mayor

Introduced by: Council Member Fansler on behalf
of the City Attorney
Date: September 22, 2015
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753 ATTEST:

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Lori Strickler, City Clerk

Bethel Transit System Data Report

Bethel Transit data report, spread sheet, is for the fiscal years, 2011, 2012, 2013, 2014 and 2015.

1. Fiscal Year 2011

- Employees: Two full time drivers (8 hours / day), two part-time drivers (5 hours / day), one on-call driver (3 hours / day), and one full time Transit Manager.
- Two bus routes, 10 hours per day and Saturday route 5 hours.

2. Fiscal Year 2012

- Employees: Two full time drivers (8 hours / day), two part-time drivers (5 hours / day), one on-call driver (3 hours / day), and one full time Transit Manager.
- Two bus routes: one route 10 hours / day, the second route 9 hours / day, and Saturday route 5 hours.

3. Fiscal Year 2013.....ONC reduced their match amount and the State and Federal Grant was reduced accordingly.

- Employees: One full time driver (8 hours / day), one part-time driver (5 hours / day), one on-call driver (3 hours / day) and one full time Transit Manager.
- Two bus routes: one route 8 hours / day, second route 4 hours / day and Saturday route 4 hours.

4. Fiscal Year 2014

- Employees: One full time driver (8 hours / day), one part-time driver (5 hours / day), one on-call driver (3 hours / day) and one full time Transit Manager.
- Two bus routes: one route 10 hours / day, second route 5 hours / day and Saturday route 4 hours part of the year.

5. Fiscal Year 2015.... Again ONC reduced their match amount and the State and Federal Grant was reduced accordingly.

- Employees: One full time driver (8 hours / day), one part-time driver (5 hours / day), one on-call driver (3 hours / day) and one full time Transit Manager.
- Two bus routes: one route 10 hours / day, and second route 5 hours / day.

FY 2017 Transit System Budget for FTA Section 5311 Grant

Operating Expenses

Match

| | | | |
|----------------------------------|------------|-----------|---|
| Labor & Benefits | 120,627 | |  |
| Gasoline & Diesel | 36000 | | |
| Vehicle Maintenance | 19136 | | |
| Minor Equipment | 3000 | | |
| Tires/Wheels/Chains | 2800 | | |
| | \$ 181,563 | | 43.14% |
| Less Passenger Fares & Donations | \$ 33,000 | | Match |
| Net Operating Expenses | \$ 148,563 | \$ 64,090 | |

Administrative Expenses

| | | | |
|-----------------------------------|------------|-----------|-------|
| Transit Manager Salary & Benefits | 117,737 | | |
| Supplies | 2300 | | |
| Electricity | 12000 | | |
| Telephone | 457 | | |
| Heating Fuel | 15450 | | |
| Water/Sewer/Garbage | 5976 | | |
| Drug Testing | 2000 | | |
| IT Services | 14869 | | |
| Other Purchased Services | 1725 | | |
| Insurance | 8000 | | |
| Dues & Subscriptions | 300 | | |
| Advertising | 1500 | | 9.03% |
| Miscellaneous | 300 | | Match |
| Total | \$ 182,614 | \$ 16,490 | |

Capital

| | | | |
|---------|------------|-----------|-------|
| | | | 9.03% |
| | | | Match |
| New Bus | 0 | \$ - | |
| Total | \$ 331,177 | \$ 80,580 | |

| Bethel Public Transit System (56-50) | | FY 2012 Actuals | FY 2013 Actuals | FY 2014 Actuals | FY 2015 Approved Budget | FY 2015 Revised Budget | FY 2016 Approved BUDGET | FY 2017 Approved BUDGET |
|--|--|-----------------|-----------------|-----------------|-------------------------|------------------------|-------------------------|-------------------------|
| PERSONNEL: | | | | | | | | |
| | Salaries, Benefits & Taxes minus EGHB | 296,057 | 125,050 | 219,347 | 230,413 | 230,413 | 257,498 | 205,220 |
| | Overtime | 5,404 | 5,727 | 167 | - | - | - | - |
| | Employee Group Health Benefits | 33,250 | 24,000 | 33,898 | 26,400 | 26,400 | 33,144 | 33,144 |
| | Total Personnel | 334,711 | 154,777 | 253,412 | 256,813 | 256,813 | 290,642 | 238,364 |
| MATERIALS, SUPPLIES, & SERVICES | | | | | | | | |
| 545 | Training/Travel | 5,953 | 192 | - | - | - | - | - |
| 561 | Supplies | 2,501 | 4,109 | 10,607 | 2,300 | 2,300 | 2,300 | 2,300 |
| 600 | Tires/Wheels/Chains | 6,473 | 773 | 8,285 | 2,750 | 2,750 | 2,800 | 2,800 |
| 602 | Gasoline/Diesel/Oil | 51,746 | 31,569 | 39,894 | 36,225 | 36,225 | 36,000 | 36,000 |
| 621 | Electricity | 2,657 | 3,067 | 9,943 | 18,000 | 18,000 | 12,000 | 12,000 |
| 622 | Telephone | 778 | 473 | 601 | 457 | 457 | 457 | 457 |
| 623 | Heating Fuel | 2,839 | 3,281 | 22,685 | 15,000 | 15,000 | 15,450 | 15,450 |
| 626 | Water/Sewer/Garbage | 245 | 240 | 3,167 | 1,600 | 1,600 | 5,976 | 5,976 |
| 646 | Drug Testing/Background Checks | 1,806 | 928 | 1,032 | 2,000 | 2,000 | 2,000 | 2,000 |
| 661 | Vehicle Maint/Repair (Int. Svc. Fund 57) | 18,275 | 24,813 | 24,369 | 19,983 | 19,983 | 19,136 | 19,136 |
| 664 | IT Services (Internal Service Fund) | - | - | - | - | - | - | - |
| 669 | Other Purchased Services | 520 | 3,220 | - | 1,725 | 1,725 | 1,725 | 1,725 |
| 683 | Minor Equipment | 2,080 | - | 3,184 | 2,875 | 2,875 | 3,000 | 3,000 |
| 721 | Insurance | 8,419 | 7,256 | 5,581 | 9,000 | 9,000 | 9,000 | 8,000 |
| 722 | Insurance -Ded Exp & Other | - | - | - | - | - | - | - |
| 724 | Dues & Subscriptions | 30 | 1,250 | 250 | 300 | 300 | 300 | 300 |
| 727 | Advertising | 840 | 42 | - | 1,500 | 1,500 | 1,500 | 1,500 |
| 799 | Miscellaneous | 20 | 40 | 50 | 300 | 300 | 300 | 300 |
| 996 | I.T. Services Charges | 11,503 | 14,070 | 16,936 | 16,168 | 16,168 | 14,869 | 14,869 |
| | Total MS&S | 116,685 | 95,323 | 146,584 | 130,183 | 130,183 | 126,813 | 125,813 |
| | Total Operating Expenses | 451,396 | 250,100 | 399,996 | 386,996 | 386,996 | 417,455 | 364,177 |
| DEBT PAYMENTS: | | | | | | | | |
| | Total Debt Payments | | | | | | | |
| CAPITAL EXPENSES (56-50-69X) | | | | | | | | |
| 690 | Capital Expenditures | | | | 63,000 | 63,000 | 63,000 | - |
| | Total Capital Expenses | | | | 63,000 | 63,000 | 63,000 | - |
| | Total Operating, Debt, Projects & Capital | 451,396 | 250,100 | 399,996 | 449,996 | 449,996 | 480,455 | 364,177 |

| | | | FY 2017 Budget |
|-------------------|-------|--|-------------------|
| PERSONNEL: | | | |
| R6 I | 29101 | Transit Manager | 69,440 |
| R4 | 29102 | Bus Driver - Full time | 42,296 |
| R4 | 29201 | Bus Driver - Part time (25 hours/Week) | 26,439 |
| | | | - |
| | | SALARIES | 138,176 |
| | | | |
| | | Subtotal | - |
| | | Leave Cashout/Payout (5% of Base Salary) | 6,909 |
| | | Social Security (6.2% of Temp Salary) | - |
| | | Medicare (1.45% of Salary) | 2,004 |
| | | Employee Group Health Benefits (\$1,381/Month x 12 months x 2 FTE) | 33,144 |
| | | | - |
| | | Unemployment (0.80% of Salary) | 1,105 |
| | | Workers' Compensation | 15,000 |
| | | PERS On Behalf Of Contribution | - |
| | | PERS (22.00% of Salary) | 30,399 |
| | | Utility Benefits (\$425 per month x 12 months x 3 FTE x 76%) | 11,628 |
| | | BENEFITS & TAXES | 100,188 |
| | | TOTAL PERSONNEL | 238,364 |

City of Bethel Action Memorandum

| | | | |
|-------------------------|--|----------------|--------|
| Action memorandum No. | | | |
| Date action introduced: | | Introduced by: | |
| Date action taken: | | Approved | Denied |
| Confirmed by: | | | |

| Route to: | Department/Individual: | Initials: | Remarks: |
|-----------|------------------------|-----------|----------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Attachment(s):

| Amount of fiscal impact: | Account information: |
|---|----------------------|
| No fiscal impact | |
| Funds are budgeted for. | |
| Funds are not budgeted. Budget modification is required. | |

CITY OF BETHEL



EMPLOYEE HANDBOOK

DRAFT September 2015

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DRAFT

WELCOME

THE CITY OF BETHEL

The City of Bethel employs an average of 107 people working in eight (8) distinct departments. The Bethel City Council provides leadership and direction to the City Manager, who is responsible for the City staff and all day-to-day operations. Employees serve the public by providing public safety, utilities, road maintenance, parks and recreation opportunities, commercial port and small boat harbor. The City supports Bethel's business community with business licensing, sales tax collection, and property management (leases). In addition, the City provides the community with a public transit system and cemeteries.

ABOUT THE HANDBOOK

PURPOSE

Whether you have just joined our staff or have been working at the City for a while, the City is providing you with this Employee Handbook to answer some of the questions you may have concerning the City and its policies. Abiding by City policies is a condition of employment and we want to be sure that you are provided your own copy of our most basic expectations.

This Handbook summarizes most, but not all, of the principal human resources policies in effect at the time it was issued or revised. However, policies can and do change. Where the Handbook differs from new or revised policies and practices later adopted by the City, the new or revised policy shall apply.

As it pertains to employees covered by a Collective Bargaining Agreement (CBA), where this Handbook differs from the CBA, the provisions of the CBA shall apply.

As it pertains to individuals employed under the provisions of a special grant program, the provisions of that grant which conflict with these personnel rules shall apply.

Please read this Handbook carefully and refer to it frequently. It is your responsibility to be familiar with the contents, any amendments to the Handbook, and the policies and practices of the City. You can obtain additional information or clarification about the other benefits and policies of the City from your supervisor, Department Head or Human Resources (HR).

SOURCE

The Handbook has been prepared from individual personnel policies and general federal and state labor laws. Additional information may be found in other documents and standards, to include Title 3 of the Bethel Municipal Code, resolutions of the City Council, other adopted policies and procedures, applicable bargaining agreements, and the official plan documents of the City's employee benefit plans.

Department Heads may establish written policies for their functional areas that may be in addition to, or more strict than, these rules so long as they do not conflict with the Handbook, Code, or CBA and do not violate federal or state labor laws.

WHAT THE HANDBOOK ISN'T (DISCLAIMERS)

There are several things to keep in mind about this Handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive and the policies are subject to change at the sole discretion of the City. Some subjects described in this Handbook are covered in detail in other official policy and/or procedural documents. Please note that the terms of any written insurance policies are controlling and override any statements made in this or other documents. Refer to the full text of the relevant policy, procedures or insurance documents for specific information because the Handbook only briefly summarizes those guidelines and benefits. If you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to HR.

This Handbook is not a contract, express or implied, guaranteeing your employment with the City. Nor does it guarantee any fixed terms and conditions of your employment. Although the City hopes that your employment with us will be long-term, the City may terminate this relationship at will with or without cause and without prior notice, or you may resign for any reason at any time. No supervisor or other representative of the City, (other than the City Manager¹), has the authority to enter into any agreement with you for employment for any specified period of time or to make any promises or commitments contrary to the above.

You should familiarize yourself with the contents of this Handbook and, when in doubt about any policy or procedure, or any information contained in it, you should contact your supervisor or HR.

HANDBOOK UPDATES/CHANGES IN POLICY

From time to time, you may receive updated information concerning changes in policy. While the City makes every effort to keep this Handbook up to date, and in compliance with changes in the law, there may be times when a discrepancy exists between what's stated in the Handbook and applicable federal or state law. Of course, in such instances, the applicable law will always apply. Nothing in this Handbook is intended to interfere with the rights of any employee to engage in protected activity, or any other rights provided under the National Labor Relations Act.

¹ For the City Manager, City Clerk and City Attorney positions, only the City Council acting as a whole may enter into an Agreement. Such agreement must be in writing signed by the Mayor and approved by the majority of the City Council.

The City expressly reserves the right to administer, interpret, discontinue, review, modify and change any of its respective benefits, policies, and plans, including those covered in this Handbook, at any time with or without prior notice. Employees will be notified about such changes by notice posted on the Employee bulletin boards, electronic communication and/or by written memo. Changes shall become effective on the dates determined by the City. Employees may not rely on policies that have been amended, rescinded, or replaced. No supervisor, manager, or representative of the City has the authority to alter the foregoing. If you are uncertain about any policy or procedure, please check with your supervisor or HR.

NATURE OF EMPLOYMENT

This Handbook is not an employment contract, and only summarizes policies existing at the time of publication. As such, nothing in this Handbook is intended to alter the fact that employment with the City is voluntary, indefinite in nature and subject to termination by you or the City “at-will”, with or without cause, and with or without notice, at any time in accordance with federal, state and/or local laws.

DIVERSITY AND RESPECT

EQUAL OPPORTUNITY

In order to provide equal employment opportunities to all applicants and employees, the City's employment decisions are made without regard to race, creed, color, religion, gender, age, national origin or ancestry, marital status, change in marital status, physical or mental disability, genetic information, pregnancy, parenthood, or any other status or condition protected under federal, state and local laws. This policy applies to all terms and conditions of employment, to include hiring, placement, promotion, termination, layoff, leaves of absence, compensation, and training, as well as City-sponsored social and recreational programs.

REASONABLE ACCOMMODATION OF QUALIFYING DISABILITIES

The City is committed to providing equal employment opportunities to qualified individuals with disabilities, which may include providing reasonable accommodations where appropriate. In general, it is your responsibility to notify HR of the need for accommodation. Upon doing so, HR may ask you for your input on the type of accommodation you believe may be necessary for the functional limitations related to your disability. When appropriate, the City may seek your permission to obtain additional information from your health care provider regarding your capacity to perform the essential functions of your job position, with or without reasonable accommodation.

The City will determine the feasibility of your requested accommodation considering various factors, including, but not limited to, the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the City's overall financial resources and organization, and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their essential job functions and on the City's ability to conduct business. Accommodation will not be undertaken if providing the accommodation: (1)

causes a direct threat to others in the workplace and the threat cannot be eliminated by reasonable accommodation; or (2) if the accommodation creates an undue hardship to the City.

ZERO-TOLERANCE FOR HARASSMENT OR DISCRIMINATION

The City is committed to providing a work environment in which all individuals are treated with respect and dignity. You have the right to work in a professional atmosphere and the City expects that all relationships will be business-like and free of bias, prejudice, and harassment.

The City expressly prohibits any form of employee harassment based on race, color, religion, gender, national origin, age, disability or status in any group protected by federal or state law. Actions that interfere with an employee's ability to perform his/her expected job duties is not tolerated.

Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the City's premises or circulated in the workplace, on City time or using City equipment via e-mail, phone (including voice messages), text messages, blogs, social networking sites or other means.

Sexual harassment is specifically prohibited. The Equal Employment Opportunity Commission defines unlawful sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when submission to such conduct is (a) made either explicitly or implicitly a term or condition of an individual's employment; (b) used as the basis of employment decisions affecting an individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include

- Unwelcome touch (massaging shoulders, stroking hair, brushing against another person)
- Violating someone's "personal space"
- Offensive whistling, jokes, comments, or language
- Leering, staring, stalking
- Suggestive or explicit posters, calendars, graffiti or other displays
- Unwanted or offensive communication: letters, poems, email, voice mail
- Repeated requests for dates

If you believe that you or another employee is or has been the subject of discrimination or harassment, you should report the alleged conduct immediately to your supervisor or HR. Any supervisor or manager who learns of potential sexual or other unlawful harassment or discrimination must promptly consult HR.

The Alaska Human Rights Commission's address is 800 A Street, Suite 204, Anchorage, AK 99501 and its telephone number is (907) 274-4692.

COMPLAINT/REPORTING PROCESS

If you believe you have been the victim of prohibited conduct, or believe you have witnessed prohibited conduct, you should discuss your concerns with your supervisor, any manager, or HR. Although no fixed reporting period is established, early reporting and intervention is encouraged.

The City takes complaints of discrimination and harassment very seriously. Any reported allegations will be investigated promptly, thoroughly, and fairly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The length of time it takes to perform the investigation will depend on the nature of the complaint. However, you are free at any time to inquire about the status of the investigation.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. The existence and nature of the complaint will be disclosed only to the extent necessary to make a prompt and thorough investigation or as may be necessary to take appropriate corrective measures.

The facts will determine the response to each allegation. Employee conduct which is found to constitute unlawful discrimination or harassment will be disciplined, up to and including immediate termination. If the City determines that an employee hampered or was dishonest during an investigation, or made false and/or malicious complaints of harassment, discrimination, or retaliation, that employee may be subject to appropriate disciplinary action.

NON-RETALIATION

The City prohibits any form of retaliation against any employee for reporting discrimination/harassment concerns or a violation of policy, filing a complaint, or assisting in a complaint investigation. However, if after investigating any complaint, the City determines that the complaint is frivolous and was not made in good faith, or that the employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who made the complaint or provided the false information, up to and including termination.

A SAFE AND HEALTHY ENVIRONMENT

WORKPLACE VIOLENCE

The City is committed to preventing workplace violence and to maintaining a safe work environment. All employees, including supervisors, temporary employees, and volunteers, should be treated with courtesy and respect at all times. Physical violence, threats, harassment, intimidation, and other disruptive behavior in the workplace, whether committed by customers, vendors, or City employees, will not be tolerated. Individuals who commit such acts may be removed from City premises and subject to criminal penalties in addition to disciplinary action up to and including termination.

Conduct prohibited by this policy includes, but is not limited to:

- Oral or written statements, gestures, or expressions that communicate a threat, or perceived threat of physical harm;
- Physically harming or attempting to harm a person or property;
- Coercion, intimidation, or stalking of another;
- Any form of non-consensual physical contact such as shoving or grabbing;
- Bringing any unauthorized weapon to City premises, including parking lots;
- Any other conduct that would cause a reasonable person to believe violence may occur.

If you are facing a situation that may result in violence, you should avoid confrontation and, if possible, retreat to a safe location. If you notice, witness, or are impacted by conduct you think is suspicious, immediately report it to your supervisor or any manager. If you believe there is a threat to personal safety, call the police immediately.

NO FIREARMS

Weapons or firearms are prohibited anywhere on City premises, except those carried by law enforcement officials while on duty. This policy also applies to any visitors on City property.

TOBACCO, ALCOHOL AND DRUG-FREE WORKPLACE

To provide a safe and healthy environment for our employees and customers, the City maintains a work environment free of drugs, alcohol and tobacco.

TOBACCO

Smoking and/or the use of tobacco is not permitted anywhere on City property at any time. This includes all buildings, structures, foyer areas, parking lots, vehicles, or land. The prohibition also includes any private property where employees are engaged in City business.

The City will designate outdoor smoking areas 25 feet away from public buildings to comply with Section 8.10 of Bethel Municipal Code

ALCOHOL PROHIBITIONS

You may not report to work while under the influence of alcohol, which can affect your performance and place others in jeopardy. Possession of alcohol, including possession of medicines containing alcohol, is prohibited. Alcohol use during the four (4) hours prior to reporting to a designated safety sensitive-position (or a position that includes safety-sensitive functions) is prohibited. Alcohol use during the thirty-two (32) hours following an accident in a City-owned vehicle or until you have been administered a post-accident drug and alcohol test is prohibited.

DRUG (ILLEGAL AND LEGAL) PROHIBITIONS – INCLUDING MARIJUANA

You may not report to work while under the influence of illegal drugs or legal drugs used in an illegal manner. You may not report to work while under the influence of marijuana, which can affect your performance and place others in jeopardy. Employees in safety-sensitive positions subject to drug testing under the U.S. Department of Transportation drug testing regulations may not use marijuana at all, regardless of the State of Alaska's marijuana-related legislation. You may also not report to work while taking any legally-prescribed or over-the-counter medication that may adversely affect your performance of safety-sensitive functions.

DRUG AND ALCOHOL SCREENINGS

As a condition of employment, you may be required to undergo periodic alcohol and drug screenings, at times specified by the City. To ensure compliance with our drug-free workplace and maintain a safe work environment, you may be directed to report for a random, post-accident or return-to-duty screenings. In addition, the City may require you to participate in a screening test if you are exhibiting signs and symptoms of being under the influence. Employees who test positive during a screening test will be subject to discipline. The City considers a failure to report for a screening test when directed to do so the same as a positive test result.

INVESTIGATION AND SEARCHES

When a Department Head or supervisor has reasonable suspicion that an employee has violated the above policies, the supervisor, or designee, may inspect vehicles, lockers, work areas, desks, purses, briefcases, toolboxes, and other locations or belongings without prior notice, in order to ensure a work environment free of prohibited items. Any such searches will be coordinated with a representative of the union (classified employees) or HR (exempt employees). If you are the subject of such a search, you may be asked to be present and may be asked to remove a personal lock. Locked areas or containers do not prevent a search, and thus you should understand there is no expectation of privacy on City premises. If you are not present or you refuse to remove a personal lock, the City may forcibly remove the lock without compensating you for the lock.

The City may use unannounced drug detection methods in any City-owned facility and on any City-owned property, to include personal vehicles parked on City property, should reasonable suspicion exist.

SAFETY

You are responsible for performing your job functions in a safe and efficient manner, complying with all federal, state, and local regulations and program standards.

Regardless of your specific job description, every person in the organization assumes the responsibility of individual and organizational safety. Failure to follow safety guidelines or engaging in conduct that places you, another employee, a member of the public, or the City at risk can lead to disciplinary action and/or termination.

The City will provide you with equipment and/or clothing necessary for your safety in accordance with applicable laws. You are responsible for taking care of that equipment or clothing and using it when directed and as intended.

You are responsible for completing an Accident/Incident Report whenever you are involved in or witness a safety infraction.

You or your supervisor must report any work-related fatalities to OSHA within 8 hours, and must report any work-related inpatient hospitalizations, amputations, or eye loss within 24 hours. You can do this by using the 24-hour OSHA hotline at 1-800-321-OSHA (6742). You are also responsible for notifying HR if you have reported a fatality or injury to OSHA.

REPORTING EMPLOYEE INJURIES

In addition to the OSHA reporting requirements, you must report all workplace illnesses or injuries within 24 hours of the injury to your supervisor. You are also responsible for submitting a completed Report of Occupational Injury or Illness Form 6100 to HR as soon as you can after you've been injured – no matter how insignificant the injury may seem. Failure to complete this form will keep you from being able to claim any workers compensation benefits. Fraudulent or intentionally inaccurate statements in the Report of Occupational Injury or Illness Form or an unreasonable failure to report an occupational injury or illness is cause for disciplinary action.

CHILDREN IN THE WORKPLACE

The presence of children in the workplace during the workday is inappropriate and to be avoided except in emergency situations. Their presence causes disruptions for you and your co-workers, increases the City's liability, and presents the City as an unprofessional work environment. A child with an illness is not allowed to come to work with you.

If bringing a child to work with you is unavoidable, you must first contact your supervisor for permission. You may be required to take personal leave as an alternative. Before approving your request, your supervisor will consider the number and age of the child(ren), how long the child needs to be present, your work environment, and any possible disruption to your work. You are responsible for any child you have permission for, and the child must be with you and under your direct supervision at all times.

PETS IN THE WORKPLACE

Pets are not allowed in City facilities other than the City pound. The exception to this rule is for certified service animals or those affiliated with Bethel Police Department or other law enforcement agencies serving on duty in a K-9 capacity. Animals under the control of an employee tasked with animal control are to be maintained at the City pound and not transported to other City facilities, nor allowed to remain in City-owned vehicles beyond the period of time necessary to secure the animal at the City pound.

EMPLOYMENT

EMPLOYEE CLASSIFICATIONS

All employees are classified as either nonexempt or exempt under federal and state wage and hour laws. The following is intended to help you understand employment classifications, your employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both you and the City.

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA) rules concerning minimum wage and overtime. State labor laws may provide nonexempt employees additional rights. These federal and/or state rights can only be modified through a CBA.

Exempt employees are generally managers or professional, administrative or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. The U.S. Department of Labor sets the criteria that determine whether a job is classified as overtime exempt or not.

The City has established the following employment types for both nonexempt and exempt employees:

Regular, full time status: Employees who are regularly scheduled to work at least 30 hours per week, or for exempt employees, the whole of the work day that their department is regularly open for business and as many hours as needed to do their job. Regular, full time employees are eligible for all City benefits subject to the terms, conditions and limitations of each program.

Regular, part time status: Employees who are regularly scheduled to work less than the full-time schedule but at least 15 hours each week. Regular, part-time employees are eligible for some of the benefits offered by the City subject to the terms, conditions and limitations of each benefit program.

Regular, contract employee: Employees who are not independent contractors but report to (or directly assist employees who report to) the City Council. Work schedules and benefits for regular, contract employees are determined individually between the employee and City Council.

Temporary, full time or part time status: Employees who are hired as an interim replacement for a current employee that is expected to return, to assist in the completion of a specific project, or to perform a seasonal function. Temporary, full time employees are scheduled to work a minimum of 30 hours per week for a limited duration, not to exceed 6 months. Temporary employees are not eligible for most City-offered benefits but may be eligible for some voluntary, employee-funded benefits.

Volunteers: While not City employees, those volunteers that receive payment from the City are subject to some in-processing and tax reporting requirements. Volunteers are not eligible for City-offered benefits.

POSITION DESCRIPTIONS

A position description is a useful, plain-language tool that describes the tasks, duties, functions and responsibilities of your position. Position descriptions do not include each and every one of your duties when hired for that position.

The City will develop and maintain current position descriptions for all established and authorized positions. HR, in consultation with department managers, will develop all position descriptions and recommend salary or range assignments based on the essential functions and requirements of the position. All City position descriptions will be written in such a way as to maintain compliance with the Fair Labor Standards Act (FLSA) and the Americans with Disabilities Act (ADA).

The City's position descriptions are used for a variety of reasons, such as a tool for recruiting, determining salary levels, conducting performance reviews, clarifying missions, establishing titles and pay grades, and creating reasonable accommodation controls, as well as for career planning and training. When hired, you will be given a copy of your position description and will acknowledge in writing that you have received it and understand your responsibilities. A copy of your signed position description will be maintained in your personnel file.

RECRUITMENT

HR shall recruit all candidates for employment through at minimum, the City's web site and the State of Alaska's internet-based job posting system.

PRE-EMPLOYMENT

BACKGROUND AND REFERENCE CHECKS

To ensure the City's employees are well-qualified and to maintain a safe and productive work environment, the City conducts pre-employment background checks on all applicants who have been selected by the Department Head as the number one finalist for a position. The City will obtain reports only for the purposes of considering an individual for employment, promotion, reassignment, or retention and for no other purpose. Applicants selected for a background check

must first agree to the check and complete a disclosure and authorization form. Authorizations will be kept for a minimum of seven years from the date of inquiry.

All offers of employment are conditioned on receipt of a background check report that is acceptable to the City. Each Department Head, in coordination with HR, has identified specific criteria, based on the essential functions of each position, for a background check to be considered acceptable. The background check includes verification of information provided by the applicant as well as criminal history and reference checks. A criminal conviction does not automatically bar an applicant from employment. Additional checks such as a driving record or credit report may be made for particular job categories if appropriate and job-related.

The screening reports are kept confidential and are only viewed by the HR manager in support of the hiring process. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and federal and state privacy and anti-discrimination laws.

When an employment decision is based in whole or part on the background information, the applicant has the opportunity to dispute any information contained in the report. If information obtained in a background check leads the City to deny employment based on pre-established criteria, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy.

The City also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

DRUG TESTING

As part of the City's employment procedures, an applicant may be required to undergo a pre-employment drug and alcohol screening that is conducted by a laboratory designated by the City. Any offer of employment from the City is contingent upon, among other things, satisfactory completion of this screening if required for the specific position.

VERIFICATION OF EMPLOYMENT ELIGIBILITY

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

NEPOTISM, EMPLOYMENT OF RELATIVES AND PERSONAL RELATIONSHIPS

Relationships between employees must not result in a conflict of interest, favoritism, or the appearance of either. This extends to practices that involve employee hiring, promotion, and transfer. No employee may have supervisory authority over an immediate family member.

EMPLOYMENT OF RELATIVES

The City permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of the City, create actual or perceived conflicts of interest. This applies to all categories of employment including regular and temporary positions. The City will endeavor to exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

- No employee is permitted to work within the "chain of command" of a relative such that one relative's work responsibilities, salary, or career progress could be influenced by the other relative.
- Relatives are permitted to work in the same City facility, provided no direct reporting or supervisory/management relationship exists.
- No relatives are permitted to work in the same department or in any other positions in which the City believes an inherent conflict of interest may exist.
- No person may be employed in any position who is an immediate family member of the City Manager or Human Resources Director; no person may be hired as a manager if they are an immediate family member of a member of the City Council.

EMPLOYEE CONSENSUAL RELATIONSHIPS

If you are involved in relationship with a co-worker, either due to a new involvement or due to a "close friend" or "significant other" being assigned to a new position, you have a duty to report your relationship to HR. When the relationship and employee assignments create a situation of perceived or actual conflict of interest or favoritism, the City will investigate the option of reassigning one employee to resolve the conflict.

Employees involved in relationships with other employees have a duty to ensure that they act professionally at all times and do not engage in any conduct which is harmful or offensive to others.

INTRODUCTORY PERIOD

New employees, rehires and transfers may be subject to an introductory period. You are expected to actively participate in any orientation and training during this time as your supervisor will be assessing your skills and suitability for the position. Assessments may be informal and a formal written evaluation may not be provided to you. If needed, your introductory period may be extended to better understand your skills, training and abilities. If the City determines that you are not suited for the position, you may be separated at any time. Completion of the introductory period should not be construed as creating a contract or a guarantee of employment for any specific duration. All employees are considered "at-will" at all times and for all purposes.

PROGRESSIVE DISCIPLINE

You have the duty and the responsibility to be aware of and abide by existing rules and policies. You also have the responsibility to perform your duties to the best of your ability and to the standards as set forth in your job description or as otherwise established.

The City uses progressive discipline to address issues such as poor work performance or misconduct. Progressive discipline is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues while allowing the City the opportunity to mentor employees that may need infrequent “course corrections”.

While the below steps generally occur in sequence, the City may combine or skip steps in the process depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on others' performance and the City as a whole. The City reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and termination.

Verbal warning: A supervisor verbally counsels you about an issue of concern. Depending on the situation, a written record of the discussion may be placed in your file for future reference.

Written warning: Written warnings are used for behavior or violations that a supervisor considers serious or in repeat situations when a previous verbal warning did not help change unacceptable behavior. Written warnings should include a plan of action for correcting the behavior or violation. You will always acknowledge a written warning in writing and have an opportunity to respond on the document itself. The written warning is placed in your personnel file. While we don't expect it to happen, if you do receive one, you should recognize the grave nature of the written warning.

Suspension, Demotion or Termination: More significant and/or final steps may be imposed whenever an employee has been involved in a disciplinary situation that has not been readily resolved, has demonstrated an inability to perform assigned work responsibilities efficiently, has significantly violated the law or a City policy or placed others in danger by their actions.

SEPARATION OF EMPLOYMENT

REASONS FOR SEPARATION

Separation from City employment can occur for several different reasons.

Resignation: Although the City hopes your employment with us will be a mutually rewarding experience, the City understands that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide two weeks' notice, preferably in writing, to facilitate a smooth transition out of the organization. If you provide less notice, you may be ineligible for rehire depending on the circumstances.

Medical Separation: If you are unable to return to work following approved medical leave you may be separated in good standing. Depending on the type of injury or illness, and whether it

happened on or off the job, you may be able to take part in either the long-term disability program with the City health plan or the long-term disability plan under PERS.

Retirement: If you are qualified and wish to retire, you must notify your Department Head and HR in writing at least one (1) month before your planned retirement date.

Layoff: Periodically, the City may find that positions are no longer necessary to support programs and operations or can no longer be funded. If this occurs with your position, you will be provided a 30-day notice of impending layoff and you retain rehire rights following the layoff.

Job abandonment: If you fail to report to work or contact your supervisor, or you “walk off the job” before completing a shift, you may be considered to have abandoned the job. If you are separated due to job abandonment, you are ineligible to receive accrued benefits (no PTO payout) and are ineligible for rehire.

Involuntary Termination: Employees of the City are employed on an at-will basis, and the City retains the right to terminate an employee at any time.

RETURN OF CITY PROPERTY

If you leave City service for any reason, you must return all City property at the time of separation, including uniforms, cell phones, keys, equipment and identification cards. Failure to return some items may result in deductions from your final paycheck.

EMPLOYEE OUT-PROCESSING

After you notify your supervisor that you intend to resign, you must contact HR to schedule an exit interview. The interview will generally be on your last day of work. Your supervisor or Department Head will complete a Supervisor Termination form, which accounts for the return of all City property, will complete a PAR and sign your final timesheet. You will bring all three documents to HR when you report for the exit interview.

If you have been continuously employed by the City for a minimum of six (6) months, the value of accumulated PTO will be paid in your final paycheck. Your final paycheck will be paid on the next regular pay day, unless you were involuntarily terminated, in which case the final pay and accrued leave will be paid within three working days. Accumulated sick leave (up to 720 hours) will be paid under the same process, but only for employees who have been continuously employed by the City for more than eleven (11) years.

When you leave City service, your health insurance coverage ends on the last day of your departing month. You may opt to continue health coverage through the Consolidated Omnibus Budget Reconciliation (COBRA) program, and you should expect to receive more information about COBRA in the mail from the City’s insurance provider.

REHIRE

Former employees who left the City in good standing and eligible for rehire may be considered for reemployment. To be considered for rehire, an application must be submitted to HR, and the applicant must meet all minimum qualifications and requirements of the position.

Supervisors must obtain approval from HR prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals or any other benefits.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

WORKPLACE EXPECTATIONS

CONFIDENTIALITY

When hired, and as needed, the City will request you provide personal information about yourself and your dependents. The City will only collect personal information that is required to provide benefits, process your payroll, and comply with government reporting and disclosure requirements. The City is committed to safeguarding and maintaining the confidentiality of your personal information and shares it only as required and with those who have a “need to know,” balancing your right to privacy with information necessary to accomplish City functions.

All individuals having access to employee information or records of any kind will regard the contents as confidential and will not divulge such contents to prospective employers, credit agencies, other employees, benefit providers, contracted individuals, or other individuals without the express written consent of the employee. Accessing personnel information for any reason not related to the employee’s job responsibilities is strictly forbidden. Individuals will not improperly access, copy or disclose any document included in the employee’s personnel file.

If you become aware of a material breach in maintaining the confidentiality of your personal information, you should report the incident to HR. HR is responsible for investigating the incident and corrective action. Please be aware that a standard of reasonableness will apply in these circumstances. Examples of the release of personal employee information that will not be considered a breach include the following:

- Release of partial employee birth dates, i.e., day and month is not considered confidential and will be shared with Department Heads who elect to recognize employees on such dates.
- Personal telephone numbers or e-mail addresses may be distributed to Department Heads in order to facilitate City work schedules or business operations.
- Employee wage and payroll information used in budget planning, timekeeping review, or step/merit review will be shared with Department Heads.
- Employee’s hiring anniversary or service recognition information will be distributed to appropriate Department Heads periodically.
- Employee and dependent information may be distributed in accordance with open enrollment processes for periodic benefit plan changes or periodic benefits statement updates.

City-assigned information, which may include organizational charts, department titles and staff charts, job titles, department budgets, telephone directories, e-mail lists, facility or location information and addresses, is considered proprietary information to be used for internal purposes only or distributed as necessary to conduct business operations.

Breach of confidentiality by any employee, to include impermissible disclosure or unauthorized removal, destruction, or loss of any employee or proprietary information will be considered cause for disciplinary action up to and including termination.

OPEN DOOR POLICY

All employees assigned to individual offices, either by themselves or in a shared workspace, are expected to keep office doors open (not just unlocked) unless specific circumstances arise. No employee serves in a position in which they require routine privacy, nor should there be an expectation of privacy for most functions.

ETHICS AND CONFLICT OF INTEREST

The successful operation and reputation of the City is built upon the ethical conduct of our employees. The City complies with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. To that end, you will not take advantage of your status with the City to profit personally. You must avoid conflicts of interest and situations where there might be the appearance of a conflict of interest, to include interests outside of work that interfere with your ability to perform your job functions.

OUTSIDE EMPLOYMENT

As a City employee, you may only pursue outside employment, personal business ventures or voluntary positions that do not create a conflict of interest or interfere with your job performance at the City. You may not use any City property (tools, equipment, resources) or City-paid work time to conduct any volunteer or outside business. The City requests that you notify your supervisor if you work for another employer or are engaged in a personal business or partnership so that the City can confirm that no conflict of interest exists. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours.

GIFTS AND GRATUITIES

You may not accept a gift or gratuity under circumstances which could reasonably be construed to create the appearance of a conflict of interest. If offered, you shall immediately report such offer to the City Manager.

POLITICAL ACTIVITY

You may not serve as an elected member of the Bethel City Council or state or national elected representative. You may not engage in political campaigning activities, to include seeking donations, during work hours or on City premises.

ATTENDANCE AND PUNCTUALITY

You must schedule time off in advance. Absences due to illness may occur in the case of an emergency or sudden illness without prior scheduling. If the absence, either scheduled or unexpected, lasts longer than 3 days, the City requires physician's documentation; the City may at any time, regardless of the length of absence, require physician's documentation to support an absence due to illness or the taking of sick leave. Absences due to workplace injury or illnesses that have been approved under the Family and Medical Leave Act (FMLA) will not be counted against your attendance record, although you will be charged leave as appropriate.

Patterns of absenteeism or tardiness may result in discipline even if you have not yet exhausted available paid time off. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter; repeated instances can lead to termination of your employment.

ATTIRE AND GROOMING

You will be issued and required to wear an ID badge while performing work for the City.

It is important for all employees to project a professional image while at work by being appropriately attired. You are expected to be neat, clean and well groomed while on the job. Your clothing must be consistent with the standards for a business environment and must be appropriate for the type of work you do.

Natural and artificial scents may become a distraction from a well-functioning workplace, and can create a negative work environment for individuals with chemical sensitivities. You should keep this in mind when considering your attire and dress in the workplace.

The City is confident that you will use your best judgment regarding attire and appearance. The City reserves the right to determine appropriateness. Any employee who is improperly dressed will be counseled or in severe cases may be sent home to change clothes.

ELECTRONIC COMMUNICATION AND INTERNET USE

USAGE GUIDELINES

The following guidelines have been established for using the Internet, City-provided cell phones and e-mail in an appropriate, ethical and professional manner:

- Internet, City-provided equipment (e.g., cell phone, computer) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon the City or be contrary to the City's best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and provided equipment such as cell phones.
- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the system in a way that disrupts its use by others. Employees must not send or receive large files that could be saved or transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.
- Employees should not open suspicious e-mails, pop-ups or downloads. Contact IT with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
- Internal and external e-mails and text messages are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending messages within and outside the City.

RIGHT TO MONITOR

All City-supplied technology and City-related work records belong to the City and not to you or your co-workers. This includes any records, documents, files, or data created on City-supplied technology. The City routinely monitors the use of City-supplied technology.

EMPLOYEE PERSONNEL RECORDS

Employee personnel records are maintained by HR and are considered confidential.

Your personnel file includes any documents related to your hiring, job performance, personnel actions and termination of employment. Pre-employment information such as interview results, background screenings or reference check information is not maintained as part of your file.

Each employee also has a "Confidential" file, which is maintained by HR separately from your personnel file. Your confidential file holds medical records related to medical leave, worker's compensation, or disability accommodation. Your confidential file also includes any documents that include personal identifiers (social security number, drivers license number, birth date); identify your dependents; or personal information that is not specifically relevant to your job functions (financial data, benefit enrollments, etc.)

Your personnel file is available to you for review in person, or you may request a copy (for a fee). "Need to know" access to an employee's confidential file is strictly controlled, normally limited to the City Manager and HR, and in the case of worker's compensation matters, the City's designated insurance agent. Supervisors and managers may be informed by HR regarding

necessary restrictions on the work or duties of the employee and necessary accommodations resulting from medical information; supervisors and managers do not have access to the actual medical documents. Participants in City benefit plans should be aware that personal information will be shared with plan providers as required for their claims handling or record keeping needs. Current or past employees who wish the contents of their personnel file be released to another party must complete a written release that can be obtained from HR. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information and HR will provide access to files in response to court orders and subpoenas.

To keep insurance benefits and records of employment up to date, you must notify HR of any change in name, address, marital status, dependents, beneficiary designations, telephone number, emergency contact information, training, certifications or licensure.

COMPENSATION

WORKDAY AND WORKWEEK

For the purposes of payroll and overtime calculations, the workday is defined as 12:00 a.m. to 11:59 p.m. However, the City may establish shift schedules in order to avoid calculating a single shift on two separate calendar dates. If your shift rolls across the midnight hour, your hours worked are recorded on the workday on which the shift began.

The workweek is defined as 12:00 am Monday through 11:59 pm Sunday.

TIME REPORTING

All non-exempt employees must record their hours worked on a time sheet, for purposes of calculating pay, benefits, and the accrual and use of leave. Under no circumstances should any employee fill out a time sheet for another employee or have another employee fill out their time sheet. All employees are required to accurately record all time worked and all break periods.

You are responsible for submitting a true and accurate record of the hours you actually work. Your signature on the time sheet is considered a certification that the document provides a true and correct statement of dates and time actually worked.

Overtime is defined as hours worked by an hourly or nonexempt employee in excess of 40 hours in a workweek. Overtime is calculated based on actual hours worked which includes only hours worked and hours worked during call back. Paid leave and paid holidays are not work hours and therefore do not apply towards the 40 hours. Hours that an employee serves in an on-call status but does not get called in do not apply towards the 40 hours. Hours compensated at a higher-than-regular rate (i.e. pay for working on a holiday) do not count towards the 40 hours. Every attempt is made to schedule work so that the need for overtime is kept to a minimum. Overtime must be approved in advance by your Department Head or supervisor, depending on your Department's policy.

Your supervisor will complete the justification section on your timesheet if you have any of the following: 1. approved FMLA leave; 2. worker's comp-related leave; 3. special leave situations; and/or 4. sick leave. Your supervisor should note when sick leave was verified by physician's documentation, but should not submit or keep the doctor's note.

When you take leave, you are responsible for turning in a completed Leave Request form (approved via signature) with any time sheet that includes paid leave or leave without pay.

MEAL PERIODS AND BREAKS

Department Heads are responsible for setting meal periods for their work areas to provide the least possible disruption to City operations. Meal periods are not included in the total hours of work per day and are not compensable. Non-exempt employees are to be completely relieved of all job duties while on meal breaks and must clock out for that time.

Periodic breaks (15 minutes or less) in the work schedule may be authorized by the Department Head but they are not mandatory.

Due to the impact on operations and coworkers when one individual enjoys a change from their regular schedule, and the potential perception of favoritism, neither the lunch period nor any break periods may be used to account for an employee's late arrival or early departure or to cover time off for other purposes. Allowed breaks may not be accumulated and combined to extend a meal period or create a longer break.

PERFORMANCE AND SALARY REVIEWS

Performance evaluations are prepared for you and your supervisor to communicate regularly about your position requirements, your strengths and weaknesses, opportunities for improvement and training, and goals for your performance.

REGULAR ASSESSMENTS

Written performance evaluations will be provided for regular employees on an annual schedule, usually at or near your anniversary date of hire. Both you and your supervisor are responsible for participating in the process, which may include a self-evaluation, and scheduled interview/discussion. You may add comments or dispute the evaluation in writing. Your evaluations will be maintained in your personnel file.

FOLLOWING INTRODUCTORY PERIOD

A written evaluation may be provided but is not required before deciding to release an employee at the end of or during the introductory period or an extension; a written evaluation is optional in the judgment of the supervisor in consultation with HR.

UNSATISFACTORY RATING

An unsatisfactory performance rating in two or more categories indicates the supervisor should discuss a plan of action with you to help you improve your performance. Your supervisor should document any expectations and schedule a follow-up review.

INCREASES IN PAY

All employees are paid in accordance with the wage scale adopted by City Council. Across-the-board cost of living increases must be approved by City Council annually, even if negotiated in good faith beforehand.

Merit increases are based on performance and available when the City's financials permit. A performance review does not necessarily result in an automatic salary increase.

Budget allocations for salary adjustments, wage scale changes and merit increases are planned for and allocated before the start of each fiscal year.

PAYMENT OF WAGES

PAY PERIOD AND METHOD

The City's pay period is biweekly, with scheduled payday every other Friday after the end of the pay period. We encourage you to be paid through direct deposit of funds to either a checking or savings account at the financial institution of your choice.. Pay statements and/or checks are distributed by payroll individually or to the individual departments via the City Hall interdepartmental mail boxes or electronically.

PAYROLL DEDUCTIONS

All amounts required by federal or state law or by benefit plans, (to include PERS,) will be deducted from your paychecks. Other required or voluntary deductions may be withheld if you've authorized them in writing. You will see all deductions listed on your pay statement.

PAY ADVANCES

Payroll advances are not allowed.

WAGE SCALE

All employees shall be paid in accordance with the wage scale adopted by City Council as part of the annual budget process.

HOLIDAY PAY

The City recognizes 12 paid holidays each year:

New Year's Day (January 1)
President's Day (3rd Monday in February)
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (1st Monday in September)
Alaska Day (October 18)
Veterans Day (November 11)
Thanksgiving (4th Thursday in November)
Day after Thanksgiving
Chief Eddie Hoffman's Day (2nd Friday in December)
Christmas Day
Employee's Birthday (may be taken at any time during the calendar year)

Should a holiday fall on a weekend, the holiday will be observed on the work day closest to the holiday.

Paid time off may be granted to employees who desire to observe a religious holiday that is not recognized by the City in lieu of an existing paid holiday.

TIME OFF/LEAVES OF ABSENCE

VACATION OR PAID TIME OFF (PTO)

All regular employees are eligible for PTO benefits. You earn PTO through service time and will begin to accrue leave from your first pay period in a regular full- or part-time status. You will not earn PTO during unpaid leaves of absence, including injury (Workers' Compensation) and/or FMLA leave.

To ensure adequate staffing, each Department Manager will schedule and approve PTO requests. Each Department may set standards for planning leave in advance. To request PTO, you must complete a leave request form, which must be approved (with your supervisor or Department Head's signature) before you take the PTO. You can only use PTO after you earn it and it's your responsibility to make sure you have enough leave available to cover the dates you request. PTO cannot be advanced and you cannot draw your PTO bank into a negative balance.

Requests to take PTO will be approved based on a number of factors, including department operations and staffing requirements. Once approved, be sure to keep the signed form, because you will need to submit it with your timesheet when you take the leave. The City will pay your PTO at your base rate at the time you take the leave. PTO hours do not count towards overtime calculations. If a holiday falls during the PTO period, that day will be paid as a holiday and not charged to your PTO balance.

Your PTO balance may be subject to annual usage requirements and/or an annual cap, effective December 31 of any year.

CASH OUT/DONATIONS

You may cash-out leave under emergency conditions following written approval by the City manager. Emergency is defined as a critical situation over which the employee has no control.

You may request permission to donate annual leave to a fellow employee in dire medical situations approved by the City Manager. Donations are limited to 40 hours, and any donations must be approved by the City Manager.

SICK LEAVE

Eligible employees accrue sick leave from the date of hire. If you have a sick leave benefit, you may use the leave for your own illness, well-care and medical and dental appointments. You may also use it to care for a dependent that is ill. Federal law requires that when a sick leave bank is provided, exempt employees unable to work during their normal work hours due to a reason covered under sick leave, must take sick leave. The hours cannot be “made up” on another day or through extended work hours. If you do not have a sick leave benefit, or if you have used up all your sick leave, you will be charged PTO in its place.

If you are absent from the workplace more than three consecutive working days, you must present medical documentation verifying your illness. You may also be required to present documentation for absences shorter in duration.

FAMILY AND MEDICAL LEAVE

City employees are entitled to leave benefits under a federal law known as the Family and Medical Leave Act (FMLA) as well as the Alaska Family Leave Act (AFLA). The acts promote preservation of the integrity and stability of your family unit, job security for you, as well as accommodating the business interests of the City. In addition to leave for medical reasons, FMLA also includes a provision for Military Family Leave under specific conditions.

FMLA, AFLA, and your paid leave benefits run concurrently, as permitted by law.

You have the right to request FMLA/AFLA leave; in addition, supervisors have a responsibility to notify HR when they have a reason to believe you are taking leave for a qualifying condition.

MEDICAL LEAVE

ELIGIBILITY

For FMLA, you must have worked for the City for 12-months and accumulated at least 1,250 work hours (paid leave and holidays do not count) during the 12-month period immediately before your requested leave is to start. To be eligible for AFLA, you must have worked for the City for at least

35 hours per week for 6 consecutive months or 17.5 hours per week for 12 consecutive months. You will not be eligible for medical leave if you have exhausted your medical leave entitlement in the 12 calendar months (or 24 months, if appropriate) immediately preceding each day of leave requested.

TYPE OF LEAVE COVERED

- The birth of a child or the placement of a child through adoption or foster care and to care for the child: this leave must be taken within a year after the child is born, adopted, or placed in the employee's home. When both the mother and father are eligible employees of the City, they are jointly entitled to a total of 18 weeks, which may be divided between them as they agree;
- To care for a spouse (as defined in Alaska law), child, or parent with a serious health condition
- When you are unable to work due to a serious health condition, require inpatient care, require continued care or for a period of incapacity.

WHEN MEDICAL CERTIFICATION IS REQUIRED

When you request FMLA or AFLA, you will probably be required to provide a medical certification (on a form supplied by the City) supporting the need for leave due to a serious health condition affecting you or a family member. If you are taking leave on an intermittent or reduced work schedule basis, then the medical certification should indicate that such a schedule is medically necessary.

Prior to returning to work from leave due to your own serious health condition, you must provide the City with a fitness for duty certification from your health care provider stating that you are able to perform the essential functions of your position. You will not be allowed to return to work without this. If you fail to return from leave or contact the City on the scheduled return date, you will be considered to have voluntarily terminated your employment with the City.

MILITARY FAMILY LEAVE

QUALIFIED EXIGENCY LEAVE

An employee whose spouse, son, daughter or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) child care and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, and h) additional activities that arise out of active duty, provided that the City and employee agree, including agreement on timing and duration of the leave. This type of leave would be counted toward your 12-week maximum of FMLA leave in a 12-month period.

MILITARY CAREGIVER LEAVE

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks of unpaid leave during a single 12-month period to take care of that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

Covered service member means:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

COMPENSATION

Family and Medical Leave is unpaid, however, the City requires employees eligible for FMLA/AFLA or Military Family Leave to substitute their accumulated PTO, sick leave, and/or donated leave for unpaid leave. The City has no obligation to pay you more than any accumulated PTO, which must be used at the beginning of your leave (paid time off is counted as part of the FMLA/AFLA entitlement, not in addition to it). PTO and/or Sick Leave do not accrue during a period of unpaid leave. Paid holidays are counted as part of the FMLA/AFLA leave and do not serve to “extend” your leave. If you run out of paid time off while on FMLA/AFLA and a holiday falls in the time in which you are on unpaid leave, you will not be paid for that holiday. Where appropriate, the City will coordinate workers’ compensation leave with FMLA/AFLA leave so that the two run concurrently.

BENEFITS CONTINUATION

During the time that you are on leave under FMLA, you maintain the opportunity for continued health benefits coverage. Leave afforded under AFLA alone offers no such continuation of benefits. Other City-funded benefits and/or employee-funded programs may be available to you during periods of unpaid leave under FMLA/AFLA, provided certain conditions are met. When employee payments are required to maintain a benefit under this section, failure to make your payments will result in cancellation of the benefit due to nonpayment.

During periods of absence under this section, the City may require that you pay all or part of the costs for maintaining health insurance coverage and/or other employee benefits during a period of unpaid leave.

GROUP HEALTH BENEFITS

You may continue your group health insurance coverage during FMLA or Military Family Leave on the same terms as before such leave. If you elect to continue group health coverage, and there is an already-established employee portion (premium), you will be required to continue to make those premium payments to the City while on leave. Payment will be automatically deducted from your paycheck while on paid leave. When paid leave is exhausted, you are responsible for contacting the Finance Director regarding the options available to you to pay for continued health insurance during the unpaid portion of your FMLA leave. Failure to pay the employee portion will result in cancellation of health insurance benefits due to nonpayment.

Health insurance benefits do not continue for your absence under the provisions of AFLA, unless you have contacted the Finance Director and arranged to pay the City the full premium cost (employer and employee portions) of the benefits being received. Failure to do so will result in cancellation of health insurance benefits due to nonpayment.

LIFE INSURANCE

An employee who is on unpaid FMLA/AFLA leave may continue his or her life insurance by paying the full premium cost for coverage. If you are interested in maintaining your life insurance benefit, you must consult the Finance Director to arrange payment terms.

UTILITY BENEFIT

While on unpaid FMLA/AFLA leave, you may continue to receive the utility benefit provided you contact the Finance Department to make payments while on leave. At no time will the City subsidize the utility benefit for an employee.

The City may recover from you the City's portion of the utility costs during the FMLA/AFLA-approved leave if you fail to return to work after the leave entitlement ends or terminate employment within the first 30 days following your return. The City may not recover costs if your failure to return or departure is due to the continuation, recurrence or onset of a serious health condition, as documented by a qualified health professional.

VOLUNTARY BENEFIT PROGRAMS

Payroll-based contributions to voluntary benefit programs such as deferred compensation or AFLAC will immediately cease once you are on unpaid leave under this section. You are responsible for contacting your service providers to maintain any allowed benefits.

JOB RESTORATION

Upon returning from Family or Medical leave, you will be restored to your original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

EMPLOYEE NOTICE

Eligible employees seeking to use FMLA/AFLA or Military Family Leave are required to provide:

- A. 30-day advance notice of the need to take leave when the need is foreseeable;
- B. Notice “as soon as practicable” when the need to take leave is not foreseeable. Except in the most extraordinary circumstances, this requires you to report your need for leave before the start of your shift in accordance with the normal absence-reporting procedures;
- C. Sufficient information for the City to understand that the employee needs leave for qualifying reasons (the employee need not mention FMLA, AFLA, or Military Family leave when requesting leave to meet this requirement but must provide sufficient information to put the City on notice that the absence may be so-protected); and

Where the City was not made aware that you were absent for FMLA/AFLA reasons, leave will be retroactively designated as FMLA/AFLA leave provided you meet the eligibility criteria.

EMPLOYER NOTICE

In addition to the information provided in this Handbook, the City has posted a notice explaining your rights and responsibilities under FMLA/AFLA on the HR bulletin board.

If family or medical leave is requested, HR will provide you a notice of eligibility, informing you whether or not the leave you are requesting qualifies and will provide you a written notice designating the leave as FMLA/AFLA leave and detailing specific employee expectations and obligations under the entitlement.

INJURY LEAVE (WORKERS COMPENSATION)

Employees injured on the job are entitled to compensation and benefits in accordance with the Alaska Workers Compensation Act. All employees who experience an injury while on the job will report the details on a Form 6100, which will then be sent to HR to complete the required reporting to the City’s insurance carrier and the Alaska Department of Labor. It is your responsibility to complete the Form 6100 when you experience any workplace injury.

If you are injured at work and on injury leave as a result, you may not use your PTO/sick leave while on injury leave; in lieu of wages, you are eligible for paid Workers’ Compensation benefits.

COURT LEAVE

If you receive a jury duty notice the federal or state courts, you must notify your supervisor and provide a copy of the jury summons. The City will pay regular employees (full and part time) for time off serving the court. All fees paid by the court must be remitted to the City and you must immediately return to work any time you are released by the court prior to the end of your normal duty day (with the exception of lunch and other court-determined breaks).

UNIFORMED SERVICE LEAVE

The City is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States.

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists and National Guard members, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

If you are requesting leave for military duty, you must contact HR as soon as you are aware of the need for leave.

FUNERAL LEAVE

An employee who wishes to take time off due to the death of an immediate family should notify his or her supervisor immediately. Each full-time employee is eligible for one paid day of leave for each instance, which will not be deducted from your leave balance.

EMERGENCY LEAVE

The City Manager may approve paid emergency leave to employees not to exceed forty (40) hours at any one time when critical illness or death has occurred in the employee's immediate family.

LEAVE WITHOUT PAY

Employees who require time off in addition to accrued PTO may request up to 3 months leave without pay. The granting of such leave is at the sole and exclusive direction of the City Manager and may only be used after all other available leave has been exhausted. It shall not be granted if the employee's absence will impact the provision of City services or operations.

If approved, the Department may fill your position with an acting, or temporary hire. You must return to work on the scheduled return date or be considered to have voluntarily resigned from City employment.

Leave benefits will not accrue during periods of leave without pay under this section; nor will the City make any contributions for retirement, health, dental, or life insurance benefits. You may

contact the Finance Department and make self-pay arrangements to maintain your health insurance benefits during this period.

EMPLOYEE BENEFITS

EMPLOYEE BENEFIT PLANS

The City sponsors and/or participates in several welfare and retirement plans for the benefit of eligible employees. In general, part-time employees are eligible for limited benefits and temporary employees are only eligible to participate in voluntary programs that are completely employee-funded. Detailed information regarding these benefits is contained in summary plan descriptions, insurance policies, the City's official plan documents, and the plan documents maintained by the state of Alaska PERS system. The City has sole discretion to interpret the employee benefit plan documents, including questions of eligibility, availability or amount of benefits, terms, conditions and limitations. The official plan documents and not this Handbook or any other document or verbal representation will govern the City's determination of all questions regarding plan benefits. While it is the City's present intention to continue these benefits for the indefinite future, the City reserves the right to amend, modify, curtail, reduce or eliminate any benefit, in whole or in part at any time. No amendment or termination will take away vested benefits. However, future accruals or benefits may be reduced or eliminated. Neither the benefit programs nor their descriptions are intended to create any guarantees regarding employment or continued employment. For more information regarding benefits, please refer to HR.

GROUP HEALTH INSURANCE

The City provides full-time regular employees who are normally scheduled to work thirty (30) or more hours a week and their eligible dependents with group medical, dental and vision insurance benefits.

Eligible employees have up to 30 days from their date of hire to enroll in the City's plan. Changes in family status, as defined in the Plan document, allow employees to make midyear changes in coverage consistent with the family status change, otherwise, changes are limited to the open enrollment period.

Your basic coverage begins on the first of the month following 30 days of eligible employment. Keep in mind, this is not always the month after you were hired – you may have to wait an additional month, depending on the date you begin employment. It is important that you review your insurance plan document carefully, as some components have lengthier waiting periods.

At the end of each calendar year during open enrollment, (month of December,) employees may make changes to their enrolled dependents for the following calendar year.

LIFE INSURANCE

Eligible employees are enrolled in life and long-term disability insurance at the time of hire.

RETIREMENT PLAN (PERS)

The City participates in the State of Alaska's Public Employees Retirement System (PERS). All regular employees hired after June 1, 1991 are required to participate in this plan. Retirement benefits and other details regarding the retirement system may be obtained from HR or directly from the State of Alaska's Division of Retirement and Benefits.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Through the employee assistance program (EAP), the City provides confidential access to professional counseling services. The EAP, is available to you and your immediate family members, and offers problem assessment, short-term counseling and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard your privacy and rights. Contacts to and information given to the EAP counselor may be released to the City only if requested by you in writing. There is no cost for you to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will provide you with information about community and private services available. The counselor will also let you know whether any costs associated with private services may be covered by your health insurance plan. Costs that are not covered are your responsibility.

WORKERS' COMPENSATION BENEFITS

The City is covered under Alaska statutes regarding workers' compensation. The program provides financial benefits to offset the time you are unable to work and earn wages because of a workplace injury. If you sustain a work-related injury, you must immediately notify your supervisor and submit a completed Form 6100 to HR. Once filed, the City's workers compensation administrator (not the City) will coordinate your claim and any potential benefits directly with you.

457 DEFERRED COMPENSATION PLAN (VOLUNTARY)

The City offers several voluntary pretax salary reduction plans in which you may elect to participate beginning with the first payroll period after employment. These programs are completely employee-funded and each employee is able to control the investment options associated with his or her individual account.

AFLAC PRE-TAX PROGRAMS (VOLUNTARY)

All City employees (including temporary) are eligible to purchase supplemental coverage through the American Family Life Assurance Company of Columbus (Aflac). Employees that enroll during the open period may have the City deduct their payments pre-tax.

REDUCED-FEE UTILITY BENEFIT (UTILITY ACCOUNT HOLDERS)

Regular employees (full-time and part-time) shall receive water and sewer, from the City for a reduced fee subject to delivery limitations. The utility benefit is not available to employees who reside in multi-family dwellings and/or share water and/or sewer tanks.

SPECIAL SITUATIONS

EMPLOYEE TRAVEL

The City encourages employee attendance at professional conferences and training which will improve job knowledge and introduce innovative techniques to improve City operations and the delivery of services to the public.

You request approval for travel using a Travel Request Form; travel must be approved by the Department Head and City Manager. A travel advance may be authorized by the City Manager when requested in writing a minimum of two weeks prior to the travel.

Upon approval and submission of a travel claim, the City will generally pay: registration fees (to include materials and meals already incorporated into the registration fee); lodging costs (you may be required to share a room or facility); per diem meal allowance (prorated based on the time periods in travel status), transportation of the most direct and efficient means and/or mileage reimbursement at the federally-approved rate, and other incidental expenses such as business phone calls or parking. Vehicle rentals must be pre-approved by the City Manager and are not a guaranteed travel benefit.

Any additional expense resulting from an interruption of travel for your convenience (deviation of travel) shall be borne solely by you. Any additional time away from duty because of an itinerary or interruption for your convenience will be charged as PTO and must be pre-approved.

PURCHASING

No City employee may enter into a purchase agreement, make commitments to purchase, or otherwise obligate expenditure of City funds except with proper authorization and through the established procedures.

If you inappropriately commit City funds or use City funds to purchase items or services that are not approved through established procedures you will be subject to disciplinary measures and required to reimburse the City for all incurred costs through direct payment or payroll deduction.

CDL-HOLDER/TRANSIT SYSTEM DRUG AND ALCOHOL PROGRAM

Employees who serve in safety-sensitive positions must, in addition to the City's prohibition against drugs and alcohol in the workplace, comply with additional federal and state Department of Transportation laws (49 CFR Parts 40 and 382).

Employees who hold a valid Commercial Driver's License (CDL) as part of their position requirements are subject to 49 CFR Parts 40 and 382. Employees who either serve as drivers for the City of Bethel Transit System, or those employees that make repairs on any transit vehicles, are subject to 49 CFR Part 655. Both classes of safety-sensitive employees are subject to pre-employment and random drug and alcohol testing.

Committing a DOT violation will result in your immediate removal from your position until you successfully complete the DOT return-to-duty conditions. This requirement supersedes any and all negotiated employment provisions in either Title III of the Bethel Municipal Code or otherwise negotiated through a collective bargaining agreement.

EDUCATION AND TRAINING/TUITION ASSISTANCE

The City encourages you to pursue training and education related to your profession. When financially feasible, tuition assistance may be available to reimburse some costs following successful completion of seminars, training, or other formal education.

Tuition assistance must be requested in writing and can only be approved by the City Manager. Approval and payment may be subject to additional terms and conditions.

VEHICLES

The City's fleet of vehicles is intended to support City operations and the delivery of services to the public. Employees granted driving privileges must hold a valid Alaska drivers license and must adhere to established guidelines for vehicle use. If you have been given driving privileges and there is any change to your license status (expiration, revocation, other restriction), you must notify HR immediately. A failure to maintain a valid license when required for your job will result in removal from your position until your license is re-instated. A failure to notify the City of a change in your licensure status is subject to discipline.

Only the City Manager may approve the use of take-home vehicles by employees, and those employees granted that privilege must understand that it is a taxable benefit with personal insurance liability when the vehicle is used for non-City business purposes.

EMPLOYEE ACKNOWLEDGEMENT AND RECEIPT

I have received my copy of the Employee Handbook.

The employee Handbook describes important information about the City of Bethel, and I understand that I should consult my supervisor, Department Head or Human Resources regarding any questions I have that aren't answered in the Handbook. I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. **Either I or the City can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law.**

This Handbook and the policies and procedures it contains supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with the City. By distributing this Handbook, the City expressly revokes any and all previous policies and procedures that are inconsistent with those contained in this Handbook.

I understand that any and all policies and practices may be changed at any time by the City. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the City Manager has the ability to adopt any revisions to the policies in this Handbook.

I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that employment at the City of Bethel is employment at will, which may be terminated at the will of either the City or myself. Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document.

I have received the Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this Handbook and any revisions made to it.

Employee's Signature

Employee's Name (Print)

Date

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

APPENDIX A – POLICIES SPECIFICALLY SUPERSEDED

Because the provisions and requirements are incorporated directly into this document, the following listed City of Bethel policies are specifically superseded with the adoption of this Employee Handbook. The City may in the future adopt new personnel policies after the date of this Handbook, which will remain in effect in conjunction with the Handbook guidance. Should a new policy specifically conflict with the terms of this Handbook, a Handbook revision will be completed and distributed as soon as reasonably possible.

Specific program policies (IT, Travel, Purchasing) or work area specific rules (Hours of Operation, Safety Requirements) will be drafted, maintained, and distributed separately by the Department that manages the specific program or work area.

Policies superseded as of September 2015:

1. Children in the Workplace Policy
2. Drug and Alcohol Policy (not CDL or Transit program policies)
3. Equal Employment Opportunity Policy
4. Harassment in the Workplace Policy
5. ID Badge Policy
6. Sexual and Other Harassment Policy
7. Tobacco Free Workplace Environment Policy
8. Vehicle Policy (general, not related to take-home vehicle use)
9. Vehicle Safety and Accident Policy
10. Workplace Violence Policy
11. City of Bethel Personnel Rules and Regulations

New Business

City of Bethel Action Memorandum

| | | | |
|-------------------------|-------------------|-----------------------------------|---------------------------------|
| Action memorandum No. | 15-52 | | |
| Date action introduced: | November 24, 2015 | Introduced by: | Mayor Robb |
| Date action taken: | | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Confirmed by: | | | |

SUBJECT/ACTION:

Approve Mayor's reappointment of Milanna Shear to the Finance Committee.

| Route to: | Department/Individual: | Initials: | Remarks: |
|-----------|------------------------|-----------|----------|
| | Finance Director | HM | |
| | | | |

Attachment(s): None

| Amount of fiscal impact | | Account information: |
|-------------------------|------------------|----------------------|
| X | No fiscal impact | |

Action memorandum 15-52 is sponsored by the Mayor at the request of the City Clerk.

Milanna Shear has requested reappointment to the Finance Committee. If appointed, she would be appointed to a term of three years beginning January 1, 2016, through December 31, 2018.

City of Bethel Action Memorandum

| | | | |
|-------------------------|-------------------|--|---------------------------------|
| Action memorandum No. | 15-53 | | |
| Date action introduced: | November 24, 2015 | Introduced by: | Mayor Robb |
| Date action taken: | | <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Confirmed by: | | | |

SUBJECT/ACTION:

Approve Mayor's reappointment of Alan Murphy to the Port Commission.

| Route to: | Department/Individual: | Initials: | Remarks: |
|-----------|------------------------|-----------|----------|
| | Port Director | PW | |
| | | | |

Attachment(s): None

| Amount of fiscal impact | | Account information: |
|-------------------------|------------------|----------------------|
| X | No fiscal impact | |

Action memorandum 15-53 is sponsored by the Mayor at the request of the City Clerk.

Alan Murphy has requested reappointment to the Port Commission. If appointed, he would be appointed to a term of three years beginning January 1, 2016, through December 31, 2018.

Mayor's Report

NATIVE VILLAGE OF MEKORYUK
P.O. BOX 66
MEKORYUK, AK 99630
PH: (907) 827-8828 FAX: (907) 827-8133

The Honorable Richard Robb
Mayor of Bethel
P.O. Box 1388
300 State Highway
Bethel, Alaska 99559

November 6, 2015

Dear Mayor Robb:

My name is Dawn Davis; I am the Program Clerk here at the Native Village of Mekoryuk. Each year on December 31 the Village of Mekoryuk Holds what we call New Year's Eve games. During this event it gives the community a change to get together in an Alcohol - Drug free environment.

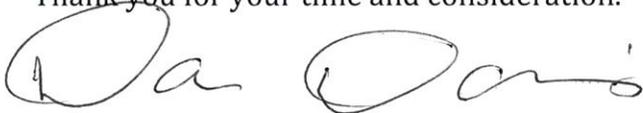
We have a variety of games we play for all age groups, ranging from infants to elders. We distribute prizes to the 1st and 2nd place winners depending on how many different prizes we have. We usually try to hand out prizes to all the contestants (ex. Soda or juice for those who did not win 1st or 2nd place.)

This event usually starts on December 31 from 6:30 PM to 11:00 PM. At the ending of the New Years Eve games, we gather all left over prizes and put them at the end of the basketball court. We ask all kids pre-k to 12th grade to lineup and have them run and gather as much prizes as they can.

We are kindly asking for any donations that may help us either raise money to get more prizes or to use the donated items as prizes. If we are given a device as a donation we will raffle off the device and use that money to purchase prizes. We also will photos and a thank you letter on social media. Also, we will send a thank you letter to the Delta Discovery for donating items.

This event is a time for community members to gather and have a fun time before we begin the New Year. Although it is only September, we are seeking funds and donations from companies within our region. Any donations your company is willing to donate would be greatly appreciated. If you have any questions, please feel free to call me at (907) 827-8828. My office hours are Monday though Friday 9:00 AM - 5:00 PM.

Thank you for your time and consideration.



Dawn Davis
Program Clerk

City Manager's Report



MEMORANDUM

From: Ann K. Capela, City Manager
To: Mayor, Vice Mayor and Council
Cc: City Attorney, City Clerk
Date: November 4, 2015
Re: City Manager's Report

1. Water Operations Plant Assessment – Attached to the PW Director's report is the report as requested by Councilman Albertson. There is no doubt that the City benefited from a third party evaluation of the water plant operations. As noted in the report from the PW water plant Supervisor, there are several operational items being implemented immediately and the City has posted an RFP for purchase of anthracite. With these operational changes and addition of the anthracite, the City may be able to extend the life of the water filtration system possibly up to 5 years. Moreover, the water operations staff will be vigilant in learning new operational practices that will have a impact on the use of fuel.
2. Staff Training – November 2nd and 3rd at least 20% of the City's staff participated in leadership and supervision training at YUUT. This training class was a cooperative effort and with the leadership of YUUT Executive Director and his staff. There were at least 38 students participating in this training of which most were City of Bethel employees. There was sufficient amount of participation to enable the training consultant to come to Bethel instead of sending employees to Anchorage or other training facilities. We anticipate this training to be of a demonstration project and conduct similar training here in Bethel. During the FY 2015/16 budget process, Council emphasized and allocated funds for staff training and this class was definitely the most economical way of training. No doubt with the training consultant coming to Bethel, some of the funds stayed in Bethel. Attached is a list of participants from City staff.
3. Congratulations to COBEA Local #6055 of on the new elections of its Executive team
4. City Audit – will be conducted during starting the week of November 9, 2015. The audit is has been delayed but is expected to be conducted in a timely manner. The recently appointed company of Altman Rogers will have their audit staff in Bethel for at least 2 weeks. The City Finance staff will be very busy assisting the auditors.
5. PILT funding – attached is a news article and distribution of funds for the small addition to the PILT fund. As you are aware, PILT (Payment in Lieu of Taxes) is a federal program that, in theory, is to replace (in lieu of) funds that the City could have had an opportunity to generate if the Federal government did not own the land within the City limits. The funding which is allocated to Bethel, is to the "Bethel census area" – thus the State of Alaska divides the total allocated

funds to communities in the Bethel region that qualify for PILT funds. For FY 2015/16 the City estimated and budget \$892K but information received later only showed the City being allocated \$787,853 for this year. The slight increase to the region at this time will have a minor dollar impact on the City's revenue from PILT. This is one funding source the City of Bethel will need to fight for every year, because every year the federal legislators try to eliminate the program.

6. School Fire – The Fire Marshall was in Bethel on November 4, 2015. The result of the Fire Marshal's investigation are forthcoming.

City Administration is in constant contact with the LKSD staff to ensure the plans for site reclamation is going forward in the most efficient way possible. The U of A 4-H has offered to the School District the use of the Teen Center, Parks and Rec has offered the use of the Log Cabin for classroom space, and we have discussed the use of the City's Senior Center as a possible location for multiple use. While it is recognized that the Senior Center may need renovation, the Center has excellent Possibilities for a multiuse center for students instructional area, a kitchen area and conversion of space for living quarters.

The Fire Department, Police Department as well as Public Works Department overtime as well as use of equipment were severely impacted by the school fire. All these reports will take time but we hope to get these to Council as soon as practicable.

On a personal note, Bethel Fire Fighters, Police Officers, Community Services Officers performed magnificently and have my profound admiration for working under such harsh conditions and with whatever available equipment.

I have notified the City's insurance broker and APEI about this disaster and future possible claims. Both the City and LKSD are insured by APEI.

7. We continue to work with U of A regarding the Teen Center lease. The complexity remains in the area of insurance and indemnification.
8. New Planner – The City's new Planner, Ted Meyer, will be starting with the City on November 16th. Ted Meyer has been working and living in Alaska for over 20 years:
Planning Director – Kawerak Inc. (Tribal Consortium), Arctic Slope Consulting as a Planner and the Office Manager, Afognak as a Development Specialist. Ted Meyer has a B.A. in Geography from San Francisco State University and a Masters Degree in Urban and Regional Planning from San Jose State University, CA. Ted is no stranger to Bethel since he has passed through and stayed in Bethel on many occasions during his posts to various planning positions in Alaska.
9. Bethel Staff Holiday celebration will be held Saturday, December 12, 2015 at the Cultural Center.

City Clerk's Report



City of Bethel, Alaska

City Clerk's Office

Council Meetings and Events

November 24, 2015 Regular City Council Meeting

Alaska Municipal League Conference

Arrangements for four council members have been made to attend the Conference/Newly Elected Officials Training.

Committees and Commission

There are five committee/commission members' whose terms will expire December 31, 2015. The Office has mailed notice of expiration to the Officials.

Document Retention

The Office is still in the process of inputting the information of burial permits for the Bethel Memorial Cemetery into the electronic filing system our goal is to have this complete by the end of the year.

Joint Task Force Meeting

Communicating with Orutsararmiut Native Council to arrange the next Joint Task Force meeting; a meeting was scheduled for November 11, however is being rescheduled.

Training

The City Clerk has obtained the designation of Certified Municipal Clerk and is working on continual education toward the designation of Master Municipal Clerk; both are internationally recognized designations.

The City Clerk attended training on leadership on November 3 and 4.

The City Clerk will be attending Alaska Association of Municipal Clerk's Conference in November.

Research

When time permits, the Office is reviewing the most updated modifications to the proposed State marijuana regulations as well as the City's property ownership.