



City of Bethel

P.O. Box 1388

Bethel, Alaska 99559

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Regular City Council Meeting

Tuesday, June 14, 2016

6:30 P.M.

Council Chambers; Bethel, Alaska



City Council Meeting Agenda

Regularly Scheduled Meeting

June 14, 2016 – 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 2016
545-0970
bmaczynski@cityofbethel.net

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

Chuck Herman
Council Member
Term Expires 2016
545-5394
cherman@cityofbethel.net

Zach Fansler
Council Member
Term Expires 2016
545-3300
zfansler@cityofbethel.net

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

Alisha Welch
Council Member
Term Expires 2017
545-6026
arwelch@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) *5-24-2016 Regular Meeting Minutes **P1**
 - b) *5-26-2016 Special Meeting Minutes **P15**
- 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) United Pools Presentation (Mayor Robb)
 - b) Appreciation For Council Member Herman's Service On Council (Mayor Robb)
 - c) Appreciation To Rauhnik Ray, United Pools (City Manager Capela)
- IX. UNFINISHED BUSINESS
 - a) Public Hearing Of Ordinance 16-16: Amending Bethel Municipal Code 3.64.010, Benefits (Mayor Robb) **P84**
 - b) Public Hearing Of Budget Ordinance 16-17: Fiscal Year 2017 Annual Budget (City Manager Capela) **P86**
 - c) Public Hearing Of Ordinance 16-18: Amending Bethel Municipal Code, Marijuana Regulations (Council Member Fansler) **P90**
 - d) AM 16-35: Approving The Contract Between The City Of Bethel And The University Of Alaska Fairbanks Cooperative Extension, 4-H Program (City Manager Capela) **P107**
 - e) AM 16-42: Directing Administration To Negotiate And Enter Into A Contract For Construction Of Port Office (City Manager Capela) **P108**
 - f) AM 16-37: Directing Administration To Enter Into An Agreement With Alaska Court System And Alaska Permanent Fund Dividend Division For The Transfer Of Unpaid Minor Offenses Fines And The Electronic Levy On The PFD of Non-Payees (City Manager Capela) **P109**
 - g) AM 16-39: Directing Administration To Being Development Of The Pinky Park Multi-Use Field As Authorized By AM 14-67 (PRAHSC Committee) **P115**

Agenda posted on June 9, 2016, 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.

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 June 28, 2016**)



**City Council Meeting Agenda
Regularly Scheduled Meeting
June 14, 2016 – 6:30 pm
City Hall 300 State Highway, Bethel, AK
City of Bethel Council Chambers**

X. NEW BUSINESS

- a) *Resolution 16-22: Support And Approval For City To Pursue Funding From The Statewide Transportation Alternatives Program (City Manager Capela) **P118**
- b) *Introduction Of Ordinance 16-19: Extending The Marijuana Moratorium (Council Member Fansler) **P120**
- c) *Introduction Of Budget Ordinance 15-14 (j): Amending The FY 2016 Budget For Union Salaries (City Manager Capela) **P123**
- d) *Introduction Of Budget Ordinance 15-14 (k): Amending The FY 2016 Budget Management Salaries (City Manager Capela) **P124**
- e) *Introduction Of Budget Ordinance 15-14 (l): Amending The FY 2016 Budget For Accounting Services (City Manager Capela) **P126**
- f) AM 16-43: Authorizing The City Manager To Enter Into A Sole-Source Contract With WHPacific, Inc., For Converting AutoCad Drawings To GIS (City Manager Capela) **P127**
- g) AM 16-44: Authorizing The City Manager To Release A Request For Proposal For Professional Services to Perform The Full Range Of Services Related To An Employee Classification Plan For The City Of Bethel (City Manager Capela) **P128**
- h) AM 16-45: Authorizing The City Manager To Enter Into A Contract With Bristol Engineering Services To Complete Landfill Closure And Post-Closure Cost Estimates (City Manager Capela) **P156**
- i) Lower Kuskokwim Lease – Kilbuck School Location Update (Council Member Hoffman) **P157**
- j) *Personal Leave Request For City Attorney, July 8-15 And July 22, 2016 (Mayor Robb)

XI. MAYOR'S REPORT

XII. MANAGER'S REPORTS

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

XV. EXECUTIVE SESSION

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

XVI. ADJOURNMENT

Agenda posted on June 9, 2016, 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.

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 June 28, 2016**)

Approval of the Meeting Minutes

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on May 24, 2016 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 6:41 p.m.)	<input checked="" type="checkbox"/> Council Member Nikki Hoffman
<input checked="" type="checkbox"/> Council Member Chuck Herman	<input checked="" type="checkbox"/> Council Member Alisha Welch
<input checked="" type="checkbox"/> Council Member Leif Albertson (via teleconference)	
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Attorney Patty Burley	<input checked="" type="checkbox"/> City Clerk Lori Strickler
<input checked="" type="checkbox"/> City Manager Ann Capela	<input checked="" type="checkbox"/> Assistant To City Clerk Adriane Welch

IV. PEOPLE TO BE HEARD

Lorin Bradbury – Spoke of concern of low number of police officers on duty, 13 total and only 6 filled. Stated concerns of polygraph test used in police officer job application requirements. Stated the polygraph testing results may be flawed, altered and ineffective by false positive results. Requests the City Council remove this requirement for police officers.

Matt Scott – Spoke of concern of future use of the pool, such as pool passes \$100,000 of funds. Suggested be aware of the new pool contract consideration.

Vice-Mayor Maczynski arrived at 6:41 p.m.

Kozy Kusko Quilt Guild – Spoke of concern of the Log Cabin closure and \$24K/year operating costs. Spoke of the high costs of electricity, water/sewer, and garbage. Requests the council to allow the guild to use the Log Cabin building.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: Approve the Consent and Regular Agenda.

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

Removal from the Consent Agenda: Resolution 16-19, Resolution 16-20, Ordinance 16-18, and Ordinance 16-38 from Consent Agenda.

Moved by: Fansler

Main Motion: Move AM 16-38 from Item I to Item A under New Business.

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

Removal from the Consent Agenda: Ordinance 16-15.

Moved by: Fansler

Main Motion: Move AM 16-42 to Item B under New Business.

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

VI. APPROVAL OF THE MEETING MINUTES

Item A – Regular City Council Meeting May 10, 2015

Passed on the consent agenda.

Item B – Special City Council Meeting May 11, 2015

Passed on the consent agenda.

Item C – Special City Council Meeting May 12, 2015

Passed on the consent agenda.

VII. REPORTS OF STANDING COMMITTEES

Public Safety and Transportation Commission

Council Representative, Chuck Herman –

Next meeting will be next Tuesday.

Port Commission

Council Representative, Alisha Welch –

Met last Monday, went over budget. Next meeting will be held June 13th. Looking for more commissioners, please apply on city website.

Planning Commission

Council Representative, Council Member Hoffman –

Next meeting will be Thursday, June 9th, still looking for more members.

Parks and Recreation Committee

Council Representative, Richard Robb –

A meeting will be held next Tuesday on May 31st.

Finance Committee

Council Representative, Leif Albertson –

Met on Monday May 23rd discussed sales tax ordinance.

Energy Committee

Council Representative, Zach Fansler –

A quorum of the body was not established, a meeting was not held.

Public Works Committee

Council Representative, Byron Maczynski –

Discussed social media and using it as a job recruitment tool.

Marijuana Advisory Committee

Council Representative, Zach Fansler –

Provided finishing touches on the marijuana ordinance up for introduction tonight.

VIII. SPECIAL ORDER OF BUSINESS

IX. UNFINISHED BUSINESS

Item A – Public Hearing Of Ordinance 16-14: Acquisition Of Easement From Yukon Kuskokwim Health Corporation.

Mayor Robb opened public hearing.

No one spoke.

Mayor Robb closed public hearing.

Main Motion: Adopt Ordinance 16-14.

Moved by: Fansler

Seconded by: Hoffman

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Herman Fansler Hoffman Welch

Opposed: -0

Item B – Public Hearing Of Ordinance 15-14 (h): Amending The Fiscal Year 2016 Budget For Port Vehicle.

Mayor Robb opened public hearing.

No one spoke.

Mayor Robb closed public hearing.

Main Motion: Adopt Ordinance 15-14 (h).

Moved by: Fansler

Seconded by: Hoffman

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Herman Fansler Hoffman Welch

Opposed: -0

Item C – Public Hearing Of Ordinance 15-14 (i): Amending The Fiscal Year 2016 Budget For Accounting Contract Services.

Mayor Robb opened public hearing.

No one spoke.

Mayor Robb closed public hearing.

Main Motion: Adopt Ordinance 15-14 (i).

Moved by:	Fansler
Seconded by:	Maczynski
Action:	Postponed

Main Motion: Suspend rules to hear from Hansel Mathlaw, Finance Director.

Moved by:	Hoffman
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"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Main Motion: Table Ordinance 15-14 (i) until end of New Business.

Moved by:	Herman
Seconded by:	Hoffman
Action:	Motion carries by a vote of 6-1
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	<input checked="" type="checkbox"/> Robb

Item D – AM 16-34: Approving The Social Media Policy For The City Of Bethel.

A motion to approve AM 16-34 was made at the May 10, Regular Meeting.

Main Motion:

Moved by:	Herman
Seconded by:	Maczynski
Action:	Motion carries by a vote of 5-2
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Welch
Opposed:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Hoffman

Main Motion: Call a question.

Moved by:	Herman
Seconded by:	Fansler
Action:	Motion carries by a vote of 6-1
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Welch
Opposed:	<input checked="" type="checkbox"/> Hoffman

Item E – AM 16-35: Approving The Contract Between The City Of Bethel And The University Of Alaska Fairbanks Cooperative Extension, 4-H Program.

Main Motion: Postpone until next regular scheduled council meeting 6/12/2016.

Moved by: Herman

Seconded by: Hoffman

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Herman Fansler Hoffman Welch

Opposed: -0

X. NEW BUSINESS

Item A – AM 16-38: Authorizing Administration To Enter Into A Contract With Pool Operator, For The Operation And Maintenance Of The Yukon Kuskokwim Aquatic Health And Safety Center.

Council Member Fansler declared a conflict of interest due to his participation in the Request for Proposal Review Process.

Mayor Robb rules, Council Member Fansler did have a conflict of interest.

Council Member Fansler stepped down from the Council desk.

Main Motion: Approve Administration To Enter Into A Contract.

Moved by: Hoffman

Seconded by: Maczynski

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Herman Fansler Hoffman Welch

Opposed: -0

Main Motion: Two minutes at ease.

Moved by: Mayor Robb

Council Member Fansler returned to the meeting.

Item B – AM 16-42: Directing Administration To Negotiate And Enter Into A Contract For Construction Of Port Office.

Main Motion: Postpone until next meeting.

Moved by: Fansler

Seconded by: Hoffman

Action: Motion carries by a vote of 7-0

In favor: Robb Maczynski Albertson Herman Fansler Hoffman Welch

Opposed: -0

Item C – Resolution 16-19: Authorizing Administration To Enter Into A Loan Agreement With United States Department Of Agriculture In The Amount Of \$913,000.00 For Portion Of The Cost Of Acquiring, Constructing, Enlarging, Improving, And Extending It’s Lagoon Facility.

Main Motion: Adopt Resolution 16-19.

Moved by:	Herman
Seconded by:	Maczynski
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"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Amend the Resolution to strike the eleventh Whereas statement “environmental requirements include but are not limited to- construction actives must be limited to waking hours to reduce noise impacts (10 hours); contractor to prepare a Storm Water Pollution Prevention Plan; fugitive dust from construction activities must be reduced during construction by use of water or other dust control measures; emissions from vehicles and equipment must be maintained below applicable state and local emission control plans; movement of construction material and machinery must be scheduled for non-peak or non-critical times; in the event historical artifacts are discovered, all work must be stopped immediately and appropriate agencies contacted; Best Management Practices must be utilized during construction to minimize or avoid potential impacts to water quality or resources; all waste material generated during construction will be disposed of in the landfill or the waste will be backhauled to an approved facility; proper sedimentation and erosion control construction techniques will be used.

Primary Amendment:

Moved by:	Fansler
Seconded by:	Maczynski
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"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Amend the primary amendment to strike from the resolution “construction actives must be limited to waking hours to reduce noise impacts (10 hours).”

Secondary Amendment:

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"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Item D – Resolution 16-20: Authorizing Administration To Enter Into A Loan Agreement With United States Department Of Agriculture In The Amount Of \$1,669,368.00 For Water And Waste System Which Includes Three Sewer Trucks.

Main Motion: Adopt Resolution 16-20.

Moved by:	Fansler
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"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Primary Amendment:

Amend the Resolution to strike the thirteenth Whereas statement "environmental requirements include but are not limited to- construction actives must be limited to waking hours to reduce noise impacts (10 hours).

Moved by:	Welch
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"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Main Motion: Take a ten minute break.

Moved by:	Maczynski
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"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Item E – Resolution 16-21: Requesting Fiscal Year 2017 Payment In Lieu Of Taxes Funding From The Department Of Commerce, Community And Economic Development.

Passed on the consent agenda.

Item F – Introduction Of Ordinance 16-15: Amending Bethel Municipal Code 4.16.030 To Reduce Sales Tax From 6% To 5.75%.

Main Motion: Introduce Ordinance 16-15.

Moved by:	Hoffman
Seconded by:	Welch
Action:	Motion does not carry by a vote of 3-4
In favor:	<input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler

Item G – Introduction Of Ordinance 16-16: Amending Bethel Municipal Code 3.64.010, Benefits.

Passed on the consent agenda.

Item H – Introduction Of Ordinance 16-17: Fiscal Year 2017 Annual Budget.

Passed on the consent agenda.

Item I – Introduction Of Ordinance 16-18: Amending Bethel Municipal Code, Marijuana Regulations.

Main Motion: Introduce Ordinance 16-18.

Moved by:	Fansler
Seconded by:	Maczynski
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"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Item J – AM 16-37: Directing Administration To Enter Into An Agreement With Alaska Court System And Alaska Permanent Fund Dividend Division For The Transfer Of Unpaid Minor Offenses Fines And The Electronic Levy On The PFD of Non-Payees.

Main Motion: Postpone.

Moved by:	Welch
Seconded by:	Maczynski
Action:	Motion carries by a vote of 6-1
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	<input checked="" type="checkbox"/> Fansler

Item K – AM 16-39: Directing Administration To Being Development Of The Pinky Park Multi-Use Field As Authorized By AM 14-67.

Main Motion: Approve AM 16-39. .

Moved by:	Fansler
Seconded by:	Maczynski
Action:	Postponed

Main Motion: Extend the meeting to 12:00 a.m.

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

Direct Administration to contact the grantor to see what the options are.

Main Motion:

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

Main Motion: Postpone.

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

Item L – AM 16-40: Directing Administration To Work With Log Cabin Users Until Final Adoption Of Fiscal Year 2017 Budget In The Case Of Facility Closure.

Main Motion: Approve AM 16-40.

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

Item M – AM 16-41: Directing Administration To Prepare An Assessment Of Cost To Repair The Boardwalk Located Near The Moravian Church.

Main Motion: Approve AM 16-41.

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

Main Motion: Amend the AM to strike June 10, and insert July 11.

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

Item N – Directing Administration To Draft A Letter For Council’s Consideration At Their May 26, 2016 Special Budget Meeting To Address The Donlin Gold EIS.

Direct Administration to Draft A Letter for Council’s Consideration at their May 26, 2016 Special Budget Meeting.

Main Motion:

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

Main Motion: Pull from the table Public Hearing of Ordinance 15-14 (i).

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

Item C – Public Hearing Of Ordinance 15-14 (i): Amending The Fiscal Year 2016 Budget For Accounting Contract Services.

Main Motion: Adopt Ordinance 15-14 (i).

Moved by: Fansler
Seconded by: Maczynski
Action: Motion
In favor: Robb Maczynski Albertson Herman Fansler Hoffman Welch
Opposed: -0

Council Member Albertson departed the meeting at 11:45 p.m.

Main Motion: Postpone

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Herman Fansler Hoffman Welch
Opposed: -0

XI. MAYOR'S REPORT

XII. MANAGER'S REPORT

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

Mayor Richard Robb –
Congratulated all of the high school graduates.

Vice-Mayor Byron Maczynski –
Have a good night.

Council Member Chuck Herman –
No comment.

Council Member Zach Fansler –
No comment

Council Member Nikki Hoffman –
No comment.

Council Member Alisha Welch –
No comment.

XV. EXECUTIVE SESSION

Postpone Executive Sessions Item A and B until the June 1, 2

Main Motion: Special Budget Meeting.

Moved by:	Fansler
Seconded by:	Herman
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Item A – Alaska Statutes 44.62.310: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Labor Negotiation Contract Between The City Of Bethel Employees Association, Local 6055, APEA/AFT And The City Of Bethel.

Postponed.

Item 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 (Mayor Robb)

Postponed

Item C – Alaska Statutes 44.62.310: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Settlement Offer, City Of Bethel vs. Faulkner Walsh et.al And The City Of Bethel vs. Robert And Donna Carpenter.

Move into Executive Session To Discuss Alaska Statutes 44.62.310: Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity – Settlement Offer, City Of Bethel vs. Faulkner Walsh et.al And The City Of Bethel vs. Robert And Donna Carpenter.

Those participating in the Executive Session will be the Council Members, City Attorney Burley, and City Manager Capela.

Main Motion:

Moved by:	Fansler
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"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

XVI. ADJOURNMENT

Main Motion: Adjourn.

Moved by:	Herman
Seconded by:	Hoffman
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Albertson <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Council adjourned at 12:23 a.m.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

**City Council Meeting
City of Bethel, Alaska
Special Meeting
May 26, 2015**

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on May 26, 2016 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

Comprising a quorum of the Council, the following members were present:	
<input checked="" type="checkbox"/> Mayor Rick Robb	<input checked="" type="checkbox"/> Council Member Chuck Herman
<input checked="" type="checkbox"/> Vice-Mayor Byron Maczynski (arrived at 6:45pm)	<input checked="" type="checkbox"/> Council Member Nikki Hoffman
<input checked="" type="checkbox"/> Council Member Alisha Welch	
<input checked="" type="checkbox"/> Council Member Zach Fansler (Arrived at 6:40pm)	
Members Absent:	
<input checked="" type="checkbox"/> Council Member Leif Albertson	
Also in attendance were the following:	
<input checked="" type="checkbox"/> City Attorney Patty Burley	<input checked="" type="checkbox"/> City Clerk Lori Strickler
<input checked="" type="checkbox"/> City Manager Ann Capela	<input type="checkbox"/> City Clerk Assistant Adriane Welch

III. ROLL CALL

IV. PEOPLE TO BE HEARD

No one present to be heard.

V. APPROVAL OF AGENDA

Main Motion: Approve the Agenda.

Moved by:	Herman
Seconded by:	Welch
Action:	Motion carries by a vote of 4-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Council Member Hoffman declared a conflict of interest for Item V, In Kind Transfers, due to her employment at the ONC Senior Center.

Mayor ruled, Council Member Hoffman would only have a conflict of interest on issues related to funding/donations from the City to the Senior Center.

VI. UNFINISHED BUSINESS

- a. Public Works General Fund 10-65
- b. Solid Waste: Landfill, Hauled Refuse, Recycling Enterprise Fund 50
- c. Water & Sewer Utilities Enterprise Fund 51
- d. Bethel Transit System Enterprise Fund 56
- e. Vehicle Maintenance Internal Service Fund 57-50
- f. Community Services General Fund 10-72
- g. Administration General Fund 10-51
- h. City Clerk's Office General Fund 10-52
- i. City Attorney's Office General Fund 10-56
- j. Finance Department General Fund 10-53
- k. Planning Department General Fund 10-54
- l. Fire Department General Fund 10-60
- m. Police Department General Fund 10-61
- n. E-911 Services Fund 41-50
- o. Land Planning and Development Capital Projects Fund 25-50
- p. Parks Development Fund 26-50
- q. Fleet Replacement Fund 58-50
- r. Information Technology Services General Fund 10-55
- s. Municipal Dock Enterprise Fund 52
- t. Port Office Fund 47-50
- u. Port Multi-Facility Improvements Fund 49-50
- v. In Kind Transfers 10-73
- w. Leased Properties Enterprise Fund 53
- x. YK-Pool Enterprise Fund
- y. Endowment Fund 90-50

Council Member Fansler arrived at 6:40p.

Strike under 41-50-649, E911 Services, Other Professional

Main Motion: Services, \$52,000 and insert \$25,000.

Moved by: Herman

Seconded by: Hoffman

Action: Motion carries by a vote of 6-0

In favor: Robb Maczynski Fansler Herman Hoffman Welch

Opposed: -0

Strike under 41-50-416, E911 Services Fund, Public Safety

Main Motion: Dispatch Contract W/SOA, \$38,000.

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

Main Motion: Insert under 41-50 Personnel, \$25,000 for PERS.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Fansler Herman Hoffman Welch
Opposed: -0

Main Motion: Insert under 41-50-742, E911 Services Fund, Rents and Leases, \$4,800.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Fansler Herman Hoffman Welch
Opposed: -0

Main Motion: Strike under 41-50-649, E911 Services, Other Professional Services \$52,000 and insert \$25,000.

Moved by: Welch
Seconded by: Herman
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Fansler Herman Hoffman Welch
Opposed: -0

Main Motion: Strike under 41-50-721, E911 Services Fund, Insurance to strike \$675 and insert \$1,250.

Moved by: Welch
Seconded by: Herman
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Fansler Herman Hoffman Welch
Opposed: -0

Primary Amendment: Amend the main motion to strike \$1,250 and insert \$1,000.

Moved by: Herman
Seconded by: Welch
Action: Motion carries by a vote of 6-0

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

Main Motion: Insert 10-61-668 Police Department SART Exams \$5,000.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 6-0
In favor: Robb Maczynski Fansler Herman Hoffman Welch
Opposed: -0

VII. NEW BUSINESS

Item A – Direct Administration To Draft A Letter For Council’s Consideration At Their May 26, 2016 Special Budget Meeting To Address The Donlin Gold EIS.

Main Motion: Motion to approve the letter presented by the City Manager on behalf of the Bethel City Council (as signatories).

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

Main Motion: Amend the letter to include “and does not indicate support or opposition for this project.”

Moved by: Maczynski
Seconded by: Hoffman
Action: Motion carries by a vote of 5-1
In favor: Robb Maczynski Albertson Herman Hoffman Welch
Opposed: Fansler

Amend Section II to strike “No current availability of piped water” and insert “Piped water is not currently available.”

And in the following paragraph from the above, the first sentence will read “The City of Bethel does not have sufficient water and sewer infrastructure to provide the necessary water pressure for fire suppression, waste water and toxic solid waste disposal.

To amend the last two sentences to read “The City of Bethel has trucked water. The ability to draw water from the river, in the event of a chemical spill, an explosion on a sea barge, or

Main Motion:

during winter months when the river is frozen is impossible and/or would pose an enormous risk to all first responders. Accordingly, the City of Bethel lack a viable means to adequately fight a fire in this area.

Moved by:	Fansler
Seconded by:	Herman
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

VIII. ADJOURNMENT

Adjourn: Move to Adjourn.

Moved by:	Hoffman
Seconded by:	Herman
Action:	Motion carries by a vote of 6-0
In favor:	<input checked="" type="checkbox"/> Robb <input checked="" type="checkbox"/> Maczynski <input checked="" type="checkbox"/> Fansler <input checked="" type="checkbox"/> Herman <input checked="" type="checkbox"/> Hoffman <input checked="" type="checkbox"/> Welch
Opposed:	-0

Council adjourned at X:XX p.m.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Reports of Standing Committees

City of Bethel, Alaska

Public Safety & Transportation Commission

April 5, 2016

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on April 5th, 2016 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:05 pm.

II. ROLL CALL

Present: Joan Dewey *Chair*
Eileen Henrikson *Vice Chair*
Julene Webber
Naim Shabani
Daniel Macynski

Absent: Chuck Herman *Council Representative*

Ex-Officio Present: Andre Achee *Chief of Police and Acting Recorder*

Ex-Officio Absent: Bill Howell *Fire Chief*
Christina Him *Recorder and Transportation Inspector Designee*

III. PEOPLE TO BE HEARD

Ana Hoffman – *Wanted to thank the Bethel Police Department for their public service and the strong efforts being made to fill the vacancies. It is encouraged and empowering to see young people born and raised here in uniform and appreciates it very much. Would like to request reinforcing the prosecution of inebriates for persistently loitering, especially around BNC. Would like these inebriates to be prosecuted to the full extent of the law and not just taken into the care of the Sobering Center.*

IV. APPROVAL OF AGENDA

MOVED:	Henrikson	Motion to approve the agenda.
SECONDED:	Macynski	

VOTE ON MAIN MOTION	All in favor.
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V. APPROVAL OF MINUTES

MOVED:	Shabani	Motion to approve the minutes from the regular meeting of March 1, 2016.
SECONDED:	Henrikson	
VOTE ON MAIN MOTION	All in favor.	

VI. CHIEFS' COMMENTS

Chief Andre Achee – *See Report in Commission Packet for statistical data for the month of March.*

We have one officer currently still at the Academy, the other recruit was dismissed due to not being able to meet the strict academic standards. In the month of March, one of our Officers, Sammie Hendrix left. We are down to 5 officers 3 sergeants and 2 patrol officers. We offered two conditional offers this month, one declined due to pay and the other accepted. We are still actively recruiting; most people applying are from the lower 48.

We just transferred William Charles from CSP to the vacant CSO position. He with Derek will be working together in the training phase as CSO. We are finishing up our interview process for our vacant CSP position. We also extended a conditional offer to a local gentleman in town who accepted and is scheduled to start on the 11th of this month.

We did have an armed-stand-off situation that occurred; the gentleman was upset, semi-suicidal and discharged firearms in his residence a few times. Our officers in town responded, one came back early from vacation to assist. The troopers were able to assist; they contacted their SERT (Special Emergency Response Team) from Fairbanks because it was a barricaded subject with the possibility of serious injuries on either side. It came to a peaceful resolution in the end, the gentleman surrendered and taken into custody without any incidences.

There was a death investigation on Friday during Camai weekend. There is no foul play suspected. It is unclear whether or not he crashed his snow machine and he ended up either drowning or dying of hypothermia. We contacted the medical examiner's office and we should be getting some sort of pulmonary cause of death by the end of this week.

VII. TRANSPORTATION INSPECTOR REPORT

See Report in Commission Packet

VIII. COUNCIL MEMBER'S COMMENTS

Council Member Herman – *Absent*

IX. SPECIAL ITEM OF BUSINESS

A. Traffic Impact Analysis of the YKHC's Hospital Expansion Project and Ayaprun Elitnaurvik's relocation to the Kipusvik Building (Ted Meyer, City Planning Director)

Received an email from Council Member Herman addressing the concerns with the huge increase of traffic around these areas.

See Report in Commission Packet

X. UNFINISHED BUSINESS

None

XI. NEW BUSINESS

A. Declaring Commission Seat Vacant, per Bethel Municipal Code 2.52.070 A2 *Discussed, commission seat vacancy due to BMC 2.52.070 A2 regarding Commission member Deborah White.*

B. Increasing Cab Fare Rates (Commission Member Shabani) *Discussed, no action taken.*

XII. COMMISSION MEMBER COMMENTS

Joan Dewey – *I just want to welcome Daniel, I think it's great that we have another member and another area of expertise in the community.*

Daniel Macynski – *I was wondering later, maybe down the line, one of the main things I wanted to be a part of this commission was to maybe help set up a neighborhood watch, keep an eye on juvenile/kids, helping the police, and having the public support. Another reason I am really motivated because basically in the past two years, I had three incidences or more where people have gone into City Sub and my neighborhood and broken into my vehicles in City Sub.*

Chief Andre Achee – *Two items I forgot to mention, on the April 12th council meeting, there is an action memorandum regarding a grant on an enhanced E-911 system. Our equipment is extremely old, and we were able to receive a federal grant to upgrade it. We're hoping that it should be done and if everything is approved, by the end of summer the new system will be implemented. Within a year from that date, we are hoping that we can be in Phase 2*

compliance which can track 911 calls made by cell phones. This is available in most road-system areas. Phase 2 compliant means that the phone number comes up and the name of the person who registered that number. This can be done on land lines; however we weren't able to track it on cell phones. Everything will be funded by this federal homeland security grant.

The next thing is the submission of our budget, the only thing the PD asks for is status quo. We are asking for one additional dispatcher position. Currently we have 4 dispatchers and 1 dispatch supervisor. The minimum staffing is 4 dispatchers because we run 24 hours/day and the dispatch supervisor fills in if needed, however the dispatch supervisor has a lot of other collateral duties. The additional 5th dispatcher position will help cover vacations and in cases that we have high turn-overs.

Eileen Henrikson – Just a reminder there are career fairs, tomorrow at the high school and on the 20th at the Cultural Center.

XIII. ADJOURNMENT

MOVED:	Henrikson	Motion to adjourn.
SECONDED:	Webber	
VOTE ON MAIN MOTION	All in favor.	

Meeting adjourned at 9:00 pm.

APPROVED THIS _____ DAY OF _____, 2016.

Christina Him, Recorder

Joan Dewey, Chair

City of Bethel, Alaska

Public Safety & Transportation Commission

May 3, 2016

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on May 3, 2016 in the City Hall Council Chambers.

This meeting was called to order at 7:10pm

II. ROLL CALL

Present: Eileen Henrikson *Vice Chair*
Daniel Macynski

Excused Absent: Joan Dewey *Chair*
Chuck Herman *Council Representative*
Naim Shabani
Julene Webber

Ex-Officio Present: Andre Achee *Chief of Police*
Bill Howell *Fire Chief*
Christina Him *Recorder and Transportation Inspector Designee*

A quorum was not established of the Commission.

III. ADJOURNMENT

Meeting adjourned at 7:11pm.

APPROVED THIS _____ DAY OF _____, 2016.

Christina Him, Recorder

Joan Dewey, Chair



City of Bethel Police Dept.

PO Box 809
Bethel, AK 99559
Office| 543-3781 Fax| 543-5086

PUBLIC NOTICE
REGULAR MEETING OF THE
PUBLIC SAFETY & TRANSPORTATION COMMISSION
Tuesday, June 7th, 2016 -7:00 p.m.
300 STATE HIGHWAY – CITY COUNCIL CHAMBERS
AGENDA

Members

Joan Dewey
Chair

Eileen Henrikson
Vice Chair

Chuck Herman
Council Representative

Naim Shabani

Julene Webber

Daniel Maczynski

Ex-Officio Members

Andre Achee
Chief of Police

William Howell III
Fire Chief

Christina Him
Recorder

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF April 5th, 2016
- VI. CHIEFS' COMMENTS
 - Fire Chief
 - Police Chief
- VII. TRANSPORTATION INSPECTOR'S REPORT
- VIII. COUNCIL REPRESENTATIVE'S COMMENTS
- IX. UNFINISHED BUSINESS
 - A. PSTC's Recommendation to increase Police Officer Pay upon Academy Completion
 - B. Traffic Impact Analysis of the YKHC's hospital expansion project and Ayaprun Elitnaurvik's relocation to the Kipusvik Building (Ted Meyer, *City Planner*)
 - C. Increasing Cab Fare Rates (Commission Member Shabani)
- X. NEW BUSINESS
 - A. Amending BMC Title 5—Removing buses (Council Member Herman)
 - B. Consideration of a "Neighborhood Watch" program (Commission Member Maczynski)
- XI. COMMISSION MEMBER'S COMMENTS
- XII. ADJOURNMENT

Christina Him, *Recorder*

POSTED on June 7th, 2016
POST OFFICE, AC QUICKSTOP, CORINA'S CASE LOT, CITY HALL, & POLICE DEPT.
Next Public Safety and Transportation Commission Meeting will be **July 5th, 2016**

"Deep Sea Port and Transportation Center of the Kuskokwim"

Chapter 5.20

GENERAL PROVISIONS

Sections:

- 5.20.010 Definitions.
- 5.20.020 Bethel public safety and transportation commission.
- 5.20.030 Bethel public safety and transportation commission – Powers and duties.
- 5.20.040 Bethel public safety and transportation commission – Regulations.
- 5.20.050 Bethel public safety and transportation commission – Rates.
- 5.20.055 Bethel public safety and transportation commission – Complaints.
- 5.20.060 Hearing officer.
- 5.20.070 Powers and duties of transportation inspector.
- 5.20.080 Vehicle inspections.
- 5.20.085 Drug and alcohol testing.
- 5.20.090 Enforcement authority.
- 5.20.100 Hearings – Appeals.
- 5.20.110 Denial, suspension, or revocation of license or permit.
- 5.20.120 Penalties and remedies.
- 5.20.130 Renewal of license or permit.
- 5.20.140 Duty to maintain current application.
- 5.20.150 Submission, review and certification of applications.
- 5.20.160 Fees.
- 5.20.170 Safety belts, child safety restraints, and vehicle air bags.

5.20.010 Definitions.

When used in Chapters 5.20 through 5.50 BMC, unless the context requires otherwise:

- A. ~~“Bus” means a regulated vehicle designated by its manufacturer as a bus used to transport passengers for hire and having a capacity of eight (8) or more passengers, except that any vehicle engaged exclusively in the transport by motor vehicle of students to and from school is not a “bus” for purposes of Chapters 5.20 through 5.50 BMC.~~
- B. “Chauffeur” means a person authorized by the transportation inspector through the issuance of a chauffeur’s license to operate a vehicle regulated in accordance with Chapters 5.20 through 5.50 BMC.
- C. “Commission” means the Bethel public safety and transportation commission.
- D. “Dispatch service” means a business authorized pursuant to Chapter 5.50 BMC to engage in the dispatch of taxicabs or river taxis to persons desiring to hire them.
- E. “Interest” means any share in or right to a permit issued in accordance with Chapters 5.20 through 5.50 BMC.

- F. "Lease operator" means a person who has entered into an agreement with a taxicab permittee which allows that person to provide taxicab services pursuant to the permittee's authority under this code, only if such an arrangement is approved in advance by the transportation inspector, and only if such an arrangement is operated in accordance with conditions placed upon it by the transportation inspector.
- G. "Licensee" means a person authorized by the transportation inspector to operate a regulated vehicle while it is in service.
- H. "Limousine" means a regulated vehicle designated by its manufacturer as a limousine used to transport passengers for hire with a chauffeur over unfixed or undefined routes at rates greater than those charged for taxicabs ~~and buses~~. Curbside and flag stop service are prohibited for limousine chauffeurs; all service must be prearranged.
- I. "Operate" means to drive, pick up, transport or discharge passengers.
- J. "Permit" means a written authorization issued by the transportation inspector allowing the operation of a vehicle regulated in accordance with Chapters 5.20 through 5.50 BMC. A permit to operate may be separate from ownership or lease of the vehicle or service operated. A permit to operate does not include a chauffeur's license. Such a permit is separate and distinct from a chauffeur's license.
- K. "Permittee" means a person authorized by the transportation inspector to put a regulated vehicle in service.
- L. "Rate" means every rate, toll, fare, rental charge or other form of compensation demanded, charged or collected by a permittee or chauffeur for its services.
- M. "Regulated vehicle" means any vehicle regulated by Chapters 5.20 through 5.50 BMC.
- N. "River taxi" means any motor vehicle used to transport passengers for hire on a river which operates within the city limits of the city of Bethel.
- O. "Taxicab" means a chauffeured motor vehicle used to transport passengers for hire having a manufacturer's rated seating capacity of nine (9) or fewer persons, which capacity includes the driver and which is not operated over fixed or defined routes.
- P. "Transfer" (with respect to an interest in a permit issued under Chapters 5.20 through 5.50 BMC) means to sell, lease, convey, give, exchange, or otherwise transfer an interest in a permit issued in accordance with Chapters 5.20 through 5.50 BMC to another person or entity, including but not limited to a transfer of interest through power of attorney.
- Q. "Transportation inspector" means the Bethel chief of police or his or her designee.

5.20.020 Bethel public safety and transportation commission.

The Bethel public safety and transportation commission is established in accordance with Chapter 2.25 BMC.

5.20.030 Bethel public safety and transportation commission – Powers and duties.

- A. In addition to the powers and duties enumerated in BMC 2.25.020, the commission shall have the powers and duties further enumerated in this section.
- B. The commission shall regulate all regulated vehicles, chauffeurs, and dispatch services in accordance with Chapters 5.20 through 5.50 BMC except for any regulated vehicles which the commission determines are subject to regulation in accordance with a taxicab regulation program established by Alaska or federal law. No motorized vehicle may be offered for hire to transport passengers in Bethel without being a regulated vehicle. The purpose of the provisions set forth in Chapters 5.20 through 5.50 BMC or regulations adopted by the commission shall be to protect the public's interest with respect to the price and quality of service provided by regulated vehicles.
- C. The commission shall hold at least two (2) public hearings annually to investigate the quality of services rendered by regulated vehicles, permittees, chauffeurs and dispatch services, and shall make such recommendations to the city council as it deems necessary for the improvement of such services.
- D. The commission or its designee may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the commission. The commission may petition a court of this state to enforce its subpoenas or other process.

5.20.040 Bethel public safety and transportation commission – Regulations.

The commission may promulgate regulations setting rates and/or other charges for service and minimum standards for service as well as any other regulations necessary to carrying out the provisions of Chapters 5.20 through 5.50 BMC. Such regulations shall be approved or rejected by the city council at or before the third (3rd) city council meeting following adoption of the regulations by the commission. If such regulations are not considered by the city council by the third (3rd) city council meeting following their adoption by the commission, they shall be deemed approved by the city council.

5.20.050 Bethel public safety and transportation commission – Rates.

- A. The commission:

1. Shall establish maximum rates to be charged for taxicab and river taxi service and may establish minimum rates for such services;
 2. May establish dispatch service, limousine, ~~or bus~~ minimum and/or maximum rates;
 3. May establish maximum lease rates between permittees and lease operators of taxicabs, including daily lease rates for taxicab chauffeurs.
- B. All rates established by the commission shall be nondiscriminatory, just and reasonable.
- C. A statement of actual taxicab rates charged by a taxicab, other than flat or group rates established by contractual agreement between dispatch service companies and individuals or other businesses, shall be conspicuously posted on the interior and exterior of every taxicab in a manner prescribed by the transportation inspector.
- D. No person may require payment of rates other than those established by the commission pursuant to this section.
- E. No person may require payment of dispatch service rates other than those established by the commission pursuant to this section.
- F. Rates for permitted transportation area as follows:

Transportation Areas	Old Rates	Maximum Rates
Cab fares within the city (including Bethel Heights)	\$4.00	\$5.00
Fare to the Hospital	\$4.00	\$5.00
Fare to the Trailer Court, Hangar Lake, Power plant	\$4.00	\$5.00
Fare to and from the Airport to and from all locations, except Kasayulie Subdivision	\$6.00	\$7.00
Fare to B.I.A. and Tundra Ridge	\$6.00	\$7.00
Fare to and from Kasayulie Subdivision	\$10.00	\$10.00
Fare to and from Haroldson Subdivision		\$7.00
Half-hour fare charter	\$25.00	\$30.00
Fare Airport to Airport	\$4.00	\$4.00
Senior Citizens	The old fare rates	
En-route Stops	\$1.00 per minute	\$1.00 per stop, plus \$1.00 per minute after three minutes

5.20.055 Bethel public safety and transportation commission – Complaints.

The commission, through the transportation inspector, shall:

- A. Establish a system for processing and adjudicating citizen complaints against chauffeurs of regulated vehicles or against the condition of a regulated vehicle and further establish a system to keep records of all such complaints. The record shall identify the chauffeur, permit number, and permittee of the vehicle involved in the complaint, as well as the name, address, and/or telephone number of the complainants if available. A complainant's identification may be held confidential by the commission upon request of the complainant(s). Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty.
- B. Require dispatch companies to establish a record of all complaints registered against chauffeurs of regulated vehicles, or against the condition of a regulated vehicle. The record shall identify the chauffeur, permit number and permittee of the vehicle involved in the complaint, as well as the name, address, and/or telephone number of the complainants if available. A complainant's identification may be withheld from the complaint log by the dispatch company and instead transmitted confidentially to the transportation inspector upon request of the complainant. Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty. The dispatch companies shall, on a monthly basis, provide the transportation inspector with a complete copy of logged complaints.
- C. Require that within all regulated vehicles a commission-approved notice of the telephone numbers required for the filing of complaints with the commission and the number of the vehicle utilizing the permit shall be prominently displayed in a manner, size, and location designated by the transportation inspector.
- D. Provide permittees with a monthly summary of all logged complaints, civil or criminal citations, and convictions entered against chauffeurs or vehicles operating under the permittee's permit.
- E. Utilize citation and conviction findings in the annual review process to determine whether the renewal of an individual permittee's permit to operate remains in the continued public interest and welfare.
- F. Provide current information in response to any public request, as to the number of citations issued or convictions entered against a chauffeur or permittee within the preceding twelve (12) months.

5.20.060 Hearing officer.

- A. Except as provided in subsection B of this section, in all appeals to it in accordance with BMC 5.20.100, the commission shall provide for a hearing officer to conduct

the hearings, to make rulings regarding the admission of evidence and procedure, and to prepare a proposed decision, with findings of facts and conclusions of law. The commission may adopt the hearing officer's decision or decide the matter itself based upon the record created before the hearing officer. The record shall include tapes or transcripts of the hearing before the hearing officer. The hearing officer who presided at the hearing shall be present during the consideration of the case by the commission to assist and advise the commission.

- B. If, in the case of an emergency or an expedited matter, there is not enough time to appoint a hearing officer to hear appeals in accordance with subsection A of this section, the commission may conduct a hearing without providing for a hearing officer. The commission is solely responsible for determining whether or not there is sufficient time to appoint a hearing officer. All other provisions of this section apply to the conduct of a hearing held without a hearing officer.
- C. Hearings shall be conducted under this section in accordance with AS 44.62.430 through 44.62.540 (state administrative procedures for the conduct of administrative hearings by hearing officers).
- D. A hearing officer may be appointed to conduct appeals without complying with BMC 4.20.170.

5.20.070 Powers and duties of transportation inspector.

In addition to the other duties and powers granted by Chapters 5.20 through 5.50 BMC, the transportation inspector shall:

- A. Keep records relating to permittees, regulated vehicles, chauffeurs, and dispatch services regulated under Chapters 5.20 through 5.50 BMC;
- B. Investigate, inspect and examine vehicles, drivers, records and any and all other things related to the operation of regulated vehicles to assure that the provisions of Chapters 5.20 through 5.50 BMC are enforced and obeyed;
- C. Receive and process all applications for permits and licenses;
- D. Require a regulated vehicle to be taken out of service for an inspection when the transportation inspector reasonably believes that it poses a threat to the safety or health of persons or property. The transportation inspector may order the owner of the regulated vehicle to obtain and pay for an inspection report from a designated inspection station. The transportation inspector may keep a vehicle out of service for a reasonable time in order to perform the inspection;
- E. Assess a fine against a designated inspection station or the regulated vehicle operator or both, upon submission of an inspection report under BMC 5.20.080 that contains false or misleading information, including any material omission. The fine shall not exceed three hundred dollars (\$300) for each violator for each false or

misleading inspection report. This fine shall be in addition to any other remedy or penalty provided by this code, such as denial, revocation, or suspension of a license or permit. Any appeal of the fine shall be in accordance with BMC 5.20.100; and

- F. Perform those administrative duties of the commission which are delegated to him or her by the commission.

5.20.080 Vehicle inspections.

- A. All regulated vehicles shall be inspected by a designated inspection station and the approved inspection form presented to the transportation inspector before a permit will be issued. At least twice a year thereafter, all regulated vehicles shall be inspected. No regulated vehicle may be operated until it has been inspected and found to be in compliance with Chapters 5.20 through 5.50 BMC and any other applicable law. The transportation inspector may also inspect a regulated vehicle at any time to determine if the vehicle is in compliance with all provisions of Chapters 5.20 through 5.50 BMC, and keep the vehicle out of service for a reasonable time in order to perform the inspection.
- B. When a regulated vehicle has been operating under any permit for two (2) years or has accumulated a total of two hundred thousand (200,000) miles, whichever occurs first (1st), the transportation inspector may increase the required annual inspection frequency to four (4) inspections annually, after reasonable notice to the permittee.
- C. No person may operate a vehicle as a regulated vehicle unless such vehicle is in a safe, clean condition and in compliance with all applicable laws. If the transportation inspector determines that a regulated vehicle is mechanically unsound, unclean or otherwise out of compliance with all applicable laws, the permittee shall take the vehicle out of service immediately upon notification from the transportation inspector.
- D. Mechanical Equipment Standards.
 - 1. The steering mechanism shall be in good working order and wheel play shall not exceed two (2) inches;
 - 2. All door hinges and latches shall be in good mechanical working order so that doors open easily and close securely. All door locks shall function as designed;
 - 3. All windows shall be fully operable and composed of approved safety glass. The windshield shall have no chips or stars larger than a twenty-five cent piece (\$0.25) and shall not be cracked above four (4) inches from the bottom or below four (4) inches from the top of the windshield. No cracks in a vertical position are permitted on either side of the windshield. At no time shall a driver's vision be obstructed by damage to the windshield, side windows or rear window. Interior and exterior mirrors shall be firmly attached to the vehicle;

4. All brakes shall be in good mechanical working order. When pressed, the brake pedal shall not be less than one and three-fourths (1 3/4) inches from the floorboard. Brake linings shall not be less than one thirty-second (1/32) of an inch at any point. Brake drums shall not exceed forty-one thousandths (40/1,000) of an inch in excess of factory specifications;
 5. The exhaust system, gaskets, tailpipes and mufflers shall be in good condition. Exhaust fumes shall not permeate into the interior of the vehicle;
 6. The vehicle shall be equipped with four (4) tires, each of which shall have tread depth measurements at approximately every one hundred twenty (120) degrees of its circumference of not less than two thirty-seconds (2/32) of an inch. There shall be no sidewall damage to the tires;
 7. The speedometer shall be properly installed and maintained in good working order and exposed to view;
 8. The interior of the vehicle shall be maintained in a clean and sanitary condition, and be free from torn upholstery and from damaged or broken seats;
 9. All exterior and interior lights and turn signals shall be in good mechanical order. Headlights shall be properly aligned for both high and low beam use;
 10. The horn and two (2) windshield wipers shall be in good mechanical working order;
 11. All wire connections shall be permanent and located out of the way of the driver and passengers;
 12. The vehicle shall be structurally sound and not have cracked or dented fenders and shall be painted so as to provide reasonable protection against structural deterioration. Body and sheet metal should have all the manufactured parts securely mounted with no dangerous protuberances;
 13. Defrosting and heating systems shall be operational;
 14. There shall be no measurable leakage of fluids or oil from any part of the vehicle;
 15. The vehicle shall be equipped with a readily accessible fire extinguisher with a gauge that clearly indicates that the unit is fully charged, mounted and readily accessible within the driver's immediate reach in the vehicle;
 16. The vehicle shall be equipped with accessible and operable seat belts for all seats;
 17. The vehicle shall comply with the provisions of AS 28.05.095 regarding child safety restraints and seat belts;
 18. The vehicle's odometer shall be kept in good working order.
- E. All regulated vehicles shall be subject at all times to an inspection by the transportation inspector, or a police officer who has reason to believe that the

vehicle does not comply with all federal, state and local equipment laws or regulations.

5.20.085 Drug and alcohol testing.

A. The commission shall:

1. Establish a commission-approved drug and alcohol testing program for chauffeurs of regulated vehicles. The program may include chauffeur applicant drug screening tests, random tests, reasonable cause tests, post-accident tests, and post-citation tests. The testing program shall be administered by the transportation inspector;
2. Provide for the immediate denial or revocation of the chauffeur's license by the transportation inspector of any such chauffeur failing or failing to submit to a chauffeur application drug screening test, a random drug or alcohol test, a reasonable cause drug or alcohol test, a post-accident drug or alcohol test, or a post-citation drug or alcohol test, for a period of not less than six (6) months for a first (1st) offense. In the case of a revocation under this section, the revocation may continue beyond six (6) months until such time as the chauffeur shall submit evidence of successful completion of a drug or alcohol abuse treatment program;
3. Provide for the immediate revocation by the transportation inspector of the chauffeur's license of any chauffeur failing or failing to submit to such a random, reasonable cause, post-accident, or post-citation test, for a period of not less than two (2) years for a second (2nd) or subsequent offense.

B. Within ninety (90) days of the enactment of the ordinance codified in this chapter, a design, cost structure, and fee determination for the drug and alcohol testing program shall be developed by the commission and submitted to the city council for approval subject to the following conditions:

1. Direct operational costs for the random, post-accident, post-citation, and reasonable cause drug and alcohol testing program shall be borne by permittees. Direct operational costs for the chauffeur application drug screening test shall be borne by licensees.

5.20.090 Enforcement authority.

The transportation inspector shall have all powers required to enforce the provisions of Chapters 5.20 through 5.50 BMC.

5.20.100 Hearings – Appeals.

A. If the transportation inspector determines that an application for a license or permit does not meet the requirements of Chapters 5.20 through 5.50 BMC, the transportation inspector shall deny the application. The transportation inspector

shall issue a written decision to the applicant which shall state the specific reasons for that denial within fifteen (15) days of the denial of the application.

- B. A person aggrieved by the denial of an application under subsection A of this section, or revocation or suspension of a permit or license by the transportation inspector pursuant to Chapters 5.20 through 5.50 BMC may, within fifteen (15) days of receipt of the denial, suspension or revocation decision, and upon payment of the filing fee required by BMC 5.20.160, appeal that decision to the commission. After a hearing conducted pursuant to BMC 5.20.060, the commission shall uphold the decision of the transportation inspector, or authorize the conditional or unconditional issuance or reinstatement of a denied, suspended or revoked license or permit only upon an affirmative showing at a hearing by the appellant that the transportation inspector exceeded his or her authority under Chapters 5.20 through 5.50 BMC in denying, suspending, or revoking the license or permit.
- C. An appeal from any final decision of the commission made in accordance with this section shall be filed in the Superior Court, Fourth Judicial District, Bethel, Alaska, no later than thirty (30) days following service of that decision upon the affected licensee or permittee at the last known address. Review by the court shall be limited to determining whether the decision appealed is supported by substantial evidence.
- D. A permittee or licensee who has been issued a citation for a violation of a provision of Chapters 5.20 through 5.50 BMC, or subjected to a penalty, may contest that citation or penalty by filing a notice of appeal with the commission no later than fifteen (15) days after the day the citation or penalty has been issued. Such an appeal shall be considered by the commission in accordance with the procedures established in BMC 5.20.060 and subsection B of this section.

5.20.110 Denial, suspension, or revocation of license or permit.

- A. The transportation inspector shall have the power to suspend or revoke a chauffeur's license.
 - 1. The transportation inspector shall immediately suspend or revoke a chauffeur's license if a chauffeur is convicted by a court of competent jurisdiction of an offense set forth in BMC 5.40.030;
 - 2. The transportation inspector shall suspend or revoke a chauffeur's license upon receipt of evidence sufficient to cause the transportation inspector to conclude that it is more likely than not that a chauffeur is incapable of controlling a motor vehicle safely;
 - 3. The transportation inspector shall deny, suspend, or revoke the chauffeur's license of any chauffeur failing or refusing to take a drug and/or alcohol test in accordance with BMC 5.20.085.

B. Upon a request by the transportation inspector or on its own initiative, the commission shall have the power to suspend or revoke a taxicab, river taxi, and limousine ~~or bus~~ permit.

1. The commission shall suspend or revoke a taxicab, river taxi, limousine ~~or bus~~ permit upon finding after a hearing that:

a. A permittee has not operated pursuant to the permit for one hundred eighty (180) days in any twelve- (12-) month period; provided, that such failure to operate is not caused by strike, public catastrophe, or other act beyond the control of the permittee but not including insolvency;

b. A permittee has sold or otherwise lost the use of the vehicle which was being operated pursuant to the permit and has failed to replace it within sixty (60) days after the date of such sale or loss;

c. A permittee has failed to make any payments required under Chapters 5.20 through 5.50 BMC or to make any payments (including but not limited to business license fees and sales taxes) or remit any fees required by any other provisions of this code;

d. A permittee has submitted a false or misleading inspection report from a designated inspection station;

2. The commission may suspend or revoke a taxicab, river taxi, limousine ~~or bus~~ permit upon finding after a hearing that a permittee has violated any provision of Chapters 5.20 through 5.50 BMC. The commission may suspend or revoke a chauffeur's license upon finding after a hearing that a licensee has violated any provision of Chapters 5.20 through 5.50 BMC;

3. The transportation inspector shall immediately suspend or revoke a taxicab, river taxi, limousine ~~or bus~~ permit upon being provided with appropriate notice that a permittee has been convicted by a court of competent jurisdiction of an offense set forth in BMC 5.30.040;

4. The transportation inspector may immediately revoke a permit under this subsection if the transportation inspector determines that continued operation of the permit will result in substantial risk to the public health or welfare. If the transportation inspector revokes a permit based upon such determination, the revocation action shall expire in ten (10) days, unless within this time the commission holds a hearing and determines that a continued emergency revocation is warranted until such time as the commission makes a decision on an appeal to the revocation, should such an appeal be filed by the permittee.

C. The commission may suspend or revoke a dispatch service permit upon a finding after a hearing that:

1. Such dispatch service has not commenced operation within ninety (90) days after issuance of the permit;
 2. Such dispatch service has failed to provide dispatch services for a period of ninety (90) consecutive days; provided, that such failure to operate is not caused by strike, public catastrophe or other act beyond the control of the dispatch service other than insolvency; or
 3. Such dispatch service does not have a valid radio station license issued by the Federal Communications Commission ("FCC") or such dispatch service is not in compliance with any terms and conditions imposed on it by the FCC.
- D. Violation of any of the terms and conditions of a suspension or revocation imposed by this section is a separate violation.
- E. Upon suspension or revocation of a chauffeur's state driver's license, his or her chauffeur's license shall simultaneously and automatically become void. A chauffeur shall surrender his or her chauffeur's license to the transportation inspector and cease operating a regulated vehicle immediately upon suspension or revocation of the chauffeur's state driver's license. Such a chauffeur shall not thereafter operate a vehicle for which a chauffeur's license is required unless he or she is first issued a new chauffeur's license in accordance with BMC 5.40.030.
- F. A permittee or licensee must surrender his or her permit or license to the transportation inspector immediately upon suspension or revocation.
- G. A permittee or licensee may appeal a suspension or revocation by the transportation inspector to the commission in accordance with BMC 5.20.100. A permittee or licensee may appeal a suspension or revocation by the commission to the Superior Court in accordance with BMC 5.20.100.
- H. Unless provided otherwise in Chapters 5.20 through 5.50 BMC, a permit or license that is revoked shall become void and revert to the commission. [Ord. 15-30 § 2; Ord. 03-10 § 4; Ord. 01-02 § 3.]

5.20.120 Penalties and remedies.

- A. A person who violates a provision of Chapters 5.20 through 5.50 BMC or a regulation promulgated thereunder is guilty of an infraction and may be issued a citation. The penalty for these infractions is:
1. One hundred fifty dollars (\$150) for the first (1st) violation;
 2. Two hundred dollars (\$200) for the second (2nd) violation;
 3. Two hundred fifty dollars (\$250) for the third (3rd) violation;
 4. Three hundred dollars (\$300) for the fourth (4th) and each subsequent violation.

- B. Each day during which a violation described in this section occurs shall constitute a separate offense.
- C. In accordance with AS 29.25.070(a), citations for these offenses may be disposed of as provided in AS 12.25.195 through 12.25.230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one (1) of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed above.
- D. In addition to the penalties provided for in subsection A of this section, a person who violates a provision of Chapters 5.20 through 5.50 BMC or any regulation promulgated thereunder may also be subject to the following:
 - 1. Second (2nd) violation: suspension of the violator's license or permit for fifteen (15) days or less;
 - 2. Third (3rd) violation: suspension of the violator's license or permit for no more than thirty (30) days or no less than fifteen (15) days;
 - 3. Fourth (4th) or subsequent violation: revocation of license or permit.
- E. The city may seek injunctive relief to enforce compliance with this chapter. [Ord. 14-06 § 2; Ord. 01-02 § 3.]

5.20.130 Renewal of license or permit.

- A. A permit or license issued in accordance with Chapters 5.20 through 5.50 BMC shall be valid for two (2) calendar years and shall expire automatically on the date of original issue.
- B. An application to renew a permit or license shall be made to the transportation inspector, at the time set for submitting the application, and shall be treated in the same manner as an original application. A decision to grant a license or permit in two (2) years does not preclude the transportation inspector from denying a license or permit upon application for renewal.
- C. If a permittee or licensee is not qualified to hold his or her permit or license at the time of renewal, the transportation inspector shall not renew the permit or license and it shall become void and revert to the commission.
- D. Any person whose application for an original license or permit or for a renewal of license or permit has been denied and any person whose license or permit has been revoked may not apply for a new license or permit for one (1) year from the initial date of the denial or revocation. New taxicab permits shall only be issued in accordance with the provisions of BMC 5.30.050. [Ord. 07-18 § 2; Ord. 01-02 § 3.]

5.20.140 Duty to maintain current application.

- A. A permittee or licensee is under a continuing obligation to keep the information on his or her application current. Failure to do so shall be a violation of Chapters 5.20 through 5.50 BMC. A permittee or licensee shall give written notice to the transportation inspector of any change to be made on his or her application within ten (10) days, and the transportation inspector shall amend the application accordingly. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license.
- B. No person may knowingly make a false or misleading statement on his or her application for a permit or license under Chapters 5.20 through 5.50 BMC. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license and constitutes a violation of Chapters 5.20 through 5.50 BMC. [Ord. 01-02 § 3.]

5.20.150 Submission, review and certification of applications.

- A. An application for an original or renewal permit or license required by Chapters 5.20 through 5.50 BMC shall be submitted to the transportation inspector.
- B. The transportation inspector shall review the application to assure it complies with the requirements of Chapters 5.20 through 5.50 BMC.
- C. The transportation inspector shall transmit applications meeting the requirements stated in subsection B of this section to the city manager to determine whether the applicant owes any taxes, fees, assessments, or other payments to the city, and whether the applicant has a current city business license.
- D. If the applicant has no outstanding obligations and has a business license, the city manager or his or her designee shall certify the application, and return it to the transportation inspector. The transportation inspector shall not issue or renew an application for a permit or license unless the city manager or his or her designee certifies the application in accordance with this section.

5.20.160 Fees.

The following fees shall be payable to the city:

- A. One hundred eighty-five dollars (\$185) monthly shall be paid to the transportation inspector for the issuance or renewal of a bus, limousine, river taxi, dispatch service, or taxicab permit no later than the tenth (10th) of each month.
- B. Two hundred fifty dollars (\$250) shall be paid to the transportation inspector for the initial issuances and each two- (2-) year renewal of a chauffeur's license no more than three (3) months prior to expiration date, not after one (1) month prior to expiration date.

- C. Two hundred fifty dollars (\$250) shall be paid to the transportation inspector for the initial issuances and each two- (2-) year renewal of a vehicle permit no more than three (3) months prior to expiration date, not after one (1) month prior to expiration date.
- D. One hundred dollars (\$100) shall be paid to the city finance department for each appeal from a decision of the transportation inspector to the commission under Chapters 5.20 through 5.50 BMC. Such fee shall be refunded if the decision is subsequently reversed. The ex officio member of the public safety and transportation commission must notify all commission members when an appeal is filed. The fee shall be forfeited if the party making the appeal fails to show for the appeal hearing.
- E. Eighty-five dollars (\$85) shall be paid to the transportation inspector each time that a taxicab permittee applies to substitute a vehicle that operates under a permit.
- F. One hundred twenty-five dollars (\$125) shall be paid to the transportation inspector for an application to transfer an interest in a taxicab permit or a dispatch service permit in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- G. There shall be a one hundred dollar (\$100) surcharge for late payment of fees provided for in subsections A, B, and C of this section.
- H. Twenty-five dollars (\$25) shall be paid to the transportation inspector for administration of the examination required in BMC 5.40.020(C), except that this payment shall not be required the first (1st) time that an applicant for a chauffeur's license takes the examination.
- I. Fifteen dollars (\$15) shall be charged for chauffeur and vehicle renewal applications which are mailed in.
- J. Thirty-five dollars (\$35) shall be charged for chauffeur drug testing. [Ord. 09-05 § 2; Ord. 07-20 § 2; Ord. 07-18 § 2; Ord. 01-47 § 2; Ord. 01-30 § 2; Ord. 01-26 § 2; Ord. 01-02 § 3.]

5.20.170 Safety belts, child safety restraints, and vehicle air bags.

Every regulated vehicle shall comply with the provisions of AS 28.05.095 regarding safety belts and child safety restraints. Additionally, no operator of a regulated vehicle shall allow a child under twelve (12) years of age to ride in the front seat of the vehicle if it has a passenger air bag. [Ord. 03-13 § 2; Ord. 01-02 § 3.]

Chapter 5.30

TAXICAB, RIVER TAXI, LIMOUSINE ~~AND BUS~~ PERMITS

(Effective until June 8, 2016)

Sections:

- 5.30.010 Taxicab permit required.
- 5.30.020 River taxi permit required.
- ~~5.30.030 Bus permit required.~~
- 5.30.035 Limousine permit required.
- 5.30.040 Application for permits.
- 5.30.050 Issuance of new nontransferable taxicab permits.
- 5.30.055 Taxicabs – Renewal of existing permits.
- 5.30.060 Taxicabs – Transfer of existing permit.
- 5.30.065 Posting of taxicab permit.
- 5.30.070 Taxicabs – Number of vehicles operated per permit.
- 5.30.080 Taxicabs – Subscription to dispatch service.
- 5.30.090 Taxicabs – Vehicle markings.
- 5.30.100 Required equipment.
- 5.30.120 Insurance required.
- 5.30.130 Posting of insurance notice.
- 5.30.140 Records.
- 5.30.160 Single use of vehicle.
- 5.30.170 Vehicle horn honking.

5.30.010 Taxicab permit required.

A. No person may provide taxicab service in the city unless that person:

1. Is a permittee in possession of a valid taxicab permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC; or
2. Has entered into an agreement with a permittee as a lease operator which allows that person to provide taxicab services pursuant to the permittees authority only for as long as the permittee is lawfully in possession of the permit and complies with all terms and conditions of issuance of the permit, and only if such an arrangement is approved in advance by the transportation inspector. In order to obtain such approval from the transportation inspector, the transportation inspector must approve the language of a written lease agreement and determine that the lease operator meets all requirements imposed on chauffeurs and taxicab permittees by Chapters 5.20 through 5.50 BMC. A decision of the transportation inspector denying a lease operator arrangement can be appealed to the commission in accordance with BMC 5.20.100.

- B. No permittee shall allow another person to provide taxicab service under the authority of his or her permit except as allowed in subsection A of this section. Violation of this section is grounds for immediate revocation of a taxicab permit.
- C. No person may operate or dispatch a vehicle as a taxicab unless that vehicle is described on a taxicab permit as provided in subsection A of this section. Violation of this section is grounds for immediate revocation of a license or permit.
- D. No person may provide taxicab service pursuant to a taxicab permit except in accordance with Chapters 5.20 through 5.50 BMC. Violation of this section is grounds for immediate revocation of a permit.
- E. The permittee shall utilize as chauffeurs only currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC. [Ord. 01-02 § 3.]

5.30.020 River taxi permit required.

- A. No person may provide river taxi service within the city without a river taxi permit. A river taxi permit, or any interest in a river taxi permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- B. A person may apply for an original or renewal river taxi permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to river taxis, he or she shall be issued a permit. [Ord. 01-02 § 3.]

~~**5.30.030 Bus permit required.**~~

- ~~A. A person may provide bus service within the city with a bus permit. A permit, or any interest in a permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.~~
- ~~B. A person may apply for an original or renewal bus permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to buses, he or she shall be issued a permit.~~
- ~~C. A bus must operate on a defined route. The route must be submitted to the transportation inspector. Any changes in the route must be submitted to the transportation inspector. Bus operators may deviate from the defined route up to~~

~~three-fourths (3/4) of a mile to accommodate handicapped passengers. [Ord. 10-08 § 2; Ord. 08-17 § 2; Ord. 01-02 § 3.]~~

5.30.035 Limousine permit required.

- A. A person may provide limousine service in the city if that person:
 - 1. Is a permittee in possession of a valid limousine permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC;
 - 2. Operates a limousine;
 - 3. Utilizes currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC.
- B. A limousine will provide service by reservation or prearranged call for service. It is unlawful for a limousine chauffeur to provide flag stop service to passengers by curbside hail or the use of fixed routes.
- C. The current rates to be charged by a limousine permittee shall be provided to the transportation inspector in the form of a rate sheet. The permittee is responsible for providing the inspector with a new rate sheet as prices change. The prices on the rate sheet must be greater than the maximum rates allowed for the provision of a similar ride by taxicab.

The following rates are established as minimum rates for limousine operators:

One-half (1/2) hour or less arranged ride: fifty dollars (\$50.00);

One (1) hour arranged ride: eighty dollars (\$80.00). [Ord. 09-16 § 2; Ord. 08-17 § 2.]

5.30.040 Application for permits.

- A. An application for an original or renewal taxicab, ~~bus~~, limousine or river taxi permit shall be made to the transportation inspector.
- B. An application for a permit shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
 - 1. The fee specified in BMC 5.20.160;
 - 2. Proof of insurance for the vehicle as required by Chapters 5.20 through 5.50 BMC;
 - 3. Proof that the applicant is at least eighteen (18) years of age; and
 - 4. Proof that the applicant is in compliance with the drug and alcohol testing requirements of BMC 5.20.085.

- C. An applicant shall not be granted an original or renewal permit unless the applicant meets the requirements imposed on chauffeurs in BMC 5.40.030.
- D. If the commission determines that the public convenience and necessity requires issuance of additional taxicab permits in accordance with BMC 5.30.050, the following persons may apply for such a permit:
 - 1. Currently active chauffeurs licensed under Chapters 5.20 through 5.50 BMC with no fewer than two (2) years of continuous experience as a taxicab chauffeur in good standing in Bethel;
 - 2. Applicants who have not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:
 - a. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining vehicle for the purpose of prostitution or accepting money from a prostitute; or
 - b. Sale, transportation, possession or use of any controlled substance as defined by AS 11.71 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, 04.16 or 04.17.
- E. If the commission decides to issue an additional permit or permits in accordance with this chapter, a taxicab permit may be issued by the commission only if the applicant complies with subsections B through D of this section, and is certified as required by BMC 5.20.150.
- F. Each representation made in an application for an original or renewal permit shall be correct. Any false or misleading statement or misrepresentation as to a material matter in an application shall be grounds for denial of the application for a permit or revocation of a permit. [Ord. 01-02 § 3.]

5.30.050 Issuance of new nontransferable taxicab permits.

- A. The total number of outstanding taxicab permits shall be determined by the public convenience and necessity. Any person or any member of the commission may initiate commission inquiry into the public convenience and necessity for issuance of additional permits. Hearings regarding public convenience and necessity shall be held to determine if the public convenience and necessity warrants issuance of one (1) or more additional nontransferable permits. The commission shall hold an inquiry into the public convenience and necessity at least once in a twenty-four (24-) month period.
- B. At the hearing conducted pursuant to subsection A of this section, the commission may consider, among other things, evidence of:
 - 1. The public demand for additional taxi service;

2. The unfulfilled requests for service;
 3. The reasonableness of waiting time for service; and
 4. The economic impact of additional permits on the viability of the existing taxicab industry.
- C. If the commission finds that it is more likely than not, based on the evidence presented at hearing, that the public convenience and necessity would be best served by the issuance of one (1) or more new taxicab permits, such permit or permits shall be issued in the manner provided in subsection D of this section.
- D. No later than ninety (90) days after the commission determines that a new taxicab permit should be issued, the transportation inspector shall conduct a public auction as follows:
1. The auction shall be conducted by sealed bid, and the permit shall be issued to the highest qualified bidder;
 2. To be responsive, a bid must equal or exceed the taxicab permit issuance fees provided for in BMC 5.20.160;
 3. The term "qualified bidder" means a person who meets the requirements of BMC 5.30.040, and tenders the successful full bid price in cash within five (5) days after notice that he or she is the highest bidder;
 4. If the highest bidder is not a qualified bidder, the permit shall be issued to the next highest bidder who is also a qualified bidder. If none of the bidders are also qualified bidders, the transportation inspector shall again offer the permit at auction as provided by this section within one hundred eighty (180) days after the previous auction.
- E. No person may apply for a hearing pursuant to subsection A of this section within one hundred twenty (120) days after one (1) or more new permits authorized for issuance pursuant to this section have been actually issued. The commission may consolidate multiple hearing requests if it deems it appropriate to do so.
- F. A permit, or any interest in a permit, issued pursuant to this section shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- G. Permittees issued nontransferable permits in accordance with this section are subject to all revocation, suspension, and penalty provisions of Chapters 5.20 through 5.50 BMC, as well as all other requirements of Chapters 5.20 through 5.50 BMC. [Ord. 01-02 § 3.]

5.30.055 Taxicabs – Renewal of existing permits.

An application for renewal of an existing taxicab permit made in accordance with BMC 5.30.040 shall be renewed only if the applicant is in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC that apply to taxicabs and taxicab permittees. A permit that is not renewed shall become void and revert to the commission. [Ord. 01-02 § 3.]

5.30.060 Taxicabs – Transfer of existing permit.

- A. A person may transfer an interest (whether financial or proprietary in nature, a security interest, or some other form of interest) in a taxicab permit originally issued prior to December 31, 2000, or any interest in the corporation, joint venture, association, partnership, or other group or entity which owns an interest in a taxicab permit originally issued prior to December 31, 2000, only if the person obtains the prior approval of the transportation inspector.
- B. An application for transfer of a taxicab permit in accordance with subsection A of this section shall be made to the transportation inspector on forms approved by the transportation inspector and shall be accompanied by the proposed contract for sale or other interest transfer which states the specific consideration to be paid by the transferee, as well as all other material conditions of the sale or other transfer of interest. The application for transfer shall also identify all parties who have or are proposed to have a financial, proprietary, security or other interest in the permit. The application may request other information necessary to determine if the transfer is in the best interests of the public, including but not limited to evidence of the financial ability to meet the consideration requirements of the contract for sale or other interest transfer. If the transferee meets the requirements of this section and all other requirements for obtaining a taxicab permit contained in Chapters 5.20 through 5.50 BMC, and the transportation inspector approves the language of the contract for sale or other interest transfer, the transportation inspector may approve the transfer.
- C. A decision of the transportation inspector with respect to transfer of an interest under this section may be appealed to the commission in accordance with BMC 5.20.100.
- D. If transfer of a permit is not approved in accordance with this section and the permittee no longer wishes to operate under the permit or the permittee is no longer in compliance with the provisions of Chapters 5.20 through 5.50 BMC, the permit shall become void and revert to the commission.
- E. New permits issued in accordance with BMC 5.30.050 shall not be transferable, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC. [Ord. 01-02 § 3.]

5.30.065 Posting of taxicab permit.

The permit for each taxicab, river taxi, limousine ~~or bus~~ shall be posted in the interior of the taxicab, river taxi, limousine ~~or bus~~ in the manner designated by the transportation inspector. No person may operate a taxicab, river taxi, limousine ~~or bus~~ unless the permit is so posted.

5.30.070 Taxicabs – Number of vehicles operated per permit.

- A. Except as otherwise provided in this section, only one (1) vehicle, which shall be designated on the taxicab permit application, may be operated pursuant to that permit.
- B. Upon application to the transportation inspector, payment of the appropriate fee, and a demonstration of need, the transportation inspector may authorize operation of a substitute vehicle for a period of time not to exceed thirty (30) consecutive days. The transportation inspector shall be notified prior to substitution of the date, time, and substitution vehicle being placed in service, the permit number utilizing the substitute vehicle, the reason for the use of the substitute vehicle and the signature of the person authorizing the use of the substitute vehicle. If substitution is authorized, the transportation inspector shall subsequently be immediately notified of the date and time the substitute vehicle is removed from service and the original permitted vehicle is placed back in service. The transportation inspector shall require an inspection of the original vehicle before it is returned into service. No person may operate a substitute vehicle under this section unless the substitution has been authorized by the transportation inspector in accordance with this section, and a copy of the authorization is carried in the substitute vehicle at all times.
- C. If the use of the substitute vehicle was occasioned by a mechanical problem or vehicle accident affecting the safe operation of the original vehicle, the transportation inspector may allow a permanent vehicle transfer.
- D. The transportation inspector may permit a permanent vehicle transfer not more than four (4) times before the expiration of the original permit for reasons other than mechanical problems.

5.30.080 Taxicabs – Subscription to dispatch service.

Every taxicab permittee shall subscribe to a dispatch service permitted pursuant to Chapter 5.50 BMC for the taxicab operated under his or her permit. No taxicab may be dispatched by more than one (1) dispatch service. Failure to comply with this section shall be grounds for immediate revocation of a permit or license.

5.30.090 Taxicabs – Vehicle markings.

- A. Every taxicab shall display the trade name under which it operates and the vehicle number assigned to it by the transportation inspector in the area between the back bumper and the top of the trunk of the taxicab on the rear end of the taxicab with permanent contrasting letters and numbers no less than four (4) inches high.
- B. Every taxicab shall bear its vehicle number, as assigned to it by the transportation inspector, on all sides of the taxicab with permanent letters no less than four (4) inches high. Every taxicab shall display its vehicle number assigned by the transportation inspector on the front fender adjacent to the front door jam on both the driver and passenger side of the vehicle in numbers no less than four (4) inches high. The number shall be placed in the middle of the fender, but in no event less than two (2) inches above the bottom of the fender, or more than four (4) inches below the top of the fender.
- C. The transportation inspector will provide every taxicab permit holder with reflective decals bearing the assigned vehicle number required to meet the requirements of this section. Taxicab permit holders shall display trade names on vehicles with reflective decals that meet the requirements of this section.
- D. Except as otherwise provided by law, no taxicab may be used or sold for any purpose other than for use as a taxicab until all signs, insignia, license plates, lights or other markings have been removed or an "out of service" sign is posted on the taxicab in the form and manner designated by the transportation inspector. [Ord. 01-02 § 3.]

5.30.100 Required equipment.

In addition to the mechanical equipment required in BMC 5.20.080(D), every taxicab shall have the following equipment:

- A. Every taxicab shall be equipped with an operable two-way radio that receives and transmits a signal only on the frequency used by that taxicab's dispatch service. At no time may a taxicab be equipped with an apparatus capable of monitoring a frequency used by a dispatch service other than that used by that taxicab's dispatch service. The radio of each taxicab shall be identifiable through the dispatch company through which the taxicab is dispatched.
- B. Every taxicab shall be equipped at all times with an interior light of not less than two (2) candlepower arranged so as to illuminate the entire passenger compartment. The light shall be illuminated whenever passengers are being loaded or unloaded from the taxicab between one-half (1/2) hour after sunset of one (1) day and one-half (1/2) hour before sunrise the next day. No shades or blinds shall be drawn over any windows of the taxicab while occupied by a passenger.

- C. Every taxicab shall be equipped with a nonflashing light on the exterior of the roof of a type approved by the transportation inspector. The light shall be illuminated only when the taxicab is in service.
- D. All taxicabs and limousines ~~and buses~~ must have factory seat belts for the maximum number of passengers that may be transported in a particular vehicle.
- E. River taxis shall have the following:
 1. Four-wheel drive vehicle with at least twelve- (12-) inch clearance;
 2. VHF radio;
 3. Dual battery system;
 4. All equipment listed in subsections A through C of this section in addition to the following: a come-a-long or winch and shovel; ground and air flares; carbon monoxide detector; first aid kit; safe alternate form of heat, i.e., candles, canned heat, etc., one (1) wool blanket, one (1) survival or space blanket for each potential passenger, spare tire, and tools required to change a tire, i.e., jack lug wrench, etc.;
 5. A river taxi driver shall carry clothes appropriate for the weather conditions and the number of passengers for a particular trip, to include but not be limited to, winter hats, boots, gloves, pants and coats.

5.30.120 Insurance required.

- A. Before any permit is issued for any taxicab, river taxi, limousine ~~or bus~~, the applicant shall furnish to the transportation inspector the insurance policies required by this section, issued by an insurance company that is authorized to do business within the state.
- B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of six (6) persons or less, or, if a mini-van, six (6) persons or less seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:
 1. Combined single limit for all bodily injury or property damage arising from one (1) accident: three hundred thousand dollars (\$300,000); and
 2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: One hundred thousand dollars (\$100,000).
- C. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of seven (7) persons or more, or if a mini-van, seven (7) persons or more seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:

1. Combined single limit for all bodily injury or property damage arising from one (1) accident: Seven hundred thousand dollars (\$700,000); and
 2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: One hundred thousand dollars (\$100,000).
- D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the transportation inspector written notice no less than thirty (30) days before the cancellation, expiration, nonrenewal, lapse, or other termination of such insurance, unless the specified policy is for a vehicle which will no longer be used as a taxicab. A lapse, cancellation, expiration, nonrenewal, or termination of insurance coverage shall work an automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it shall be a violation of this chapter to provide taxicab service with a vehicle not insured as required by this section. The insurance policy shall list the city as a certificate holder. [Ord. 07-19 § 2; Ord. 01-02 § 3.]

5.30.130 Posting of insurance notice.

Proof of insurance as required by Chapters 5.20 through 5.50 BMC shall be carried in the passenger compartment of all taxicabs at all times. [Ord. 01-02 § 3.]

5.30.140 Records.

- A. Every taxicab, river taxi, and limousine permittee shall maintain a current and accurate daily list of the regulated vehicles operated pursuant to the permit. The daily list shall contain the following information:
1. The name, address, telephone number, chauffeur's license number and expiration of each chauffeur operating such regulated vehicles;
 2. The daily hours worked by each chauffeur operating such regulated vehicles;
 3. The number of days each such regulated vehicle is operated during each calendar month;
4. The records maintained pursuant to subsection A of this section as well as many other records related to the operation of the permit shall be retained by the permittee for at least six (6) months and shall be made available upon the request of the transportation commission or the transportation inspector. The transportation inspector may request that the permittee forward the record to him or her on a monthly basis.
- B. The records maintained pursuant to subsection A of this section as well as any other records related to the operation of the permit shall be retained by the permittee for at least six (6) months and shall be made available upon request of the transportation commission or the transportation inspector. The transportation inspector may request that the permittee forward the record to him or her on a monthly basis. [Ord. 08-17 § 2; Ord. 07-16 § 2; Ord. 01-02 § 3.]

5.30.160 Single use of vehicle.

It is unlawful to use a regulated vehicle for any other transportation service regulated by Chapters 5.20 through 5.50 BMC other than that service which is authorized on the permit. [Ord. 01-02 § 3.]

5.30.170 Vehicle horn honking.

It is unlawful to honk the horn of a taxicab from 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and from 12:00 a.m. to 7:00 a.m., Friday and Saturday. [Ord. 01-02 § 3.]

Chapter 5.30

TAXICAB, RIVER TAXI, LIMOUSINE ~~AND BUS~~ PERMITS

(Effective June 8, 2016)

Sections:

- 5.30.010 Taxicab permit required.
- 5.30.020 River taxi permit required.
- ~~5.30.030 Bus permit required.~~
- 5.30.035 Limousine permit required.
- 5.30.040 Application for permits.
- 5.30.050 Issuance of new nontransferable taxicab permits.
- 5.30.055 Taxicabs – Renewal of existing permits.
- 5.30.060 Taxicabs – Transfer of existing permit.
- 5.30.065 Posting of taxicab permit.
- 5.30.070 Taxicabs – Number of vehicles operated per permit.
- 5.30.080 Taxicabs – Subscription to dispatch service.
- 5.30.090 Taxicabs – Vehicle markings.
- 5.30.100 Required equipment.
- 5.30.120 Insurance required.
- 5.30.130 Posting of insurance notice.
- 5.30.140 Records.
- 5.30.160 Single use of vehicle.
- 5.30.170 Vehicle horn honking.
- 5.30.180 Safety equipment tampering prohibited.

5.30.010 Taxicab permit required.

A. No person may provide taxicab service in the city unless that person:

1. Is a permittee in possession of a valid taxicab permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC; or
2. Has entered into an agreement with a permittee as a lease operator which allows that person to provide taxicab services pursuant to the permittee's authority only for as long as the permittee is lawfully in possession of the permit and complies with all terms and conditions of issuance of the permit, and only if such an arrangement is approved in advance by the transportation inspector. In order to obtain such approval from the transportation inspector, the transportation inspector must approve the language of a written lease agreement and determine that the lease operator meets all requirements imposed on chauffeurs and taxicab permittees by Chapters 5.20 through 5.50 BMC. A decision of the transportation inspector denying a lease operator

arrangement can be appealed to the commission in accordance with BMC 5.20.100.

- B. No permittee shall allow another person to provide taxicab service under the authority of his or her permit except as allowed in subsection A of this section. Violation of this section is grounds for immediate revocation of a taxicab permit.
- C. No person may operate or dispatch a vehicle as a taxicab unless that vehicle is described on a taxicab permit as provided in subsection A of this section. Violation of this section is grounds for immediate revocation of a license or permit.
- D. No person may provide taxicab service pursuant to a taxicab permit except in accordance with Chapters 5.20 through 5.50 BMC. Violation of this section is grounds for immediate revocation of a permit.
- E. The permittee shall utilize as chauffeurs only currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC. [Ord. 15-21 § 2; Ord. 01-02 § 3.]

5.30.020 River taxi permit required.

- A. No person may provide river taxi service within the city without a river taxi permit. A river taxi permit, or any interest in a river taxi permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- B. A person may apply for an original or renewal river taxi permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to river taxis, he or she shall be issued a permit. [Ord. 15-21 § 2; Ord. 01-02 § 3.]

~~5.30.030 Bus permit required.~~

- ~~A. A person may provide bus service within the city with a bus permit. A permit, or any interest in a permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.~~
- ~~B. A person may apply for an original or renewal bus permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to buses, he or she shall be issued a permit.~~

~~C. A bus must operate on a defined route. The route must be submitted to the transportation inspector. Any changes in the route must be submitted to the transportation inspector. Bus operators may deviate from the defined route up to three fourths (3/4) of a mile to accommodate handicapped passengers.~~

5.30.035 Limousine permit required.

- A. A person may provide limousine service in the city if that person:
1. Is a permittee in possession of a valid limousine permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC;
 2. Operates a limousine;
 3. Utilizes currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC.
- B. A limousine will provide service by reservation or prearranged call for service. It is unlawful for a limousine chauffeur to provide flag stop service to passengers by curbside hail or the use of fixed routes.
- C. The current rates to be charged by a limousine permittee shall be provided to the transportation inspector in the form of a rate sheet. The permittee is responsible for providing the inspector with a new rate sheet as prices change. The prices on the rate sheet must be greater than the maximum rates allowed for the provision of a similar ride by taxicab.

The following rates are established as minimum rates for limousine operators:

One-half (1/2) hour or less arranged ride: fifty dollars (\$50.00);

One (1) hour arranged ride: eighty dollars (\$80.00).

5.30.040 Application for permits.

- A. An application for an original or renewal taxicab, ~~bus~~, limousine or river taxi permit shall be made to the transportation inspector.
- B. An application for a permit shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
1. The fee specified in BMC 5.20.160;
 2. Proof of insurance for the vehicle as required by Chapters 5.20 through 5.50 BMC;
 3. Proof that the applicant is at least eighteen (18) years of age; and

4. Proof that the applicant is in compliance with the drug and alcohol testing requirements of BMC 5.20.085.
- C. An applicant shall not be granted an original or renewal permit unless the applicant meets the requirements imposed on chauffeurs in BMC 5.40.030.
- D. If the commission determines that the public convenience and necessity requires issuance of additional taxicab permits in accordance with BMC 5.30.050, the following persons may apply for such a permit:
 1. Currently active chauffeurs licensed under Chapters 5.20 through 5.50 BMC with no fewer than two (2) years of continuous experience as a taxicab chauffeur in good standing in Bethel;
 2. Applicants who have not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:
 - a. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining vehicle for the purpose of prostitution or accepting money from a prostitute; or
 - b. Sale, transportation, possession or use of any controlled substance as defined by AS 11.71 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, 04.16 or 04.17.
- E. If the commission decides to issue an additional permit or permits in accordance with this chapter, a taxicab permit may be issued by the commission only if the applicant complies with subsections B through D of this section, and is certified as required by BMC 5.20.150.
- F. Each representation made in an application for an original or renewal permit shall be correct. Any false or misleading statement or misrepresentation as to a material matter in an application shall be grounds for denial of the application for a permit or revocation of a permit.

5.30.050 Issuance of new nontransferable taxicab permits.

- A. The total number of outstanding taxicab permits shall be determined by the public convenience and necessity. Any person or any member of the commission may initiate commission inquiry into the public convenience and necessity for issuance of additional permits. Hearings regarding public convenience and necessity shall be held to determine if the public convenience and necessity warrants issuance of one (1) or more additional nontransferable permits. The commission shall hold an inquiry into the public convenience and necessity at least once in a twenty-four-(24-) month period.
- B. At the hearing conducted pursuant to subsection A of this section, the commission may consider, among other things, evidence of:

1. The public demand for additional taxi service;
 2. The unfulfilled requests for service;
 3. The reasonableness of waiting time for service; and
 4. The economic impact of additional permits on the viability of the existing taxicab industry.
- C. If the commission finds that it is more likely than not, based on the evidence presented at hearing, that the public convenience and necessity would be best served by the issuance of one (1) or more new taxicab permits, such permit or permits shall be issued in the manner provided in subsection D of this section.
- D. No later than ninety (90) days after the commission determines that a new taxicab permit should be issued, the transportation inspector shall conduct a public auction as follows:
1. The auction shall be conducted by sealed bid, and the permit shall be issued to the highest qualified bidder;
 2. To be responsive, a bid must equal or exceed the taxicab permit issuance fees provided for in BMC 5.20.160;
 3. The term "qualified bidder" means a person who meets the requirements of BMC 5.30.040, and tenders the successful full bid price in cash within five (5) days after notice that he or she is the highest bidder;
 4. If the highest bidder is not a qualified bidder, the permit shall be issued to the next highest bidder who is also a qualified bidder. If none of the bidders are also qualified bidders, the transportation inspector shall again offer the permit at auction as provided by this section within one hundred eighty (180) days after the previous auction.
- E. No person may apply for a hearing pursuant to subsection A of this section within one hundred twenty (120) days after one (1) or more new permits authorized for issuance pursuant to this section have been actually issued. The commission may consolidate multiple hearing requests if it deems it appropriate to do so.
- F. A permit, or any interest in a permit, issued pursuant to this section shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- G. Permittees issued nontransferable permits in accordance with this section are subject to all revocation, suspension, and penalty provisions of Chapters 5.20 through 5.50 BMC, as well as all other requirements of Chapters 5.20 through 5.50 BMC.

5.30.055 Taxicabs – Renewal of existing permits.

An application for renewal of an existing taxicab permit made in accordance with BMC 5.30.040 shall be renewed only if the applicant is in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC that apply to taxicabs and taxicab permittees. A permit that is not renewed shall become void and revert to the commission.

5.30.060 Taxicabs – Transfer of existing permit.

- A. A person may transfer an interest (whether financial or proprietary in nature, a security interest, or some other form of interest) in a taxicab permit originally issued prior to December 31, 2000, or any interest in the corporation, joint venture, association, partnership, or other group or entity which owns an interest in a taxicab permit originally issued prior to December 31, 2000, only if the person obtains the prior approval of the transportation inspector.
- B. An application for transfer of a taxicab permit in accordance with subsection A of this section shall be made to the transportation inspector on forms approved by the transportation inspector and shall be accompanied by the proposed contract for sale or other interest transfer which states the specific consideration to be paid by the transferee, as well as all other material conditions of the sale or other transfer of interest. The application for transfer shall also identify all parties who have or are proposed to have a financial, proprietary, security or other interest in the permit. The application may request other information necessary to determine if the transfer is in the best interests of the public, including but not limited to evidence of the financial ability to meet the consideration requirements of the contract for sale or other interest transfer. If the transferee meets the requirements of this section and all other requirements for obtaining a taxicab permit contained in Chapters 5.20 through 5.50 BMC, and the transportation inspector approves the language of the contract for sale or other interest transfer, the transportation inspector may approve the transfer.
- C. A decision of the transportation inspector with respect to transfer of an interest under this section may be appealed to the commission in accordance with BMC 5.20.100.
- D. If transfer of a permit is not approved in accordance with this section and the permittee no longer wishes to operate under the permit or the permittee is no longer in compliance with the provisions of Chapters 5.20 through 5.50 BMC, the permit shall become void and revert to the commission.
- E. New permits issued in accordance with BMC 5.30.050 shall not be transferable, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.

5.30.065 Posting of taxicab permit.

The permit for each taxicab, river taxi, limousine ~~or bus~~ shall be posted in the interior of the taxicab, river taxi, limousine ~~or bus~~ in the manner designated by the transportation inspector. No person may operate a taxicab, river taxi, limousine ~~or bus~~ unless the permit is so posted.

5.30.070 Taxicabs – Number of vehicles operated per permit.

- A. Except as otherwise provided in this section, only one (1) vehicle, which shall be designated on the taxicab permit application, may be operated pursuant to that permit.
- B. Upon application to the transportation inspector, payment of the appropriate fee, and a demonstration of need, the transportation inspector may authorize operation of a substitute vehicle for a period of time not to exceed thirty (30) consecutive days. The transportation inspector shall be notified prior to substitution of the date, time, and substitution vehicle being placed in service, the permit number utilizing the substitute vehicle, the reason for the use of the substitute vehicle and the signature of the person authorizing the use of the substitute vehicle. If substitution is authorized, the transportation inspector shall subsequently be immediately notified of the date and time the substitute vehicle is removed from service and the original permitted vehicle is placed back in service. The transportation inspector shall require an inspection of the original vehicle before it is returned into service. No person may operate a substitute vehicle under this section unless the substitution has been authorized by the transportation inspector in accordance with this section, and a copy of the authorization is carried in the substitute vehicle at all times.
- C. If the use of the substitute vehicle was occasioned by a mechanical problem or vehicle accident affecting the safe operation of the original vehicle, the transportation inspector may allow a permanent vehicle transfer.
- D. The transportation inspector may permit a permanent vehicle transfer not more than four (4) times before the expiration of the original permit for reasons other than mechanical problems.

5.30.080 Taxicabs – Subscription to dispatch service.

Every taxicab permittee shall subscribe to a dispatch service permitted pursuant to Chapter 5.50 BMC for the taxicab operated under his or her permit. No taxicab may be dispatched by more than one (1) dispatch service. Failure to comply with this section shall be grounds for immediate revocation of a permit or license.

5.30.090 Taxicabs – Vehicle markings.

- A. Every taxicab shall display the trade name under which it operates and the vehicle number assigned to it by the transportation inspector in the area between the back bumper and the top of the trunk of the taxicab on the rear end of the taxicab with permanent contrasting letters and numbers no less than four (4) inches high.
- B. Every taxicab shall bear its vehicle number, as assigned to it by the transportation inspector, on all sides of the taxicab with permanent letters no less than four (4) inches high. Every taxicab shall display its vehicle number assigned by the transportation inspector on the front fender adjacent to the front door jam on both the driver and passenger side of the vehicle in numbers no less than four (4) inches high. The number shall be placed in the middle of the fender, but in no event less than two (2) inches above the bottom of the fender, or more than four (4) inches below the top of the fender.
- C. The transportation inspector will provide every taxicab permit holder with reflective decals bearing the assigned vehicle number required to meet the requirements of this section. Taxicab permit holders shall display trade names on vehicles with reflective decals that meet the requirements of this section.
- D. Except as otherwise provided by law, no taxicab may be used or sold for any purpose other than for use as a taxicab until all signs, insignia, license plates, lights or other markings have been removed or an "out of service" sign is posted on the taxicab in the form and manner designated by the transportation inspector.

5.30.100 Required equipment.

In addition to the mechanical equipment required in BMC 5.20.080(D), every taxicab shall have the following equipment:

- A. Every taxicab shall be equipped with an operable two-way radio that receives and transmits a signal only on the frequency used by that taxicab's dispatch service. At no time may a taxicab be equipped with an apparatus capable of monitoring a frequency used by a dispatch service other than that used by that taxicab's dispatch service. The radio of each taxicab shall be identifiable through the dispatch company through which the taxicab is dispatched.
- B. Every taxicab shall be equipped at all times with an interior light of not less than two (2) candlepower arranged so as to illuminate the entire passenger compartment. The light shall be illuminated whenever passengers are being loaded or unloaded from the taxicab between one-half (1/2) hour after sunset of one (1) day and one-half (1/2) hour before sunrise the next day. No shades or blinds shall be drawn over any windows of the taxicab while occupied by a passenger.

- C. Every taxicab shall be equipped with a nonflashing light on the exterior of the roof of a type approved by the transportation inspector. The light shall be illuminated only when the taxicab is in service.
- D. All taxicabs, limousines ~~and buses~~ must have factory seat belts for the maximum number of passengers that may be transported in a particular vehicle.
- E. River taxis shall have the following:
1. Four- (4-) wheel drive vehicle with at least twelve- (12-) inch clearance;
 2. VHF radio;
 3. Dual battery system;
 4. All equipment listed in subsections A through C of this section in addition to the following: a come-a-long or winch and shovel; ground and air flares; carbon monoxide detector; first aid kit; safe alternate form of heat, i.e., candles, canned heat, etc., one (1) wool blanket, one (1) survival or space blanket for each potential passenger, spare tire, and tools required to change a tire, i.e., jack lug wrench, etc.;
 5. A river taxi driver shall carry clothes appropriate for the weather conditions and the number of passengers for a particular trip, to include but not be limited to winter hats, boots, gloves, pants and coats.
- F. Every regulated vehicle shall be equipped at all times with a video camera surveillance system and have global positioning system capability. The surveillance and GPS systems shall be capable of recording and storing the data of at least seventy-two (72) hours of in-service operations. The recorded data shall be stored on board the taxicab or transmitted for storage. The stored data for the immediately preceding seventy-two (72) hours of recording shall not be altered or manipulated by any person, and shall be made available for review and inspection by the transportation inspector for purposes of enforcement of Chapters 5.20 and 5.40 BMC and this chapter or by a peace officer as defined in AS 1.10.060 upon request. For good cause, the transportation inspector may order retention of recorded data of specific dates, trips, or incidents for up to two (2) years.
1. The video camera surveillance system shall have the capability to operate twenty-four (24) hours a day, record video only, and be compatible with surveillance during both daytime and nighttime. The surveillance system shall either have continuous operation or be activated by the opening of a door, or some other self-initiating device which does not require the specific decision or action by the chauffeur to activate the surveillance system. The system shall be capable of producing high-quality pictures for law enforcement use. The system shall have cameras facing the front and rear and positioned in a manner that provides views of the regulated vehicle interior that are visible to passerby and does not violate privacy rights. A limousine shall not have video surveillance of

the passenger area designed and intended to provide privacy from the chauffeur and public view, but may have a view into that area when a privacy partition or device is open.

2. The global positioning system capability of any regulated vehicle shall either have continuous operation or be activated by a self-initiating device which does not require the specific decision or action by the chauffeur to activate the global positioning system. The global positioning system in taxicabs must be capable of alerting the monitoring station of emergencies. The dispatch company or a company within the municipality approved by the transportation inspector will be the monitoring station for a taxicab's global positioning system.

5.30.120 Insurance required.

- A. Before any permit is issued for any taxicab, river taxi, limousine or ~~bus~~, the applicant shall furnish to the transportation inspector the insurance policies required by this section, issued by an insurance company that is authorized to do business within the state.
- B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of six (6) persons or less, or, if a mini-van, six (6) persons or less seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:
 1. Combined single limit for all bodily injury or property damage arising from one (1) accident: three hundred thousand dollars (\$300,000); and
 2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: one hundred thousand dollars (\$100,000).
- C. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of seven (7) persons or more, or if a mini-van, seven (7) persons or more seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:
 1. Combined single limit for all bodily injury or property damage arising from one (1) accident: seven hundred thousand dollars (\$700,000); and
 2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: one hundred thousand dollars (\$100,000).
- D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the transportation inspector written notice no less than thirty (30) days before the cancellation, expiration, nonrenewal, lapse, or other termination of such insurance, unless the specified policy is for a vehicle which will no longer be used as a taxicab. A lapse, cancellation, expiration, nonrenewal, or termination of insurance coverage shall work an automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it shall be a violation of this chapter to provide taxicab service with a vehicle not insured as

required by this section. The insurance policy shall list the city as a certificate holder.

5.30.130 Posting of insurance notice.

Proof of insurance as required by Chapters 5.20 through 5.50 BMC shall be carried in the passenger compartment of all taxicabs at all times.

5.30.140 Records.

- A. Every taxicab, river taxi, and limousine permittee shall maintain a current and accurate daily list of the regulated vehicles operated pursuant to the permit. The daily list shall contain the following information:
1. The name, address, telephone number, chauffeur's license number and expiration of each chauffeur operating such regulated vehicles;
 2. The daily hours worked by each chauffeur operating such regulated vehicles;
 3. The number of days each such regulated vehicle is operated during each calendar month;
 4. The records maintained pursuant to this subsection A as well as any other records related to the operation of the permit shall be retained by the permittee for at least six (6) months and shall be made available upon the request of the transportation commission or the transportation inspector. The transportation inspector may request that the permittee forward the record to him or her on a monthly basis.

5.30.160 Single use of vehicle.

It is unlawful to use a regulated vehicle for any other transportation service regulated by Chapters 5.20 through 5.50 BMC other than that service which is authorized on the permit.

5.30.170 Vehicle horn honking.

It is unlawful to honk the horn of a taxicab from 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and from 12:00 a.m. to 7:00 a.m., Friday and Saturday.

5.30.180 Safety equipment tampering prohibited.

Except for maintenance or repair, no person shall disconnect, cover, misdirect or cause to be nonfunctional the radio identifier, silent electronic alarm, surveillance or security camera, or global positioning system in a regulated vehicle. Tampering with the safety equipment as described herein is a violation subject to civil penalty of:

- A. First violation: two hundred fifty dollars (\$250).
- B. Second violation: five hundred dollars (\$500).
- C. Third violation: seven hundred fifty dollars (\$750).
- D. Fourth violation: one thousand dollars (\$1,000).

Chapter 5.40

CHAUFFEURS

Sections:

- 5.40.010 Chauffeur's license required.
- 5.40.020 Chauffeur application for license.
- 5.40.030 Issuance of chauffeur's license.
- 5.40.040 Posting of chauffeur's license.
- 5.40.050 Maximum number of hours per day.
- 5.40.060 Duty to serve public.
- 5.40.070 Alcoholic beverages and controlled substances.
- 5.40.080 Carrying alcoholic beverages.
- 5.40.090 Charter of taxicab.
- 5.40.100 Fares and receipts.
- 5.40.110 Two-way radio prohibited.
- 5.40.120 Handheld device use prohibited.
- 5.40.130 Requirement of check-in and check-out.

5.40.010 Chauffeur's license required.

No person may operate a river taxi, taxicab, limousine or bus within the city without having in their possession a valid chauffeur's license.

5.40.020 Chauffeur application for license.

- A. An application for a chauffeur's license shall be made to the transportation inspector.
- B. An application shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
 - 1. The fee specified in BMC 5.20.160;
 - 2. Photographs to be taken by the transportation inspector;
 - 3. A complete set of fingerprints made by the Bethel police department or the transportation inspector on an FBI-approved form;
 - 4. A certificate from a physician licensed in the state to perform such testing, verifying the applicant's physical ability to drive, and proof of a negative drug test from a city-approved drug and alcohol testing facility;
 - 5. Proof that the applicant currently holds a valid state driver's license which entitles him or her to operate a vehicle by which persons are transported for compensation and has held a valid driver's license in Alaska or another state in the United States for at least one (1) year before the date of the application;

6. Proof that the applicant is at least eighteen (18) years old; and
 7. Proof that the applicant has compiled with subsections C and D of this section.
- C. Except as provided in subsection D of this section, an application shall not be complete until the applicant has passed an examination administered by the transportation inspector or his or her designee that tests the applicant's knowledge of safe driving, safe vehicle maintenance, knowledge of the city streets and significant locations, driver personal safety, drug and alcohol testing requirements, and any other subjects the commission finds to be in the public interest of ensuring safe and responsible public transportation. The examination shall consist of two (2) portions. One (1) portion shall be written test and the other portion shall be driving test. An applicant shall first (1st) take the written portion of the examination. If the applicant fails the written portion of the examination, he or she may not take the driving portion of the test. If the applicant fails either portion of the examination in any combination three (3) times in any one (1) calendar year, the applicant may not reapply for a chauffeur's license for one (1) year from the date of the third (3rd) failure.
- D. Each licensed chauffeur shall provide the transportation inspector with a current driving record every six (6) months from the date of issue or renewal. Any licensed chauffeur accumulating six (6) or more points against their driver's license shall be required to successfully pass both the written and driving examination administered by the transportation inspector as outlined in subsection C of this section.
- E. Applicants for a chauffeur's license must show proof of a successful passage of the written and driving portions of the examination required in subsections C and D of the section and proof of payment of any fees required in Chapters 5.20 through 5.50 BMC.
- F. Any person who has been denied a license pursuant to this chapter may not apply again for such a license for a period of one (1) year.

5.40.030 Issuance of chauffeur's license.

The transportation inspector shall issue a chauffeur's license to an applicant only if:

- A. The applicant has submitted a complete application as prescribed in BMC 5.40.020, and is certified as required in BMC 5.20.150;
- B. The applicant has not had a conviction entered by a court of competent jurisdiction within twelve (12) months of the date of his or her application for:
 1. A moving traffic violation which subjected the applicant's driver's license to suspension or revocation pursuant to AS 28.15.221 through 28.15.261, or a similar law of another jurisdiction;

2. Reckless driving;
 3. Driving while license suspended or revoked;
 4. Driving while under the influence of intoxicating liquor; depressant, hallucinogenic, stimulant or narcotic drugs, or any controlled substance as defined in AS 28.35.030 or any similar law of another jurisdiction;
- C. The applicant has not had his or her driver's license suspended or revoked within one (1) year prior to the application date;
- D. The applicant has not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:
1. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining a vehicle for the purpose of prostitution or accepting money from a prostitute for any of the aforementioned purposes;
 2. Sale, transportation, possession or use of any controlled substance as defined in AS 11.71 or any similar law of another jurisdiction; or a violation of AS 04 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, 04.16 or 04.17;
 3. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
 4. Burglary, larceny, fraud, theft or embezzlement; or
 5. Any sexual abuse or sexual exploitation offense; and
- E. Each representation made in the application is correct. Any false or misleading statement or misrepresentation as to a material matter in an application shall be grounds for denial of the application or revocation of the license.

5.40.040 Posting of chauffeur's license.

The chauffeur's license for the operator of a taxicab, river taxi, limousine ~~or bus~~ shall be posted in the interior of the taxicab, river taxi, limousine ~~or bus~~ in the manner designated by the transportation inspector. No person may operate a taxicab, river taxi, limousine ~~or bus~~ for hire unless his chauffeur's license is so posted.

5.40.050 Maximum number of hours per day.

No chauffeur may operate a taxicab, river taxi, limousine ~~or bus~~ in excess of twelve (12) consecutive hours. No chauffeur may engage in total gainful employment, whether chauffeuring or otherwise, for more than sixteen (16) hours in any twenty-four- (24-) hour period if the chauffeur has actually performed any chauffeuring in that twenty-four- (24-) hour period.

5.40.060 Duty to serve public.

- A. Chauffeurs of limousines shall be exempt from subsections A and B of this section. A chauffeur subject to this chapter shall not refuse to transport any passenger unless:
 - 1. The chauffeur has already been dispatched to another call;
 - 2. The passenger is acting in a disorderly or threatening manner, or otherwise causes the chauffeur to reasonably believe that his or her health or safety, or that of others, may be endangered;
 - 3. The passenger, upon request, does not show an ability to pay the estimated fare or any applicable flat or group rate; or
 - 4. The passenger refuses to refrain from smoking.
- B. The chauffeur shall immediately notify the dispatcher of any incident of service refusal.
- C. A chauffeur shall inspect his or her regulated vehicle at the beginning and during his or her shift ensuring the vehicle is in a safe operating condition and clean inside and outside. Any mechanical or safety deficiencies noted shall be immediately reported to the vehicle owner. A record of this notification and deficiency will be noted on the applicable trip sheet. The vehicle owner shall take action to immediately correct safety deficiencies. Nonsafety deficiencies shall be corrected within seventy-two (72) hours of notification. Failure of the chauffeur to report a safety or mechanical deficiency may result in a citation.
- D. It is unlawful for any chauffeur or passenger in a regulated vehicle to smoke any cigar, pipe, or cigarette or to burn tobacco or any other material in such vehicles at any time, regardless of whether or not passengers are riding in the vehicle.

5.40.070 Alcoholic beverages and controlled substances.

No chauffeur may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.35.030, while on duty or for eight (8) hours prior to operating a regulated vehicle.

5.40.080 Carrying alcoholic beverages.

- A. No chauffeur may possess or knowingly allow another person to possess a container of alcoholic beverages in a taxicab except that a passenger may transport alcoholic beverages in the trunk or cargo area of a regulated vehicle.
- B. No passenger may possess any container of alcoholic beverages inside the passenger compartment of a regulated vehicle.

5.40.090 Charter of taxicab.

If a passenger requests direct service to his or her destination without picking up or dropping off other passengers, the chauffeur shall honor the passenger's request, and may charge the passenger no more than the applicable charter rate established by the commission for the trip.

5.40.100 Fares and receipts.

- A. No chauffeur may require payment of rates greater than those established by the commission pursuant to BMC 5.20.050.
- B. On request of any passenger paying a fare, a chauffeur shall provide a receipt indicating the fare received, the date, the permit number, the dispatch company, and the chauffeur's legibly printed name.

5.40.110 Two-way radio prohibited.

No chauffeur may possess in a taxicab or allow another to operate a scanner capable of monitoring a frequency used by a dispatch service other than that used by the taxicab's dispatch service.

5.40.120 Handheld device use prohibited.

- A. A chauffeur may not operate a regulated vehicle with a passenger for hire while using a handheld device, except licensed two- (2-) way radio for dispatch purposes, unless the chauffeur is using his or her handheld device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or when parked.
- B. A chauffeur operating a permitted vehicle with a passenger for hire, while holding a handheld device, is guilty of violating this section, and is subject to the penalties under BMC 5.20.120.

5.40.130 Requirement of check-in and check-out.

Each chauffeur of a taxicab must check in with the dispatch service engaged by the permittee when the chauffeur begins a work shift and check out when the chauffeur departs a work shift.

Chapter 5.45

PUBLIC TRANSPORTATION

Sections:

5.45.010 Definitions.

5.45.020 Public transportation vehicles to operate with headlights at all times.

5.45.010 Definitions.

When used in this chapter, unless the context otherwise requires:

- A. "Public transportation vehicle" means any vehicle for which a chauffeur's license is required under Chapter 5.40 BMC in order to operate the vehicle, and also includes any other vehicle for hire or which operates a courtesy service for transporting the public to and from the airport, or to and from hotels, motels, or bed and breakfast facilities. A public transportation vehicle does not include any motor vehicle engaged exclusively in the transport of students to and from school.

5.45.020 Public transportation vehicles to operate with headlights at all times.

Any person who drives a public transportation vehicle shall have the headlights on when operating the vehicle, even during daylight hours.

Chapter 5.50

DISPATCH SERVICE

Sections:

- 5.50.010 Dispatch service permit required.
- 5.50.020 Dispatch service permit application.
- 5.50.030 Dispatch service permit transfer.
- 5.50.040 Provision of service.
- 5.50.050 Dispatch service operation.
- 5.50.060 Communication requirement between dispatchers and taxicab chauffeurs.
- 5.50.070 Compliance with Federal Communications Commission regulations.
- 5.50.080 Records.

5.50.010 Dispatch service permit required.

No person may dispatch taxicabs who did not have a dispatch service permit on December 31, 2000, unless the transportation inspector has approved the transfer of a dispatch service permit issued prior to December 31, 2000, to another person in accordance with BMC 5.50.030. A person authorized to dispatch taxicabs under this section may not dispatch taxicabs without renewing the dispatch service permit on an annual basis in accordance with Chapters 5.20 through 5.50 BMC. Additionally, no person may dispatch taxicabs who does not have current city and state business licenses, and a current FCC frequency license.

5.50.020 Dispatch service permit application.

- A. An application for annual renewal of a dispatch service permit shall be made to the transportation inspector.
- B. An application for annual renewal of a dispatch service permit shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
 - 1. The fee specified in BMC 5.20.160;
 - 2. Proof that the applicant has obtained and still possesses a valid FCC frequency license and identification of those frequencies authorized to be used in the dispatch service;
 - 3. A list of the name, address and telephone number of every person who will have a financial, proprietary, security or other interest in the license;
 - 4. A proposed color scheme, name and markings to be used by taxicabs dispatched by the applicant which is substantially different from the color scheme, name and markings used or proposed for use by any other dispatch company licensed under Chapters 5.20 through 5.50 BMC; and
 - 5. Proof that the applicant is at least eighteen (18) years of age.

C. A dispatch service permit shall be issued by the commission if the applicant complies with this section, is certified as required in BMC 5.20.150, and has not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of the renewal application for:

1. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining a vehicle for the purpose of prostitution or accepting money from a prostitute for the aforementioned purposes; or
2. Sale, transportation, possession or use of any controlled substance as defined in AS 11.71 or any similar law of another jurisdiction or engaging in an act prohibited under AS 04.11, 04.16 or 04.17.

5.50.030 Dispatch service permit transfer.

- A. No person may transfer any interest in a dispatch service permit or any interest in the corporation, joint venture, association, partnership or other entity which owns an interest in a dispatch service permit unless that person obtains the prior approval of the transportation inspector.
- B. An application for transfer of a dispatch service permit in accordance with subsection A of this section shall be made to the transportation inspector on forms approved by the transportation inspector and shall be accompanied by the proposed contract for sale or other interest transfer which states the specific consideration to be paid by the transferee, as well as all other material conditions of the sale or other transfer of interest. The application for transfer shall also identify all parties who have or are proposed to have a financial, proprietary, security or other interest in the permit. The application may request other information necessary to determine if the transfer is in the best interests of the public, including but not limited to evidence of the financial ability to meet the consideration requirements of the contract for sale or other interest transfer. If the transferee meets the requirements of this section and all other requirements for obtaining a dispatch permit contained in Chapters 5.20 through 5.50 BMC, and the transportation inspector approves the language of the contract for sale or other interest transfer, the transportation inspector may approve the transfer.
- C. A decision of the transportation inspector with respect to transfer of an interest under this section may be appealed to the commission in accordance with BMC 5.20.100.

5.50.040 Provision of service.

- A. Except as otherwise provided in this section, a dispatch service shall serve all taxicab permittees and their chauffeurs who request dispatch service and meet the requirements of this section so long as the fee for such service has been paid.

- B. A dispatch service shall promulgate reasonable internal rules and regulations and shall supply the transportation inspector with a current copy thereof at all times. If a dispatch service executes one (1) or more types of written contracts pertaining to dispatch of taxicabs, the dispatch service shall supply the transportation inspector with one (1) copy of each such current contract form at all times.
- C. A dispatch service may only provide dispatch service to a permitted taxicab.
- D. Each dispatch service shall establish a system for identifying radio transmissions from each taxicab which is dispatched through the dispatch service.
- E. A dispatch service company may operate out of a taxicab.

5.50.050 Dispatch service operation.

Every dispatch service shall respond to telephone calls, maintain radio communications with every taxicab subscribing to its service, and have a dispatcher on duty at least twenty (20) hours during every twenty-four- (24-) hour period.

5.50.060 Communication requirement between dispatchers and taxicab chauffeurs.

Each dispatch company licensed under Chapters 5.20 through 5.50 BMC must operate and maintain a two-way communications system between dispatchers and taxicab chauffeurs. The two-way communications system shall allow each chauffeur on a dispatch company radio frequency to monitor dispatcher transmissions and transmissions from other chauffeurs on that dispatch company radio frequency.

5.50.070 Compliance with Federal Communications Commission regulations.

Each dispatch service shall take steps to ensure that dispatchers and chauffeurs comply with FCC regulations with respect to operation of radios.

5.50.080 Records.

- A. Every dispatch service shall maintain a current and accurate list of:
 - 1. Daily dispatch activity, including the taxicab numbers, the permit number pursuant to which the taxicab is operated, the time of calls for service, and the place of passenger pickup.
- B. The records maintained pursuant to subsection A of this section shall be retained by the dispatch permittee for at least two (2) years and shall be made available upon request by the commission, the transportation inspector or a police officer. The transportation inspector may request that a dispatch service forward the records to him or her on a monthly basis.

City of Bethel, Alaska

Public Safety & Transportation Commission

May 3, 2016

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on May 3, 2016 in the City Hall Council Chambers.

This meeting was called to order at 7:10pm

II. ROLL CALL

Present: Eileen Henrikson *Vice Chair*
Daniel Macynski

Excused Absent: Joan Dewey *Chair*
Chuck Herman *Council Representative*
Naim Shabani
Julene Webber

Ex-Officio Present: Andre Achee *Chief of Police*
Bill Howell *Fire Chief*
Christina Him *Recorder and Transportation Inspector Designee*

A quorum was not established of the Commission.

III. ADJOURNMENT

Meeting adjourned at 7:11pm.

APPROVED THIS _____ DAY OF _____, 2016.

Christina Him, Recorder

Joan Dewey, Chair

City of Bethel, Alaska PLANNING COMMISSION SPECIAL MEETING

May 26, 2016

Special Meeting

Bethel, Alaska

I. CALL TO ORDER

A special meeting of the Planning Commission was held on May 26, 2016 at 6:30 pm in the City Hall Council Chambers, 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, Kathy Hanson, Cliff Linderoth, Lorin Bradbury. Nikki Hoffman was excused to attend another City meeting. Ex-Officio members present were the following: Ted Meyer, Planning Director, Betsy Jumper, Recorder, and City Attorney Patty Burley. Also present was applicant Raina Lee of Snack Shack.

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

VI. NEW BUSINESS: PUBLIC HEARING: Applicant: Snack Shack Restaurant is applying for a Conditional Use Permit (CUP) to obtain a Liquor License. The Legal Description is United States Survey Number 3230 A, lot 9, block 10, in the Bethel Recording District. The physical address is 520 3rd Avenue. (ACTION ITEM)

Chairman Shantz opened the public meeting.

Ted Meyer gave his report on the Snack Shack Conditional Use permit application and his facts and findings.

Applicant Raina Lee of Snack Shack stated the reason for the submittal of a Conditional Use permit was in order to increase restaurant revenues. Ms. Lee also described the procedures of what has been done by the restaurant.

MOTION MADE TO TABLE THE SNACK SHACK CONDITIONAL USE PERMIT APPLICATION

MOVED:	Lorin Bradbury	To table the Snack Shack CUP application hearing for a future date until more information can be obtained/found/clarified.
SECONDED:	Kathy Hanson	
VOTE ON MAIN MOTION	All in favor Motion fails; 4 yes and 1 opposed.	

A discussion ensued.

MOTION TO APPROVE THE SNACK SHACK CONDITIONAL USE PERMIT WITH CONDITIONS

MOVED:	Cliff Linderoth	To approve the Snack Shack CUP with conditions.
SECONDED:	Kathy Hanson	
VOTE ON MAIN MOTION	All in favor Motion passes; 5 yes and 0 opposed.	

After a discussion, and finding the applicant met most of the conditions set forth in Bethel Municipal Code 18.60.040 (B) (1) through (10). The Planning Commission moved:

MOTION TO APPROVE THE SHACK SHACK CONDITIONAL USE PERMIT APPLICATION WITH THE FOLLOWING CONDITIONS:

MOVED:	Kathy Hanson	1. Snack Shack liquor license is for a restaurant only; 2. Take out the front parking area; 3. Signage to direct traffic; and 4. The sandpad and property be filled as described in the application.
SECONDED:	Cliff Linderoth	
VOTE ON MAIN MOTION	All in favor Motion passes; 5 yes and 0 opposed.	

Chairman Shantz closed the Public Hearing.

VII. ADJOURNMENT

MOVED:	Kathy Hanson	To adjourn the meeting at 7:50 pm.
SECONDED:	Cliff Linderoth	
VOTE ON MAIN MOTION	All in favor Motion passes; 5 yes and 0 opposed	

Joy Shantz, Chairman

ATTEST:

Betsy Jumper, Recorder



City of Bethel, Alaska- Special Meeting

Parks, Recreation, Aquatic, Health & Safety Center Committee Agenda

May 30, 2016 – 6:00pm City Hall 300 State Highway

Michelle DeWitt
Committee Chair
Term Expires 12/2017

Judy Wasierski
Committee Co Chair
Term Expires 12/2018

Kathy Hanson
Committee Member
Term Expires 12/2018

Barbara Mosier
Committee Member
Term Expires 12/2018

Beverly Hoffman
Committee Member
Term Expires 12/2018

Mary Weiss
Committee Member
Term Expires 12/2018

Rick Robb
Council Rep
Term Expires 10/2017

Matthew Ross
Parks and Recreation Rep.

Raunicka Ray
Pool/Health Center Rep.

Kathryn Baldwin
Alternate Committee Member
Term Expires 12/2017

Brian Lefferts
Alternate Committee Member
Term Expires 12/2017

Muzaffar Lakhani
Public Works Director

Pauline Boratko
Committee Recorder

I. CALL TO ORDER:

II. ROLL CALL:

III. PEOPLE TO BE HEARD – THREE MINUTES PER PERSON:

IV. SPECIAL ORDER OF BUSINESS:

- A. 4th of July: event planning and discussion
- B. Review of Pool Operator Contract Process

V. ADJOURNMENT:

Pauline Boratko, Committee Recorder

Posted_at City Hall, AC, Post Office, Corina's

Special Order of Business

CITY OF BETHEL, ALASKA

Ordinance #16-16

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE 3.64.010, BENEFITS

WHEREAS, Bethel City Employees receive a utility benefit as described in 3.64.010 at \$75.00 per month, this is the default payment for non-union employees;

WHEREAS, the amount in the Collective Bargaining agreement, negotiated between administration and the union, and approved by the Bethel City Council, is \$115 per month for union members;

WHEREAS, Bethel City Council Raised Water and Sewer Rates effective January 1, 2015;

WHEREAS, the Utility Benefit is a benefit that helps attract and retain employees;

WHEREAS, the amount paid by non-union employees has not been raised in many years;

WHEREAS, in considering raises in rates to the people of Bethel, and to the Union employees, it is only fair to raise the rates on non-union employees;

NOW, THEREFORE BE IT ENACTED by the Bethel City Council:

SECTION 1. Classification. This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

SECTION 2. Amendment.

Section 3.64.010 of the Bethel Municipal Code is amended (new language is underlined and old language is stricken)

B. Other Benefits

a. Utility Benefit. Full-time ~~and part-time~~ employees shall receive water, sewer, and garbage services from the city for a fee of ~~seventy five dollars (\$75)~~ one hundred fifteen dollars (\$115.00) per month; provided, however, that employees subject to written employment agreements may have different benefits specified. Water and sewer services shall be provided on the established delivery schedule, up to a maximum of twice a week. The maximum amount of water that shall be provided is one thousand five hundred (1,500) gallons per week. Seasonal employees, and employees who reside

Introduced by: Mayor Robb
Introduction Date: May 24, 2016
Public Hearing:
Action:
Vote:

in multifamily dwellings with shared water and sewer tanks, shall not be eligible for this benefit.

b. Suspension. All employees must complete an application to receive the utility benefits. It must then be approved by the city manager. Any employee who fails to notify the utility service department to disconnect services within one (1) week after they change residences may be denied the utility benefit in the future.

c. Deposit. Employees are not required to pay the established deposit for utility services. When the employee no longer works for the city, the employee shall not receive the benefits provided for in this section.

Section 3. Effective Date.

This Ordinance shall become effective July 1, 2016.

ENACTED THIS 14 DAY OF JUNE BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

ATTEST:

Richard Robb, Mayor

Lori Strickler, City Clerk

An updated version will be provided at the Council Meeting

Introduced by: Manager Ann K. Capela
Introduction Date: May 24, 2016
Public Hearing: May 26, 2016
Public Hearing: June 1, 2016
June 2, 2016
June 14, 2016

Action:
Vote:

CITY OF BETHEL, ALASKA
ORDINANCE # 16-17

AN ORDINANCE ESTABLISHING A CITY OF BETHEL BUDGET FOR FISCAL YEAR 2017 BEGINNING JULY 1, 2016

Be it Ordained by the City Council of Bethel as follows:

Section 1. That Ordinance 16-17, a non-code ordinance, establishes a City of Bethel Annual Budget for fiscal year 2017.

Section 2. There is hereby appropriated out of the revenues of the City of Bethel, for the fiscal year beginning July 1, 2016, the sum of \$27,673,954, which sum is deem by Council to be necessary to defray all expenditures of the City during said budget year to be divided and appropriated in accordance with the attached budget proposal as follows:

General Fund - Operating

City Administration	\$609,318
City Clerk & Council	219,740
Finance Department	1,160,938
Planning Department	297,085
Information Technology Services	616,477
City Attorney	256,370
Fire Department	1,146,258
Police Department	3,032,161
Public Works-Administration	162,781
Streets & Roads	1,334,143
Property Maintenance	788,957
Parks & Recreation	356,301
Community Services	188,220
In-Kind & Transfers	98,892
Indirect Cost Recovery	(631,956)

TOTAL GENERAL FUND - OPERATING **\$9,635,685**

General Fund - Projects

City Administration	\$0
City Clerk & Council	0
Finance Department	0
Planning Department	0
Information Technology Services	0
City Attorney's Office	0
Fire Department	0
Police Department	0
Public Works-Administration	0
Streets & Roads	552,000
Property Maintenance	0

Parks & Recreation	0
Community Services	5,000
In-kind & Transfers	0
TOTAL GENERAL FUND - PROJECTS	\$557,000
General Fund - Capital Expenditures	
City Administration	\$0
City Clerk & Council	0
Finance Department	0
Planning Department	0
Information Technology Services	10,000
City Attorney's Office	0
Fire Department	25,000
Police Department	50,000
Public Works-Administration	0
Streets & Roads	0
Property Maintenance	0
Parks & Recreation	0
Community Services	0
In-kind & Transfers	0
TOTAL GENERAL FUND - CAPITAL EXP.	\$85,000
General Fund - Transfers	
Transfers To - YKRH Aquatic Center	\$562,500
Transfers To - Capital Projects	\$23,827
TOTAL GENERAL FUND - Transfers	\$586,327
TOTAL GENERAL FUND	\$10,864,012
Special Revenue Funds	
E-911 Services	388,531
TOTAL SPECIAL REVENUE FUNDS	\$388,531
Capital Project Funds	
Land Planning and Development	\$45,000
Park Development Fund	112,852
Port Office Fund	950,000
Port Multi-Facility Improvements Fund	80,000
Fleet Replacement Fund	350,000
TOTAL CAPITAL PROJECT FUNDS	\$1,537,852
Enterprise Fund-YK Regional Health & Aquatic Center	
Swimming Pool	\$1,552,450
TOTAL ENTERPRISE FUND-YK Regional Pool	\$1,552,450
Enterprise Fund-Solid Waste	
Hauled Refuse	\$359,399

Landfill Operations	376,819
Transfers Out	50,000
TOTAL ENTERPRISE FUND-SOLID WASTE	\$786,218
Enterprise Fund-Water & Sewer	
Utility Billing	\$219,745
Hauled Water	1,681,059
Hauled Sewer	1,635,396
Piped Water	458,493
Piped Sewer	729,667
Water Treatment - BH	687,457
Water Treatment - CS	600,056
Sewer Lagoon	126,202
Indirect Cost Recovery	(31,989)
Transfers Out	188,000
TOTAL ENTERPRISE FUND-WATER & SEWER	\$6,294,086
Enterprise Fund-Port	
Municipal Dock-Operating	\$549,749
Municipal Dock-Small Boat Harbor	\$167,034
Projects	96,000
Capital Outlay	350,000
Transfers Out	482,000
TOTAL ENTERPRISE FUND - PORT	\$1,644,783
Enterprise Fund-Leased Properties	
Court Complex	\$667,286
Other Leased Properties	2,450
TOTAL ENTERPRISE FUND-LEASED PROPERTIES	\$669,736
Enterprise Fund-Bethel Public Transit System	
Transit System	\$412,725
Capital Outlay	54,000
TOTAL ENTERPRISE FUND-TRANSIT SYSTEM	\$466,725
Internal Svc Fund-Employee Group Health Benefits	
Employee Group Health Benefits	\$2,277,071
TOTAL INTERNAL SVC FUND-EMP GROUP HEALTH	\$2,277,071
Internal Svc Fund-Vehicle & Equipment Maint.	
Vehicle & Equipment Maintenance	\$1,180,590
Capital Outlay	0
TOTAL INTERNAL SVC FUND-VEHICLE & EQUIP	\$1,180,590
Endowment Fund	
Transfers Out	\$11,900
TOTAL ENDOWMENT FUND	\$11,900

Section 3. That the FY2017 budget is adopted for a period of one (1) year, that being from July 1, 2016 to June 30, 2017.

ENACTED THIS ____ DAY OF JUNE 2016, BY A VOTE OF

ATTEST:

Richard Robb, Mayor

Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

Ordinance #16-18

AN ORDINANCE BY THE BETHEL CITY COUNCIL, ADDING MARIJUANA REGULATION TO THE BETHEL MUNICIPAL CODE

5.10.010 Definitions.

- (A) "board" means the Alcoholic Beverage Control Board established by AS 04.06;
- (B) "consumer" means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by persons 21 years of age or older, but not for resale to others;
- (C) "consumption" means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body;
- (D) "Intoxicated Person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of an alcoholic beverage and/or marijuana into the person's body and who exhibits those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the overconsumption of alcoholic beverages and/or marijuana.
- (E) "Licensed Premises" means any or all designated portions of a building or structure, rooms or enclosures in the building or structure, or real estate leased, used, controlled, or operated by a licensee in the conduct of business for which the licensee is licensed by the Board and the City at the specific address for which the license is issued.
- (F) "local government" means both home rule and general law municipalities, including boroughs and cities of all classes and unified municipalities;
- (G) "local regulatory authority" means the office or entity designated to process marijuana establishment applications by a local government;
- (H) "marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products;
- (I) "marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing,

- 41 compounding, converting, producing, processing, preparing, testing, analyzing,
42 packaging, repackaging, storing, vaporizing, or containing marijuana, or for
43 ingesting, inhaling, or otherwise introducing marijuana into the human body;
44 (J) "marijuana cultivation facility" means an entity registered to cultivate, prepare,
45 and package marijuana and to sell marijuana to retail marijuana stores, to
46 marijuana product manufacturing facilities, and to other marijuana cultivation
47 facilities, but not to consumers;
48 (K) "marijuana establishment" means a marijuana cultivation facility, a marijuana
49 testing facility, a marijuana product manufacturing facility, or a retail marijuana
50 store;
51 (L) "Marijuana License" means any of the licenses or permits described in AS ????
52 (M) "marijuana product manufacturing facility" means an entity registered to
53 purchase marijuana; manufacture, prepare, and package marijuana products;
54 and sell marijuana and marijuana products to other marijuana product
55 manufacturing facilities and to retail marijuana stores, but not to consumers;
56 (N) "marijuana products" means concentrated marijuana products and marijuana
57 products that are comprised of marijuana and other ingredients and are intended
58 for use or consumption, such as, but not limited to, edible products, ointments,
59 and tinctures;
60 (O) "marijuana testing facility" means an entity registered to analyze and certify the
61 safety and potency of marijuana;
62 (P) "Person" means an individual, partnership, cooperative, association, joint
63 venture, corporation, estate trust, business, receiver, or any entity, group or
64 combination acting as a unit.
65 (Q) "retail marijuana store" means an entity registered to purchase marijuana from
66 marijuana cultivation facilities, to purchase marijuana and marijuana products
67 from marijuana product manufacturing facilities, and to sell marijuana and
68 marijuana products to consumers;
69 (R) "unreasonably impracticable" means that the measures necessary to comply
70 with the regulations require such a high investment of risk, money, time, or any
71 other resource or asset that the operation of a marijuana establishment is not
72 worthy of being carried out in practice by a reasonably prudent businessperson.
73

74 **5.10.020 Operations Plan**

75 Each retail marijuana cultivation facilities, retail marijuana product manufacturing
76 facilities, and retail marijuana testing facilities shall submit to the City:

- 77 A. A plan that specifies all means to be used for extracting, heating, washing, or
78 otherwise changing the form of the marijuana plant or for testing any marijuana
79 or marijuana product, including a verification that such plan is in compliance with

80 all applicable federal, state, and local laws and regulations governing ventilation
81 and safety measures for each such process;

82 B. A description of all toxic, flammable, or other materials regulated by a federal,
83 state, or local government that will be used, kept, or created at the facility, the
84 quantities and location of such materials, and the manner in which such
85 materials will be stored; and

86 C. A description of the processes used to extract or distill marijuana derivatives
87 from their source and the processes used to incorporate marijuana derivatives
88 into all retail marijuana products produced, including a verification that such
89 processes are in compliance with all applicable federal, state, or local laws or
90 regulations.

91 D. A plan for ventilation of a retail marijuana establishment that describes the
92 ventilation systems that will be used to prevent any odor of marijuana off the
93 premises of the establishment must be submitted to the City. For retail marijuana
94 cultivation facilities, such plan shall also include all ventilation systems used to
95 control the environment for the plants and describe how such systems operate
96 with the systems preventing any odor leaving the premises.
97

98 **5.10.030 Procedure for Administrative Review of License Applications.**

99 A. Upon receipt of notice from the Board of an application for the issuance,
100 renewal, transfer of location or transfer to another person of a marijuana license
101 for a license location in the City, the clerk shall as soon as practicable distribute
102 copies of the notice to the city manager, the city council and the city attorney.

103 B. The city manager shall immediately refer the application for review as follows:

104 1. To the planning director or their designee to determine if the applicant has
105 complied with the conditional use provision of the Bethel Municipal Code;

106 2. To the finance director or their designee to determine whether the licensee or
107 license transferee is delinquent in paying to the City any tax, assessment,
108 business license fee, or fee or charge for utility service for the business
109 and/or affiliate (as defined in 3 AAC 304.990) that operates or will operate,
110 under the marijuana license.

111 3. To the police and fire chiefs to determine whether, in their opinion there have
112 been excessive calls for service, excessive numbers of convictions or arrests
113 for unlawful activity at the license location, police or ambulance reports,
114 reports of unlawful activity at the license location, or police, fire or ambulance
115 dispatches to the license location.

116 C. The fire chief, police chief, planning director and finance director shall forward
117 written statements to the city manager within fourteen (14) calendar days after
118 the application was referred by the city manager.

- 119 D. The city manager shall provide a written report to the city council, with a copy to
120 the applicant, listing any objections to the Board's issuance of the application.
121 The city manager's report is due within twenty (20) days after the date of receipt
122 of notice from the city clerk.
- 123 E. An applicant who believes the city manager's report contains factual errors shall
124 file a written protest outlining, with specific, the sections of the report believed to
125 be factually incorrect. Such protest must be filed to the city manager not later
126 than ten (10) calendar days after issuance of the city manager report.
- 127 F. The city manager shall investigate the applicant's protest and shall issue a
128 written decision no later than ten (10) business days after receipt of the protest.
- 129 G. The city clerk shall place the matter of the application upon the city council
130 agenda not less than thirty (30) and not more than forty (40) calendar days
131 after the date of receipt from the Board;

132

133 **5.10.040 City Council Review of License.**

134 The city council shall determine whether to protest, recommend with conditions, or stay
135 silent on the issuance, renewal or transfer of a marijuana license application and shall
136 consider the following factors it believes are pertinent. Such factors shall include, but
137 not be limited to:

- 138 1. City records indicating whether the applicant and/or transferor is in violation
139 of the city sales tax ordinances or regulations, has failed to comply with any
140 of the filing, reporting or payment provisions of the city ordinances or
141 regulations, or has any unpaid balance due on tax accounts for which the
142 applicant and/or transferor is liable;
- 143 2. The character and public interests of the surrounding neighborhood;
- 144 3. Actual law enforcement problems with supporting data;
- 145 4. The concentration of other licenses of the same and other types in the area;
- 146 5. The adequacy of parking facilities;
- 147 6. The safety of ingress to and egress from the premises;
- 148 7. Compliance with state and local fire, health and safety codes;
- 149 8. The degree of control the licensee has or proposes to have over the conduct
150 of the licensed business. In determining the applicant's demonstrated ability
151 to maintain order and prevent unlawful conduct, the city council may consider
152 police reports, the appearance of a readily identifiable pattern or practice of
153 recurring violent acts or unlawful conduct on the licensed premises.
154 testimony presented before the council, written comments, or other evidence
155 deemed to be reliable and relevant to the purpose of this subsection;
- 156 9. Whether the applicant can demonstrate prospective or continued compliance
157 with operations procedures for licensed premises set forth in BMC section
158 5.08.110.

- 159 10. The proximity to a school, licensed day care, alcohol/ drug inpatient or
160 outpatient treatment center;
161 11. Any history of convictions of the applicants and affiliates of the applicants
162 for:
163 (a) Any violation of AS Title 04;
164 12. Any other factor the city council determines is relevant to a particular
165 application.
166

167 **5.10.050 Council Action on Marijuana License Applications.**

- 168 A. If a city council member wishes to protest the application, a resolution shall be
169 prepared and introduced at the next regularly scheduled council meeting or
170 earlier if necessary to meet the requirements of 3 AAC 306.060.
171 B. At least seven (7) calendar days prior to the council meeting, the city clerk shall
172 provide the applicant with:
173 1. A copy of the proposed resolution; and
174 2. Notice of the date and time when council will consider the resolution
175 (BMC?); and
176 3. Notice the applicant will have an opportunity, pursuant to (BMC?) to
177 appear before the council to defend the application.
178 C. A protest by the council under this section cannot be based in whole or in part
179 on police reports or other written materials available to the City but which were
180 not provided to the affected applicant before the public hearing on that protest.
181 D. At the conclusion of the public hearing, and any deliberation of the council, the
182 council may choose to:
183 1. Pass the resolution protesting to the Board the issuance, transfer or
184 renewal of the liquor license application; or
185 2. Recommend the license be approved with conditions; or
186 3. Take no action on the application.

187 **5.10.060 Recordkeeping required of all sellers.**

- 188
189 A. Premises licensed under (BMC?) shall keep and preserve suitable records of all
190 sales made by the seller and such other books or accounts as may be necessary
191 to determine the amount of tax which it is obliged to collect, including records of
192 the gross daily sales, together with invoices of purchases and sales, bills of
193 lading, bills of sale or other pertinent records and documents as will substantiate
194 and prove the accuracy of a tax return.
195 B. "Suitable records of all sales made" as used in subsection A of this section shall
196 mean at a minimum a daily "Z" or "Z-total" report or equivalent, (A "Z" or "Z-
197 total" report is the report generated by the cash register at the end of each
198 business day, which calculates, at least, the totals for each department key, total

- 199 sales and total receipts – although some cash registers have more detailed “Z” or
200 “Z-total” reports). Whatever records are kept must reflect the total daily
201 purchases of taxable items. If no taxable sales are made on a business day, the
202 records kept shall so reflect “zero” sales on that day. Records must also be kept
203 to substantiate any claimed deductions or exclusions authorized by law. Records
204 may be written, stored on data processing equipment, or may be in any form
205 that the City may readily examine.
- 206 C. All sellers within the City who sell marijuana must have a cash register and must
207 record each retail sale on a cash register that provides, at a minimum, a daily “Z”
208 or “Z-total” report, or equivalent.
- 209 D. Records shall be kept in a systematic manner conforming to accepted accounting
210 methods and procedures. Such records include:
- 211 1. The books of accounts ordinarily maintained by a prudent business
212 person. Records and accounting information stored on computers must
213 be provided to the City in a readable form when requested by the City.
 - 214 2. Documents of original entry such as original source documents, pre-
215 numbered sequential source documents, pre-numbered sequential
216 receipts, cash register tapes, sales journals, invoices, job orders,
217 contracts, or other documents of original entry that support the entries in
218 the books of accounts;
 - 219 3. All schedules or working papers used to prepare gross and taxable sales
220 results, including receipts or invoices showing exempt sales.
- 221 E. Records must show:
- 222 1. Gross receipts and amounts due from all taxable and exempt sales; and
 - 223 2. The total purchase price of all goods and other property purchased for
224 sale, resale, consumption, or lease.
- 225 F. Every seller shall preserve suitable records of sales for a period of three (3) years
226 from the date of the return reporting such sales, and shall preserve for a period
227 of three (3) years all invoices of goods and merchandise purchased for resale,
228 and all such other books, invoices and records as may be necessary to accurately
229 determine the amount of taxes which the seller was obliged to collect under this
230 chapter.
- 231 G. The City finance department may examine and audit any relevant books,
232 papers, records, returns or memoranda of any seller, may require the attendance
233 of any seller, or any officer or employee of a seller, at a meeting with the finance
234 director or his or her designee, and may require production of all relevant
235 business records, in order to determine whether the seller has complied with this
236 chapter.

237
238 **5.10.070 License Restrictions**

- 239 A. The City of Bethel adopts 3ACC.010 A and B, which states the Board will not
240 issue a marijuana establishment license if the licensed premises will be located
241 within 500 feet of a school ground, a recreation or youth center, a building in
242 which religious services are regularly conducted, or a correctional facility. The
243 distance specified in this subsection must be measured by the shortest
244 pedestrian route from the public entrance of the building in which the licensed
245 premises would be located to the outer boundaries of the school ground, the
246 outer boundaries of the recreation or youth center, the main public entrance of
247 the building in which religious services are regularly conducted, or the main
248 public entrance of the correctional facility. This section does not prohibit the
249 renewal of an existing marijuana establishment license or the transfer of an
250 existing marijuana establishment license to another person if the licensed
251 premises were in use before the school ground, recreation or youth center, the
252 building in which religious services are regularly conducted, or the correctional
253 facility began use of a site within 500 feet. If an existing marijuana establishment
254 license for premises located within 500 feet of a school ground, a recreation or
255 youth center, a building in which religious services are regularly conducted, or a
256 correctional facility is revoked or expires, the board will not issue another
257 marijuana establishment license for the same premises unless the school ground,
258 the recreation or youth center, the building in which religious services are
259 regularly conducted, or the correctional facility no longer occupies the site within
260 500 feet.
- 261 B. The board will not issue a marijuana establishment license if the licensed
262 premises will be located in a liquor license premises.

263
264 **5.10.080 Conditional use permit required.**

265 Unless exempt, all marijuana establishments including but not limited to cultivation,
266 manufacturing, testing, dispensing, and retail are permitted only by a Conditional Use
267 Permit.

268
269 **5.10.090 Licensee Responsible for Employees' Actions on Premises.**

- 270 A. A licensee may neither knowingly allow agents or employees to violate this
271 chapter or (AS Title 04?) or regulations adopted thereunder, or to recklessly or
272 with criminal or civil negligence fail to act in accordance with the duties
273 prescribed under (AS 04.21.030?) with the result that an agent or employee of
274 the licensee violates a law, regulation or ordinance.

275 The licensee shall be responsible for all acts or omissions of the licensee's employees on
276 the licensed premises. The licensee may be cited and prosecuted for all acts or
277 omissions of employees which are committed on the licensed premises and which are in
278 violation of this chapter; provided, however, that the prosecution of the licensee shall

279 not prohibit the prosecution of the employee for acts o omissions committed by the
280 employee in violation of any provision of this chapter.

281
282 **5.10.100 Hours and Days of Operation.**

283 A. Premises licensed for the sales, service and consumption of marijuana shall
284 be closed between the hours of 9:00 p.m. and 11:00 a.m., seven days per week.

285 B. A person may not sell, offer for sale, give, furnish, deliver or consume
286 marijuana on premises licensed under (Code?) during the hours of closure set
287 forth in this section.

288 C. A licensee, an agent, or employee may not permit a person to consume
289 marijuana on the licensed premises between the hours of closure set forth in this
290 section.

291
292 **5.10.110 Obligation to Enforce Restrictions within Licensed Premises.**

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

295
296 **5.10.120 Marijuana Handler Permit**

297 A. Pursuant to 3 AAC 306.700 A and D, a marijuana establishment and each
298 licensee, employee, or agent of the marijuana establishment who sells,
299 cultivates, manufactures, tests, or transports marijuana or a marijuana product,
300 or who checks the identification of a consumer or visitor, must obtain a
301 marijuana handler permit from the board before being licensed or beginning
302 employment at a marijuana establishment.

303 B. A licensee, employee, or agent of a marijuana establishment shall keep the
304 marijuana handler permit card in that person's immediate possession or a valid
305 copy on file on the premises at times when on the licensed premises of the
306 marijuana establishment.

307 C. Pursuant to 3 AAC 306.530. a marijuana product manufacturing facility,
308 including a marijuana concentrate manufacturing facility, shall ensure that each
309 licensee, employee, or agent who is required or permitted to be physically
310 present on the licensed premises at any time:

311 (1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before
312 being present or employed at the marijuana product manufacturing facility's
313 licensed premises; and

314 (2) has the marijuana handler permit card in the person's immediate possession,
315 or a valid copy on file on the premises, at all times while on the marijuana
316 product manufacturing facility's licensed premises.

317
318

319 **5.10.130 Operation of Licensed Premises.**

- 320 A. Except as otherwise provided in this section, the operations procedures set forth
321 in subsection B of this section shall apply to all persons seeking the issuance,
322 renewal or transfer of any license issued by the Board by virtue of (AS ?) and
323 other applicable provisions of law allowing the sale or service of marijuana.
324 (Subsection ?) of this section shall not apply to persons seeking the issuance,
325 transfer or renewal of licenses issued under (AS ?) which do not authorize the
326 sale or service of marijuana for consumption on the premises licensed.
- 327 B. Persons seeking the issuance, transfer or renewal of licenses issued by the Board
328 under (AS Title?) and other applicable provisions of law shall comply with the
329 following operations procedures:
- 330 1. *Public Transportation.* Licensees shall make available to their patrons access
331 to means of public transportation ~~to~~ or permit patrons to make arrangements
332 for transportation off the premises.
 - 333 2. *Notice of Penalties.* Operators shall place, at conspicuous locations within
334 licensed premises, a clear and legible sign describing applicable penalties for
335 driving under the influence, and for service or sale of marijuana to minors or
336 intoxicated persons.
 - 337 3. *Compliance Determination.* In order to determine whether applicants seeking
338 the issuance, renewal or transfer of marijuana licenses have complied with
339 the provisions of this chapter, applicants shall, at the request of the City,
340 submit to the city manager (or their designee) an marijuana licensee
341 compliance form. Upon request, operators shall also provide the city manager
342 with certificates from all current employees demonstrating that those
343 employees have successfully completed a marijuana awareness training
344 program such as the program for techniques in marijuana management as
345 approved by the Board.
 - 346 4. *In the event the City of Bethel adopts code for allowing for the impoundment*
347 *and/or forfeiture of vehicles seized pursuant to an arrest for or charge driving*
348 *under the influence or refusal to submit to chemical tests, such signs must be*
349 *posted.* Upon adoption of a municipal code allowing for the forfeiture,
350 operators shall display at conspicuous places in licensed premises two (2)
351 signs warning that vehicles are seized in cases of driving under the influence
352 or refusal to submit to chemical tests. One of these warning signs shall be at
353 least eleven (11") inches by fourteen (14") inches in size, and must read, in
354 lettering at least one-half (1/2") inch high and in contrasting colors or black
355 and white, "DRIVE UNDER THE INFLUENCE—LOSE YOUR CAR." The sign
356 described in the preceding sentence must carry a logo or illustration approved
357 by the chief of police or their designee which shows an automobile being
358 towed. The second warning sign shall be at least eleven (11") inches by
359 fourteen (14") inches and must read, in letters at least one-quarter (1/4")

360 inch high and in contrasting colors or black and white, "WARNING: IF YOU
361 DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE
362 UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE
363 cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED
364 for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if
365 the driver has been convicted of DUI in the past ten (10) years."

366 5. *Warning signs required other:*

367 C. *Mandatory identification check in the retail sale of marijuana:* Licensee or
368 licensee's employee or agent shall require any purchaser (and anyone
369 accompanying the purchaser) of marijuana to produce a current government-
370 issued identification with birth date and photograph for identification check prior
371 to any on-premises sale. The purpose of the identification check is to verify age
372 and eligibility to purchase marijuana. Failure to conduct the mandatory
373 identification check required by this section is a violation of code and the licensee
374 or licensee's employee or agent failing to conduct the mandatory identification
375 check shall be subject to the civil penalty provisions of this chapter. For purposes
376 of mandatory identification check required by this section:

- 377 1. "*Current government-issued*" means a state, federal or foreign government
378 picture identification in force and effect for a specified period stated within
379 the identification, when presented prior to expiration of the period stated. A
380 state government identification with birth date and photograph issued by any
381 state of the United States is included within the meaning of "current
382 government-issued" if the period of validity is specified and the identification
383 is presented prior to expiration of the period stated.
- 384 2. The subsequent invalidation of the identification as a bona fide government-
385 issued identification does not invalidate the compliance.
- 386 3. An ongoing pattern of non-compliance with the mandatory identification
387 check required by this code may result in review of the conditions of use or
388 may result in the revocation of a special use permit previously approved by
389 the city council. Action by the city council on licensee's special use permit
390 under this section shall be in addition to any criminal or civil penalty
391 applicable to the individual making the sale without performing the
392 mandatory identification check.

393 D. *Security Personnel.*

394 Each premises licensed for consumption, shall employ at least one (1) person
395 who shall be on duty during open business hours. This person shall not be the
396 budtender on duty, and shall be on duty for the express purpose of maintaining
397 order within the establishment and assuring compliance, by the clientele, with
398 the provisions of this chapter.

399 E. Video surveillance.

- 400 1. Pursuant to 3 AAC 306.720., a marijuana establishment shall install and
401 maintain a video surveillance and camera recording system as provided in this
402 section. The video system must cover
403 (a) each restricted access area and each entrance to a restricted access
404 area within the licensed premises;
405 (b) each entrance to the exterior of the licensed premises; and
406 (c) each point-of-sale area.
- 407 2. At a marijuana establishment, a required video camera must be placed in a
408 way that produces a clear view adequate to identify any individual inside the
409 licensed premises, or within 20 feet of each entrance to the licensed
410 premises. Both the interior and the exterior of each entrance to the facility
411 must be recorded by a video camera.
- 412 3. Any area where marijuana is grown, cured, or manufactured, or where
413 marijuana waste is destroyed, must have a camera placement in the room
414 facing the primary entry door, and in adequate fixed positions, at a height
415 that will provide a clear, unobstructed view of the regular activity without a
416 sight blockage from lighting hoods, fixtures, or other equipment, in order to
417 allow for the clear and certain identification of any person and activity in the
418 area at all times.
- 419 4. Surveillance recording equipment and video surveillance records must be
420 housed in a locked and secure area or in a lock box, cabinet, closet or other
421 secure area that is accessible only to a marijuana establishment licensee or
422 authorized employee, and to law enforcement personnel including a peace
423 officer or an agent of the board. A marijuana establishment may use an
424 offsite monitoring service and offsite storage of video surveillance records if
425 security requirements at the offsite facility are at least as strict as onsite
426 security requirements as described in this section.
- 427 5. Each surveillance recording must be preserved for a minimum of 40 days, in a
428 format that can be easily accessed for viewing. All recorded images must
429 clearly and accurately display the time and date, and must be archived in a
430 format that does not permit alteration of the recorded image, so that the
431 images can readily be authenticated. After 40 days, a marijuana
432 establishment may erase video recordings, unless the licensee knows or
433 should know of any pending criminal, civil, or administrative investigation for
434 which the video recording may contain relevant information.
- 435 F. Premises to be cleared Upon Closing. Upon closing, licensees shall clear the
436 marijuana establishment of all persons, other than necessary employees, within
437 fifteen (15) minutes after the closing hours.
- 438 G. *Age Limit Signs to be exhibited.* All licensees shall cause to remain displayed
439 upon the premises and in the entrance to the premises of their establishments a
440 conspicuous sign in a prominent place visible from outside the establishment,

441 which shall in substance state: "No person under the age of 21 years permitted.
442 Any such person will be prosecuted to the full extent of the law."
443

444 **5.10.140 Sale to Intoxicated Persons.**

- 445 A. A licensee, his agent or employee may not knowingly or negligently:
446 1. Sell, give or barter marijuana to an intoxicated person;
447 2. Allow another person to sell, give or barter marijuana to an intoxicated
448 person within the licensed premises;
449 3. Allow an intoxicated person to enter and remain within the licensed
450 premises or to consume marijuana within the licensed premises; or
451 4. Permit an intoxicated person to sell or serve marijuana.

452
453 **5.10.150 Eviction of Patrons.**

454 The licensee and employees of the licensee are expressly permitted to evict any person
455 suspected of being under the age of twenty-one (21) or intoxicated and failure of such
456 person to leave after oral request is unlawful and an offense on the part of that person.
457

458 **5.10.160 Open Container.**

- 459 A. It shall be unlawful to consume, an open container of marijuana on the public
460 streets, sidewalks, alleys, parks, or other public places throughout the city. Open
461 container of consumable marijuana may be carried in a vehicle in a locked truck
462 or other secured location inaccessible to the driver and passengers within the
463 vehicle
464 B. Open containers are permitted on private residential property, with the consent
465 of the owner or legal occupant of the property. (*see 17.38.020*)
466

467 **5.10.170 Transportation of Marijuana.**

- 468 A. Pursuant to 3 AAC 306.310(a)(5), a licensed, retail marijuana store may only sell
469 marijuana or marijuana product to a consumer who is physically present on the
470 licensed premises.
471 B. The transportation of marijuana by common carrier or commercial carrier within
472 the City of Bethel to a residential home or non-licensed marijuana facility is
473 strictly prohibited.
474

475 **5.10.180 Inspection of premises.**

- 476 A. Pursuant to 3 AAC 306.725, a marijuana establishment or an applicant for a
477 marijuana establishment license under this section shall, upon request, make the
478 licensed premises or the proposed licensed premises, including any place for

- 479 storage, available for inspection by the City, an employee or agent of the City, or
480 an officer charged with the enforcement of this chapter.
- 481 1. Inspection under this section includes inspection of the premises, facilities,
482 qualifications of personnel, methods of operation, business and financial
483 records, marijuana inventory tracking system, policies, and purposes of
484 any marijuana establishment and of any applicant for a marijuana
485 establishment license.
 - 486 2. The cost for inspections shall be borne by the applicant or licensed
487 establishment.
- 488 B. The premises of licensees authorized to sell or distribute marijuana shall be
489 easily accessible for inspection by police officers during all regular hours of the
490 transaction of business upon the premises, and at any other time with
491 reasonable notice by the officer.
- 492 C. The police department may inspect any premises with a marijuana license for
493 compliance with conditions on the license. Upon discovering a violation of such
494 conditions, the police department shall submit a written report of the violation to
495 the city clerk for review by the city council and provide a copy thereof to the
496 licensee.
- 497 D. If at any time there appears to be a readily identifiable pattern or practice of
498 recurring violent acts or unlawful conduct in a licensed premise, the City may send
499 notice of possible protest to the licensee that he or she must submit and implement
500 a plan for remedial action or be in jeopardy that a protest will be filed to any
501 renewal, transfer of location or transfer of ownership sought by the licensee.
- 502 E. Upon receiving a report of conditions violation, the city council may:
- 503 1. Revoke the premise's conditional use permit;
 - 504 2. Protest the issuance, renewal, transfer, relocation or continued operation
505 of the license;
 - 506 3. Recommend imposition of conditions on the state marijuana license
507 pursuant to AS 04.11.480(c); or
 - 508 4. Notify the Board that a licensee has violated conditions and request that
509 an accusation pursuant to AS 04.11.370 be brought against the licensee.
- 510 F. Prior to taking any of the actions listed in subsection c) of this section, the City
511 shall give the permittee or licensee notice and an opportunity to be heard on the
512 accusation(s) at a publicly noticed council meeting.

514 **5.10.190 Access for Enforcement.**

- 515 A. The public entrance of licensed marijuana establishments shall be open and
516 unlocked before and after the closing hour of such establishment if there are any
517 patrons in the establishment.
- 518 B. Licensees of licensed marijuana establishments, their employees and all patrons
519 in such establishments shall permit and aid the entry of any law enforcement

- 520 officer during all hours of operation and at any other time when there are two or
521 more persons in such licensed marijuana establishment.
- 522 C. Lack of knowledge, lack of intent and absence from the premises shall not be
523 defenses to any action brought under this section against any such employee in
524 charge of such establishment or such licensee.
- 525 D. Licensees shall provide the Police Chief with their current hours of operation. Any
526 changes to the hours of operation shall be communicated, in writing, to the
527 Police Chief, at least three (3) business days prior to the change being
528 implemented.

529
530 **5.10.200 Limitation on Type and Number of Marijuana Facilities**

531 The City of Bethel will cap operations at the following maximums as established by the
532 most recent Bethel population census:

- 533 A. One cultivation operation per every 1,500 people.
534 B. One manufacturing facility per every 1,500 people.
535 C. One retail shop per every 1,500 people.
536 D. One consumable establishment per every 3,000 people.

537
538 **5.10.210 Advertising**

- 539 A. A retail marijuana establishment shall not advertize the sale of marijuana or
540 marijuana products electronically. This includes but is not limited to the internet,
541 Facebook, Twitter, other social media platforms, and/or mobile devices. These
542 limitations do not include the print media, television, or radio advertising.
- 543 B. Outdoor Advertising Generally Prohibited. Except as otherwise provided in the State rule,
544 AAC 306.360, it shall be unlawful for any Retail Marijuana Establishment to engage in
545 Advertising that is visible to members of the public from any street, sidewalk, park or
546 other public place, including Advertising utilizing any of the following media: any billboard
547 or other outdoor general Advertising device; any sign mounted on a vehicle, any hand-
548 held or other portable sign; or any handbill, leaflet or flier directly handed to any person
549 in a public place, left upon a motor vehicle, or posted upon any public or private property
550 without the consent of the property owner.

551
552 **5.10.220 Water Supply for Grow Operations**

553 The license for any cultivation or manufacturing facility shall bear the burden for
554 providing all water needed. The City will not provide water through piped water nor will
555 not be responsible for hauled water. Licensees may haul their water or provide it
556 through other means. Under no circumstances will the City be held liable for lack of
557 water availability.

558
559

560 **5.10.230 Marijuana Offenses.**

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

564
 565 **5.10.240 Penalties.**
 566

Offense	BMC Section	Mandatory Court Appearance	Penalty Amount
Premises Open during non-permissible hours	5.10.100 A & B	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Premises Open during on non-permissible days	5.10.100 A & B	No	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Selling, Offering for Sale, Giving, Furnishing, Delivering or Consuming marijuana on Premises during hours of Closure	5.10.100C	No	\$300
Allowing person to consume marijuana on premises during hours of closure	5.10.100C	No	\$300
Allowing consumption on premises in violation of license	5.10.120	No	\$500
Selling or dispensing marijuana prior to successful completion of a marijuana handler permit training program	5.10.120A	Yes	\$1,000
Allowing employee to sell or dispense marijuana prior to their successful completion of a marijuana handler permit training program	5.10.120A	Yes	\$1,000
Failure to show proof of successful completion of a marijuana handler permit training program	5.10.120B	Correctable	\$300
Failure to provide access to means of public transportation to patrons or to arrange for transportation off premises	5.10.130B1	No	<u>\$500</u>

Failure to properly post signs describing penalties for driving under the influence, sale or service to minors, or intoxicated persons	5.10.130B2	No	\$250
Failure to submit a marijuana compliance form upon request	5.10.130B3	No	\$300
Failure to check identification of purchaser	5.10.130C	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Acceptance of non-conforming identification for purchase of marijuana	5.10.130C	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Failure to install or maintain security equipment	5.10.130E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Interior camera not positioned to capture sales transactions	5.10.130E	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to clear premises after closing	5.10.130F	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Failing to post age limit signs	5.10.130G	No	\$300
Sale of marijuana improperly obtained	5.10.130	Yes	\$700
Sale of marijuana to an intoxicated person	5.10.140	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Providing marijuana to an intoxicated person	5.10.140A1&2	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000

Allowing an intoxicated person to enter and remain within licensed premises	5.10.140A3	Yes	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Permitting intoxicated person to consume marijuana within a licensed premise	5.10.140A3	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Permitting an intoxicated person to sell or serve an marijuana	5.10.140A4	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Carrying, transporting or possessing an open container in public	5.10.160	No	1 st Offense: \$150 2 nd Offense: \$300 3 rd & subsequent offenses: \$700
Transportation of marijuana by common carrier for resale	5.10.170	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Transportation of marijuana by commercial carrier for resale	5.10.170	Yes	1 st Offense: \$500 2 nd Offense: \$700 3 rd & subsequent offenses: \$1,000
Failure to make premises easily accessible for inspection by police officers	5.10.190	Yes	\$700
Failing to maintain premises unlocked while patrons are on premises	5.10.190A	Yes	\$1,000
Failure to permit or aid the entry of law enforcement during hours of operation	5.10.190B	Yes	\$700
Failure to permit or aid the entry of law enforcement any time there are two (2) or more persons on the premises	5.10.190B	Yes	\$700
Violation of electronic advertising	5.10.210		

City of Bethel Action Memorandum

Action memorandum No.	16-35		
Date action introduced:	May 10, 2016	Introduced by:	City Manager Capela
Date action taken:		Approved	Denied
Confirmed by:	L.S., City Clerk		

Consider approval of Lease Agreement with U of A Fairbanks School of Natural Resources & Extension and City of Bethel 4-H Agreement in the amount of \$112,000 for FY 2016/17.

Route to:	Department/Individual:	Initials:	Remarks:
✓	Patty Burley, City Attorney		

Attachment(s):

Amount of fiscal impact:		Account information:
	No fiscal impact	
	Funds are budgeted for.	
\$112,000.00	Funds are not budgeted. Budget modification is required.	10-72-798

Background:

Current Agreement between City of Bethel and University of Alaska Fairbanks Extension for 4-H Program expires June 30, 2016

University of Alaska Fairbanks Extension requested a renewal of the current Agreement.

Recommendation:

As Council may determine in the FY 2016/17.
The amount of \$112,000 is in the Proposed 2016/17 Budget.

City of Bethel Action Memorandum

Action memorandum No.	16-42		
Date action introduced:	May 24, 2016	Introduced by:	City Manager Capela
Date action taken:		Approved	Denied
Confirmed by:			

Authorizing administration to negotiate and enter into a contract with a design build contractor for the design and construction of the new port office.

Route to:	Department/Individual:	Initials:	Remarks:
	Finance Director		Initials not recieved by packet deadline
	City Attorney	PB	Drafted the AM
	City Manager		Initials not recieved by packet deadline
	Port Director	PW	Approved

Attachment(s): Draft design-build port contract; score summaries (red folder)

Amount of fiscal impact:		Account information:
\$722,704	Funds are not budgeted. Allocation in the FY 2017 Budget Required	47-50-690

Background:

While a new port office was always planned for this year, the unexpected devastating fire has made the construction of a new port office even more critical. Earlier this year, the city hired Pro Dev to write and administer a request for proposal. As a result of Pro Dev's work, six (6) proposals were received by the City. All six proposals were then scored by a committee comprised of city employees.

After scoring the proposals, an incumbent was chosen and notified of the City's desire to enter into a contract for operations. The other proposers were notified, in writing, that their proposers were not the highest ranking and the City would likely not be choosing their proposal and entering into contract negotiations with them.

Due to the very shortened time frame for protests (5 business days), the final day for the City to receive a protest is May 24, 2015 at 5 pm AST. As a result, the City's Procurement Code, which mirrors Alaska Statute 36.30.230, the information contained in the proposals is not subject to public disclosure until the protest period has ended.

A draft contract has been forwarded to the highest scoring proposer (a blank copy is inserted herein) and a copy of the score summaries will be provided on the council meeting date.

City of Bethel Action Memorandum

Action memorandum No.	16-37		
Date action introduced:	May 24, 2016	Introduced by:	City Manager Capela
Date action taken:	June 14, 2016	Approved	Denied
Confirmed by:			

SUBJECT/ACTION:

Directing City Manager to enter into Agreement with the Alaska Court System and Alaska Permanent Fund Dividend Division (PFD) for the transfer of unpaid minor offense fines and the electronic levy on the PFD of non-payees.

Route to:	Department/Individual:	Initials:	Remarks:
✓	Hansel Mathlaw, Finance Director		
✓	Patty Burley, City Attorney	<i>PB</i>	

Attachment(s):

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

Background:

Each year numerous minor offense citations issued by the City of Bethel go unpaid. The Alaska Court System does a poor job of communicating which citations are not paid and collection on unpaid citations is difficult because of the high cost required to file in small claims court. This Agreement would mandate the Alaska Court System to report the status of citations to the City of Bethel monthly and would allow the City to garnish the amount of the unpaid citations from a defendant's PFD. Garnishment will not be automatic. Prior to garnishment, the defendant would have had opportunity to properly contest the ticket and would have been given a notice by the court. By the time garnishment becomes appropriate, significant opportunities were provided for a person to challenge the ticket and to make payment arrangements.

**AGREEMENT BETWEEN THE ALASKA COURT SYSTEM AND THE CITY OF BETHEL
REGARDING THE TRANSFER OF DELINQUENT FINES AND OTHER DEBTS
FOR COLLECTION IN MINOR OFFENSE CASES**

The City of Bethel (the city) and the Alaska Court System (the court system) agree as follows:

1. City's Readiness

- a. Technical Specifications. The city has reviewed and agrees to comply with the technical specifications for receiving electronic information from the court system's electronic case management system, currently CourtView. A copy of the current Technical Specifications and Data Elements is attached. The court system will notify the city of changes in the specifications.
- b. Ability to Import Data. The city has successfully imported test data from the court system showing that the city has the ability to electronically import collection records from court system.
- c. Permanent Fund Dividend RPI Memorandum of Agreement. The city has entered or agrees that it will enter into an agreement with the Permanent Fund Dividend Division to file electronic garnishments.
- d. Account Password Agreement. The city agrees to designate up to three city personnel to have access to the collection records provided by the court system. The city understands that each designated city employee is required to sign an Account Password Agreement. A copy of the Account Password Agreement is attached.

2. Administrative Bulletin 43

The city agrees to comply with applicable sections of Administrative Bulletin No. 43 and any future revisions to that bulletin. A copy of the bulletin is attached. The court will notify the city of changes in the bulletin other than additions to the list of cities in section IV.A.2 that are authorized to serve writs on the PFD Division electronically.

3. Electronic Transfer Procedures

The court system will provide the city with an electronic file containing the necessary data elements for debts that are transmitted electronically. The Information Services (IS) department of the court system is responsible for developing the format and delivery method for transferring the electronic file.

- a. The court system agrees to transfer information on the obligations listed in sections 4 and 5 of this agreement.
- b. The court system will place the information in electronic files on a secure court system server so that the files are accessible only to the city and the court system.
- c. The city agrees not to alter in any way the information received from the court system or to add additional costs or charges without prior written approval of the court system.

- d. The city agrees that it will not electronically garnish any permanent fund dividends for any debts that were not transferred to it electronically by the court.¹
- e. If the city obtains additional identifying information for the debtor (for example, SSNs) from its own sources (for example, police files, tax rolls), it may include that information when it executes on the PFD. The city must ensure that additional identifying information is matched to the correct debtor.
- f. The city agrees that all data provided to it by the court system will be electronically imported into its database or other collection system. The city agrees that it will not manually input the data into its collection system.
- g. The court will issue the city a continuing Writ of Execution.² The city agrees to permanently retain this writ and make it available for inspection upon request by a debtor.

4. Costs to Be Transferred for Collection

- a. Existing Judgments. Judgments for costs listed in 4.b that were entered more than five years before the effective date of the original agreement will not be transferred because Civil Rule 69(d) requires that a motion be filed before a writ of execution can be issued if five years have elapsed without a writ being issued on a judgment. These debts will be transferred within 30 days after the effective date of the original agreement.
- b. New Judgments. The court system agrees to electronically transfer the following to the city within 30 days after the due date. The city agrees to accept these debts for collection.

Minor Offenses

- (a) Fines
- (b) Police Training Surcharges Owed to the State (AS 12.55.039)³
- (c) Court Costs Owed to the State (Minor Offense Rule 10(e))⁴
- (d) Collection Costs Owed to the City (Minor Offense Rule 10(f))⁵

¹ For example, if a city has obtained a small claims judgment against a debtor, the city may not include that debt in its collection procedures under this agreement because that judgment would not be included in any electronic transfer from the court system to the city under this agreement.

² For more information on the Continuing Writ of Execution see Administrative Bulletin 43, Section III.D.

³ Police Training Surcharges are ordered under AS 12.55.039. These surcharges must be deposited in the state's general fund as required by AS 12.55.039(d) and AS 29.25.074. Under AS 29.25.074, a municipality may not enforce a penalty for violation of an ordinance for which AS 12.55.039 requires a surcharge unless the municipality authorizes the imposition of, and provides for, the collection of this surcharge.

⁴ Minor offense default judgments require the defendant to pay \$25 in court costs. Minor Offense Rule 10(e). Unlike collection costs, which belong to the city, court costs belong to the State of Alaska.

⁵ See Section 5 of this agreement for more information.

5. City Collection Costs

Under Minor Offense Rule 10(f), the court will assess the defendant \$25 in collection costs in minor offense cases when the fine and surcharges are transferred to the city for collection. Collection costs belong to the city. The city agrees that it will **not** assess additional collection costs for seizing the PFD, even if its actual expenses exceed \$25, without prior written approval of the administrative director of the court system.⁶

6. Record of Payments, Credits and Refunds

For all debts transferred for collection, the city agrees to maintain an accurate accounting of the amount each defendant owes, including all payments, credits and refunds.

7. Priority of Claims Against PFD

AS 43.23.065 establishes the priority of claims against permanent fund dividends. Because fines, court costs, collection costs, and surcharges have different priorities, the city agrees that collection costs, court costs, and surcharges will not be combined with the fine. Instead, the fine, each cost, and the surcharges will be garnished separately. The city further agrees that funds received from the Permanent Fund Dividend Division will be separately accounted for and allocated between the city and the State of Alaska according to the priority specified in the statute. See attached chart entitled "Priority of Claims Against PFD."

8. Objections to Permanent Fund Dividend Seizure

If the city seizes a permanent fund dividend and the defendant notifies the city that a mistake has been made, the city agrees that it will immediately attempt to determine whether the city has made a mistake and, if so, correct the mistake. If the matter cannot be resolved within fifteen calendar days, the city agrees to inform the defendant that (a) the defendant can file an objection with the court system; and (b) this objection must be filed with the court within 30 calendar days from the date the Permanent Fund Dividend Division mailed notice to the defendant that the defendant's dividend was seized.

9. Integration

This agreement and all attachments and amendments embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

10. Amendment

- a. Any change in this agreement must be in writing, executed by authorized representatives of the parties, with the same formality as this agreement was executed.

⁶ The \$25 collection cost is for electronic executions on the PFD. If a city elects to seize other property to satisfy the judgments, the city must request a writ of execution from the court. For service of that writ, the defendant may be assessed collection costs in the amount authorized by Civil Rule 69 and Administrative Rule 11.

- b. For purposes of any change to the terms and conditions of this agreement, the only authorized representatives of the parties are:

Court System: Administrative Director and
Deputy Administrative Director

City of Bethel: Ann K. Capela
City Manager

- c. Any attempt to change this agreement by either an unauthorized representative or unauthorized means shall be void.

11. Termination

- a. This agreement may be terminated

- (1) by mutual consent of the parties, or
- (2) by either party upon 90 days written notice to the other party prior to the effective date of the termination. Notice of termination must be sent via facsimile (fax), email, or mailed by first class mail to the following addresses:

City of Bethel:
Ann K. Capela
City Manager
PO Box 1388
Bethel, AK 99559-1388
Fax No.: (907) 543-1394
Email: acapela@cityofbethel.net

With copy to:

Patty Burley
City Attorney
City of Bethel
PO Box 1388
Bethel, AK 99559-1388
Fax No.: (907) 543-2936
Email: pburley@cityofbethel.net

Court: Christine Johnson, Administrative Director
Alaska Court System
820 W. Fourth Ave.
Anchorage AK 99501
Fax No: (907) 264-8291
Email:

- b. Upon termination, the city will transfer information regarding the balance due on each case to the court system. The transfer must occur no later than 10 days after the termination date. The city agrees to preserve all records regarding writs of execution, payments, credits, and refunds and to provide this information to the court system upon request.

12. Effective Date of Agreement: **xxxxx**

CITY OF BETHEL

ALASKA COURT SYSTEM

Ann K. Capela
City Manager

Christine Johnson
Administrative Director

Date: _____

Date: _____

Attachments:

Administrative Bulletin 43
Technical Specifications and Data Elements
Account Password Agreement
Excel Spreadsheet for Transferring Court Costs to Fiscal Operations Alaska Court System
Chart of Priority of Claims Against PFD

Distribution:

Original to Administrative Director
Duplicate Original to Municipality

Copy to: IS Applications Manager
IS CMS Manager
Clerk of Court

City of Bethel Action Memorandum

Action memorandum No.	16-39		
Date action introduced:	May 24, 2016	Introduced by:	Parks, Rec, Aquatic Health Committee
Date action taken:		Approved	Denied
Confirmed by:			

SUBJECT/ACTION:

Direct Administration to follow though with the direction provided in AM-67, to accept and approve the land and water conservation fund grant in the amount of \$125,000 and to begin construction of the new multiuse field, drive way, and parking lot this summer.

Route to:	Department/Individual:	Initials:	Remarks:
	City Manager		Documents provided to, but no comments submitted in time for packet deadline.
	Planning Director		Documents provided to, but no comments submitted in time for packet deadline.
	Public Works Director		Documents provided to, but no comments submitted in time for packet deadline.

Attachment(s):

Amount of fiscal impact:		Accounting information:
	No fiscal impact	
Estimated in-kind contribution \$143,656.00	Funds are not budgeted. Budget modification is required.	
\$125,000.00	Grant funding.	

On October 28, 2014 through AM-14-67 the Bethel City Council approved the acceptance of the Land and Conservation Fund Grant. The acceptance of this grant would allow for the construction of a multiuse sports field, parking lot, and driveway with in-kind contributions estimated at \$143,656.

This project should be phased out through the grant period to eliminate unneeded burden on the city resources.

The development of the multiuse field would improve recreational experiences for the many users of Pinky's Park. There are constant scheduling conflicts with the one public field, Pinky's Park ball diamond, prohibiting necessary and sought after public recreation in our community. The development of this field would provide needed open space for softball, t-ball, soccer, football, ultimate Frisbee and other family and community recreation.

It is in our interest to take advantage of this grant opportunity now. With State and Federal funding becoming more and more difficult to obtain, the in-kind contribution requirement for the City is well worth the long term payout for our continued need of community recreation.

New Business

Introduced by: City Manager Capela
Date: June 14, 2016
Action:
Vote:

CITY OF BETHEL

Resolution # 16-22

SUPPORT AND APPROVAL FOR CITY OF BETHEL TO PURSUE FUNDING FROM THE STATEWIDE TRANSPORTATION ALTERNATIVES PROGRAM

WHEREAS, Bethel is the largest rural Alaska town off the road system with 6,275 residents and thousands of visitors and temporary residents from nearby villages;

WHEREAS, Bethel is a highly transient community with 35% of the community in low-moderate income status, a low vehicle ownership rate, and a 15% unemployment rate;

WHEREAS, many residents and visitors in Bethel walk from place to place out of necessity;

WHEREAS, safe, off-road pedestrian pathways offer a convenient alternative to walking alongside the Chief Eddie Hoffman Highway and other roadways that contain vehicles, four-wheelers, snowmobiles, and motorcycles;

WHEREAS, the City of Bethel is eligible to apply for pedestrian trail funding from the FY 2013-2016 Statewide Transportation Alternatives Program;

WHEREAS, the Yukon Kuskokwim Health Corporation and the City of Bethel are collaborating on the development of a gravel trail that would run from the existing hospital to the Kuskokwim Campus of the University of Alaska Fairbanks;

WHEREAS, the trail must be ADA-compliant and the City is working to achieve that outcome;

WHEREAS, YKHC is expected to contribute the 20% cash match required by the grant and the City will donate sand from its sand pit;

WHEREAS, YKHC will operate and maintain any trail constructed on YKHC property;

WHEREAS, the City will operate and maintain any trail constructed on City property and on the property of other entities in which right-of-ways are obtained;

Introduced by: City Manager Capela
Date: June 14, 2016
Action:
Vote:

Whereas, the completion of a new gravel trail on the ground will offer a safe, convenient route between the hospital, primary care center, and hospital housing to the college campus, college dormitories, cultural center, and City Hall.

WHEREAS, various methods will be used to limit the trail to pedestrians and bicycles with no motor vehicles;

WHEREAS, the deadline to prepare and submit a grant application is June 30, 2016;

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council supports and approves of the City preparing and submitting a grant application to the Statewide Transportation Alternatives Program to request funding to develop a new trail from the hospital to the Kuskokwim Campus of the University of Alaska Fairbanks;

ENACTED THIS 14th DAY OF JUNE 2016 BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Council Member Fansler
Date: June 14, 2016
Public Hearing: June 28, 2016
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #16-19

AN ORDINANCE BY THE BETHEL CITY COUNCIL EXTENDING A LIMITED MORATORIUM ON COMMERCIAL MARIJUANA UNTIL JULY 31, 2016

WHEREAS, on November 4, 2014 Alaskan voters approved Ballot Measure 2, An Act to Tax and Regulate the Production, Sale, and Use of Marijuana; codified as Alaska Statute Chapter 17.38;

WHEREAS, the initiative, which went into effect on February 24, 2015, requires the State to begin accepting and processing applications for the registration of marijuana establishments by February 24, 2016;

WHEREAS, subsequently, the State established the Marijuana Control Board, which later established regulations for commercial marijuana establishments;

WHEREAS, the Alaska Statute Chapter 17.38 and section 3 of the Alaska Administrative Code create classes of registrations, licenses, or permits to enable the lawful conduct of certain types of marijuana commerce and businesses;

WHEREAS, the conduct of these commercial and business activities is unlawful without the appropriate registration, license or permit;

WHEREAS, AS 17.38.110 Local Control, enacted by Ballot Measure 2, empowers municipalities to limit and prohibit the operation of these businesses by enactment of ordinance or voter initiative;

WHEREAS, the initiative also authorizes local governments to enact legislation concerning the time, place and manner related to the operation of registered marijuana establishments;

WHEREAS, it is in the public's best interest that the City of Bethel thoughtfully consider and adopt land use regulations that ensure the orderly development and regulation of marijuana establishments, including sale, cultivation, manufacture, transport, and/or consumption of marijuana by persons assembled within a commercial or industrial structure within the City of Bethel;

WHEREAS, it is also in the best interest of the City of Bethel to extend the moratorium, which expires on June 26, 2016, prohibiting the consumption of marijuana

Introduced by: Council Member Fansler
Date: June 14, 2016
Public Hearing: June 28, 2016
Action:
Vote:

and marijuana products in Marijuana Clubs, until July 31, 2016 to allow the City of Bethel sufficient time to finalize and adopt legislation concerning the operation of marijuana establishments within the City;

WHEREAS, Alaska Statute 17.38.110 Local Control, specifically allows for municipalities to prohibit and regulate commercial marijuana establishments in a manner that does not conflict with the applicable statutes and, the City, as a second class municipality, has all legislative powers not prohibited by law.

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

SECTION 1. Form. This is a non-codified Ordinance and shall not become part of the Bethel Municipal Code.

SECTION 2. Moratorium. The City Council finds and determines a situation affecting the life, health, property, and the public peace exists in that, the processing of any land use, zoning, or licensing approvals for marijuana operations with the City are not in the public's interest until such time the City has adopted marijuana regulations.

To address this situation, the City Council, imposes a one month extension to the moratorium on the processing of any land use approvals or licensing applications for marijuana establishment businesses within the City of Bethel.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon the adoption by the City Council and shall expire on July 31, 2016.

BE IT ENACTED BY THE CITY COUNCIL THIS 28TH DAY OF JUNE 2016, BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: City Manager Capela
 Introduction Date: June 14, 2016
 Public Hearing: June 28, 2016
 Action:
 Vote:

CITY OF BETHEL, ALASKA

ORDINANCE # 15-14 (i)

An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2016 Budget

Be it Enacted by the Bethel City Council that the FY 2016 Annual Budget be amended as follows:

Section 1. That the following sums of money as may be needed or deemed necessary to provide for increased expenses and liabilities of the City of Bethel are hereby appropriated for the corporate purposes and objects of the City hereinafter specified for Fiscal Year 2016, July 1, 2015 to June 30, 2016.

GENERAL FUND (10)

Budget Modification

Changes to General Fund

	Increases	
10-55-501	Salaries - IT-Union	\$ 3,561.00
10-55-511	Medicare - IT-Union	\$ 51.63
10-55-518	PERS - IT-Union	\$ 783.42
	Total Increases	\$ 4,396.05
TOTAL	Net Change to General Fund Expenditures	\$ 4,396.05

Budget Modification

Changes to General Fund

	Increases	
10-65-501	Salaries - PW Admin-Union	\$ 8,258.00
10-65-511	Medicare - PW Admin-Union	\$ 119.74
10-65-518	PERS - PW Admin-Union	\$ 1,816.76
	Total Increases	\$ 10,194.50
TOTAL	Net Change to General Fund Expenditures	\$ 10,194.50

Budget Modification

Changes to General Fund

	Increases	
10-66-501	Salaries - Streets & Roads-Union	\$ 9,507.00
10-66-511	Medicare - Streets & Roads-Union	\$ 137.85
10-66-518	PERS - Streets & Roads-Union	\$ 2,091.54
	Total Increases	\$ 11,736.39
TOTAL	Net Change to General Fund Expenditures	\$ 11,736.39

Budget Modification

Changes to General Fund

	Increases	
10-70-501	Salaries - Property Maint.-Union	\$ 7,568.00
10-70-511	Medicare - Property Maint.-Union	\$ 109.74
10-70-518	PERS - Property Maint.-Union	\$ 1,664.96
	Total Increases	\$ 9,342.70
TOTAL	Net Change to General Fund Expenditures	\$ 9,342.70

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

PASSED AND APPROVED THIS 28th DAY OF JUNE, 2016 BY A VOTE OF _____ IN FAVOR AND _____ OPPOSED.

ATTEST:

 Richard Robb, Mayor

 Lori Strickler, City Clerk

CITY OF BETHEL, ALASKA

ORDINANCE # 15-14 (k)

An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2016 Budget

Be it Enacted by the Bethel City Council that the FY 2016 Annual Budget be amended as follows:

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expenses and liabilities of the City of Bethel are hereby appropriated for the corporate purposes and objects of the City hereinafter specified for Fiscal Year 2016, July 1, 2015 to June 30, 2016.

GENERAL FUND (10)

Budget Modification

Changes to General Fund

	Increases	
10-55-501	Salaries - IT-Union	\$ 3,561.00
10-55-511	Medicare - IT-Union	\$ 51.63
10-55-518	PERS - IT-Union	\$ 783.42
	Total Increases	\$ 4,396.05
TOTAL	Net Change to General Fund Expenditures	\$ 4,396.05

Budget Modification

Changes to General Fund

	Increases	
10-65-501	Salaries - PW Admin-Union	\$ 8,258.00
10-65-511	Medicare - PW Admin-Union	\$ 119.74
10-65-518	PERS - PW Admin-Union	\$ 1,816.76
	Total Increases	\$ 10,194.50
TOTAL	Net Change to General Fund Expenditures	\$ 10,194.50

Budget Modification

Changes to General Fund

	Increases	
10-66-501	Salaries - Streets & Roads-Union	\$ 9,507.00
10-66-511	Medicare - Streets & Roads-Union	\$ 137.85
10-66-518	PERS - Streets & Roads-Union	\$ 2,091.54
	Total Increases	\$ 11,736.39
TOTAL	Net Change to General Fund Expenditures	\$ 11,736.39

Budget Modification

Changes to General Fund

	Increases	
10-70-501	Salaries - Property Maint.-Union	\$ 7,568.00
10-70-511	Medicare - Property Maint.-Union	\$ 109.74
10-70-518	PERS - Property Maint.-Union	\$ 1,664.96
	Total Increases	\$ 9,342.70
TOTAL	Net Change to General Fund Expenditures	\$ 9,342.70

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

PASSED AND APPROVED THIS _____ BY A VOTE OF _____ IN FAVOR AND _____ OPPOSED.

ATTEST:

Richard Robb, Mayor

Lori Strickler, City Clerk

<u>Management</u>	<u>Current</u>	<u>3%- FY16</u>	<u>Difference</u>
HR Manager	95,000	97,850	2,850
Finance Director	86,174	88,759	2,585
Assitant Finance Director	68,928	70,996	2,068
Planner	70,894	73,021	2,127
IT Director	86,174	88,759	2,585
Fire Chief	97,722	100,654	2,932
Police Chief	107,853	111,089	3,236
PW Director	102,608	105,686	3,078
Port Director	98,000	100,940	2,940
<u>TOTAL</u>	<u>813,353</u>	<u>837,754</u>	<u>24,401</u>

Introduced by: Manager Capela
 Introduction Date: May 10, 2016
 Public Hearing: June 14, 2016
 Action:
 Vote:

CITY OF BETHEL, ALASKA

ORDINANCE # 15-14 (i)

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Section 1. That the following sums of money as may be needed or deemed necessary to provide for increased expenses and liabilities of the City of Bethel are hereby appropriated for the corporate purposes and objects of the City hereinafter specified for Fiscal Year 2016, July 1, 2015 to June 30, 2016.

Budget Modification

Changes to General Fund

Increases		
10-53-649	OTHER PROFESSIONAL SERVICES - FINANCE	\$ 65,358.78
	Total Increases	\$ 65,358.78
Decreases		
10-53-501	SALARIES - FINANCE	\$ (50,000.00)
10-53-518	PERS - FINANCE	\$ (11,000.00)
10-53-519	UTILTIY BENEFIT - FINANCE	\$ (4,359.00)
10-53-511	MEDICARE FICA	\$ (725.00)
	Total Decreases	\$ (65,359.00)
TOTAL	Net Change to General Fund Expenditures	\$ -

Section 2. Effective Date. This ordinance becomes effective immediately upon adoption.

PASSED AND APPROVED THIS 14th DAY OF JUNE, 2016 BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED.

ATTEST:

 Richard Robb, Mayor

 Lori Strickler, City Clerk

City of Bethel Action Memorandum

Action memorandum No.	16-43		
Date action introduced:	June 14, 2016	Introduced by:	City Manager Capela
Date action taken:	June 14, 2016	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

Authorize City Manager to enter into a sole-source contract with WHPacific, Inc., for converting AutoCad drawings to GIS.

Route to:	Department/Individual:	Initials:	Remarks:
<input checked="" type="checkbox"/>	Ted Meyers, Planner		
<input checked="" type="checkbox"/>	Ann K. Capela, City Manager	AKC	Recommend Approval
<input checked="" type="checkbox"/>	Hansel Mathlaw, Purchasing Agent		
<input type="checkbox"/>			
<input type="checkbox"/>			

Attachment(s):

Amount of fiscal impact:		Account information:
	No fiscal impact	
\$4,200.00	Funds are budgeted for.	10-54-649
	Funds are not budgeted. Budget modification is required.	

WHPacific, Inc., initially developed the quad maps for the City of Bethel in 2002. As a result, WHPacific, Inc., owns the intellectual property rights to the data that is needed for the requested work. If the work is not sole-sourced to WHPacific Inc., the City would have to get the aerial photography done again at significant cost to the City (typical cost for aerial photography with associated mapping can exceed \$100,000). Having WHPacific utilize the intellectual rights it has retained, will save the City significant costs and time.

It is anticipated this is one of several projects that will be needed from WHPacific utilizing the intellectual rights which they own.

City of Bethel Action Memorandum

Action memorandum No.	16-44		
Date action introduced:	06-14-2016	Introduced by:	City Manager
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION: Authorizing the City Manager to release a request for proposals for professional services to perform the full range of services related to an Employee Classification Plan for the City of Bethel.

Route to:	Department/Individual:	Initials:	Remarks:
<input type="checkbox"/>			

Attachment(s): Request for Proposal - Employee Classification and Compensation Study

Amount of fiscal impact:		Account information:
	No fiscal impact	
	Funds are budgeted for.	
X	Funds are not budgeted. Budget modification is required.	FY2017 budget

City staff has drafted a Request for Proposals for a qualified consultant or firm to provide services to develop an updated comprehensive job classification plan. The plan will recognize the changes in City operations and staffing which may have affected the work being performed as well as ensure the City's current positions and classifications are in line with the City's participation in PERS, thereby mitigating any potential financial impact resulting from inconsistent position classifications.

If the RFP is approved for release, the City will release the document on June 15, 2016, and accept proposals through July 14, 2016. If the RFP process results in a contract being awarded, the work is expected to begin in August 2016 with an end date for the work anticipated to be October 11, 2016. The results will be available to be considered for FY2018 budget planning and negotiations with the City of Bethel Employee's Association.

Request for Proposals

Employee Classification Plan

The City of Bethel is requesting proposals from qualified and experienced consulting individuals or firms to provide the full range of services necessary to prepare a comprehensive Employee Classification Plan.

CITY OF BETHEL

BETHEL, ALASKA



Important Dates to Remember

June 24, 2016 Deadline for receipt of Intent to Respond form
June 29, 2016 Deadline for questions or request for documents from City
June 29, 2016 Deadline for objections
July 14, 2016 Deadline for receipt of any Proposals

Time: The deadline time for all items above is **3:00 pm** Alaska Standard Time (AST)

August 10, 2016 Anticipated award of contract

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INTRODUCTION

Purpose/Synopsis

The City of Bethel (hereinafter “City”) is soliciting competitive sealed proposals for a qualified and experienced consultant or firm/organization (hereinafter “Consultant”) to provide professional services to assist in the development of an updated job classification system for approximately 100 represented (union) and non-represented employees within a strong City Manager form of government.

The intent of the project is to address changes in City operations and staffing over the last several years, which may have affected the type, scope and level of work being performed.

At the completion of the project, the City expects to have a credible Classification Plan that accomplishes several objectives. The resulting plan should:

- A. ensure positions performing similar work with essentially the same level of complexity, responsibility, knowledge, skills and abilities are classified together;
- B. recognize career progression and organizational hierarchy;
- C. reflect classifications consistent with the City’s participation in the Public Employees Retirement System;
- D. identify all positions with an official job title, position level (to distinguish increasing responsibility or knowledge) and job classification;
- E. include ADA-compliant job descriptions with an emphasis on essential functions and education/training/experience for all job classes; and
- F. serve as a tool with which to evaluate compensation based on the relationship between classes, position levels, and required pre-requisites for each position.

All deliverables must be completed and accepted by the City by October 11, 2016 in order for the plan and any resulting changes to be considered during budget planning and incorporated into negotiations with the City of Bethel Employees Association (union) for a new contract to begin July 1, 2017.

Background

Labor Force: The City’s FY 2016 Budget reflects funding of 101 full-time employees and several part-time and seasonal employees. There is one bargaining unit, the Alaska Public Employees Association/American Federation of Teachers (APEA/AFT,) that incorporates all employees minus the management staff and contracted employees. The City’s current compensation plan includes two separate pay scales. Forty-four (44) positions are classified on the APEA/AFT union scale into eight (8) ranges. Ten positions are classified on the management scale within three (3) management ranges in accordance with Bethel Municipal Code. These positions are all overtime exempt under the FLSA. Three (3) positions are defined in Bethel Municipal Code as “Contract” positions and those, as well as any associated assistants, do not fall on an established pay scale but are compensated based on individually negotiated terms.

Benefits: All full-time employees currently receive the same health, life, long-term disability and short-term disability benefits offerings, regardless of classification. Part-time employees on the union scale receive pro-rated benefits. All employees working fifteen (15) hours or more per week are enrolled in the State of Alaska's Public Employees Retirement System (PERS). The City's participation in PERS is based on those position classifications that currently exist or that were historically funded. Changes to any position classifications (formal title, informal title, budget line reference or job function) can have significant financial impacts for the City due to ongoing requirements to fund the retirement liability for any classifications recognized by PERS, even if the City eliminates or alters the classification.

City Government: Bethel is a second-class City government with a City Manager/Council format. Seven (7) council members are elected to serve two-year terms. The Mayor and Vice-Mayor are elected by the Council from among its membership. Members of council are not compensated for their service.

The Community: The Bethel Census Area encompasses over 40,000 square miles in western Alaska. The City of Bethel is approximately 400 air miles from the nearest major population center (Anchorage) and is not accessible by road. Bethel serves as a regional hub for 52 surrounding villages, providing air connections from a State-managed airport able to accommodate Boeing 737s and significant commuter traffic. The Kuskokwim River supports seasonal boat and snow-machine travel in the region and for several months a year, is used by ocean-going barges from Seattle and Anchorage destined for Bethel's Port. Bethel is home to the regional hospital, Lower Kuskokwim School District office, and several regional tribal organizations.

According to the Alaska Department of Labor, the City has an estimated population of 6,205 (2015 estimate). The Department also reports a median household income of \$36,195 and a 15% unemployment rate (February 2016), while the data from 2014 reflects 71% of residents aged 16 and over as employed with an average wage of \$44,024. The same data set for the census area as a whole reflects the employment rate slightly lower (68%) with an average wage of \$24,739 annually.

Definitions

ADA: The Americans with Disabilities Act of 1990, as amended

AST: Alaska Standard Time – the time referenced throughout this RFP as local time for Bethel, Alaska

BMC: Bethel Municipal Code, available for viewing on the City's website at www.cityofbethel.org

City: The City of Bethel, Alaska

City Council: The elected body responsible for authorizing the City Manager to enter into a contract with a third party

City Manager: The Chief Executive Officer (CEO) of the City and the person legally authorized and responsible to sign and administer contracts subject to the provisions of the BMC

Consultant: A Proposer awarded a contract from this RFP

Deliverables: The final work product(s) that fulfill the contracted scope of work

Department Head: One of eight key leadership positions that report directly to the City Manager

Evaluation Team: A team specifically chartered to conduct the initial review and evaluate proposals submitted in response to this RFP in accordance with the evaluation criteria listed in the RFP to provide a basis for the Purchasing Agent to select a finalist

FLSA: The Fair Labor Standards Act of 1938, as amended

Purchasing Agent: The City employee responsible for the RFP process

Project Manager: The Consultant's primary interface with the City during the Work period

Proposal: The offer that the Proposer makes to the City in response to this RFP

Proposal Package: The complete submittal from a Proposer

Proposer: The individual, firm/organization or other entity making an offer to the City

Request for Proposals: The competitive process whereby the City is seeking competitive offers to resolve a City need or requirement

Work: The entire project or the various separately identifiable outcomes required to be performed or furnished under the contract documents

SCOPE OF WORK

Develop a Comprehensive Job Classification System

Outcome 1: A comprehensive job classification system that can accommodate the City's needs for a flexible, internally and externally equitable, defensible, market sensitive, and easily administered system for all current and future jobs within the City while mitigating unfunded PERS liability associated with the removal/defunding historical or current positions.

Outcome 2: A job classification system that:

- A. establishes career progressions for occupations;
- B. provides clear distinctions in different job levels;
- C. promotes internal equity;
- D. establishes performance standards/job qualifications for all job classifications; and
- E. provides legally defensible classification specifications (ADA, FLSA, termination, Workers Compensation, grievances, etc.).

Outcome 3: Classification specifications (position descriptions) for all classifications that reflect current duties, requirements of the position, including physical requirements and essential job functions. All classifications should include:

- A. Definition of the job classification
- B. Essential job functions
- C. Requirements of education, experience, knowledge, skills and abilities
- D. Supervision exercised and received with definition of lead or supervisory roles
- E. Working environment and/or conditions
- F. Licenses, certifications, driving requirements, and physical requirements in compliance with the ADA
- G. Appropriate exempt and non-exempt designation under FLSA

Outcome 4: All employees allocated to an appropriate job title, job classification and exempt/non-exempt designation pursuant to the Fair Labor Standards Act (FLSA).

Outcome 5: A compilation of necessary documents and other resources written in plain language such that a new manager or individual with no human resources experience can reference this resource to maintain, enhance, and use the classification system to identify and consistently apply the system to modify any existing position or classification, or create a new position or classification scheme.

Deliverables

All written deliverables shall be formatted and delivered in Microsoft Word (2007-2010) format attached to an email message and on a USB drive delivered to the Human Resources Manager.

Each final report shall be formatted and delivered in Microsoft Word (2007-2010) attached to an email message and on a USB drive delivered to the Human Resources Manager.

Documents used in formal presentations shall be bound.

If requested by the City, formal presentations to the City Manager and Human Resources Manager shall include at least four (4) sets; formal presentations to the Department Directors shall include at least ten (10) sets; formal presentations to the Mayor and Council shall include at least ten (10) sets.

City Responsibilities

The City's Human Resource Manager will serve as the Consultant's point of contact for the duration of the contracted work. The City will provide the Consultant with requested current documents used in the City's current classification and compensation systems. City staff will promptly review the submissions required from the Consultant and advise the Consultant as to any adjustments necessary.

Copyright and Trademark Licenses

Prior to the final payment, the Consultant shall provide to the City of Bethel written, perpetual, royalty-free copyright and trademark licenses to use any and all of the ideas and concepts provided by the Consultant to the City in any manner provided that the use is solely for the City of Bethel's own internal uses or is in compliance with public records availability laws.

RFP Requirements and Instructions

Intent to Respond

Complete and submit the Intent to Respond Form – Attachment A of this proposal. The Deadline to submit this form is no later than 3:00 pm AST on June 24, 2016. The form should be emailed to the City's Purchasing Agent, Hansel Mathlaw, at hmathlaw@cityofbethel.net.

Proposed Schedule

The following dates are proposed by the City; however, the dates and times may be changed as the needs of the City change. Unless specifically noted, all deadlines are 3:00 PM AST on the due date. It is solely the Proposer's responsibility to stay informed on the dates and times. Any changes will be emailed to the contact of record for each individual or firm/organization that submits an "Intent to Respond" by the submission deadline for that form.

RFP release – June 15, 2016

Final date to receive Intent to Respond forms – June 24, 2016

Final date to receive written questions or requests for documents – June 29, 2016

RFP submission period ends – Thursday, July 14, 2016 **at 3:00 PM AST**

Anticipated award of contract – Wednesday, August 10, 2016

Submission of Proposals

Proposal packages must be submitted in a sealed parcel marked "Proposal for Employee Classification Plan".

To be considered for award, the complete proposal package must be received by the Purchasing Agent prior to the official closing date and time. Allow sufficient time for transportation and receipt. It is the Proposer's responsibility to ensure that any third party carrier is able to deliver the package to the correct location in time to meet the closing date and time.

Proposal documents may be mailed or hand delivered to the following location:

Hansel Mathlaw
Purchasing Agent, City of Bethel
300 Chief Eddie Hoffman Highway
PO Box 1388
Bethel AK 99559

The City will not consider facsimile (fax) or electronic submission (e-mail) of a proposal.

Proposal Handing

Upon receipt at Bethel City Hall, the City will mark each timely received proposal package with the date and time of receipt. The City will safeguard all proposals from unauthorized disclosure from the time of receipt, throughout the selection process.

In accordance with the BMC, competitive sealed proposals will not be publicly opened or otherwise handled in a manner that permits disclosure of the identity of any Proposer or the contents of any proposal during the evaluation process. The proposals, except for information identified by the Proposer as proprietary, shall be open for public inspection after contract award.

The City will judge any proposal received by the Purchasing Agent after the official closing date and time as LATE and the City will not open it nor consider it for award, EXCEPT if the proposal was properly addressed and the Purchasing Agent determines that the late receipt of the proposal was solely due to mishandling by City employees.

Questions Concerning RFP

Questions concerning interpretation, clarification, or other inquiries concerning any portion of this RFP should be made in writing via email to the Purchasing Agent, Hansel Mathlaw, who will be the official point of contact for this RFP. No questions other than written will be accepted, and no response other than written will be binding upon the City.

Questions and/or requests for documents must be submitted by June 29, 2016 via email to hmathlaw@cityofbethel.net. The subject line should read "Questions –Classification Plan RFP".

Document Requests

For those Proposers desiring to obtain specific documents to aid them in the preparation of the RFP, they may request a list of those documents, including current policies, by sending a detailed email to the Purchasing Agent, Hansel Mathlaw at hmathlaw@cityofbethel.net with "Request for Documents –Classification Plan RFP" in the subject line. The request must be made by June 29, 2016, and the City will make every effort to provide the requested documents in an electronic format within two business days.

In the interest of fairness, all Proposers having submitted an "Intent to Respond" form will be provided a generic notice of the documents which have been produced. For example, if a request for copies of the current position descriptions is received and responded to, all Proposers will receive an addendum indicating that one Proposer requested and received a copy of the current position descriptions.

Complaints/Protests/Objections

Any interested party may protest any actual or perceived improprieties or ambiguities to this request for proposals. All complaints and/or protests regarding this request for proposals must be submitted in writing no later than June 29, 2016 at 3:00 pm AST. Specific information about how

to file a protest or complaint can be found in Section 4.20.270 of the Bethel Municipal Code located at www.cityofbethel.org.

Written Addendum

The issuance of a written addendum by the City's Purchasing Agent is the only official method by which interpretation, clarification, or additional information can be given. The City will not be responsible for any oral representation given by any employee representative or others.

If the City revises (amends) this RFP, the Purchasing Agent will send an electronic version of any issued addendum to the Proposer's point of contact as noted on the Intent to Respond form. In addition, any amendments, addenda or additional information will be posted to the City of Bethel website: www.cityofbethel.org > Doing Business > Bids and Proposals. Proposers should acknowledge each addendum in their proposal. Failure to do so may prevent your proposal from being considered for an award. It is solely the Proposer's responsibility to ensure the receipt of all addenda and incorporate any changes before submitting a proposal to the City for consideration.

Withdrawal of Proposals

A Proposer may withdraw its proposal at any time before the receipt deadline by delivering a written request for withdrawal signed by, or on behalf of, the Proposer. The written request may be delivered by standard mail, electronically to hmathlaw@cityofbethel.net, or via fax to 907-543-5294.

Proposer's Responsibilities

Examination of Proposal Documents

By submitting a proposal, the Proposer represents that it has read and understands this RFP, has made the proposal in accordance with the RFP requirements, and is familiar with the local conditions under which the proposed services and products must perform. In addition, the Proposer represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the City's objectives.

If the City awards you a contract because of your proposal, your failure to have made proper investigations and examinations will in no way relieve you from your obligations to comply in every detail with all provisions and requirements of the contract, nor will a plea of ignorance of such conditions and requirements be accepted as a basis for any claim by you for additional consideration, compensation, or relief.

Failure by a Proposer to ask questions, request information, or submit objections by the dates indicated herein shall constitute the Proposer's acceptance of all of the terms, conditions and requirements set forth in this RFP.

Communications with the City

From the date that this RFP is issued until a Proposer is selected and the selection is announced, Proposers or any affiliated parties are not allowed to communicate with City Council members regarding this RFP. Proposers and their representatives are not prohibited, however, from making

oral statements or presentations in public to one or more representatives of the City during a public meeting.

Similarly, Proposers or any affiliates may not communicate outside the procedures set forth in this RFP with any officer, employee or agent of the City, including any member of the evaluation panel, with the exception of the RFP Facilitator, regarding this RFP until after Contract Award. The City reserves the right to reject any Proposal for violations of this provision.

Resources and Key Personnel

Key personnel are any person whose individual action or inaction can impact the timely accomplishment of the performance objectives of each contract requirement. By submitting a proposal, the Proposer represents that each person listed or referenced will be available to perform the services described for the City, barring illness, accident, or other unforeseeable events of a similar nature in which case you must promptly provide a qualified replacement approved by the City.

If awarded a contract, the Contractor shall furnish all resources including, but not limited to, personnel, management, equipment, supplies, resources, transportation, and support, to accomplish the performance objectives(s) of each contract requirement.

Equal Opportunity

The City of Bethel does not make contracting or awards based on, nor discriminate because of race, creed, color, religion, gender, sex, gender identity, sexual orientation, age, national origin or ancestry, marital status, change in marital status, physical or mental disability, political affiliation, genetic information, pregnancy, parenthood, status as a disabled veteran, or any other status or condition protected under federal, state and local laws. The City of Bethel will not do business with any company that discriminates against any person based on any of the above criterion. All vendors doing business with the City of Bethel agree not to discriminate and agree to provide the City with a copy of its non-discrimination policies within ten (10) calendar days of any contract award.

Evaluation and Selection

The Purchasing Agent is responsible for the selection process and will be the sole point of contact for all Proposers. The Purchasing Agent may request written clarifications from any Proposer to clarify any ambiguity or minor irregularity. The City may reject any proposal in which a Proposer's approach, qualifications or price is not considered acceptable by the City.

Proposer's Minimum Qualifications

To be considered for award, a Proposer shall meet or exceed each of the following minimum requirements. Failure to meet a requirement will result in the disqualification of the proposal. The consultant or firm/organization (or its principles) must:

- A. have a minimum of ten years' documented experience conducting classification studies and analysis;

- B. have demonstrable knowledge and experience in the interpretation of Federal and Alaska laws as they relate to pay practices, compensation, and non-exempt/exempt designation within a state that has not passed right to work legislation;
- C. have demonstrable knowledge and practical understanding of the:
 - a. Americans with Disabilities Act of 1990, as amended, as it applies to this project;
 - b. Fair Labor Standards Act (FLSA), as amended, especially as it applies to exempt/nonexempt classifications;
- D. have the human, managerial, and fiscal resources to complete all elements of the project so the City can incorporate the results into budgetary, benefit, and other planning beginning October 11, 2016;
- E. be a vendor in good standing with the City in accordance with BMC 4.20, under which the City will not consider a proposal/offer from, or award a contract to, any person, company, corporation, or organization that is in arrears, or is in default to the City upon any debt or contract, or that has defaulted as surety or otherwise upon any obligation to the City; and
- F. have the proper licenses and authority to perform work in the State of Alaska.

Proposal Package Evaluation

Responsiveness: The Purchasing Agent will review each proposal to determine its responsiveness, i.e. has the Proposer provided all of the materials required in “Submittal Requirements”. If the Purchasing Agent determines a proposal to be nonresponsive, that proposal will not be evaluated further and will not be considered for award.

Initial Proposal Review: The Purchasing Agent will provide one copy of each responsive proposal to each member of the Evaluation Team. Each team member will evaluate and score each proposal in accordance with the Evaluation Criteria. The Evaluation Team will meet and using personal notes and individual score sheets, either develop a consensus score or calculate an average score, if there is no consensus. This consensus/average score will be the only information used by the Purchasing Agent during the Price Proposal Evaluation.

This initial proposal review will be completely independent of the price proposal evaluation and members of the Evaluation Team will have no knowledge of any price proposals. Price proposals will remain sealed until after the initial proposal review, optional interview, and reference evaluations are complete, at which time only the Purchasing Agent will open the sealed price proposals.

Optional Interview: Proposers may be invited to participate in an in-person oral interview with the Evaluation Team. Participation is at the Proposer’s expense and it is expected that at minimum, the Project Manager responsible for carrying out the contracted work, if awarded, should be present at the oral interview. This individual will be evaluated based on his/her apparent ability to communicate the technical concepts of job classification, compensation and related law to individuals without a human resources background.

This presentation, if requested, is expected to confirm proposal representations, and give the City the opportunity to meet the individual(s) who would be assigned to the project. An agenda of

items the City intends to address during the meeting will be forwarded to the Proposer(s) prior to interview.

The Evaluation Team may revise, adjust, or otherwise alter any consensus/averaging scoring following the optional interview.

References: The City may also contact and evaluate the Proposer's references, prior clients, or otherwise solicit information from any available source concerning any aspect of the proposal.

Price Proposal Evaluation: The Purchasing Agent will review all price proposals in relation to one another. If the price proposed appears unreasonable (too high) or unrealistic (too low), the Purchasing Agent may request that the Proposer either submit a revised price proposal reflecting actual costs or submit justification for the proposed pricing.

The Purchasing Agent will apply the scoring formula listed in the Evaluation Criteria to determine the price per point for each proposal. Based on the price per point scores, the Purchasing Agent will identify which proposals are competitive (have a reasonable chance of being selected for an award.)

The Purchasing Agent will not share the specific price proposals or the price per point values for any proposal during the Selection Process.

Selection of Finalist from Among Competitive Proposals: Each proposal will be evaluated with consideration given to how it best meets the needs of the City of Bethel and the basis of capabilities described in the written proposal and oral presentation (if requested). The Proposal that best matches the City's objectives will be considered for contract award.

Negotiations

The City Attorney shall initiate contract negotiations with the selected Proposer. The City anticipates negotiating, at minimum, the following elements:

- A. Prices;
- B. Schedules;
- C. Deliverables; and
- D. Additional services that may be requested.

Evaluation Criteria

Evaluation Criterion	Maximum Points
<i>Understanding:</i> The Proposer’s understanding of the City’s needs; the apparent quality, thoroughness, cohesiveness and applicability of the proposed work plans to meet the City’s objectives.	30
<i>Proposer Qualifications:</i> The Proposer’s qualifications and documented, relevant experience as a human resources consulting firm/organization to perform the required services, with extra consideration given for experience providing services to municipal organizations.	15
<i>Personnel Qualifications:</i> The competence of the proposed team members based on qualifications and documented experience in similar projects. Particular emphasis is placed on the qualifications of the Project Manager as well as team members’ apparent ability to communicate classification and compensation principles to non-human resources professionals.	15
<i>Approach:</i> The techniques for collecting and analyzing data, sequence and relationships of steps, and methods for managing the sub-parts and overall project. Of equal importance is whether the approach is completely responsive to the City’s objectives and all outcomes contained in the RFP.	15
<i>Proposed Schedules/Timelines:</i> Are they sufficient to meet the City’s October 2016 goal; has the Proposer identified any challenges in meeting this goal or identified deliverables that would be delayed and why?	10
<i>RFP Process:</i> How well did the Proposer follow the RFP directions on preparing and submitting its proposal package?	5
Initial Maximum Evaluation Points per Team Member/Consensus	90
<i>References:</i> Past performance as described by direct and indirect references (as well as any performance history with the City) in providing similar services, with extra consideration given to references representing municipal organizations. Client satisfaction and similarity between references and this project are considered.	10
Maximum Evaluation Points	100

Price Per Point Evaluation

The sum of the points awarded by the Evaluation Team for each criterion yield the total points for that proposal. Rank is ordered by lowest price per point to highest.

For example: Total project cost = \$50,000
 Total consensus evaluation points = 70
 Price per point = 50000/70 = \$714.29 per point #2 Rank

 Total project cost = \$65,000
 Total consensus evaluation points = 92

Price per point = 65000/8792 = \$706.50 per point #1 Rank

Insurance Requirements

Prior to execution of the resulting contract derived from this RFP, the awarded Consultant shall obtain and maintain in force at all times during the term of the resulting contract, insurance coverage as required herein. All insurance policies shall be issued by companies authorized to do business in the State of Alaska.

Commercial General Liability – occurrence form, with coverage for:

- A. Premises/Operations;
- B. Products and Completed Operations;
- C. Broad form property damage;
- D. Personal and advertising injury;
- E. Contractual liability with minimum limits:
 - a. \$1,000,000 per occurrence
 - b. \$2,000,000 aggregate
- F. Worker's Compensation – as required by Alaska law

Submittal Instructions

Required Submission Materials

A Proposer interested in submitting a proposal (offer) in response to this RFP should submit:

- A. ONE ORIGINAL signed paper proposal package, marked "ORIGINAL" on the document WITHOUT the Price Proposal form,
- B. FIVE (5) paper copies of the complete proposal package WITHOUT the Price Proposal form,
- C. ONE USB (electronic) copy of the complete proposal package WITHOUT the Price Proposal form,
- D. ONE redacted USB WITHOUT the Price Proposal form (if necessary), and
- E. ONE ORIGINAL Price Proposal in a SEPARATE SEALED ENVELOPE.

Economy of Presentation

Proposals should be presented simply and economically, providing a straightforward, concise description of your capabilities to satisfy the conditions and requirements of this RFP. The City does not desire fancy bindings, colored displays, or promotional material unless it specifically enhances the City's understanding of your offer. Your emphasis should be on completeness and clarity of content.

The City is not liable or responsible for any costs incurred by you or any Proposer in responding to this RFP including, without limitation, costs for presentations, demonstrations, or interviews, if requested or required.

Proposal Guidelines

Proposers should submit a proposal in accordance with the instructions outlined in this section. The proposal package must be complete, self-sufficient, and respond directly to the requirements of this RFP. Ensure your proposal can stand alone on its merits and do not assume that there will be an opportunity to make a presentation to explain any item or detail.

Cross Referencing: To the extent possible, do not cross-reference information between sections. Unless clearly noted, Evaluation Team members will assume that information not found in the designated section has not been included in the proposal.

Proprietary Information: The Alaska Public Records Act mandates public access to government records. Therefore, unless information is exempt from disclosure by law, the content of any request for information, response to this RFP, protest, or any other written communication between the City and Proposer, shall be available to the public. If any information that the Proposer believes would cause substantial injury to the Proposer's competitive position if disclosed is contained in the Proposal, it should be clearly identified in any written submissions by marking each page containing such proprietary information as confidential AND redacting such information on the USB version specifically designated for this purpose. Proposers may not designate an entire proposal as confidential nor designate its Price Proposal as confidential.

Indexing: Include a table of contents to delineate the topics and subsections for each Tab or section containing more than five (5) pages.

Glossary of Definitions, Abbreviations and Acronyms: Include a glossary of all key words or phrases that if misinterpreted by the City would impact the evaluation of the proposal. Spell out and identify any acronym used.

Page Size and Format: A "page" is defined as all information that can be legibly printed within one piece of 8.5x11 inch piece of paper in accordance with the below requirements

- A. Text should be single-spaced and left justified;
- B. Text should be printed in a "portrait" layout with one inch margins on all four sides;
- C. The text size should not be less than 11 point or more than 14 point;
- D. Pages should be numbered sequentially by Tab and Section; and
- E. Printed materials should be duplexed/double-sided printing as long as it does not prevent a reader from clearly understanding the proposal.

Graphics: Submit legible tables, charts, graphs, figures and pictures wherever practical to depict organizations, systems and layouts, implementation schedules, etc. These displays must be submitted in a format that is equivalent to 8.5 x 11 inch paper and legible and understandable if duplicated in that size format.

Binding and Labeling: Submit the original paper proposal in binder, folio, or other similar organizer, with section tabs. Pages should not be stapled together. Include a cover sheet clearly marked RFP Employee Classification Plan and the Proposer's name.

Proposal Sections

You should organize your proposal into the following major sections:

Tab 1 – Proposer Profile

In this section and throughout the remaining tabs, the term “firm/organization” is used to refer to a single individual consultant, a sole-proprietorship, partnership, incorporated entity, or any other Proposer identity. Be sure to provide the requested information as it is relevant to your specific business model.

- A. Cover Letter/Statement of Interest: (not more than three pages). Introduce your firm/organization and summarize key elements of the proposal. The letter must stipulate that the proposal price will be valid for a period of at least one hundred eighty (180) days after the close of this RFP. An individual authorized to bind the Proposer must sign the letter.
- B. Proposer Information Page (Attachment B)
- C. Proposer Profile and History: (not more than six pages). Provide a brief background of the firm/organization. Describe the firm/organization’s mission and basic philosophies as they relate to the services under consideration. Provide the names, titles and areas of responsibilities of the owners/partners. Describe the types of projects that the firm/organization typically performs.
- D. Project Team.
 - a. Designate the person to serve as your project manager and list the full names and functional titles of all key personnel that will be part of the project.
 - b. Provide brief biographical information that identifies their educational background, work history, and past responsibilities serving in similar financial advisory or human resource roles.
 - c. Describe the type of work each is expected to perform and their specific experience in the specialized areas of classification systems (to include represented, FLSA exempt/nonexempt, PERS).
- E. Subcontractors. Provide a list of any proposed sub-contractors that the proposing firm/organization may use on a project. Provide the same information required in sections C and D above for each subcontractor.
- F. City Responsibilities: Describe the duties the Proposer expects to be performed by City staff.
- G. Exceptions: List any exception that you as the Proposer may have concerning any requirement or item set forth in the RFP document or associated addenda.

Tab 2 – Firm/Organization Qualifications

Describe the experience of your firm/organization in developing classification plans. Document at least ten years’ experience by the Proposer and project team members with projects similar in nature. Extra consideration will be given to those conducted for other U.S. municipalities.

Provide specific examples of how your firm/organization’s expertise and recommendations have benefitted a municipality, or similar organization if no municipal examples are available.

Tab 3 – Methods, Overall Approach and Procedures

- A. Understanding of Project: (not more than three pages).
- B. Describe the Scope of Work as you understand it and what you think the City's anticipated outcomes are in your own words.
- C. Provide a detailed breakdown and description of the specific steps, services, methods and references that will be employed to gather the data, analyze the findings, develop recommendations and coordinate implementation as requested.
- D. Describe the firm/organization's knowledge and familiarity with the local economic, political, legal and cultural situations.

Tab 4 – Deliverables: Structure and Content

Describe the way in which the work product (deliverables) will be structured and presented upon completion.

Tab 5 – Project Timeline

- A. Provide the anticipated total time necessary to complete the project and estimated time necessary for fulfillment of each element or task. The proposed project timetable will be incorporated into the project contract. The City anticipates that the successful Consultant will be able to begin this project no later than August 2016.
- B. Describe how your firm/organization will meet the proposed timeline.
- C. Describe techniques your firm/organization would use to keep the City abreast of the progress of the project.

Tab 6 – References

Provide at least five (5) references for whom your firm/organization has provided classification plan services within the past five years. Note that scoring will be weighted heavily in favor of municipal references and experience. The City reserves the right to contact any organization(s) or individual(s) listed as well as those not listed but discoverable through a search of publicly-available information on your firm/organization.

Include the following minimum information for each reference:

- A. Community Name (City), State
- B. Community Contact Person's name, phone number, email
- C. Project Description
- D. Project Start Date and Close-out Date
- E. Description of Work Performed

The City of Bethel cannot be used as a reference; however, all past performance with the City will be considered during the evaluation process.

Tab 7 – Litigation

Provide information on the nature, magnitude and outcome of all litigation and proceedings for the previous five years where a court or administrative agency has ruled for or against you or your firm/organization in any matter related to you or your firm/organization's professional activities. The City reserves the right to conduct additional research concerning any Proposer.

Tab 8 – Other Information

Provide any information that will provide insight to the City about your qualifications, capabilities and resources not otherwise provided in one of the other tabs. This information should be pertinent and succinct. In addition to information you choose to provide, please also include in this section as appropriate:

- A. Disclosure Statement: Please disclose any and all past or current business and personal relationships with any current City of Bethel elected official, appointed official or City employee.
- B. A copy of any standard form contract that you have used previously for projects of similar scope and duration (optional).

Rights of the City

The City, at its sole discretion, reserves the right to accept or reject any or all proposals received as a result of this RFP, to issue subsequent Requests for Proposals, negotiate with any qualified source(s), or to cancel this RFP in part or in its entirety.

This RFP is not in any way to be construed as an agreement, obligation or other contract between the City and any person or firm/organization submitting a proposal, nor does it obligate the City to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract.

All material submitted in response to this request become the property of the City of Bethel, will not be returned, and are subject to the provisions of the State of Alaska and City of Bethel after the announcement of an award is made. The City reserves the right to use any or all Proposer service ideas presented. Selection or rejection of the proposal does not affect this right.

The City may investigate the qualifications of any Proposer under consideration, require confirmation of information furnished by the Proposer and require additional evidence of qualifications to perform the services described in this RFP. Contract award will be made at the sole discretion of the City, based on the evaluation of all responses and the Proposer's ability to best meet the City's objectives.

ATTACHMENTS

Attachment A: Intent to Respond Form

Attachment B: Proposer Information Page

Attachment C: Price Proposal Form

Attachment D: Proposal Checklist

Attachment E: Signature and Verification

Attachment F: Current Position Classifications

ATTACHMENT A: INTENT TO RESPOND FORM

The undersigned acknowledges that the individual or firm/organization they represent is in receipt of the solicitation for proposal for EMPLOYEE CLASSIFICATION PLAN and intends to respond to the solicitation on or before July 14, 2016.

Individual or Firm's Name: _____

Address: _____

Telephone: _____

Fax Number: _____

Email Address: _____

By (Name): _____
(Contact of Record for the purpose of this RFP process.)

Signature: _____

Title: _____

Date: _____

Email this form to Hansel Mathlaw, Purchasing Agent at hmathlaw@cityofbethel.net

ATTACHMENT B: PROPOSER INFORMATION PAGE

This form is to be completed by the Proposer and placed in Tab 1 of the proposal.

Legal Contractual Name of Firm: _____

Corporate Mailing Address: _____

City, State and Zip Code: _____

E-Mail Address: _____

Phone: _____ Fax: _____

Contact Person: _____

Authorized Signature: _____

Title: _____ E-Mail Address: _____

Business Telephone: _____ Website URL: _____

Proposal Contact (if different): _____

Title: _____ E-Mail Address: _____

Is your business: (check one)

NON PROFIT CORPORATION FOR PROFIT CORPORATION

Is your business: (check one)

CORPORATION LIMITED LIABILITY PARTNERSHIP

INDIVIDUAL SOLE PROPRIETORSHIP

PARTNERSHIP OTHER (Specify) _____

Federal Tax Identification Number: _____

City of Bethel Business License Number: _____

(If none, you must obtain a City of Bethel Business License within ten business days of contract award.)

State of Alaska Business License Number and Expiration Date: _____

ATTACHMENT C: PRICE PROPOSAL FORM

_____, 2016

To: Purchasing Agent, City of Bethel
 PO Box 1388
 Bethel, AK 99559

The undersigned, on behalf of _____ [enter Proposer name] submits for consideration the following Price Proposal for Employee Classification Plan services:

Description	Hours	Price (Not to Exceed)
Development of a comprehensive job classification system		
Deliverables		
TOTAL PROJECT PRICE		
Optional/Additional Services not covered in Scope of Work (to be added ONLY at the request of the City)		
Optional A		
Optional B		
Optional C		

Further, I hereby declare that _____ [enter Proposer name] has carefully examined the requirements to furnish Employee Classification Plan services for which proposals were advertised to be received by Thursday, July 14, 2016 and further declares that _____ [enter Proposer name] makes this binding offer to furnish all resources necessary to provide said services.

 Signature Date

 Printed Name

ATTACHMENT D: PROPOSAL CHECKLIST

Before submitting your proposal, review the submittal requirements and ensure each section is included. Failure to include the required materials may preclude consideration of your Proposal. Please return the completed checklist with the original Proposal Package.

RFP Reference	Description	√	By (initial)	For City Use
Tab 1.A	Cover Letter / Statement of Interest			
Tab 1.B	Proposer Information Page (Attachment B)			
Tab 1.C	Proposer Profile and History			
Tab 1.D/E	Project Team & Subcontractors			
Tab 1.F	City Staff Responsibilities			
Tab 1.G	Exceptions			
Tab 2	Firm/Organization Qualifications			
Tab 3.A	Understanding of Project			
Tab 3.B	Understanding of Scope of Work			
Tab 3.C	Steps, Methods, References			
Tab 3.D	Knowledge of Local Situation			
Tab 4	Structure and Content of Deliverables			
Tab 5.A-C	Project Timeline, Methods and Progress Reports			
Tab 6	References			
Tab 7	Litigation			
Tab 8	Other Information			
Tab 8.A	Disclosures (If Applicable)			
Tab 8.B	Sample Contract (Optional)			
Attachment C	Price Proposal (1 original in sealed envelope)			
	Paper Proposal Package (1 original and 5 copies)			
	USB Drive with proposal package (1)			
	1 Redacted USB (if necessary)			

ATTACHMENT E: SIGNATURE AND VERIFICATION

By signing below, I hereby acknowledge the following:

1. Proposer, nor any of their representatives or third party mandated by Proposer, has attempted to contact City representatives or members of the selection committee for the purpose of influencing their choice, judgment or recommendation relating to the contract, or with members of the City Council to influence their decision;
2. Proposer has produced the proposal without collusion, communication, agreement or arrangement with a competitor with regards to price, methods, factors or formulas for setting prices, to the decision to submit a proposal or to present a proposal that does not comply, directly or indirectly, with specifications contained in the request for proposals;
3. Neither the Proposer nor any of its representatives engaged in discrimination, intimidating measures, influence peddling or corruption or entered into any form of collusion, communication, agreement or arrangement with other suppliers or third parties relating to a contract with the City of Bethel.
4. Proposer has appropriately identified proprietary information. Proposer agrees, should the City comply with the Proposer's request for non-disclosure, Proposer shall assume all responsibility for any challenges resulting from the non-disclosure, indemnify and hold harmless the City from and against all damages (including but not limited to attorney's fees that may be awarded to the party requesting the Proposer information), and pay any and all costs and expenses related to the withholding of Proposer information. Proposer shall not make a claim, sue, or maintain any legal action against the City or its directors, officers, employees, or agents concerning the disclosure, or withholding from disclosure, of any Proposer information. The City shall have no obligation to withhold non-classified information from disclosure and may release the information sought without any liability to the City.
5. I have read and understand the requirements of this Request for Proposals and, that I, as the Proposer, will comply with all requirements and that I am duly authorized to execute this proposal/offer document and any contract(s) and/or other transactions required by award of this RFP.

I hereby acknowledge receipt of the following addenda (check appropriate numbers):

#1 _____ #2 _____ #3 _____ #4 _____ #5 _____

Signature

Date

Printed Name

ATTACHMENT F: CURRENT POSITION CLASSIFICATIONS

The following is a listing of the City of Bethel's current position classifications:

<u>DEPT</u>	<u>FLSA CLASS</u>	<u>PAY SCALE:</u>	<u>POSITION TITLE:</u>
Administration	EX	Contract	CITY MANAGER
	EX	MIII	HUMAN RESOURCES MANAGER
	NE	Contract	PART-TIME ASST TO CITY MANAGER
Legal	EX	Contract	CITY ATTORNEY
City Clerk	EX	Contract	CITY CLERK
	NE	Contract	PART TIME CITY CLERK ASST
Finance	EX	MIII	FINANCE DIRECTOR
	EX	MII	ASSISTANT FINANCE DIRECTOR
	NE	8	GENERAL LEDGER ACCOUNTANT/ANALYST
	NE	7	GRANT MANAGER
	NE	5	ACCOUNTING SPECIALIST I
	NE	4	ACCOUNTING CLERK
Planning	EX	MIII	PLANNING DIRECTOR
	NE	4	ADMINISTRATIVE ASSISTANT - PLANNING
Info Tech	EX	MIII	TECHNOLOGY DIRECTOR
	NE	6	IT TECHNICIAN
Fire	EX	MIII	FIRE CHIEF
	NE	9	FIRE CAPTAIN
	NE	6	FIREFIGHTER/EMT
Police	EX	MIII	POLICE CHIEF
	NE	9	POLICE LIEUTENANT
	NE	8	INVESTIGATIVE ADMINISTRATIVE SERGEANT
	NE	8	POLICE SERGEANT
	NE	7	CORPORAL (INVESTIGATOR)
	NE	6	POLICE OFFICER
	NE	5	COMMUNITY SERVICE OFFICER
	NE	5	COMMUNITY SERVICE PATROL OFFICERS
	NE	5	ADMINISTRATIVE ASSISTANT - POLICE
	NE	6	POLICE RECORDS & PUBLIC SAFETY DISPATCHER MGR
	NE	5	PUBLIC SAFETY DISPATCHER
Public Works (PW)	EX	MIV	PUBLIC WORKS DIRECTOR
	NE	4	ADMINISTRATIVE ASSISTANT

PW: Parks & Rec	NE	5	PARKS AND RECREATION SPECIALIST
	NE	2	PARK MAINT WORKER
PW: Streets & Roads	NE	6	STREETS AND ROADS FOREMAN
	NE	4	GRADER OPERATOR
	NE	4	OPERATOR / DRIVER
PW: Property Maint.	NE	6	BUILDING MAINTENANCE FOREMAN
	NE	4	MAINTENANCE WORKER
PW: Solid Waste	NE	4	LANDFILL MANAGER
	NE	3	LANDFILL TECHNICIAN
	NE	4	SOLID WASTE DRIVER
PW: Utility Services	NE	6	UTILITY FOREMAN
	NE	4	WATER TRUCK DRIVER
	NE	4	RELIEF WATER DRIVER
	NE	4	EVACUATION TRUCK DRIVER
	NE	4	RELIEF DRIVER - EVACUATION
PW: Utility Maint.	NE	6	UTILITY MAINTENANCE FOREMAN
	NE	4	UTILITY MAINTENANCE WORKER
	NE	5	WATER TREATMENT FACILITIES COORDINATOR
	NE	4	WATER TREATMENT OPERATOR
PW: Vehicles/Equipmt	NE	5	HEAVY EQUIPMENT MECHANIC
	NE	5	MECHANIC II / OILER
	NE	4	MECHANIC I
	NE	4	PARTS INVENTORY CLERK
PW: Transit System	NE	6	TRANSIT MANAGER
	NE	4	BUS DRIVER
Dock and Port	EX	MIII	PORT DIRECTOR
	NE	4	ADMIN ASST
	NE	4	CITY DOCK ATTENDANT
	NE	N/A - Temp	TEMPORARY WELDER
	NE	N/A - Temp	TEMPORARY PORT ATTENDANT

City of Bethel Action Memorandum

Action memorandum No.	AM 16-45		
Date action introduced:	June 14, 2016	Introduced by:	Ann K. Capela
Date action taken:		<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Confirmed by:			

SUBJECT/ACTION:

Approve the contract between the City of Bethel and Bristol Engineering Services Corporation for Bristol to complete the landfill closure and post-closure cost estimates.

Route to:	Department/Individual:	Initials:	Remarks:
<input checked="" type="checkbox"/>	Administration	<i>AKC</i>	Recommend approval.
<input checked="" type="checkbox"/>	Finance	<i>HM</i>	Recommend approval.
<input checked="" type="checkbox"/>	City Attorney	PB	
<input type="checkbox"/>			
<input type="checkbox"/>			

Attachment(s):

Contract between the City of Bethel and Bristol Engineering Services Corp.

Amount of fiscal impact:		Account information:
	No fiscal impact	
\$14,990	Funds are budgeted for.	50-71-649
	Funds are not budgeted. Budget modification is required.	

Summary Statement

The City of Bethel is required to develop landfill closure and post-closure cost estimates for the annual audit. The City used the bid process to solicit firms to perform the cost estimates. Two companies responded with proposals. The two proposals were reviewed and scored. The Purchasing Agent recommends that Bristol Engineering Services Corporation be hired to perform the work because their proposal scored the most points.

Bristol Engineering Services Corporation -

Reviewer #1: 86

Reviewer #2: 86

Shannon & Wilson Inc.

Reviewer #1: 78

Reviewer #2: 84

Proposal Terms and Conditions

This agreement dated _____ day of June, 2016 by and between Bristol Engineering Services Corporation (BRISTOL), and City of Bethel (CLIENT).

Bristol agrees to perform services as set forth in this proposal subject to the terms and conditions stated herein.

The work to be performed will be for Tasks 1 (Project Management) and 2 (Cost Development Phase) listed in the attached proposal. Task "Alt 1" (Project Meeting) will not be addressed under the scope of services for this contract.

PAYMENT

The services specified in the Proposal attached hereto, will be performed on a lump sum basis in the amount of Fourteen Thousand Nine Hundred Ninety Dollars and ninety cents (\$14,990). Upon completion of the work, Bristol will submit an invoice to City. Payment will be due within thirty (30) days of the date of invoice. Interest will be added to any outstanding balance within forty-five (45) days of invoice date at the rate of two (2 %) percent per month (24 percent per annum).

INSURANCE

Bristol will procure and maintain the following types and amounts of insurance for the duration of the Project: workers' compensation insurance as required by law, \$500,000 of employer's liability insurance, commercial general liability insurance of \$1,000,000 combined single limit for bodily injury and property damage, automobile liability insurance of \$1,000,000 combined single limit for bodily injury and property damage covering all vehicles, including hired cars, owned and non-owned vehicles, and professional liability insurance in the amount of \$1,000,000.

INDEMNIFICATION

Each party agrees to indemnify the other party, its present and future officers, directors, clients, agents, employees, successors and assigns from any and all liability, loss or damage, including, without limitation liability loss or damage arising from bodily injury illness and death, property damage or any other source and reasonable attorneys' fees and investigative discovery cost to the extent that it is cause by or arises out of the negligence or willful misconduct of the indemnifying party or a breach of this Agreement by the indemnifying party.

CHANGES

Client may at any time by written order of Client's authorized representative, make changes in, additions to, and deletions from the services to be performed under this Agreement, and Bristol shall promptly proceed with the performance as so changed. Client and Bristol shall attempt in good faith to reach agreement in writing as to any increase or decrease of the Agreement price or time resulting from such change or extra work and, if agreement is not possible, then the amount of additional time or change in compensation shall be determined as provided in the Disputes clause of this Agreement.

DISPUTES

All disputes shall be decided by arbitration. The arbitrator shall be appointed by mutual consent of the parties, or in the event the parties are unable to agree within ten (10) days of demand for arbitration, then the Superior Court of the State of Alaska shall appoint an arbitrator. The arbitration shall be governed in accordance with the Arbitration Rules of the American Arbitration Association then in effect. The award rendered by the arbitrators shall be final, and judgment may be entered upon and in accordance with applicable law in any court having jurisdiction thereof. It shall not interfere with the progress and performance of work required to be performed. This Agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law.

TERMINATION, TAKEOVER, SUSPENSION

The filing by the other party in any court pursuant to any statute of the United States or any state of a petition in bankruptcy or insolvency or for reorganization or for the appointment of a receiver or trustee of all or a substantial portion of such party's property or the making by such party of an assignment for or petition for an agreement for the benefit of creditor or the filing of a petition in bankruptcy against such party that is not discharged within ninety-days thereafter or the consent to sufferance of the application of any statute that obviates, restricts or suspends the rights of creditors generally.

Failure of a party to cure a material breach of agreement within thirty days following delivery of a notice from the non-breaching party setting forth the details of such alleged breach, or if such breach is of a nature that it cannot be cured within such thirty-day period, the breaching party has not within such thirty-day period commenced and at all times thereafter diligently proceeded with all acts required to cure such default. This Section shall not apply to any breach of agreement due to Client's failure to pay Bristol.

The failure of the Client to pay Bristol hereunder within thirty (30) business days after Client's receipt of written demand for such payment.

In the event the work is terminated prior to Project completion, then an equitable settlement for work performed under this Agreement prior to such termination will be made as provided in the Disputes clause of this Agreement.

ENTIRE AGREEMENT AND ACCEPTANCE OF TERMS

This Agreement represents the entire and integrated agreement between the parties hereto and, unless specifically referenced herein, supersedes all prior negotiations, representations, or agreements, either written or oral. Client and Bristol agree that all terms and conditions were mutually negotiated and agreed to. By signing this Agreement, acceptance of supplies, reports, data, or Work acknowledged and performed under requirements indicated herein, Client agrees to comply with all the terms and conditions and all documents that this Agreement incorporates by reference or attachment. Bristol hereby objects to any terms and conditions contained in any acknowledgement of this Agreement that are different from or in addition to those mentioned in this document; unless mutually agreed to in writing. All rights and obligations shall survive final performance of this Agreement.

LAW AND VENUE

This Agreement shall be considered to have been made in and shall be interpreted under the laws of the State of Alaska. The location for any arbitration or venue for any lawsuit arising out of this Agreement or the work hereunder shall be Anchorage, Alaska.

This Agreement represents the final understanding of the parties hereto and Bristol assumes no responsibility for any understanding or representations made by any of its officers, agents or others prior to the execution of this Agreement, unless such understanding or representations by Bristol are expressly stated in this Agreement.

This Agreement is entered into as of the date first written above.

BRISTOL:
Bristol Engineering Services Corp.

CLIENT:
City of Bethel

BY

BY

Kyle Petersen

Ann K. Capela

PRINT NAME

PRINT NAME

Civil Engineer

City Manager

PRINT TITLE

PRINT TITLE

Mayor's Report

City Manager's Report

Management Team Reports



CITY OF BETHEL
Fire Department

William F. Howell III, Fire Chief
P.O. Box 1388, Bethel, Alaska 99559
Phone: (907)-543-2131
Fax: (907)-543-2702
bhowell@cityofbethel.net

Celebrating 50 Years of Service

DATE: June 2, 2016
TO: Ann Capella, City Manager
FROM: Bill Howell, Fire Chief
SUBJECT: May 2016 Management Report

Current Events

- The Department's annual Memorial Day rummage sale fundraiser was a major success. The sale gives the public the opportunity to meet our staff and volunteers while supporting our department non-profit, Bethel Volunteer Emergency Services Association (BVESA).
- Hearing testing was completed on the 24th of May. Hearing testing is required annually as part of the City's Hearing Conservation program.
- The department is performing annual Hydrant and Hose testing per NFPA and ISO requirements.
- Work began on plumbing and heating leaks under the Fire Station. Work should be completed by June 15th 2016. Unfortunately, contractors found further new joist deterioration under the hose tower from a water leak. This deterioration has lead to a dangerous weakening of the load bearing members in this part of the building. Informal estimates for repair are approximately \$90,000-\$100,000.
- The Fire Department will instruct a Basic Fire Fighter and Emergency Trauma Technician Course from June 8 – July 3, 2016. This class was postponed from its original start date in May to recruit additional participants.
- A list of unneeded or unusable items is being submitted to finance for disposal at an upcoming City auction
- Work continues on standardizing the reflectivity, types, sizes and colors of home and business numbers in the community.

- We are working with the State Fire Marshal's office to obtain compliance and Fire code approvals for the AC Liquor Store. Construction/remodeling permits were issued by the State Fire Marshal's office this month for conversion of the Swanson's marina building into an alcohol package store.
- The standby generator for the City complex did not start automatically during a recent outage. The Department is working with administration and the City's electrical contractor to resolve the problem.

Emergency Planning/Homeland Security

- On May 11th, the department met with Rebecca Duell of the national Weather Service. Rebecca provided staff training in fire weather and National Weather Service resources available to Fire Departments.
- Department comments were submitted to administration regarding the Donlin EIS
- Firefighters are conducting address and map checks. A list of missing street signs was sent to Public Works administration.
- Inventory of Homeland Security equipment was completed.

Training

- EMS Training on 5/03/16. Training involved talking about the liquor store, Memorial Day sale and run review. Also EMTs Trained on different Orthopedic Emergencies. EMT also conducted simulated drills involving different fractures and how to use various splinting devices.
- Fire Training on 5/12/16. Training involved ETT course push back, run review, Memorial Day sale. Firefighters watched a presentation from FF Haviland on Wildland Urban Interface Fire; Firefighters then checked their gear and were issued gear.
- EMS Training on 5/17/16. Training involved hearing test sign up, Memorial Day sale, run review. Medics also went over standing orders for near drowning. EMTs then were run through multiple drills involving drowning scenarios.
- Fire Training on 5/26/16. Meeting was cancelled due to low turnout.
- Staff meeting on 5/13/16. Meeting consisted of all Staff. Meeting covered employee handbook, building repairs, rig and boat training. Safety training was drugs and alcohol in the work place.
- Staff meeting on 5/26/15. Meeting covered station keys, cleaning bay for Memorial Day sale, employee handbook, wages, budget, engine 3 down for repairs, spider strap training. Safety training was pump training.

- The Fire Department will instruct a Basic Fire Fighter and Emergency Trauma Technician Course from June 6 – July 3, 2016. We are looking forward to training members of our community and gaining more volunteer responders.
- On May 9, department administration attended a Leadership webinar for leading combination departments.

Responses

- The Bethel Fire Department responded to 113 EMS and 14 Fire incidents during the month of May.
- On 5/15/16 at 8:46 p.m. firefighters responded to AVCP Apt. 5 for stairs on fire. On arrival there were no stairs involved, but the grass around the stairs was burned. Bystander's stated: "kids started the fire".
- On 5/31/16 at 7:48 p.m. firefighters responded to the area of Trailer Court for a power pole on fire. On arrival there was a grass fire that was human caused and not from the power pole. Firefighters extinguished the fire.
- On 5/13/16 at 2:00 a.m. medics responded to Pinky's Park for the report of a person who was stabbed. The patient was assessed and transported to the hospital.
- On 5/13/16 at 2:15 a.m. medics responded to Main Street for the report of a person who was assaulted. The patient was assessed and transported to the hospital.
- On 5/13/16 at 2:00 a.m. medics responded to Pinky's Park for the report of a person who was stabbed. The patient was assessed and transported to the hospital.
- On 5/23/2016 at 5:36 a.m. medics responded to the area of Kasayuli Sub for a person not breathing, CPR in progress. Medics treated and transported the patient to the hospital. The patient was later pronounced dead by ER physicians.

Vehicles & Equipment

- Engine 3 our 1986 Grumman reserve pumper was placed out of service to repair a leaking tank, relief valve, and tank to pump valve and pump packing. This work is being performed by department staff. Cost for repairs in time and materials are estimated at approximately \$10,000.
- Ambulances and other fire vehicles are operating with only minor maintenance issues.

- The Department is disposing of our 1992 F-150 and our 1994 Suburban. These vehicles will have all emergency lights and equipment removed and will then be sold via sealed bid.
- The department is raising funds for a new ambulance.
- UL will be visiting Bethel on June 12 to test our fire pumps, ground and aerial ladders. UL tests this equipment to ensure its safety and compliance with national standards.

Budget/Financial

- With 90% of the budget year elapsed the following accounts are points of concern:
 - 102% of FLSA overtime
 - 125% of callback overtime
 - 143% of leave cash-out
 - 101% of V&E Parts and Tools
 - 147% of insurance
- Insurance cost increases reflect, at least partially, an adjustment to the premiums following an evaluation of vehicle values by Brown and associates insurance. All other department accounts are within limits.
- Record call volume in FY 16 and the new three hour minimum callback have contributed to overages in FLSA and Callback overtime. Additionally, with only one person on two of three shifts, as we train new employees, coverage for employee leave must be done using FLSA overtime.
- MS&S has some overages particularly in vehicle maintenance categories as our aging fleet receives ever increasing maintenance and repair. Small line item transfers may be needed to cover these overages.
- Third quarter volunteer stipends have been submitted.

Grants

- A Phase 16 Code Blue grant request for a new ambulance was approved for \$45,000. An additional \$5,000 was raised through the Bethel Volunteer Emergency Services Association (BVESA). The Department plans to raise the balance of the funds through its FY 2017 budget request and donations from the community's non profits. Applications and letters for financial support are being sent to Donlin Gold, Bethel Lions, VFW, VFW auxiliary, Alaska Marine Lines and others.
- The Department completed an application to the FEMA 2015 Staffing for Adequate Fire and Emergency Response (SAFER) grant. We seek to fund four additional positions to comply with NFPA 1720. The application filed by the department, seeks \$840,000 total for the two year period of performance.

- The Department received funding through the 2016 State of Alaska Volunteer Fire Assistance grant for communications equipment. The grant, will provide the department with three more portable radios. The total for this project is \$11,100 with a City match of 10%.
- The Department applied for funding through the 2015 FEMA Assistance to Firefighters Grant Program. We seek funding to replaces aged turnout gear and fire hose. The project requested is budgeted at \$130,000 and requires a 5% match. Funding announcements are normally made in September of the following year.
- FEMA Assistance to Firefighters Grant for Self Contained Breathing Apparatus. is complete. All goals and objectives of the project were met. Final closeout reports will be submitted when available to file.
- The Department continues to coordinate with the Grants Manager, on the 2016 Homeland Security grant. The department has requested funding of portable radios. Total funding requested for all City departments is approximately \$430,000.

Staffing/recruitment

- The Department is requesting funding of two additional positions in the FY2017 budget.
- All positions are filled, minus our FY 15 defunded FF/EMT position.
- The Department has several qualified applicants, in the event of vacancies.



CITY OF BETHEL

Post Office Box 1388
Bethel, Alaska 99559
Phone: 907-543-2047

TO: City Manager
FROM: Human Resources
SUBJECT: April/May 2016 Manager Report

DATE: June 3, 2016

The following documents significant projects that were in addition to general personnel action-based activities (hiring, terminations, benefits review, employee education):

Training

Attended OSHA 1-hour training course presented by the City's insurance company, Alaska Public Entity Insurance. The course provided an overview of those areas in City operations which require OSHA considerations. Most important for HR, the seminar included specifics on maintaining workplace injury records in compliance with OSHA's standards – a function which is directly managed by HR.

Participated in a webinar regarding FMLA compliance and FMLA/ADA-related absenteeism. Because the City does not have a high incidence of FMLA situations, we don't experience some of the alarming trends other employers face with the benefit being abused for non-qualifying situations. The training was suitable for providing an awareness of triggers/clues of which to be aware.

Recruitment

Participated in two local job fairs, one at the high school geared towards students and their parents. Interest tended to lean towards unskilled summer jobs, of which the City has few. The second job fair was held at the Cultural Center, and focused on adults seeking careers. YKHC generously provided lunch for all the exhibitors.

Coordinated with the Job Placement Coordinator at AVTEC – Alaska's Training Institute. We will be working together to help connect their students and graduates with our job opportunities.

Placed advertisements for an Assistant Finance Director with Alaska Municipal League, ICMA (International City/County Management Association), and GFOA (Government Finance Officers Association).

Coordinated with the Alaska Job Corps program to follow up on two recent hires that were trained through Job Corps. One individual holds a small water treatment system certificate and provisional certificates for water distribution, treatment, and wastewater collection. He currently serves as a Water Plant Operator and is working towards his Level 1 Certification. The other individual was hired to perform payroll functions, but is no longer with the City.

Transit Program

Participated in an audit/inspection of the City's Drug and Alcohol program associated with the transit program. This audit was a follow up to a previous audit in August of 2014 in which the City was found to be significantly out-of-compliance with numerous federal regulations regarding this program. The audit involved a full records review, knowledge-based interviews, testing processes, and inspection of the City's monitoring of the collection site activities. While the results have not yet been received, it is expected that there will be few findings this time around.

The second day of the visit was for Drug and Alcohol Program Manager training and Signs and Symptoms training. I participated in both and arranged to have backup staff/other interested staff also participate in the training

Finance Temporary Reporting Structure:

As of May 4, I have been temporarily assigned the responsibility of managing HR issues in the finance department, to include reporting for work, time off, calling in sick, and vacation requests while the Finance Director focuses on the audit and budget preparation.

Employee Benefits:

Reviewed the ACA-required annual Summary of Benefits and SBC (Summary of Benefits and Coverage) documents. Confirmed that there is no need to notify employees of any changes as last amendment to the plan was in September of 2014, and all employees were notified of the change at that time. Individuals hired since that date are provided their notice as part of in-processing with HR.

Prepared for and testified on the City's behalf regarding an Unemployment Insurance appeal from a former employee. At issue is the waiting period, amount of UI benefit, and availability of extended benefits. The prior employee prevailed and the City Attorney is preparing the next of level of appeal on the City's behalf.

Employee Handbook/Policies and Procedures:

The Employee Handbooks have been distributed to all employees and many have turned in the acknowledgement forms. As part of the policy support to this document, I assisted Finance's in their audit response efforts by locating historical policies that met the auditor's requests.

To: Ann Capela, City Manager
From: Ted Meyer, Planner
Subject: May 2016 Activity Report
Date: June 1, 2016

Marijuana Advisory Committee

The draft ordinance was submitted to management for review on May 18.

Mapping

Sent the Bethel Quad Map AutoCad files to Airbus, Inc., for use in their E911 project with the Police Dept. Currently working to get the AutoCad files converted to GIS, to send to them as well.

Land Use Survey of Larson Subdivision

Performed a windshield survey of the subdivision with the Planner Tech. We'll use this information as supporting data for the Planning Commission to zone this subdivision in the Fall.

Pool Contract RFP

I participated on the team that reviewed and scored the RFP for the new pool contract.

Code Enforcement

Responding to calls regarding code violations. Talking with violators and writing them letters.

Site Plan Permits

We are processing many Site Plan Permit applications. Most involve fill for existing pads.

Minor Plats

Approved two Minor Re-plats- one on Mission Lake Road and the other on Front Street.

Planning Commission Business

The Conditional Use Permit for alcohol sales at the Snack Shack was approved at a Special Meeting held on Thursday, May 26. A Conditional Use Permit for Baba's Pizza Restaurant has been scheduled for June 9.

Agency Visits to Bethel

- Mary Romero from the Corps of Engineers visited Bethel on Monday, May 23 regarding the change in jurisdiction of the Wetland General Permit. Jurisdiction has been transferred from the City Planning Department back to the Corps of Engineers. The clearing of land for new construction and/or extending the footprint of pads will now require the developer to submit a jurisdictional determination form and a permit application to the Corps. These must be approved before the Planning Dept can approve the Site Plan Permit.
- The meeting with Sally Cox from the State DCRA and FEMA staff for identifying natural hazards on the Bethel RISK Map is scheduled for Wednesday, June 15 at 1:30pm at City Hall.

2nd Draft TIA	PROJECT NAME:	JVCP Clinic and Hospital Renovation
(75%) Review	PROJECT NUMBER:	31801 / ARR #25885
DATE: 4/12/15 REVIEWER: SET SECTION: TS PHONE: 269-0639	Confirmation of Action Taken on Comment By:	

In Sheet No. column, use 1=General Comments, X=Estimate Comments, Y=pg #-Specifications, and Z=pg # for DSR, alpha numeric pg # of Plan sheets (use an A if no Alpha is used on the plan sheets)

In the Section column below please use your Assigned Functional Group Identifier:

Right-of-Way = RW; Traffic/Safety = TS; Highway Design = HD; Materials = M; Bridge Design = B; Survey = SC; Internal Review = QC; Construction = C; Utilities = U; Specifications = S; Review Engineer = RE; Maintenance = M&O.

Item No.	Sheet/ Page No.	By	Comment	Recommendation/Response?	Meeting Note
1)	All	TS	<p>Thank you for well adjudicated comments from the last TIA review, and a much improved report.</p> <p>There are still three significant topics to be revised and completed in more detail –</p> <ul style="list-style-type: none"> I. Background Kipusvik turning movements are needed, II. More hours of signal warrants checked in the Design Year forecasts, and III. Noon hour pedestrian crossing review, changes at peak PED volume. <p>These were all noted in July 2015 scoping.</p> <p>We are open to discussing the comments in order to help you get to a final signed report before May 12th or after June 1. We will provide noon hour PED counts and video.</p>		



MANAGERS REPORT

PORT OF BETHEL

JUNE

2016

SMALL BOAT HARBOR

- Small boat harbor was ready for use and staffed on May 27th. We have sold 82 of the sixty-dollar permits and 129 thirty dollar permits. There are sixty berths left to fill out of 120. Finishing touches to the berths and parking spaces are underway. YKHC and LKSD donated new bill boards and PFD's for the Kids Don't Float Program.

CARGO DOCK

- AML and Alaska Logistics arrived May 26th through May 31st. Approximately 600 containers with 3,000T of material and equipment was off-loaded. Fifty percent of the tonnage is village freight. The next main-line barge is due June 16th.

SEAWALL-FLOAT PLANE AREA - PUBLIC ACCESS AREAS

- All these areas have been cleaned up of trash and driftwood. Clean up will continue as needed throughout the summer. A stand with PFD's will be installed at the float plane area. We expect this area too be busier than past years due to the liquor store opening up close by. We have applied calcium to all the roads that connect the highway to the waterfront.

PETRO PORT

- There have been a few barges loaded with fuel for the villages. The dock is ready for use and the first barges haven't been scheduled yet. I expect they will be here by the 20th of June.

EQUIPMENT

- The telehandler forklift has been purchased and the finance department is insuring it.
- We are in the process of turning in the VIN numbers of tall vehicles to finance for insurances purposes
- A new strobe light and seat have been put into the 950E loader.
- The Cat D-5 is ready to go, John Deere 310 backhoe is being serviced for work, the international dump truck is being serviced, John Deere 350 dozer is usable but is on its last leg, we have three pickup trucks, we are having trouble with the red ford 350. Light plants are ready to go.

Peter A. Williams, Port Director

City Clerk's Report

Executive Session

Additional Information
