City of Bethel
Finance Committee Agenda

Monday, December 14, 2015 – 6:30 p.m. Council Chambers, Bethel, Alaska

Carol Ann Willard
Finance Committee Chair

Mike Shantz
Finance Committee Vice Chair

Leif Albertson
City Council Representative

Milanna Shear
Finance Committee Member

Dave Trantham, Jr.
Finance Committee Member

Jon Cochrane
Finance Committee Member

Delbert Egoak
Finance Committee Member

Emily Russell
Alternate Committee Member

Vacant
Alternate Committee Member

Hansel Mathlaw
Finance Director
543-1376
hmathlaw@cityofbethel.net

Tonya Hendrix
Assistant Finance Director
543-1375
thendrix@cityofbethel.net

Carole Jung
Recorder
543-3150
cjung@cityofbethel.net

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD Ten minutes per person

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES of November 23, 2015

VI. NEW BUSINESS

1. Gaming Sales Tax Review- Committee

VII. COUNCIL REP. COMMENTS

VIII. FINANCE DIRECTOR'S COMMENT

IX. FINANCE COMMITTEE MEMBER COMMENTS

X. ADJOURNMENT

Posted on December 8, 2015 at City Office, AC, Swanson's, & Post Office

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Carole Jung -Recorder

City of Bethel, Alaska
Finance Committee Minutes

Monday November 23, 2015 Regular Meeting Bethel, Alaska

CALL TO ORDER

A regular meeting of the Finance Committee was held on November 23 at 6:30 p.m. in City Council Chambers.

Meeting was called to order by Chair Carol Ann Willard at 6:30 PM.

ROLL CALL

Comprising a quorum of the Committee, the following were present:

Willard, Shantz, Albertson, Trantham, Cochrane, Shear, Russell

Excused absences: Egoak

Also in attendance were the following:

Hansel Mathlaw, Finance Director

Tonya Hendrix, Assistant Finance Director

Patty Burley, City Attorney

Carole Jung, Recorder

PEOPLE TO BE HEARD

Buck Bukowski- Spoke on behalf of the VFW regarding the gaming sales tax. Suggested an excise tax instead of gaming sales tax.

Michelle DeWitt- Spoke on behalf of BCS Foundation regarding the gaming sales tax.

Judy Wasierski- Spoke on behalf of VFW Auxiliary regarding gaming sales tax. They are losing money most months and have re-written their guidelines on scholarships. Their biggest expense is sales tax.

Pete Ebertz- Spoke on behalf of the Lion's Club regarding the gaming sales tax. Emphasized that most of the charitable work that is done is funded by gaming and the proceeds go back into the community. The Lions club used to give 10,000 scholarships in the past and now they cannot. Purchased an ambulance at the fire dept. in the past. They couldn't consider doing that now.

MOTION: TO STRIKE ITEM 2 FROM THE AGENDA (Further review of 15-32)

MOVED BY:	Shear	To strike the second item on the agenda.
SECONDED BY:	Shantz	

VOTE ON MOTION	Motion carried by unanimous vote.

MOTION: APPROVAL OF AGENDA

MOVED BY:	Shantz	To approve the agenda.
SECONDED BY:	Albertson	

VOTE ON MOTION	Motion carried by unanimous vote.

MOTION: To Approve the minutes from October 26, 2015
MOVED BY: Albertson
SECONDED: Shear
VOTE ON MOTION: Motion carried by unanimous vote.

NEW BUSINESS

Gaming Sales Tax

At that time the chair passed the meeting over to vice chair Shantz for a conflict of interest. Chair Willard is the president of the Bethel Lions Club and also a part time employee of BCSF.

Member Trantham stated his conflict of interest. He is a senior citizen and is exempt of sales tax. The City Attorney stated that seniors are not exempt from gaming sales tax.

Member Trantham then stated that he has another conflict, he is a member of the VFW but not in Bethel. Co-Chair stated that he is not a conflict because he is not a member in the state of Alaska.

Member Shear stated a conflict due to being a member of the auxiliary. She is an officer in the auxiliary. Co-Chair agreed that that would be a conflict. The city attorney stated that if anyone has a personal financial gain from these conflicts. Carol Ann would be the only one that has a conflict of interest.

Co Chair asked the Finance Director what the city's view is of the gaming sales tax.

Finance Director- the gaming revenue represents 4-5% of city revenue. He handed out some sheets representing the numbers. The Co-Chair asked the finance director what his feeling was on the people who have come to speak to the committee. Finance director said that without looking at the numbers in depth, he does not know. The gaming is taxed like any other tax, at 6%. Mr. Ebertz stated that gaming wasn't always taxed like a regular sale. The city attorney said she would have to research to find out when it was decided that gaming would be taxed like a regular sale.

MOTION: To Suspend the Rules (in order to ask questions)
MOVED BY: Albertson
SECONDED: Cochrane
VOTE ON MOTION: Motion carried by unanimous vote.

Council Rep Albertson had a few questions for the people to be heard about some of the figures on the proposed excise tax.
Right now they are being taxed on each playback. The people to be heard proposed a 12% excise tax instead of the 6% tax for each playback. They would like to be taxed on the profit rather than each transaction because the profit does not stay theirs for more than a minute if their customers are "playing back" their rippie card.
Member Cochrane asked if there are any examples of any other communities using an excise tax. Member Trantham had a request, he wanted a copy of the City of Bethel code on gaming tax and the state code on gaming tax. The question was referred to the attorney. The gaming tax is built into the current sales tax ordinance as it is written now. The city is in the process of re-writing that now. It's not available at this time. We can get a copy of the state code.
The committee asked for 1. Estimated financial impact of the changes, 2. History of how the sales tax came to be, 3. BCSF to provide a monthly and maybe a quarterly snapshot of their gaming record, 4. Finance to explain the playbacks as payment or if it's a double taxation and 5. hard copy of anything in our city sales tax that might point directly to gaming and 6. A copy of any state tax code and any easy references from other communities. Member Russell asked for clarification of the financial impacts of the changes. Member Cochrane said that it means basically the difference in the revenue that the city is collecting in the current system versus what the city would be collecting with a 12% excise tax.

MOTION: Suspension of Dec. 2015 meeting
MOVED BY: Shantz
SECONDED: None
VOTE ON MOTION: Motion Failed. Shantz withdrew his motion.

MOTION: To have the meeting in December but move it to December 14, 2015
MOVED BY: Cochrane
SECONDED: Russell
VOTE ON MOTION: Motion carried by unanimous vote.

COMMENTS

Finance Director- No Comments

Council Rep- No Comments.

Member Trantham- Thanked everyone for coming.

Member Cochrane- On the gaming tax review, it's worth looking into.

Chair Willard- No comments.

Vice Chair Shantz- No Comments

ADJOURNMENT

MOVED BY:	Cochrane	To adjourn the meeting until next month. Meeting adjourned until Dec. 14.
SECONDED BY:	Shear	

VOTE ON MOTION	Motion carried by unanimous vote.

APPROVED THIS ___ DAY OF _____, 2015.

_____ _____

Carole Jung, Recorder Carol Ann Willard, Chair

Sales Taxes

According to 2014 Alaska Taxable report:
20% of all tax revenues collected in Alaska in 2014 were sales taxes: $228,325,467

66% of the communities in Alaska collect Sales Taxes (109 out of 166)

Lowest sales tax rate is 1% (White Mountain)
Highest is 7% (Wrangell City and Borough and City of Kodiak)

Three highest grossing communities [sales taxes]

1. Juneau (City and Borough of) ~ $44 million
2. Kenai Peninsula Borough ~ $30 million
3. City of Wasilla ~ $15 million

22 communities average over a million dollars annually from sales taxes

Hoonah ~ $1,360,696
Craig ~ $1,719,271
North Pole ~ $2,585,385
…
Ketchikan ~ $10,233,763
Kodiak ~ $11,536,720
Unalaska ~ $12,272,264

Bethel ~ $7,888,471

Examples of communities that specifically address gaming in their sales taxes:

Hoonah:
4.04.130 Sales tax on sales of pull-tab, bingo or other games.

A. Notwithstanding any other provision in this chapter, the sales of pull-tab, bingo or other games by any operator or any permittee are subject to city sales tax.
B. Each operator and permittee conducting pull-tab, bingo or other games within the city based in the city must, at the time of filing their period return for sales tax, file with the sales tax administrator a report on their activity in the city during that filing period, including the amount of gross receipts, the amount of authorized expenses, the value of prizes awarded, the amount of net proceeds, the amount of net proceeds paid to each permittee, and other information the city may require. The quarterly and annual reports required to be filed with the state may be used by the operator or the permittee as the source for this information.
C. For purposes of this section, the terms "operator," "permittee," "pull-tab game," "gross receipts," "net proceeds," and "authorized expenses" shall have the meaning provided in AS Chapter 05.15 and 12 AAC Chapter 34 and as those statutes and administrative regulations may be hereafter amended or replaced.
D. The exemption for senior citizens set forth in this chapter, shall not apply to sales tax on pull-tabs, bingo or other charitable gaming.

Craig:
Nothing specific to gaming

North Pole:
4.08.045 Sales of bingo, lotteries and pull-tabs.
Notwithstanding any other provisions in this chapter, the sales of bingo, lotteries, and pull-tabs and like games of chance by any operator or any permittee are subject to sales tax on the total adjusted gross income as defined by AS 05.15. Each operator and permittee must along with their sales return and remittance file a report on their activity in the City during that filing period including the value of prizes awarded and other information as may be required by the City.

Ketchikan (City):
3.04.100 Exemptions.
The following sales and services are exempt from the sales tax:
(z) Gross receipts from the sales of lawful bingo games conducted by groups which hold a valid permit for authorized games of chance and skill issued by the state of Alaska;

3.04.110 Sales tax exemption for the elderly.
(e) Anyone 65 years of age or older will not be exempt from sales tax on local games of chance and skill.

Ketchikan (Borough):
Nothing specific to taxing gaming. The only language specific to gaming states that all applications to the State for a gaming license must first be submitted to the borough. The borough has a process for reviewing all applications and may protest the issuance of a gaming license.

Kodiak (City):
3.08.040 General exemptions
The following classes of sales, rentals, and services are exempt from the tax imposed by this chapter:
(y) Sales by religious or charitable organizations, as defined in Sections 501(c)(1), (3), and (4) of the Internal Revenue Code, of pull tabs, raffle and lottery tickets, bingo cards, and other tokens of participation in games of chance and contests of skill.

Kodiak (Borough):
Nothing specific to taxing gaming.

Unalaska:
Nothing specific to taxing gaming.

CITY OF BETHEL

P.O Box 388
Bethel, Alaska 99559
(907) 543-2097
(907) 543-3817 Fax

Date Rec'd; _____

By: _____

Receipt No.: _____

Due not later than the last day of the following month.

Monthly Gaming Tax Report

Business ID «Account_Number»
Business Name: «Business_Name»
Owner: «Owner» **Reporting Month**: _____
Mailing Address: «Mailing_Address_1» «Mailing_Address_2»
City, State, Zip; «Mailing_City», «Mailing_State» «Mailing_Zip»

Sales and Revenues

(1) Monthly Gross Revenues from Gaming ..... _____

Tax Computation:

(2) Gaming Tax Due for Month **6%** of Line 1..... _____

(3) Interest: **15%** From Due Date until Paid for Late Filing (**.00041 Daily**)..... _____

(4) Penalties: **3.5%** of Line 2 for each Month or part of a Month Late (up to 17.5%) _____

(5) Total of Tax Due and Interest, Penalties. Add Lines 2, 3, and 4..... _____

_____

SIGNATURE OF PREPARER ***PHONE NUMBER*** ***DATE***

I DECLARE, SUBJECT TO THE PENALTIES PRESCRIBED IN CITY OF BETHEL MUNICIPAL CODE CHAPTER 4.16 THAT I HAVE EXAMINED THIS RETURN, INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT, AND COMPLETE.

5.04.050 Additional Fees for Businesses Selling Games of Skill and Chance.

A. Each business selling games of skill and chance shall pay an additional fee equal to 6 percent of the gross revenues from sales of games of skill and chance. Gross revenues from a sale is the total cost to the player for the right to each single chance or play, whether paid to the operator or qualified organization in cash or by relinquishment of winnings or in exchange for other things of value

4.16.180 Penalties.

A. A seller who fails to file a return as required under this chapter or who fails to remit all the taxes due the city by that seller shall pay a penalty of three and one-half percent of the taxes due if no return is filed. The penalty shall be imposed for each month or part of a month during which the delinquency of failure to file exists, up to a maximum of seventeen and one-half percent of the initial delinquency. The filing of an incomplete return shall be treated as the filing of no return.

YOU MAY MAKE COPIES OF THIS FORM FOR FUTURE FILING

CITY OF BETHEL

P.O Box 388
Bethel, Alaska 99559
(907) 543-2097
(907) 543-3817 Fax

Date Rec'd; _____

By: _____

Receipt No.: _____

Due not later than the last day of the month following the end of a quarter

Quarterly Gaming Tax Report

Business ID «Account_Number» **Reporting Quarter:** _____
Business Name: «Business_Name»
Owner: «Owner»
Mailing Address: «Mailing_Address_1» «Mailing_Address_2»
City, State, Zip; «Mailing_City», «Mailing_State» «Mailing_Zip»

Sales and Revenues:

(1) Quarter Gross Revenues from Gaming ..... _____

Tax Computation:

(2) Gaming Tax Due for Quarter **6%** of Line 1..... _____

(3) Interest: **15%** From Due Date until Paid for Late Filing (**.00041 Daily**)..... _____

(4) Penalties: **3.5%** of Line 2 for each Month or part of Month Late (up to 17.5%).. _____

(5) Total of Tax Due and Interest, Penalties. Add Lines 2, 3, and 4..... _____

_____

PREPARE'S SIGNATURE AND PHONE NUMBER ***DATE***

I DECLARE, SUBJECT TO THE PENALTIES PRESCRIBED IN CITY OF BETHEL MUNICIPAL CODE CHAPTER 4.16 THAT I HAVE EXAMINED THIS RETURN, INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT, AND COMPLETE.

5.04.050 Additional fees for businesses selling games of skill and chance.

A. Each business selling games of skill and chance shall pay an additional fee equal to 6 per cent of the gross revenues from sales of games of skill and chance. Gross revenues from a sale is the total cost to the player for the right to each single chance or play, whether paid to the operator or qualified organization in cash or by relinquishment of winnings or in exchange for other things of value.

4.16.180 Penalties.

A. A seller who fails to file a return as required under this chapter or who fails to remit all the taxes due the city by that seller shall pay a penalty of three and one-half percent of the taxes due if no return is filed. The penalty shall be imposed for each month or part of a month during which the delinquency of failure to file exists, up to a maximum of seventeen and one-half percent of the initial delinquency. The filing of an incomplete return shall be treated as the filing of no return.

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STATE Rules and sample form

GAMING – SALES TAXES

05.15.060 Regulations
(a) Department of Revenue shall adopt regulations under AS 44.62 (Administrative Procedure Act). Included rules
(2) method of ascertaining net proceeds, the determination of items of expense that may be incurred or paid, and the limitation of the amount of the items of expense..

05.15.080 Reports & Fees - Permittee
Permittee shall file quarterly reports. Report must include:

- Type of activity conducted;
- Date and location of the activity;
- Amount of gross receipts;
- Amount of authorized expenses;
- Value of prizes awarded;
- Amount of net proceeds;
- Other information the Dept [of Revenue] may require

05.15.083 Reports – Operators
Operator also to file quarterly. Report to include (for each authorized permittee on whose behalf an activity was conducted during the quarter):

- Date and location of the activity;
- Type of activity;
- Amount of gross receipts;
- Amount of authorized expenses;
- Value of prizes awarded;
- Amount of net proceeds paid;
- Other information the Dept [of Revenue] may require;
- Completed IRS Form 941

05.15.160 Authorized Expenses
Only expenses that may be incurred or paid in connection with the operation of an activity under a permit issued under AS 05.15 and that are reasonably necessary for:

- Goods, wares and merchandise necessary for the operation of the activity;
- Personal services involved with the operation of the activity, including those performed by:
    - An employee of the permittee; or
    - An operator hired by the permittee to conduct the activity, including those not related to the receipts from the activity.

** Total amount of authorized expenses that may be incurred with a pull-tab activity may not exceed 70% of the adjusted gross income from that pull-tab activity

*** Total amount of authorized expenses that may be incurred in connection with gaming other than pull-tabs may not exceed 90% of the adjusted gross income from that gaming activity.

Definitions

Adjusted Gross Income – Gross income less prizes awarded and state, federal, and municipal taxes paid or owed on the income

Authorizing Permittee – A municipality or qualified organization that authorizes and operator to conduct an activity subject to AS 05.15 on its behalf.

Gross Receipts – Receipts from the sale of shares, tickets, or rights connected with participation in any activity permitted under this chapter or the right to participate, including admission, fee or charge, sale of equipment or supplies, and all other miscellaneous receipts;

Ideal Net – An amount equal to the total amount of receipts that would be received if every individual pull-tab ticket in a series were sold at face value, less the prizes to be awarded for that series;

Net Proceeds – The gross receipts from an authorized activity less the annual permit fee, the authorized expenses, and the prizes awarded at the activity;

Operator – A natural person, municipality or organization that has obtained a license to conduct an activity subject to AS 05.15 on behalf of the permittee

Permittee – A municipality or organization that holds a valid permit under AS 05.15

Instructions for Alaska 2015 Permittee Quarterly Report

GENERAL INSTRUCTIONS

Who Must File

A municipality or a qualified organization issued a gaming permit must file a report for each calendar quarter in which it has gross receipts of $50,000 or more from gaming activities. *Gross receipts* means receipts from the sale of shares, tickets or rights connected with the participation in any activity permitted under AS 05.15, or the right to participate, including admission, fee or charge, sale of equipment or supplies, and all other miscellaneous receipts, including Calcutta pools.

Due Date of Report

The report must be filed by the 45th day following the end of each calendar quarter.

Who Must Sign

The report must be signed, under penalty of unsworn falsification, by the Member in Charge and the president or treasurer of the organization. They cannot be the same person. If your organization pays someone to prepare the report, the paid preparer must also sign and date the report and provide the name and address of their firm.

Where to Send the Report

Mail the report to:

TAX DIVISION - GAMING UNIT
ALASKA DEPARTMENT OF REVENUE
PO BOX 110420
JUNEAU AK 99811-0420

or deliver to the 11th Floor, State Office Building, in Juneau.

Activities to Include

This report covers all gaming activities. If you conducted a Calcutta pool, a separate report must be prepared and filed with this report, and the results of the Calcutta pool are to be included in the activities reported for the quarter in this report. If you need a Calcutta pool report (Form 810), you may find it on our web site at *www.tax.alaska.gov*. File the Calcutta pool report with the annual financial statement if you do not file a quarterly report for the quarter in which the Calcutta pool was held.

Bingo and Pull-Tab Reporting

Note that regulation requires accrual accounting to report bingo and pull-tab activity, but this requirement applies only to the annual financial statement. You need not convert from cash basis or modified cash basis for the quarterly reports. You may wish to consult an accounting professional to prepare your books before starting the annual financial statement, but there is no need to do so for this report. See 15 AAC 160.830.

Pull-Tab Sales Reported Separately

Pull-tab sales by your organization, but not by vendors that sell pull-tabs on your behalf, must be reported separately on lines 7 through 12 of Page 1. Vendor sales of pull-tabs are reported with all other gaming activities on lines 7 through 12. Net proceeds are reported on line 6 and on line 12. Both columns are combined on line 13 for total net proceeds earned for the quarter.

Schedule D: Pull-Tab Report Attachment

This schedule may be required; see instructions for Schedule D.

SPECIFIC INSTRUCTIONS

Permit Year and Permittee

Enter your organization information in the space provided.

Activities Conducted by an Operator or Multiple-Beneficiary Permittee (MBP)

Lines 1 through 6 apply only to gaming activities conducted for your organization by an operator or through membership in a multiple-beneficiary permittee (MBP).

One operator used for the entire period: Provide the name and license number of the operator and complete lines 1 through 6. This information is found on Form 843, Schedule A, Activity Report by Permittee, received from your operator. Enter the amounts from Column I, lines 1 through 6, of Schedule A, on lines 1 through 6.

More than one operator used during the period: Attach a separate schedule listing the name and license number of each operator used by your organization for

Instructions for Alaska 2015 Permittee Quarterly Report

gaming during the current period. Summarize Column I, lines 1 through 6, of Schedule A received from each operator who conducted gaming activity on behalf of your organization. A sample schedule is on Page 7 of these instructions. Enter the total amounts for gross receipts, taxes, prizes, etc. on lines 1 through 6 of *your organization's* quarterly report.

Multiple-Beneficiary Permittee Member:
Provide the name and permit number of the MBP and complete lines 1 through 6. The information is found on the Quarterly Multiple-Beneficiary Permittee Report, Form 867, Schedule A, provided to your organization by the MBP.

Do not duplicate deposits of net proceeds received from your organization's operator, if you contract with one, or distributed by your MBP, on lines 7 through 11.

Activities Conducted by Permittee and Vendors

If your organization conducted any of its own gaming activities, fill out lines 7 through 13. The amounts entered on these lines must be summarized from your records. The primary source of this information will be the deposits to your organization's checking account for gaming activities and the checks written from this account.

Self-Directed Sale of Pull-Tabs

Report gross receipts, taxes, prizes, adjusted gross income, expenses, and net proceeds from pull-tab sales conducted by your organization, but not vendor sale of pull-tabs, in the first column, lines 7 through 12, Page 1. Do not include the value of donated prizes on line 9.

Sales of Pull-Tabs at Vendor Location and All Other Activities

Include gross receipts, taxes, prizes, adjusted gross income, and expenses, from sales of pull-tabs at vendor locations with receipts, taxes, adjusted gross income, and expenses from all other activities in the second column of lines 7 through 11.

To compute Total net proceeds [line 13], add together net proceeds reported on lines 6 and 12 [both columns].

SCHEDULE D: PULL-TAB ATTACHMENT

Who Must File

Any permittee required to file a quarterly report must file the Pull-Tab Attachment with the Quarterly Report if any pull-tab game in play during the quarter is complete [sold out].

Use this form to report **completed** pull-tab games **not previously included** on your organization's quarterly reports. *Use a separate attachment for games sold by your organization, or a vendor.* Use additional pages if more space is required.

Contract with Operator or Multiple-Beneficiary Permittee Member*:* If your organization participates in pull-tab gaming only through an MBP or operator, do not complete Schedule D. It has been filed for your organization by the MBP or your operator.

General Information

Enter your organization's name and permit number in the spaces provided. Prepare a separate Schedule D for vendor sales of pull-tabs. Enter the vendor identifying information at the top of the form and check the box to identify the schedule as vendor sales of pull-tabs.

License Number. Enter the license number of the distributor selling the game in this column.

State ID Stamp Label. Attach the pull-tab state ID stamp labels in this column. If the label is not available, write in the ID number and attach an explanation to the return.

Game Serial Number and Form Number. Enter the serial number and form number for each game in the space provided.

Gross Receipts, Prize Payout and Ideal Net. Enter the ideal gross receipts, ideal prize payout and ideal net in the applicable columns.

3% Tax. Enter the 3% tax paid when the game was purchased (by your organization or by an operator purchasing pull-tab games for your organization).

Date In/Date Out. Enter the dates the game was placed in play (date in) and completed (date out) in this column.

Instructions for Alaska 2015 Permittee Quarterly Report

General Bookkeeping Instructions (For Illustration Purposes Only)

General instructions illustrating how to summarize your organization's gaming deposits and checks are on pages 5 and 6. This is an example only. Your organization's worksheets will summarize the actual deposits of gaming receipts to the gaming account and payment of expenses with gaming account checks.

Gaming Bank Account

All money collected or received from gaming activities shall be deposited into a separate bank account. Any cash prize of $50 or more (from gaming activities other than bingo) requires the recipient to sign a receipt. All bingo prizes must be receipted. All expenses related to gaming activities must be paid by check. No checks may be written for cash. Each check written on the gaming bank account requires two authorized signatures of members of the organization. All financial statements, books and records relating to gaming activity must be retained for three years from the later of the due date or filing date of the Annual Report based on those records.

No Electronic Funds Transfers should be made out of the Gaming Account except for payments made through the department's website for the Annual Permit fee, or the additional 1% fee on the Annual Financial Statement and any interest or penalty that may be due. Checks should not be written to the General Operating Account--donations of net proceeds should be made directly from the gaming account.

Organize Gaming Deposits - Example

First, prepare a worksheet to record each day's gaming receipts, sales, prizes, and deposits. An entry is required even if there is no deposit. Pull-tab playbacks are recorded as prize payouts and additional sales receipts. We recommend a separate deposit for each day on which gaming is conducted, and a separate deposit for each activity, if it is easier for you to track the receipts and prizes.

Identify the date of the gaming activity in the left hand column, and the gaming activity identified in the next column. Then enter the sales and prize payout detail in the appropriate accounts. The accounts must identify the type of activity. It may be helpful to use a separate line item for each activity.

The worksheet on Page 5 provides several examples with additional explanation, including days when:

- collections from the sales of raffle tickets are deposited,
- sales are greater than prize payouts and the net receipts are deposited
- sales are less than prize payouts and some prizes are paid from a bank set up for prize payouts,
- sales receipts are used to reimburse the prize bank, and
- a pull-tab game is sold to a vendor.

Checks - Example

1. On July 1, a check was written to Ace Management for $500 to rent a hall for raffle sales and drawing.
2. On July 15, a check was written to PT Sales for $200 to purchase a game ($194) and to pay the 3% pull-tab tax ($6).
3. On July 15, a check was written to ARC Company for $185 to buy five pull-tab jars.
4. On July 16 a check was written to Bill's Printing for $300 for 1,000 raffle tickets.
5. On July 20, a check was written to Ace Management for $500 to rent a hall to sell pull-tabs.
6. On August 31, a check was written to Ace Management for $500 to rent a hall for bingo.
7. On September 13, a check was written to Bingo Supply for $800 to purchase bingo supplies.
8. On September 20, a check was written to Jim Smith for $1,200 for accounting. He charged $30 per hour and worked on the books for 40 hours (10 hours [$300] for raffles, 10 hours [$300] for bingo, and 20 hours [$600] on pull-tabs).
9. On September 20, a check was written to John Brat for $600 to clean the hall rented three times for raffles, bingo and pull-tab sales. He charged $20 per hour and worked 30 hours with 5 hours for raffle sales ($100), 15 hours for bingo ($300) and 10 hours for pull-tabs ($200).
10. On September 20, a check was written to the Daily News for $300 to advertise the raffle, bingo and pull-tab games.

Prepare a worksheet for checks written from the gaming account by listing information from each check written during the current quarter in the left-hand columns of the worksheet. Include the check number, the date the check was written, the person or business to whom the check was written, and the amount of the check on the worksheet.

Instructions for Alaska 2015 Permittee Quarterly Report

The remaining columns will identify the type of expense. The illustration on Page 5 shows how to set up the worksheet. The following is a list of the types of expenses you may have:

- Rental of facility
- Janitorial expense
- Utilities
- Contract services
- Insurance
- Professional services
- Accounting
- Wages
- Payroll taxes
- Pull-tab tax paid
- Printing tickets
- Cost of pull-tab games
- Bingo supplies
- Cost of bingo cards
- Advertising
- Postage/freight
- Equipment repairs
- Non-alcoholic refreshments
- Door prizes
- Equipment purchases
- Permit fees
- Supplies-Other
- Miscellaneous
- Building repairs/maintenance
- Building insurance

Specific instructions regarding some of these expenses and the requirement to allocate expenses not directly related to a single gaming activity can be found in the instructions for the Annual Financial Statements. Alaska laws also restrict the deduction of some payments. Please refer to the statutes and regulations.

A worksheet showing the entries for the checks written in the above example is included on Page 5 of these instructions. Your organization's worksheets will summarize the actual checks written from the gaming account for the gaming activities that your organization conducted.

Caution: If your organization entered into an agreement with a vendor to sell pull-tabs at their location and agreed to pay the vendor, be sure to identify the cost of pull-tab games and the pull-tab tax paid as vendor expenses.

Example: Gaming Receipts and Deposits

Your Organization's Name: _____

Your Organization's Gaming Checking Account Number: _____

Summary of Daily Gaming Receipts and Deposits

		Cash Accounts		Profit and Loss Accounts							
Date	Description	Bank Deposits	Pull-Tab Bank [Cash on hand for prizes]	Sales by Activity				Prizes by Activity [1]			Vendor Compensation
				Raffles	Pull-Tabs	Vendor Pull-Tabs	Bingo	Pull-Tabs	Vendor Pull-Tabs	Bingo	
7/6	Deposit cash from sale of raffle tickets [1]	1,000		1,000							
7/9	Deposit cash from sale of pull-tabs	1,500			7,500			-6,000			
7/12	Record sale of pull-tabs [2]	0	-1,500		4,500			-6,000			
7/15	Deposit cash from sale of pull-tabs [3]	2,000	1,500		7,500			-4,000			
7/18	Deposit cash from sale of pull-tabs [4]	1,500			7,500			-6,000			
7/18	Deposit cash from bingo session	1,000					6,000			-5,000	
7/19	Sale of pull-tab game to Vendor [5]	750				5,376			-4,304		-322
		7,750	0	1,000	27,000	5,376	6,000	-22,000	-4,304	-5,000	-322
	Sum of Cash Accounts:		7,750				Sum of Profit and Loss Accounts:			7,750	

[1] Receipts from sale of raffle tickets for the week collected and deposited; assumed raffle prizes will be paid with check from the gaming account, or are donated.

[2] Daily prizes are more than sales; prizes in excess of sales receipts are paid from the pull-tab bank.

[3] Pull-tab bank replenishment (for a prior session payment of prizes) from current sales.

[4] Pull-tab receipts deposited on July 18 [and July 9] were greater than the amount of prizes; all prizes were paid from cash collected.

[5] Sales of pull-tab game to vendor is recorded by recognizing ideal gross receipts and prizes as sales and prizes, respectively, and recognizing vendor compensation [vendor must pay permittee at least 70% of ideal net upon delivery of game; the remainder of ideal net--not more than 30%--is vendor

Note: The entries will be affected if payment for raffle tickets, pull-tabs, or bingo paper is made by check or credit card [payment with a credit card is an allowed form of payment]. IOUs, other forms of credit, or promises to pay from winnings are not considered payment and are not allowed. In addition, if some prizes are paid by check, the amount deposited on that date will increase and the prize payment will be recorded through check register entries.

Example: Organizing Checks from Gaming Account

Your Organization's Name: _____ Quarter: _____

Your Organization's Gaming Checking Account Number: _____

Gaming Account Summary of Checks

Date	Check Number	Paid To	Amount of Check	Rent	3% Pull-Tab Tax	P-T Game Purchase	Printing	Accounting Expenses	Janitor	Advertising Expenses	Supplies	Equipment Purchase
7/01	001		500	500 (r)								
7/15	002		200		6	194						
7/15	003		185									185 (pt)
7/16	004		300				300 (r)					
7/20	005		500	500 (pt)								
8/31	006		500	500 (pt)								
9/13	007		800								800 (b)	
9/20	008		1,200					300 (r)				
								300 (b)				
								600 (pt)				
9/20	009		600						100 (r)			
									300 (b)			
									200 (pt)			
9/20	010		300							100 (r)		
										100 (b)		
										100 (pt)		
(r) - expense relates to raffle activities												
(b) - expense relates to bingo activities												
(pt) - expense relates to pull-tab activities												
		Totals	5,085	1,500	6	194	300	1,200	600	300	800	185

Instructions for Alaska 2015 Permittee Quarterly Report

Summary of Operator-Conducted Gaming For Quarter Ended: _____

The amounts below should be taken directly from Form 0405-843, Schedule A, Column I, Activity Report By Permittee, received from each operator.	Operator 1 Name License Number	Operator 2 Name License Number	Total Amount to be Reported*
Line 1. Gross Receipts			
Line 2. Taxes			
Line 3. Prizes			
Line 4. Adjusted Gross Income (Gross receipts less taxes and prizes)			
Line 5. Game Related Expenses			
Line 6. Net Proceeds (Adjusted gross income less game-related expenses)			

* Enter the amounts in the Total column on page 1, lines 1 through 6. Attach this schedule to your Quarterly Report.

Alaska

2015 Permittee Quarterly Report AS 05.15.080(a)

This form is also available on the Internet at www.tax.alaska.gov

Federal EIN	Permit Number	Organization Name

Mailing Address	City, State, Zip

Telephone Number	Fax Number	E-mail Address

Report Period (check one): ☐ January - March ☐ April - June ☐ July - September ☐ October - December

Due Date: May 15 August 14 November 14 February 14

Types of Activity (check all applicable):

☐ Bingo ☐ Pull-Tab ☐ Raffle ☐ Contest of Skill

☐ Dog Mushers' Contest ☐ Fish Derby ☐ Other - Specify: _____

ACTIVITIES CONDUCTED BY OPERATOR OR MULTIPLE-BENEFICIARY PERMITTEE (MBP)

Enter amounts from Form 843 or Form 867, Schedule A (Activity Report by Permittee) of the Operator or MBP Quarterly Reports.

1. Gross receipts from all games (Column I, line 1)	1	
2. Taxes reported from all games (Column I, line 2)	2	
3. Cost of Prizes reported for all games (Column I, line 3)	3	
4. Adjusted gross income from all games (Column I, line 4)	4	
5. Game-related expenses from all games (Column I, line 5)	5	
6. Net proceeds from all games (Column I, line 6)	6	

ACTIVITIES CONDUCTED BY PERMITTEE AND VENDOR

		Pull-Tabs	Vendor-Sold Pull-Tabs & All Other Games
7. Gross receipts from all permittee and vendor activity	7		
8. Taxes reported from all games	8		
9. Prizes awarded from all permittee and vendor activity (including cash, merchandise, services, etc.)	9		
10. Adjusted gross income from all permittee and vendor activity (line 7 less lines 8 & 9)	10		
11. Game-related expenses from all permittee and vendor activity	11		
12. Net proceeds from all permittee and vendor activity (line 10 less line 11)	12		
13. Total net proceeds from permittee, vendor, operator and MBP activity (add line 6 & both columns of line 12)	13		

We declare under penalty of unsworn falsification, that we have examined this report, including accompanying schedules and statements, and to the best of our knowledge and belief, it is true and complete.

Member in Charge or Agent Signature / Date	Printed Name
X	
President or Treasurer Signature / Date	Printed Name
X	
Paid Preparer's Signature / Date	Printed Name
X	

Paid Preparer's Firm Name	Paid Preparer's Firm Address, City, State, Zip

DEPT USE ONLY
PMD:

Attach a Schedule D Pull-Tab Attachment, for closed games, for permittees and vendor activities.
Attach a Calcutta pool report form for each Calcutta pool conducted in the quarter.

Mail to: Alaska Department of Revenue, PO Box 110420, Juneau AK 99811-0420

2015 Alaska Permittee Quarterly Report

Permit Number	Permittee Name	License Number	Vendor Name/dba

SCHEDULE D: PULL-TAB ATTACHMENT

Use a separate attachment for games sold by the permittee, vendor, or operator.

The attached games were sold by: (check one)

☐ Permittee ☐ Vendor

Quarter (check one)

☐ 1st Qtr ☐ 2nd Qtr ☐ 3rd Qtr ☐ 4th Qtr

Distributor License No.	State ID Stamp Label	Game Serial Number	Form Number	Gross Receipts	Prize Payout	Ideal Net	3% Tax	Date In/ Date Out
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
								IN OUT
Subtotal (amounts from this page)								**Use additional sheets if necessary.**
Grand Total (include amounts from all pages)								

City of Bethel (ordinance + forms)

Chapter 5.04
BUSINESS LICENSE CODE

Sections:

5.04.010 Business defined.
5.04.020 Other provisions.
5.04.025 Appeal of finance director's decision.
5.04.030 Required – Application.
5.04.040 Fee.
5.04.050 Additional fees for businesses selling games of skill and chance.
5.04.060 Insurance required.
5.04.070 Term and classification.
5.04.080 Renewal of business license and termination of business.
5.04.090 Regulations.
5.04.100 Failure to obtain and failure to give notice of termination.
5.04.110 Offenses.
5.04.120 False statements.
5.04.130 Violation – Penalty.

5.04.010 Business defined.

In this chapter, unless the context otherwise requires, "business" means and includes all activities or acts, personal, professional or corporate, engaged in or following or engaging in a trade, profession or business (including receipts from advertising services, rental of personal or real property, construction, processing manufacturing, fisheries businesses, liquor license, insurance businesses, mining and coin-operated amusement and gaming machines, but excluding fishermen), calling or vocation, with the object of financial or pecuniary gain, profit or benefit, either direct or indirect, and not exempting subactivities producing marketable commodities or services used or consumed in the main business. The giving or supplying of services as an employee to an employer does not constitute "business" under this chapter. The selling of games of skill and chance, even if done by a nonprofit organization, does constitute "business" under this chapter. [Ord. 98-29 § 2.]

5.04.020 Other provisions.

A person engaging in a business must, unless determined otherwise for good cause by the finance director, in addition to filing the regular application required by this chapter, be current on payment and collection of sales taxes, port fees, and any and all other payments, fees, taxes, charges, penalties, interest, and/or other amounts that are due and owing and/or obligated to the city, and comply with any other provisions before being entitled to a license. The finance director shall not issue or renew a business license to a person who is not in compliance with this section. [Ord. 00-26 § 3; Ord. 98-29 § 2.]

5.04.025 Appeal of finance director's decision.

A. A decision of the finance director not to issue or renew a business license to a person who is not in compliance with BMC 5.04.020 may be appealed to the city manager within five (5) working days of receipt of the finance director's decision. The appeal must be in writing and must state with specificity the reason(s) for the appeal.

B. After due consideration of the reason(s) stated in the appeal, the city manager shall issue a written decision setting forth his or her findings and conclusions to accept, modify, reject or remand the decision of the finance director. The decision shall be issued within ten (10)

working days of receipt of the appeal. The appellant has the burden of proof and persuasion with respect to his or her appeal. Before issuing the decision, the city manager shall provide the appellant an opportunity to provide additional relevant information to the city manager for his or her consideration of the appeal. The city manager may conduct a hearing for the purpose of hearing the appellant's additional information, and may allow the finance director an opportunity to respond to any information provided by the appellant. Any hearing conducted under this section shall be informal, and shall not be governed by formal rules of evidence. The city manager may consider any relevant evidence that is not unduly prejudicial or cumulative in reaching his or her decision.

C. The city manager's decision is the final decision. Within thirty (30) calendar days of the date of receipt of the final decision, the final decision may be appealed to the Alaska Superior Court, Fourth Judicial District at Bethel, Alaska, pursuant to the Alaska Rules of Appellate Procedure. The final decision shall state that it is a final decision and contain any notice of the limitations on, and the right to appeal, contained in Alaska Rule of Appellate Procedure 602(a)(2) and/or any other applicable rule. [Ord. 01-03 § 2.]

5.04.030 Required – Application.
For the privilege of engaging in business in the city, a person shall first (1st) apply upon forms prescribed by the director of finance and obtain a license to do so, and pay the license fee provided in BMC 5.04.040. [Ord. 98-29 § 2.]

5.04.040 Fee.
The biennial license fee for businesses that have less than two hundred and fifty thousand dollars ($250,000) in taxable sales in a calendar year with the business classification of BT, TB, ER, RE, FN, NF, IS, SI, NP, PN, PS, SP, PV, VP, RT, TR, FP, PF, MS or SM is fifty dollars ($50). The biennial license fee for businesses with the classification of CM, TG, FT, TF, GT, TG, PR, RP, RM, MR, RS, SR, TC, CT, TX, XT, OT or TO is one hundred fifty ($150). Classification of business appears on the business license. The fee for a license issued to a new business that commences after the beginning of the biennial period applicable to the applicant, shall be twenty-five (25) percent of the biennial fee times the number of full and partial semesters remaining in the biennial period. No proration may be given for seasonal or other part-year operations. [Ord. 01-28 § 11; Ord. 98-29 § 2.]

5.04.050 Additional fees for businesses selling games of skill and chance.
A. Each business selling games of skill and chance shall pay an additional fee equal to six (6) percent of the gross revenues from sales of games of skill and chance. Gross revenues from a sale is the total cost to the player for the right to each single chance or play, whether paid to the operator or qualified organization in cash or by relinquishment of winnings or in exchange for other things of value.

B. Operators of games of skill and chance licensed by the state pursuant to AS 5.15.010, et seq., shall pay the fee on a monthly basis on or before the last day of the following month. The fee shall be accompanied by a copy of the report submitted to the authorized permittee pursuant to AS 5.15.087 or any successor statute or regulation.

C. Qualified organizations authorized to conduct games of skill and chance by the state pursuant to AS 5.15.010, et seq., who do not make use of a licensed operator shall pay the fee on a quarterly basis not later than the last day of the month following the quarter a tax return is required to be submitted. A copy of the quarterly report filed with the state pursuant to AS 5.15.080 or any successor statute or regulation shall accompany payment of the fee.

D. The finance director shall have the same right to examine and audit the records of operators and qualified organizations as are given to the finance director under Chapter 4.16 BMC to

examine and audit the records of persons required to collect the city sales tax. The penalties, interest and charges applicable under Chapter 4.16 BMC to late or incomplete filing of reports or returns or payment of sales tax and the failure to keep or produce records, as well as the right to protest or appeal a decision of the finance director, shall apply to the late or incomplete filing of reports or returns, the late or incomplete payment of the additional fee under this chapter and the failure to keep or produce adequate records. [Ord. 09-17 § 2; Ord. 01-28 § 12; Ord. 98-29 § 2.]

5.04.060 Insurance required.

A. For purposes of this section, "transient lodging business" means and includes, but is not limited to, hotels, motels, bed-and-breakfast operations, and any other facility or operation that provides one (1) or more rooms on an hourly, daily, weekly, or other period that is less than monthly in exchange for direct or indirect compensation.

B. No person may operate a transient lodging business unless there is in effect during the period of such operation a commercial general liability insurance policy in an amount of not less than one million dollars ($1,000,000) per person and a combined aggregate amount of not less than two million dollars ($2,000,000) per occurrence. The deductible or self-retained coverage may not exceed ten thousand dollars ($10,000). Such insurance must include coverage for the business for liability arising out of the negligence of the business, its owners, employees and agents.

C. Each application for a business license by a transient lodging business must be accompanied by a copy of the insurance policy required by this section. No business license may be granted to a transient lodging business that does not provide a copy of a current policy required by this section; provided, the clerk may, in the exercise of discretion, accept a certificate of insurance provided to the finance director by an insurance agent or broker licensed to do business in the state in lieu of the policy itself.

D. The transient lodging business shall provide the finance director with a copy of each confirmation provided by the insurer of renewal of the required policy. Such confirmation must be provided to the city before the date of expiration of the policy that is provided to meet the requirements of this section.

E. Within seven (7) days of the receipt of the written demand from the city, a transient lodging business shall provide to the city for inspection, copying and review the policy of insurance meeting the requirements of this section. The failure of a transient lodging business to provide the policy as required by this subsection invalidates the transient lodging business license issued to such business under this chapter. A license invalidated under this subsection may be renewed by filing a complete application and payment of the late license fee under BMC 5.04.080.

F. A transient lodging business may not operate if it has failed or refused to produce the policy of insurance as required under subsection E of this section or has failed to provide confirmation of renewal prior to the expiration date, including any grace period allowed for the policy. [Ord. 98-29 § 2.]

5.04.070 Term and classification.

Licenses issued to one-half of the businesses shall expire on December thirty-first (31st) of the even-numbered years and the licenses issued to the other half of the businesses shall expire on December thirty-first (31st) of the odd-numbered years. The finance director shall establish the method of allocating businesses to the odd and even years and may establish and implement such classifications of businesses as may be useful in administering the sales tax or other city programs. [Ord. 98-29 § 2.]

5.04.080 Renewal of business license and termination of business.

A. Application for renewal of a license and payment of the biennial fee shall be made before December thirty-first (31st) of the license expiration year. Any renewal application made after December thirty-first (31st) of the license expiration year shall be subject to a fee for the business license of twice the fee set out in BMC 5.04.040. By December tenth (10th) of each year, the finance department shall mail a written notice of renewal to each licensed business whose license will expire that year; provided, neither the failure of the city to mail the notice or the failure of a business to receive the notice shall have the effect of extending the December thirty-first (31st) renewal deadline nor of waiving any penalty or additional or increased fee for the late filing of a renewal application.

B. When a business licenseholder ceases to do business that the holder has been authorized to conduct under a business license issued by the city, the licenseholder shall notify the city in writing of the termination of the business within fourteen (14) days of such termination. Notice is not required where the business licenseholder transfers the business license to a successor assignee or purchaser. [Ord. 00-14 § 2; Ord. 98-29 § 2.]

5.04.090 Regulations.

The finance director, with the approval of the city council, may promulgate regulations necessary to determine and collect fees imposed and to otherwise enforce the provisions of this chapter. The regulations become effective, with such changes as may be made by the city council, on the day following the city council meeting at which the proposed regulations are submitted to the council for review unless the regulations are rejected by the council. [Ord. 00-26 § 4; Ord. 98-29 § 2.]

5.04.100 Failure to obtain and failure to give notice of termination.

A person who engages in business before filing a business license application, or who fails to file any report or to pay the fee as prescribed by this chapter, or who fails to file a license renewal application before February first (1st), shall, in addition to payment of the required fee, be subject to a penalty of one hundred dollars ($100) that shall be paid before the license may be issued. A business license holder who fails to give notice of termination of business shall also be subject to a penalty of one hundred dollars ($100). [Ord. 00-14 § 3; Ord. 98-29 § 2.]

5.04.110 Offenses.

It is unlawful for a person to:

A. Wilfully evade the licensing provisions of this chapter;

B. Fail to make an application for license or fail to keep or produce any records required hereunder or by regulation;

C. Make a false or fraudulent return or false statement with intent to defraud the city or evade payment of the fee;

D. Aid or abet another in an attempt to evade payment of the fee;

E. Fail to pay the required licensing fee, sales taxes, port fees, and any and all other payments, fees, taxes, charges, penalties, interest, and/or other amounts that are due and owing to the city;

F. Engage in or operate a business without a license issued pursuant to this chapter;

G. Engage in or operate a business for which insurance is required under this chapter without a policy of such insurance in effect;

H. Fail or refuse to produce a policy of insurance required by this chapter within seven (7) days of the delivery by the clerk of a written request to produce such a policy;

I. Fail to give written notice of termination of business as required by BMC 5.04.080(B). [Ord. 00-26 § 5; Ord. 00-14 § 2; Ord. 98-29 § 2.]

5.04.120 False statements.

It is unlawful for an executive officer, manager or agent of a corporation or agent of a person to provide false information or documents or to make or permit to be made for his principal or employer a false statement in connection with an application for a business license or in answer to an inquiry from the city clerk with an intent or purpose to evade the payment of the fee or to obtain, continue, or renew a license without fully complying with the requirements of this chapter. [Ord. 98-29 § 2.]

5.04.130 Violation – Penalty.

A person who is found guilty of a violation of any provision of this chapter, or any regulation adopted pursuant thereto, is subject to a fine of up to two hundred dollars ($200); provided, the person is subject to a fine of up to five hundred dollars ($500) for a violation that occurs within three (3) years of a conviction of a prior violation of any provision of this chapter. [Ord. 98-29 § 2.]

The Bethel Municipal Code is current through Ordinance 15-28, passed September 22, 2015.
Disclaimer: The City Clerk's Office has the official version of the Bethel Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: http://www.cityofbethel.org/ (http://www.cityofbethel.org/)
City Telephone: (907) 543-2087
Code Publishing Company (http://www.codepublishing.com/)

history of ordinance

City of Bethel, Alaska

Council Minutes

October 27, 1998 | Regular Meeting | Bethel, Alaska

CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on October 27, 1998, at 6:30 p.m. in the Log Cabin, Bethel, Alaska. Mayor Agnes Phillips called the meeting to order at 6:30 p.m.

ROLL CALL

There were present:

Mayor Agnes Phillips	Mike O'Brien
Antone Anvil	Karol Pobrislo
Carl Berger	Stanley "Tundy" Rodgers

comprising a quorum of the Council.

Absent:

Dario Notti (excused)

Also in attendance were:

Bob Herron, City Manager
Gaye Vaughan, City Clerk

PEOPLE TO BE HEARD

Carrie Sessarego, Tundra Women's Coalition, stated that TWC is celebrating twenty years in Bethel. There will be a candle light ceremony to remember victims of physical abuse and those who have died. TWC will be holding a free lunch on November 18 to celebrate service providers in the community. She thanked the Council for their support. She also talked about domestic violence in the workplace and that it is a cause of absenteeism, sick leave, etc. She said everyone should make their workplace as comfortable and safe as possible.

Dominic Malaj, stated his taxi permit had been revoked. He was now driving for another company which greatly reduced his share of the fees while he has to pay vehicle insurance, etc. He asked to have his permit reinstated.

Mayor Phillips referred the matter to City Manager Herron.

APPROVAL OF MINUTES

MOVED BY:	Pobrislo	To approve the minutes of the regular council meeting of October 13, 1998.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion to approve the minutes carried by unanimous consent.

APPROVAL OF AGENDA AND CONSENT AGENDA

MOVED BY:	O'Brien	To approve the consent agenda.
SECONDED BY:	Pobrislo	

The consent agenda consisted of the following items:

Resolution No. 98-29: Accepting a State Grant in the Amount of $7,280 for Coastal Management Planning And Implementation (City Manager)

Ordinance #98-24: Authorizing the Disposal of an Interest in Land by the Granting of a Utility Easement to Bethel Utilities Corporation (City Manager/Planning Commission) (Public Hearing set for 11/17/98)

Ordinance #98-25: Authorizing the Disposal of Lot 15, US Survey 4117 to the State of Alaska, Department of Natural Resources for a New Alaska National Guard Readiness Center and Memorial Park (City Manager/Planning Commission) (Public Hearing set for 11/17/98)

Ordinance #98-26: Amending BMC 13.08.160 (B), Requiring All Sewage Holding Tanks To Be Equipped With A Camlock And Changing Effective Dates (City Manager) (Public Hearing set for 11/17/98)

Ordinance #98-27: Repealing BMC Chapter 4.16 And Enacting A New Chapter, 4.16, Sales Tax (City Manager) (Public Hearing set for 11/17/98)

Ordinance #98-28: Amending BMC Chapter 3.029, Classification Plan, Seasonal Port Attendant (City Manager) (Public Hearing set for 11/17/98)

Ordinance #98-29: Amending BMC Chapter 5.04 Business Licenses (City Manager) (Public Hearing set for 11/17/98)

Approval of Request for Leave (City Clerk)

VOTE ON MOTION	Motion to approve consent agenda carried by unanimous consent.

MOVED BY:	O'Brien	To approve the agenda as presented.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion to approve agenda carried by unanimous consent.

MAYOR'S REPORT

Mayor Phillips announced the following:

- She was video taped in an interview with Red Boucher which had been shown on ARCS the previous week.
- She had joined TWC in their walk.
- The Mayor had attended the 15th Anniversary of ERA being in Bethel.
- She was a participant in the early childhood development steering committee.

Mayor Phillips asked for concurrence of the appointment of Carl Berger to the Transportation Commission for a term ending 2001.

MOVED BY:	O'Brien	To concur with appointment of Carl Berger to the Transportation Commission.
SECONDED BY:	Tundy	

VOTE ON MOTION	Motion carried by unanimous voice vote.

CITY MANAGER'S REPORT

City Manager Herron noted that department head reports were included in the council packets.

He announced that the Lions Club had approved a matching grant for a new ambulance. It will take eight to nine months to receive the ambulance.

Mr. Herron noted that three council members attended the presentations by the banks for the funding of the Braund Building. The approval for the funding is on the agenda.

Regarding the Port, the city engineers have presented the second draft of improvements to the bull rail and fendering system. The Port Director has made additional suggestions and these will be incorporated into the design. With no objection from Council, the administration will direct the engineers to finalize designs and to assist the City to begin the bid process for cement work for April/May 199 on the bull rail and a fendering system to arrive before or at first barge.

The City Manager stated the Finance Committee had met to revise the sales tax and business license draft ordinances which were received from the attorney. The revised versions will be set for hearing tonight and the Finance Committee will review again prior to the public hearing.

City Manager Herron announced that the old fire hall is being demolished by BNCI. The asbestos is being removed and bagged. He added that the eyesore will be gone by the next Council meeting.

Mr. Herron noted he had given "conditional" approval in the acceptance of the road system within Kasayuli Subdivision. The city will provide snow grading, water/sewer and police/fire services. At the time of inspection, there was snow cover over the recently laid gravel and it did not provide the best opportunity to give both the city and the developer a good look. The whole subdivision and, particularly, Nick Polty Blvd., will be inspected at a later date for "full" acceptance.

He stated that the city's lobbyist, Paul Richards, was due to be at the meeting but his flight was delayed. He will come to the meeting as soon as he arrives and will be in Bethel tomorrow to meet with people.

In response to Council Member O'Brien's questions, the City Manager replied that NBA is recommended for approval by the Council for funding the Braund Building project.

Mayor Phillips reminded council members that Congressman Don Young would be in town the following day and there would be a luncheon at the hospital.

STANDING COMMITTEES

Public Works Committee
Council Member O'Brien stated there had been no meeting since the last Council meeting. There will be a meeting in November to review the department's projects.

Port Commission
Council Member Rodgers stated the Commission met on October 20. He noted they discussed barges. The floats are out of the small boat harbor and it is now frozen. Work has to be done to keep the seawall from sliding into the river. Their next meeting is scheduled for November 15.

Senior Citizens' Advisory Board
Public Safety Commission
Council Member Anvil has not attended the recent meetings of either board. He noted the next Public Safety meeting will be November 2 and the next Senior Citizens' meeting will be November 4.

Finance Committee
Mayor Phillips stated the Committee held a special meeting to review the sales tax ordinance. She noted that the revised ordinance was in the council's red folders.

Planning Commission
Council Member Notti was not present to give a report.

Transportation Commission
Council Member Berger stated the Commission heard appeals from four cab drivers at their September meeting. These drivers lost their chauffeurs' licenses when they were charged with bootlegging. They had an attorney present at the meeting, but no action was taken. The letter they received revoking their licenses will stand.

Parks & Recreation Committee
Council Member Sanchez-Pobrislo stated the Committee held a short work session on October 17. Their next meeting is scheduled for October 29.

Council Member Pobrislo asked about the vandals of the Kilbuck School break in and told of a rumor she had heard. City Manager Herron stated he would look into it and report back.

Council member Rodgers stated Major Dennis was present in regard to Ordinance #98-25. He would answer any questions of the Council.

Major Dennis stated the new armory would be used by the community in a similar manner as the current armory.

OLD BUSINESS

Ordinance #98-23: Amending : Amending Chapter 3.029, Classification Plan (City Manager)

Mayor Phillips opened the public hearing. With no one coming forth to speak, public hearing was closed.

MOVED BY:	Rodgers	To enact Ordinance #98-23.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried unanimously.

ANVIL Yes	BERGER Yes	NOTTI Absent	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

NEW BUSINESS

Reorganization of Council

Mayor Phillips presented outgoing council member Carl Berger with a certificate of appreciation for his time spent on the council. Mr. Berger was appointed to a vacant seat in May.

City Clerk Vaughan administered the Oath of Office to newly election council member Joerene Hout, who then took her seat on Council.

The Mayor then called for nominations for mayor.

Council Member Rodgers nominated Ms. Phillips.

MOVED BY:	O'Brien	To close nominations for mayor.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.

Mayor Phillips thanked the Council for their support. She stated that her motivation for being mayor was in setting an example and role model for young Yup'ik children. She noted the variety of people and viewpoints in Bethel. She then opened the floor to nominations for vice mayor.

Council Member Rodgers nominated Mr. O'Brien for vice mayor.

MOVED BY:	Anvil	To close nominations for vice mayor.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.

Mayor Phillips asked the council members about their appointments to commissions and committees.

Council Member O'Brien requested to be appointed to the Public Safety Commission.

Council Member Anvil stated he had no problem in not being on the Public Safety Commission, but would like to retain his seat on the Senior Citizens Board.

Council Members Pobrislo, Rodgers and Phillips stated they preferred to stay on their assigned commissions. Council Member Hout stated she would accept a seat on the Transportation Commission.

Council Member O'Brien stated he would continue to attend Public Works Committee until council member Notti was present and could indicate his preference.

Amending November and December 1998 Meeting Schedule (Mayor)

Mayor Phillips stated that looking at her calendar after the last meeting when a meeting in both November and December had been cancelled, she thought a meeting date in the middle of those months would serve better.

Without objection, the November meeting date was set for November 17 and the December meeting date for December 15.

Braund Building Renovation Financing (Finance Director)

MOVED BY:	O'Brien	To authorize the renovation of the Braund Bldg., the approval of the financing with NBA and for the attorney to begin the bond process.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.

COUNCIL COMMENTS

Council Member Hout stated she was sorry to miss the previous meeting. She had attended a March of Dimes conference in Pittsburgh, PA. On her return, she spent some time in Anchorage to work on her property. She indicated she was glad to be a part of the Council.

Council Member Pobrislo welcomed Ms. Hout to the Council. She expressed appreciation to the "hippie" lawyers for opening a soup kitchen at the Lions Clubhouse.

Mayor Phillips thanked Carl Berger for his time spent on the Council. She also welcomed Ms. Hout to the Council noting that Ms. Hout was a 35-year resident of Bethel. She thanked the council members for electing her mayor again and thanked TWC for their work in the community.

Council Member Anvil also welcomed Ms. Hout to the council.

Council Member Rodgers also congratulated Ms. Hout on her election to council.

Council Member O'Brien thanked Carl Berger for his work on the council and for volunteering when a vacancy occurred. He gave his congratulations to Mayor Agnes. He noted that the river is beginning to freeze and there were caribou on Lonely Hill.

ADJOURNMENT

MOVED BY:	O'Brien	To adjourn the meeting
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous consent.

With no further business to come before the City Council, the meeting adjourned at 7:22 p.m.

PASSED AND APPROVED THIS 17th DAY OF NOVEMBER, 1998.

ATTEST:

Agnes L. Phillips, Mayor

Gaye J. Vaughan, City Clerk

City of Bethel, Alaska

City Council Minutes

November 17, 1998 Regular Meeting Bethel, Alaska

CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on November 17, 1998, at 6:30 p.m. in the Log Cabin, Bethel, Alaska. Mayor Agnes Phillips called the meeting to order at 6:30 p.m.

ROLL CALL

There were present:

Mayor Agnes Phillips	Mike O'Brien
Joerene Hout	Karol Pobrislo
Dario Notti	Stanley "Tundy" Rodgers

comprising a quorum of the Council.

Absent:

Antone Anvil (Excused)

Also in attendance were:

Bob Herron, City Manager
Gaye Vaughan, City Clerk

PEOPLE TO BE HEARD

Julius Pleasant, Senior Citizen Services Director, made a presentation for the application of a CDBG (Community Development Block Grant) for a garage for the senior citizen center buses. The garage is located on Ptarmigan Road across from AVCP Housing. It would house two buses and the adult day care. At a later time, it would be expanded to add a second floor.

Council member Notti stated the city has another bus barn which is not in good condition.

Council member Rodgers questioned where additional funding would come from over the $200,000 possible from the CDBG. In reply, Mr. Pleasant said this would purchase the building outright and other funding would be sought next year.

The discussion ensued regarding exhaust vents, heating, and renovation costs of this building.

Janet Athanas, Parks and Recreation Director, stated that only one project can be funded per city per year. She pointed out that a park located at Ptarmigan and Owl meets all the requirements for the CDBG. The grant cannot be used for equipment, however, all of the equipment has been purchased.

City Manager Herron pointed out that the City Council could have a special meeting to make their decision giving them time to think about the choice.

Council member Pobrislo agreed with having a special meeting.

Council member O'Brien suggested that Mr. Pleasant and Ms. Athanas make a presentation in a special meeting in a week or more.

Mayor Phillips recommended submitting the CDBG application for the park project.

Council member Hout was also in favor of the park project.

MOVED BY:	Hout	To approve the submission of the CDBG application for the Owl Street Park project, and approve Resolution #98-32.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried 5 yes, 1 no.

ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO No	5 YES 1 NO

Mayor Phillips thanked Mr. Pleasant for his presentation and said she knew the day care facility needed to be expanded.

Major Dennis, National Guard, asked the council to approve the land transfer for the new armory.

Bev Hoffman, stated the Yukon-Kuskokwim Delta Lifesavers has been working in order to build a pool facility in Bethel in order to teach swimming and water safety. It will take a partnership to get the pool built. The Lifesavers have raised money for seven years, but need a shot from the community. The City and YKHC had been invited to participate in a community forum on November 19 at 6:30 p.m. She asked the council members to attend to show their support.

Bob Petitt, Police Chief, stated that on November 7, officers responded to a call of weapon discharge at the home of Council Member Rodgers and Mr. Rodgers had been arrested. The officers involved were wrong and he (Chief Petitt) would handle that administratively. He warned of discharging weapons within the city especially with the coming holidays. He said he was also aware of loose dogs and wild animals in town. He apologized to Mr. Rodgers for the incident.

Council member Pobrislo stated she was very concerned over this incident. She asked Mr. Rodgers to apologize for his actions especially for the use of a shotgun. She noted that Evan Ramsey had thought a shotgun would solve his problems when he shot and killed the high school principal and another student.

Council member Rodgers stated that his shotgun was loaded with rock salt that night and that there were no pellets in it. He lost three chickens that night due to the dogs. He called the police dept. five times. He advised people to not handle firearms if they did not know how to handle them.

Mayor Phillips stated that as council members they are held to a higher standard that other people and they must set a good example for the community and the children.

APPROVAL OF MINUTES

MOVED BY:	O'Brien	To approve the minutes of the regular council meeting of October 27, 1998.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion to approve the minutes carried by unanimous consent.

APPROVAL OF AGENDA AND CONSENT AGENDA

MOVED BY:	Notti	To approve the consent agenda and agenda.
SECONDED BY:	Pobrislo	

The consent agenda consisted of the following items:

Resolution #98-30: Regarding Adequate and Equitable Funding of Schools (Mayor Phillips)

Resolution #98-31: Urging the Municipalities of Southwest Alaska to Join Citizens for the Educational Advancement of Alaska's Children (Mayor Phillips)

Approval of 1999 City Council Meeting Schedule

VOTE ON MOTION	Motion to approve consent agenda and agenda carried by unanimous consent.

MAYOR'S REPORT

Mayor Phillips asked for the concurrence of the appointments of Irvin Kreider III to the Port Committee and Glenn Tarr to the Public Works Committee.

MOVED BY:	Hout	To concur with appointment of Irvin Kreider III to the Port Committee and Glenn Tarr to the Public Works Committee.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.

Mayor Phillips announced the following:

- The City received a PILT payment in the amount of $217,037.86.
- The next council meeting would be held December 15.
- She had attended the Alaska Municipal League and sessions on humor in leadership, community policing, one on one, and the local role in alcohol control.
- The Mayor had also attended a conference on child protection and was glad to see that information at AML.
- Mayor Phillips noted that at AML she had also publicly thanked Senator Stevens for his work for rural Alaska.
- She also attended a pow wow on November 6.

CITY MANAGER'S REPORT

City Manager Herron noted that department head reports were included in the council packets.

He asked Police Chief to introduce Peter Crum, the new Police Lieutenant. Peter comes from Anchorage most recently and was a former police officer in Minneapolis and was in the Marine Corps.

Mr. Herron noted the sunken barge

The City Manager stated the cemetery

City Manager Herron announced that the old fire hall

Mr. Herron noted that the city employees Christmas party would be held on December 13 at the Cultural Center. He invited all council members to attend.

He stated that the cab drivers who have been charged with bootlegging

STANDING COMMITTEES

Public Safety Commission
Council Member O'Brien stated the Commission met on November 5 and reviewed the draft alcohol control site. A mission statement will be drafted, then they will review the ordinance one section at a time.

Public Works Committee
Council member O'Brien stated there had been no meeting due to lack of quorum.

Port Commission
Council Member Rodgers also noted a lack of quorum for their November 16 meeting.

Senior Citizens' Advisory Board
Council Member Anvil was not present so no report was made.

Finance Committee
Mayor Phillips asked Mr. Herron to give the report. He stated that they had reviewed the sales tax ordinance one more time.

Planning Commission
Council Member Notti stated the Planning Commission meeting was canceled for lack of action items.

Parks & Recreation Committee
Council Member Pobrislo stated the Committee had met earlier that evening. They had reviewed the fees charged for the July 4 booths. Officers were elected. Their next meeting will be December 8.

Transportation Commission
Council Member Hout had missed the Commission meeting as she had attended the AML Newly Elected Officials conference.

OLD BUSINESS

Ordinance #98-24: Authorizing the Disposal of an Interest in Land by Land by the Granting of a Utility Easement to Bethel Utilities Corporation (City Manager/ Planning Commission)

Mayor Phillips opened the public hearing. With no one coming forth to speak, public hearing was closed.

City Manager Herron noted that this easement was necessary to provide power to the subdivision.

MOVED BY:	Rodgers	To adopt Ordinance #98-24.
SECONDED BY:	Hout	

VOTE ON MOTION	Motion carried by unanimous voice vote.

ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

Ordinance #98-25: Authorizing the Disposal of Lot 15, US Survey 4117 to the State of Alaska, Department of Natural Resources for a New Alaska National Guard Readiness Center and Memorial Park (City Manager/Planning Commission)

Mayor Phillips called for public testimony.

Bev Hoffman, voiced her support for Ordinance #98-25 and stated this armory will also provide another gym for the community's use. She thought a part of this parcel could be dedicated for a pool.

With no one else coming forward to speak, public hearing was closed.

City Manager Herron asked that the sixth whereas be changed to add the word "recreational" between gymnasium and facility. He felt the word recreational was broad enough to include a pool but not jeopardize the efforts of the guard to build this facility. He noted that the city's lobbyist would be talking to Senator Stevens about this project.

MOVED BY:	O'Brien	To adopt Ordinance #98-25 with the word "recreational" added.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.

ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

Ordinance #98-26: Amending BMC 13.08.160 (B), Requiring All Sewage Holding Tanks To Be Equipped With A Camlock And Changing Effective Dates (City Manager)

Mayor Phillips opened and closed public hearing with no one stepping forward to speak.

City Manager Herron stated that this ordinance amends previously adopted Ordinance #98-18 was too aggressive. He brought forth this amendment in order to have the time to educate the community. This ordinance moved the deadline forward. The city will send out notices explaining why this is needed.

MOVED BY:	Rodgers	To adopt Ordinance #98-26.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.

ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

Ordinance #98-27: Repealing, Revising and Readopting the Sales Tax Code; Modifying Exemptions and the Collection and Enforcement Procedures; Clarifying Appeal Procedures; Providing Incentives for Prompt Reporting and Payment of Sales Taxes Collected; and Making Other Changes (City Manager)

Mayor Phillips opened the floor to public testimony.

Bev Hoffman of the Kuskokwim 300 Committee, stated she and her husband sell dog food for the K-300 out of a container van to the public. She said she would be more willing to support the ordinance if the city donated to the K-300, Camai Festival, etc., like it used to.

Stuart Robinson, City Finance Director, said all non-profits that sell products should be collecting and remitting sales tax on those products.

With no further testimony to be given, public hearing was closed.

MOVED BY:	O'Brien	To adopt Ordinance #98-27.
SECONDED BY:	Rodgers	

City Manager Herron noted that many months of work is involved in this ordinance. He added that the taxes on sales do go back to the people of this community.

Mayor Phillips pointed out that the city is getting bigger and bigger and the city's operating expenses are exceeding current revenues.

Council member Notti asked if contractors under 638 tribal entities should be included in Sec. 4.16.040(F), to which Mr. Herron responded that this section was meant to make government employees pay tax on their hotel rooms when paying out-of-pocket.

MOVED BY:	Notti	To amend Ordinance #98-27, Sec. 4.16.040(F) to include 638 contractors to amendment #3.
SECONDED BY:	Hout	

VOTE ON MOTION	Motion to amend failed.

ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN No
PHILLIPS No	RODGERS No	SANCHEZ-POBRISLO No	2 YES 4 NO

MOVED BY:	O'Brien	To amend Ordinance #98-27, by including the 3 amendments as written.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion to amend carried, 4 yes, 2 no.

ANVIL Absent	HOUT No	NOTTI No	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	4 YES 2 NO

VOTE ON MOTION	Motion to adopt as amended carried, 4 yes, 2 no.

ANVIL Absent	HOUT No	NOTTI No	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	4 YES 2 NO

The Mayor thanked Mr. Herron and Mr. Robinson for their work on this ordinance. She noted that tough decisions have to be made as the city departments are busting at the seams. New subdivisions will require additional services which increase the operating budget.

Ordinance #98-28: Amending Chapter 3.029, Classification Plan, Seasonal Port Attendant (City Manager)

The Mayor called for public testimony. There being none, public hearing was closed.

City Manager Herron stated the Port Director, Howard Elliott, was hired for the summer season only and he has indicated he would like to return next season. A port attendant is needed for the winter to oversee the port and do other tasks.

In response to questions, Mr. Herron stated this port attendant would only work 30 hours per week and money would be saved by not having a year-round Port Director.

MOVED BY:	O'Brien	To adopt Ordinance #98-28.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.

ANVIL Absent	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

Ordinance #98-29: Revising the City of Bethel Business Licensing Code Establishing Biennial Licensing, Revising Fees, Charges And Penalties And Making Other Changes (City Manager)

The Mayor called for public testimony. There being none, public hearing was closed.

City Manager Herron pointed out the changes in this rewrite of the business license code. Business licenses would be on a biannual basis with a fee increase. This also changes the sales tax submitted on rippies.

MOVED BY:	O'Brien	To adopt Ordinance #98-29.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by a vote of 4 yes, 2 no.

ANVIL Absent	HOUT No	NOTTI No	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	4 YES 2 NO

NEW BUSINESS

Resolution #98-31: Urging the Municipalities of Southwest Alaska to Join Citizens for the Educational Advancement of Alaska's Children (Mayor Phillips)

Council member Pobrislo asked if the school district was a part of this organization, to which City Manager Herron stated that LKSD pays $25,000 to belong. He also noted that LKSD is the largest member district.

MOVED BY:	Pobrislo	To adopt Resolution #98-31.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.

COUNCIL MEMBER COMMENTS

Council member Hout stated she was concerned that changes need to be looked at how it will effect the community. She would like the Council to give a little more thought and consideration to the impact their actions have.

Council member Pobrislo wished Antone a happy birthday on November 25. She had attended a Veteran's Day program at the high school which was very nice. She agreed with the Mayor that tough decisions have to be made regarding city revenues. She further noted that she would work hard to make the pool possible.

Council member Notti did not believe that anyone could speak poorly about the republican led legislature and possibly taxing tribal entities who deserve exempt status. He noted that Dillingham has raised the price of a rippie to $1.05. That action has driven away customers which has cost the city and the non-profit organizations a lot of money. He stated he was happy with the 3.75% tax the City of Bethel placed on rippies. He felt the extra 1.25% would cost the city money.

Mayor Phillips stated she appreciated the pow wow event. She also appreciated the fiddle dance and sober people setting good examples for families.

Council member Rodgers thanked those people who called him regarding his recent arrest for peppering chicken-killing dogs with rock salt. He hoped the actions of that night had nothing to do with his outspokenness. He said he would continue to speak out when the police do something wrong and noted that we do have good police officers. He complimented Chief Petitt for his honesty and truthfulness.

Council member O'Brien noted the responsibility of sitting in the council members' chairs. Sometimes the council do things they may personally agree with, but that they temper them with what is best for the community. He noted that the current sales tax ordinance was full of holes. There are organizations which are, legally, tax exempt. As said several times this evening, this town is growing and it is the city's responsibility to provide the best services possible.

Mr. O'Brien cautioned that people need to stay off the river as it is not completely frozen yet. He said they did not need to be fishing people out of the water.

MOVED BY:	O'Brien	To recess into executive session to discuss the City Manager's evaluation and personnel issues.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.

The regular meeting was reconvened at 9:30 p.m.

MOVED BY:	Rodgers	To increase the City Manager's salary to $70,000 per year effective November 4.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.

MOVED BY:	O'Brien	To adjourn the meeting.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.

With no further business to come before the City Council, the meeting was adjourned at 9:32 p.m.

Agnes L. Phillips, City Mayor

ATTEST:

Gaye J. Vaughan, City Clerk

Introduced by: City Manager Herron
Date October 27, 1998
Public Hearing: November 24, 1998
Action: Enacted
Vote: Unanimous

CITY OF BETHEL, ALASKA
ORDINANCE #98-29

AN ORDINANCE REVISING THE CITY OF BETHEL BUSINESS LICENSING CODE ESTABLISHING BIENNIAL LICENSING, REVISING FEES, CHARGES AND PENALTIES AND MAKING OTHER CHANGES

BE IT ORDAINED by the Bethel City Council that:

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

Section 2. Repeal and Readoption of Chapter. Chapter 5.04, the business code of the City of Bethel, is repealed in its entirety and is reenacted to read:

CHAPTER 5.04
BUSINESS LICENSE CODE

5.04.010 Business defined.
5.04.020 Other regulatory provisions.
5.04.030 Required -- Application.
5.04.040 Fee.
5.04.045 License Fees for Businesses Selling Games of Skill and Chance.
5.04.048 Insurance Required.
5.04.050 Term and Classification.
5.04.060 Renewal.
5.04.070 Regulations.
5.04.080 Failure to obtain.
5.04.090 Offenses.
5.04.100 False statements.
5.04.110 Violation -- Penalty.

5.04.010 Business defined.

In this chapter, unless the context otherwise requires, "business" includes all activities or acts, personal, professional or corporate, engaged in or following or engaging in a trade, profession or business (including receipts from advertising services, rental of personal or real property, construction, processing manufacturing, fisheries businesses, liquor license, insurance businesses, mining and coin operated amusement and gaming machines, but excluding fishermen), calling or vocation, with the object of financial or pecuniary gain, profit or benefit, either direct or indirect, and not exempting sub-activities producing marketable commodities or services used or consumed in the main business. The giving or supplying of services as an employee to an employer does not constitute "business" under this chapter. The selling of games of skill and chance, even if done by a nonprofit organization, does constitute "business" this chapter.

5.04.020 Other regulatory provisions.

A person engaging in a business subject to licensing provisions of a regulatory nature must, in addition to filing the regular application required by this chapter, comply with any other regulatory provisions before being entitled to a license.

5.04.030 Required --Application.

For the privilege of engaging in business in the city, a person shall first apply upon forms prescribed by the Director of Finance and obtain a license to do so, and pay the license fee provided in Section 5.04 040.

5.04.040 Fee.

The license fee for each business including the business of selling games of skill and chance is fifty dollars for the biennial license. The fee for a license issued to a new business that commences after the beginning of the biennial period applicable to the applicant, shall be 25% of the biennial fee times the number of full and partial semesters remaining in the biennial period. No proration may be given for seasonal or other part year operations. A replacement license may be issued for a fee of $25.

5.04.045 Additional Fees for Businesses Selling Games of Skill and Chance.

A. Each business selling games of skill and chance shall pay an additional fee equal to 5.0 per cent of the gross revenues from sales of games of skill and chance. Gross revenues from a sale is the total cost to the player for the right to each single chance or play, whether paid to the operator or qualified organization in cash or by relinquishment of winnings or in exchange for other things of value.

B. Operators of games of skill and chance licensed by the State of Alaska pursuant to AS 5.15.010, et seq., shall pay the fee on a monthly basis on or before the last day of the following month. The fee shall be accompanied by a copy of the report submitted to the authorized permittee pursuant to AS 5.15.087 or any successor statute or regulation.

C. Qualified organizations authorized to conduct games of skill and chance by the State of Alaska pursuant to AS 5.15.010, et. seq. who do not make use of a licensed operator shall pay the fee on a quarterly basis by the 45th day following each calendar quarter in which their gross receipts equaled $50,000 or more. If gross receipts do not exceed $50,000 for any quarter the fee shall be paid on an annual basis on or before March 15 of each year. Payment of the fee shall be accompanied by a copy of the quarterly or annual report filed with the State of Alaska pursuant to AS 5.15.080 or any successor statute or regulation.

D. The Finance Director shall have the same right to examine and audit the records of operators and qualified organization as are given to the Finance Director under BMC 4.16 to examine and audit the records of persons required to collect the city sales tax. The penalties, interest and charges applicable under BMC 4.16 to late or incomplete filing of reports or returns or payment of sales tax and the failure to keep or produce records, as well as the right to protest or appeal a decision of the Finance Director, shall apply to the late or incomplete filing of reports or returns, the late or incomplete payment of the additional fee under this chapter and the failure to keep or produce adequate records.

5.04.048 Insurance Required.

A. For purposes of this section, "transient lodging business" includes, but is not limited to, hotel compensation.

B. No person may operate a transient lodging business unless there is in effect during the period of such operation a commercial general liability insurance policy in an amount of not less than $1,000,000 per person and a combined aggregate amount of not less than $2,000,000 per occurrence. The deductible or self-retained coverage may not exceed $10,000.

Such insurance must include coverage for the business for liability arising out of the negligence of the business, its owners, employees and agents.

C. Each application for a business license by a transient lodging business must be accompanied by a copy of the insurance policy required by this section. No business license may be granted to a transient lodging business that does not provide a copy of a current policy required by this section. Provided, the clerk may, in the exercise of discretion, accept a certificate of insurance provided to the Finance Director by an insurance agent or broker licensed to do business in the State of Alaska in lieu of the policy itself.

D. The transient lodging business shall provide the Finance Director with a copy of each confirmation provided by the insurer of renewal of the required policy. Such confirmation must be provided to the City before the date of expiration of the policy that is provided to meet the requirements of this section.

E. Within seven (7) days of the receipt of the written demand from the City, a transient lodging business shall provide to the City for inspection, copying and review the policy of insurance meeting the requirements of this section. The failure of a transient lodging business to provide the policy as required by this subsection invalidates the transient lodging business license issued to such business under this chapter. A license invalidated under this subsection may be renewed by filing a complete application and payment of the late license fee under Section 060 of this Chapter.

F. A transient lodging business may not operate if it has failed or refused to produce the policy of insurance as required under subsection (e) or has failed to provide confirmation of renewal prior to the expiration date, including any grace period allowed for the policy

5.04.050 Term and Classification.

Licenses issued to one half of the businesses shall expire on December 31 of the even numbered years and the licenses issued to the other half of the businesses shall expire on December 31 of the odd numbered years. The Finance Director shall establish the method of allocating business to the odd and even years and may establish and implement such classifications of businesses as may be useful in administering the sales tax or other city programs.

5.04.060 Renewal.

Application for renewal of a license and payment of the biennial fee shall be made before December 31st of the license expiration year. Any renewal application made after December 31st of the license expiration year shall be subject to a fee for the business license of twice the fee set out in BMC 5.04.040A. By December 10 of each year, the Finance Department shall mail a written notice of renewal to each licensed business whose license will expire that year; provided, neither the failure of the city to mail the notice or the failure of a business to receive the notice shall have the effect of extending the December 31 renewal deadline nor of waiving any penalty or additional or increased fee for the late filing of a renewal application.

5.04.070 Regulations.

The Finance Director may promulgate regulations necessary to determine and collect fees imposed and to otherwise enforce the provisions of this chapter. The regulations become effective, with such changes as may be made by the city council, on the day following the city council meeting at which the proposed regulations are submitted to the council for review unless the regulations are rejected by the council.

5.04.080 Failure to obtain.

A person who engages in business before filing a business license application, or who fails to file any report or to pay the fee as prescribed by this chapter, or who fails to file a license renewal application before February 1, shall, in addition to payment of the required fee, be subject to a penalty of $100 00 that shall be paid before the license may be issued.

5.04.090 Offenses.

It is unlawful for a person to:

A. Willfully evade the licensing provisions of the chapter;

B. Fail to make an application for license or fail to keep or produce any records required hereunder or by regulation;

C. Make a false or fraudulent return or false statement with intent to defraud the city or evade payment of the fee; or

D. Aid or abet another in an attempt to evade payment of the fee.

E. Fail to pay the required fee.

F. Engage in or operate a business without a license issued pursuant to this chapter.

G. Engage in or operate a business for which insurance is required under this chapter without a policy of such insurance in effect

H. Fail or refuse to produce a policy of insurance required by this chapter within seven (7) days of the delivery by the clerk of a written request to produce such a policy.

5.04. 100 False statements.

It is unlawful for an executive officer, manager or agent of a corporation or agent of a person to provide false information or documents or to make or permit to be made for his principal or employer a false statement in connection with an application for a business license or in answer to an inquiry from the city clerk with an intent or purpose to evade the payment of the fee or to obtain, continue, or renew a license without fully complying with the requirements of this chapter.

5.04. 110 Violation - Penalty.

A person who is found guilty of a violation of any provision of this chapter, or any regulation adopted pursuant thereto, is subject to a fine of up to $200; provided, the person is subject to a fine of up to $500 for a violation that occurs within three years of a conviction of a prior violation of any provision of this chapter.

Section 3. Effective date and transition. This ordinance shall become effective immediately upon adoption; provided all current validly issued licenses shall remain in effect until December 31, 1998. All license renewal applications shall be submitted by no later than December 31, 1998. One half of the license renewals shall be for one year and the remainder shall be for two years, as determined by the Finance Director. The fee for licenses that are renewed for one year shall be one half of the biennial license fee. Licenses issued for one year shall expire on December 31, 1999 and shall be issued thereafter for two-year terms. The Finance Director may implement such procedures and rules as may be necessary to provide for the transition into the biennial licensing. The Finance Director shall send written notice to all license holders informing them of the new registration period, license fees and penalties. The Finance Director shall also insure the public notice is posted and published informing businesses of the changed date by which business license renewal applications must be filed.

ENACTED this 17th day of NOVEMBER, 1998, by a vote of 6 Yea, 0 Nay, and 0 Abstaining.

CITY OF BETHEL

Agnes L. Phillips, Mayor

ATTEST:

Gaye J. Vaughan, City Clerk

Introduced by: City Manager
Date Introduced: July 10, 2001
Public Hearing Date: July 24, 2001
Action: Enacted
Vote: 6-yes, 1-no

CITY OF BETHEL, ALASKA

ORDINANCE #01-28

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTERS 4.14, 4.16 AND 5.04 OF THE BETHEL MUNICIPAL CODE REGARDING ADMINISTRATION OF THE TRANSIENT LODGING BUSINESS TAX; SALES TAX EXEMPTIONS AND ADMINISTRATION; AND BUSINESS LICENSE FEES

BE IT ORDAINED by the Bethel City Council that:

Section 1. Classification. This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

Section 2. Amendment of Section 4.14.050. Section 4.14.050 of the Bethel Municipal Code is amended to read as follows (new language is underlined and old language is stricken out):

4.14.050 Tax returns and remittance.

H. ~~Within ten business days after the end of each calendar quarter~~ Not later than the last day of the month following the quarter a tax return is required to be submitted, every operator under this chapter shall deliver to the City finance department a tax return, signed by the operator(s), on a form provide by the City finance department for each registered place of business regardless of whether taxes are due for the quarter.

Section 3. Repeal and Re-enactment of Section 4.14.060. Section 4.14.060 of the Bethel Municipal Code shall be repealed and reenacted as follows (new language is underlined; old language is stricken out):

~~4.14.060 Involuntary return.~~

~~A. If an operator fails to file a tax return as required by this chapter or if the Director finds that a tax return is not supported by the records required to be submitted with the return or to be maintained under this chapter by the operator filing the tax return, the Director may prepare and file an involuntary tax return on behalf of the operator. Taxes estimated on a tax return filed on behalf of an operator under this section may be premised upon any information that is available to the Director including, but not limited to, comparative data for similar businesses and prior returns of the operator. An operator for whom an involuntary tax return is filed under this subsection shall be liable for the taxes stated on the tax return, as well as all administrative costs, penalties and interest provided for in this chapter.~~

~~B. The department shall notify the operator of determinations made under subsection (A) and include in such notice the basis of the department's calculations determining the operator's liability together with a notice of the operator's rights under section BMC 4.14.160, that payment is due immediately and that interest and penalties on taxes due continue to accrue from the date taxes were originally due under this chapter for each period covered by the involuntary tax return.~~

~~C. Unless otherwise determined by the Director in a decision under subjection (A), taxes, costs, interest and penalties due under this section shall be payable immediately.~~

~~D. Interest on administrative costs shall accrue from the date the City incurred or paid the cost unless the Director provides as a part of the determination or notice under subsections (A) or (B) for a later date for commencement of interest on administrative costs.~~

4.14.060 Estimated tax assessed against delinquent operator

A. On or after the fifth day of delinquency in the filing of the required tax return or the failure to pay all taxes, interest and penalty due, or upon a determination of a delinquency based upon an audit, the finance director shall assess against the delinquent operator a transient lodging business tax for the delinquent period or periods based on a reasonable estimate of the gross receipts computed from an audit or the tax returns submitted by the delinquent operator. If the finance director determines that information from prior tax returns is not adequate for computing a reasonable estimate of the gross receipts, other sources of information, including but not limited to information derived from similar businesses, may be used. Notice of the estimated assessment shall be provided to the operator by certified mail. Such assessment shall be due and owing retroactively from the first day of delinquency and shall be subject to interest, penalty and other costs and charges as provided in this chapter.

B. The estimated assessment of tax and other amounts due and owing, as provided in subsection A of this section, shall be deemed to be admitted to be the amount due and owing to the city unless the finance director receives, within twenty days of the date of the certified mailing of notice of the estimated assessment, an accurate and complete tax return for the delinquent periods together with full payment of all taxes, interest, penalty, costs and other charges due, or the operator pays the amount due under protest under the provisions of section 4.16.190.

Section 4. Amendment of Chapter 4.14 to Add Accelerated Returns Section. Chapter 4.14 of the Bethel Municipal Code is amended to add the following section:

4.14.200 Accelerated returns.

An operator who is required to file a return and pay taxes to the city, who fails for more than thirty days to file a return or pay the taxes due or who has, within a twelve-month period, filed or paid taxes late on two or more occasions may be required by the finance director to file and pay on a monthly or weekly basis; provided, the finance director shall provide to the operator a hearing after reasonable notice of the finance director's intention to require more frequent filing and payment. Unless otherwise required or authorized by the finance director, an operator required to file on a monthly or weekly basis shall file a complete return and full payment for the monthly or weekly period not later than the fifth business day following the last day of the monthly or weekly period. The operator required to file and pay on a monthly or weekly basis who fails to file and pay the full amount due within two business days of the date required for such filing and payment or such an operator who files late two or more times during a three month

period may be required by the finance director to file on a basis more frequent than monthly or weekly after written notice of intent and a hearing as provided in this section. The finance director shall establish the day by which more frequent filings are due.

Section 5. Amendment of Chapter 4.14 To Add Rulings and Regulations Section. Chapter 4.14 of the Bethel Municipal Code is amended to add the following section:

4.14.220 Rulings and Regulations.

A. The finance director may promulgate and amend regulations and may prescribe the content and use of forms appropriate to the implementation of this chapter. Regulations promulgated by the finance director are effective on the date they are promulgated unless a different date is indicated in the regulations, provided all regulations are subject to amendment and repeal at any time by the city council by resolution. At least seven calendar days prior to promulgation, a proposed regulation or amendment shall be submitted to the city attorney and the city manager for review and comment. Upon promulgating a regulation or any amendment to an existing regulation, the finance director shall submit the regulation or amendment to the city council at its next regular meeting.

B. If any person who is or may be required to pay or collect the tax under this chapter questions the application of this chapter to a transaction or other situation in which that person is involved or may become involved, the person may apply to the finance director for a ruling on the question. The finance director may rule on the question and may seek the advice of the city attorney on the question. Before a ruling of the finance director is effective or binding on the city, it must be signed by the city manager. Rulings having general applicability shall be considered by the finance director for promulgation as a regulation.

Section 6. Amendment of Section 4.16.040. Section 4.16.040 of the Bethel Municipal Code is amended as follows (new language is underlined and old language is stricken out):

4.16.040 Exemptions.
The following sales are exempt from the tax levied under this chapter only in accordance with the limitations provided for in this section:

A. Casual and isolated sales ~~not made in the regular course of business;~~, services or rentals by a seller who does not regularly engage in the business of selling such goods, services, or rentals are only exempt if such sales, services or rentals do not occur for more than five days in a calendar year, and are not made through a dealer, broker, agent or consignee. A casual and isolated sale or rental of real property by a seller who does not regularly engage in the business of selling or renting real property is not exempt except as provided in subsection C of this section.

C. ~~That portion of the selling price of a single sale unit in excess of three thousand five hundred dollars, and that part of a periodic rental price of all types of property exceeding three thousand five hundred dollars. The periodic rental price is the amount owed on a monthly or more frequent period; rentals with a payment period exceeding one month are computed for sales tax purposes as though payment were to be made on a monthly basis.~~ Except as provided below in this subsection, that portion of the selling price of a single sale unit in excess of ten thousand dollars and that part of a periodic rental price of all types of property in excess of ten thousand dollars is exempt. A periodic rental price is the amount owed on a monthly or more frequent period. Rentals with a payment period exceeding one month are computed for sales tax purposes as though payment were to be made on a monthly basis.

That portion of the selling price of an all terrain vehicle (ATV), snow machine, boat, or boat motor in excess of three thousand five hundred dollars is exempt regardless of whether or not such items are purchased simultaneously, or are invoiced or otherwise billed on the same billing document.

That portion of the selling price of a single sale unit of real property in excess of fifty thousand dollars is exempt.

. . .

F. A sale the city is prohibited from taxing under the Constitution and laws of the United States or the Constitution and the laws of the state of Alaska is exempt. A sale made directly to a state or the U.S. government is exempt. ~~but a sale to an employee or contractor of the state or U.S. government is not exempt unless the state or U.S. government is directly liable to the seller for the payment of the sale price;~~ A sale to a federal or state contractor is not exempt even if the government pays directly for the purchase unless the contractor and government cannot be viewed as separate entities. A sale to an employee of the state or federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business.

G. Freight and wharfage charges, whether arising out of foreign, interstate or intrastate commerce are exempt. Warehouse and storage services are not exempt ~~taxable~~. Transportation of goods, equipment, or other property from one point to another within the city limits by commercial movers is not exempt.

. . .

I. The lending of money and interest charged for loans are exempt. ATM, bank service charges, and all other goods and services are not exempt. ~~But loan origination fees, points, set-up charges, closing and similar fees and charges that are not exact reimbursements for third-party vendor services rendered to the borrower are not exempt covered by this exemption. ATM and bank service charges are not exempt.~~

J. The sale of food and beverages to students and ~~the public~~ staff in primary or secondary schools or college cafeterias or lunchrooms that are operated by the school primarily for teachers and students are exempt as long as such sales are made during regular school hours and such sales are not sold for profit. The sale of food and beverages to patients and staff as part of the services provided by local, state, and federal government agencies, hospitals and nonprofit organizations licensed to provide patient services by the State of Alaska are exempt as long as such sales are made during regular operating hours of the government agency, hospital, or nonprofit organization, and are not sold for profit.

K. ~~The sale of goods to a purchaser where the resale of the goods, in the same or altered form, will be subject to the tax levied under this chapter, but only if the purchaser displays or provides to the seller at the time of the sale a copy of or the number form the current Bethel business license of the purchaser, which license is for the class of activities involving the resale of the type of goods for which the exemption is sought;~~ The sale of goods to a wholesaler, retailer or other purchaser will only be exempt if such a purchaser resells the same goods, in the same or altered form, and the resold goods will not be exempt from the tax levied under this chapter. In order to obtain the exemption provided for in this subsection, the purchaser shall display or provide to the seller at the time of the sale a copy of the purchaser's current Bethel business license. The Bethel business license must be for the class of activities involving the resale of the type of goods for which the exemption is sought. If a purchaser buys goods for resale in accordance with this subsection and for personal or other use at the same time, only the goods that are sold for resale in accordance with this subsection shall be exempt. Supplies, services, tools, repair services, equipment or any other goods or services purchased to support a business but not for resale in accordance with this subsection are not exempt.

L. ~~The sale of goods to a purchaser where the goods will be transferred to another person in a sale or performance of a service subject to the tax levied under this chapter if the purchaser displays or provides to the seller at the time of the sale of copy of, or the number from, the current Bethel business license of the purchaser, which license is for the class of activities involving the services and transfer of the type of goods for which the exemption is sought.~~ The sale of goods to a purchaser that will be transferred to another person in a sale or performance of a service is exempt only if the purchaser displays or provides to the seller at the time of the sale a copy of the purchaser's current Bethel business license. The Bethel business license must be for the class of activities involving the resale of the type of goods for which the exemption is sought. If a purchaser buys goods for transfer in accordance with this subsection and for personal or other use at the same time, only the goods that are sold for transfer in accordance with this subsection shall be exempt. Labor, tools, supplies, equipment rentals or any other goods or services purchased to prepare goods for transfer or in support of business operations but not for transfer in accordance with this subsection are not exempt.

. . .

N. ~~The sale of labor and materials for a new single family home if the sale is to a private individual who acts as his own general contractor in constructing his own permanent home and the purchaser displays at the time of sale an exemption certificate issued under Section 4.16.050B of this chapter;~~ The sale of labor and materials for a single-family residence in

which a private individual resides full time without leasing for compensation any portion of the residence to another person, including labor and materials for the improvement, renovation, or remodel of such a single family residence, is exempt only if (1) the sale of such labor and materials is to the private individual who resides in the residence; (2) the private individual is acting as his or her own general contractor in constructing, improving, renovating, or remodeling the residence; and (3) the private individual displays at the time of sale an exemption certificate issued under Section 4.16.050B of this chapter.

. . .

Q. The sale of services of transporting passengers by river taxi, taxicab, bus, commercial airline, air charter, air taxi, hover craft or limousine is exempt. The lease of vehicles for hire permits is ~~taxable~~ not exempt.

. . .

V. A sale of goods or services to any entity that, at the time of the sale, is legally constituted and legitimately acting in accordance with a duly authorized federal tax exempt status pursuant to IRS Regulations, Section 501(c) ~~or its successor regulation~~, and the entity is a receiver of Alaska Revenue Sharing, and if the same goods or services are used exclusively in the fulfillment of activities within the federal tax exempt status. ~~and the entity is a receiver of Alaska Revenue Sharing.~~

W. A sale of goods is exempt if a credit union organized under state or federal law is the purchaser of the goods.

Section 7. Amendment of Section 4.16.050. Section 4.16.050.B of the Bethel Municipal Code is amended as follows (new language is underlined and old language is stricken out):

4.16.050 Exemption certificates -- Applications.

. . .

B. An exemption certificate for exemptions under Section 4.16.040N may be issued only:

1. Upon submission of a complete application to the Finance Director ~~including~~,
2. Payment of the certificate fee of ~~two hundred dollars~~ two hundred and fifty dollars ($250),
3. Proof that the applicant owns or has a substantial ownership interest in the land upon which the home is to be built,
4. Proof that all building, zoning and other permits and approvals have been obtained and that the home will meet all requirements of the Bethel sewer and water codes.

A certificate issued under this subsection shall be numbered, identify the applicant property owner, be signed by the Finance Director, ~~be attested and sealed by the City Clerk~~ and shall expire on the ~~later of the second October 31st or the last day of the twentieth~~ last day of the twelfth month following the issuance of the permit. The expiration date shall be prominently displayed on the certificate.

Introduced by: City Manager
Date Introduced: July 10, 2001
Public Hearing Date: July 24, 2001
Action: Enacted
Vote: 6-yes, 1-no

Section 8. Amendment of Section 4.16.110. Section 4.16.110 of the Bethel Municipal Code is amended as follows (new language is underlined and old language is stricken out):

4.16.110 ~~Monthly r~~ Returns and payments.

A. For each separate business entity and location, a seller shall complete a City sales tax return, reporting accurately and completely all information required on the form for all sales transactions occurring during the preceding month, quarter or year. Each sales tax return shall:

1. Set forth the gross receipts of the business for the reporting period: month, quarter or year,
2. Include all taxable and nontaxable transactions;
3. Itemize non taxable transactions on the exemption form,
4. Include the amount of tax thereon, and
5. Include such other information as the finance director may require.

Each return shall be signed by a responsible individual who shall swear as to the completeness and accuracy of the information on the tax return.

B. Any seller who filed or should have filed a sales tax return for the ~~prior month~~ reporting period shall file a return even though no tax may be due. This return shall show why no tax is allegedly due, and, if the business is sold, foreclosed upon or otherwise transferred to another person, the person to whom it was sold or transferred, the date it was sold or transferred and the address and telephone number of the person to whom it was sold or transferred. A seller who files a return for a ~~month~~ reporting period when no tax is due is not required to file returns thereafter until it has one or more taxable sales during a subsequent ~~month~~ reporting period.

C. Each sales tax return for ~~a month~~ a reporting period must be received at the office of the Finance Director or, if mailed with sufficient postage, be postmarked by the U.S. Postal Service with a readable postmark date, on or before the last day of the month following the period for which the return is required to be submitted. In the event ~~that~~ the due date is a Saturday, Sunday or state legal holiday, the sales tax return shall be received or postmarked on or before the next following business day. All taxes required to be collected, interest, penalty, costs and charges due shall be remitted with the sales tax return, whether or not the tax has been collected from the buyer.

D. Upon approval of the finance director, a seller that anticipates that it will have less than $24,000 in taxable sales during the current or coming calendar year may file its sales tax return and payment of taxes on an annual basis for the current or coming year only if:

1. The seller had less than $24,000 in taxable sales during the preceding calendar year,
2. The seller executes an affidavit in a form satisfactory to the finance director stating that the seller anticipates that it will have less than $24,000 in taxable sales during the current or coming calendar year, and
3. The seller applies in advance for annual filing status on a form provided by the finance department and receives written approval from the finance director.

Returns and taxes filed and paid on an annual basis must be received or postmarked not later than the last day of the month following the calendar year for which the tax return is required to be submitted ~~February 15 for the preceding calendar year~~. Penalties for the late filing of an annual return and for the late payment of taxes shall be double the rate applicable to monthly returns and interest shall accrue on late annual payments from July 1 of the preceding year. If the seller was in business during the preceding year, the Finance Director may approve an annual filing for a seller at any time during the current calendar year, but such approval is prospective only and may be given only upon payment by the seller of all taxes, penalties and interest due to the date of the approval.

E. Upon approval of the Finance Director, a seller that anticipates that it will have less than $250,000 in taxable sales during the current or coming calendar year may file its sales tax return and payment of taxes on a quarterly basis for the current or coming year only if:

1. The seller had less than $250,000 in taxable sales during the preceding calendar year,
2. The seller executes an affidavit in a form satisfactory to the Finance Director stating that the seller anticipates that it will have more than $24,000 and less than $250,000 in taxable sales during the current or coming calendar year, and
3. The seller applies in advance for quarterly filing status on a form provided by the finance department and receives written approval from the finance director.

Returns and taxes filed and paid on a quarterly basis must be received or postmarked not later than the last day of the month following the quarter in which the tax return is required to be submitted. Penalties for the late filing of a quarterly return and for the late payment of taxes shall be double the rate applicable to monthly returns and interest shall accrue on late payments as if monthly filing was required.

~~E.~~F. If a complete return from a person reporting on a monthly, quarterly or annual basis is accompanied by the entire tax due and is received by the city within the time allowed, the person collecting the tax may deduct and retain up to one percent of the tax due for the entire reporting period as compensation for its costs of administration of the tax; however, the amount deducted and retained may not exceed ~~$75~~ 100 for any ~~month~~ reporting period.

Introduced by: City Manager
Date Introduced: July 10, 2001
Public Hearing Date: July 24, 2001
Action: Enacted
Vote: 6-yes, 1-no

Section 9. Amendment of Section 4.16.240. Section 4.16.240.A of the Bethel Municipal Code is amended to read as follows (new language is underlined and old language is stricken out):

4.16.240 Rulings and Regulations.

A. The Finance Director may promulgate and amend regulations and may prescribe the content and use of forms appropriate to the implementation of this chapter. Regulations promulgated by the Finance Director are effective on the date they are promulgated unless a different date is indicated in the regulations, provided all regulations are subject to amendment and repeal at any time by the city council by ~~resolution~~ ordinance. At least seven calendar days prior to promulgation, a proposed regulation or amendment shall be submitted to the city attorney and the city manager for review and comment. Upon promulgating a regulation or any amendment to an existing regulation, the Finance Director shall submit the regulation or amendment to the city council at its next regular meeting.

Section 10. Amendment of Section 4.16.260. Section 4.16.260 of the Bethel Municipal Code is amended to read as follows (new language is underlined and old language is stricken out):

4.16.260 Disposition of tax information.

Information in the possession of the city which was obtained by the city in the administration or enforcement of the provisions of this chapter which discloses the particulars of the business or affairs of a seller or other person from whom the information is obtained is not a matter of public record, but may be disclosed to other municipalities, the state or the United States for purposes of investigations and law enforcement. The information shall be kept confidential except when its production is required in an official investigation or an administrative or court proceeding. These restrictions do not prohibit the publication of general sales tax statistics and information, ~~presented in a manner that prevents the identification of particular reports, sellers and items~~ or prohibit publication of tax lists showing the names of sellers who are delinquent in the payment of taxes, and the amount of the delinquency plus penalties and interest owed by the delinquent sellers ~~and relevant information which may assist in the collection of delinquent taxes~~. Information otherwise protected by this section may be furnished on a reciprocal basis to other municipalities, agencies of the State or the United States concerned with the enforcement of tax laws, and may be furnished to any person authorized in writing by the seller to receive or view the information.

Section 11. Amendment of Section 5.04.040. Section 5.04.040 of the Bethel Municipal Code is amended to read as follows (new language is underlined and old language is stricken out):

5.04.040 Fee.

The biennial license fee for businesses that have less than $250,000 in taxable sales in a calendar year with the business classification of BT, TB, ER, RE, FN, NF, IS, SI, NP, PN, PS, SP, PV, VP, RT, TR, FP, PF, MS or SM is fifty dollars ($50). The biennial license fee for businesses with the classification of CM, TG, FT, TF, GT, TG, PR, RP, RM, MR, RS, SR, TC, CT, TX, XT, OT or TO is one hundred and fifty dollars ($150). Classification of business appears on the business license. ~~including the business of selling games of skill and chance is fifty dollars for the biennial license.~~ The fee for a license issued to a new business that commences after the beginning of the biennial period applicable to the applicant, shall be 25 percent of the biennial fee times the number of full and partial semesters remaining in the biennial period. No proration may be given for seasonal or other part-year operations.

Section 12. Amendment of Section 5.04.050. Section 5.04.050 of the Bethel Municipal Code is amended to read as follows (new language is underlined and old language is stricken out):

5.04.050 Additional fees for business selling games of skill and chance.

C. Qualified organizations authorized to conduct games of skill and chance by the state pursuant to AS 5.15.010 *et. seq.*, who do not make use of a licensed operator shall pay the fee on a quarterly basis not later than the last day of the month following the quarter a tax return is required to be submitted. ~~by the forty-fifth day following each calendar quarter in which their gross receipts equaled fifty thousand dollars or more~~ ~~If gross receipts do not exceed fifty thousand dollars for any quarter the fee shall be paid on an annual basis on or before March 15th of each year. Payment of the fee shall be accompanied by a copy of the quarterly or annual report filed with the sate pursuant to AS 5.15.080 or any successor statute or regulation.~~ A copy of the quarterly ~~or annual~~ report filed with the Sate pursuant to AS 5.15.080 or any successor statute or regulation shall accompany payment of the fee.

Section 13. Effective Date. This ordinance shall become effective 30 days from the day Council enacts this ordinance.

ENACTED THIS 24th DAY OF JULY 2001, by a vote of 6 in favor and 1 opposed.

Stanley "Tundy" Rodgers, Mayor

ATTEST:
for Laurie J. Walters
Colleen Sobera, City Clerk

City of Bethel, Alaska
City Council Minutes

July 10, 2001 | Regular Meeting | Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on July 10, 2001, at 6:30 p.m. in the Council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:34 p.m.

ROLL CALL

Comprising a quorum of the Council, the following were present:

Jerry Drake	Stanley "Tundy" Rodgers
Agnes Phillips	Dario Notti
Karol Pobrislo	Carl Berger

Also in attendance were the following:

Robert Herron, City Manager
Colleen Soberay, City Clerk

PEOPLE TO BE HEARD

Andrew Steele, Bethel Police Department, up-dated Council on the status of collecting questionnaires from the taxicab industry. He said the PSTC decided to subpoena the questionnaires, as the taxicab industry is not cooperating.

APPROVAL OF MINUTES

MOVED BY:	Drake	To approve the minutes of the June 26 regular meeting
SECONDED BY:	Pobrislo	

**Corrections noted by city clerk*

VOTE ON MOTION	Motion carried by unanimous voice vote.

APPROVAL OF AGENDA

MOVED BY:	Drake	To approve the consent agenda and regular agenda after removing new business item C and E off the consent agenda and adding new business item F: Resolution #01-23 to the agenda
SECONDED BY:	Pobrislo	

Consent agenda items: Ordinance #01-27 and #01-29—introduced and set for public hearing July 24, 2001

VOTE ON MOTION	Motion carried by unanimous voice vote.

NEW BUSINESS

Item A — Discussion: Taxicab trip sheets

City manager Herron said the intent is not to make people paranoid. He explained the reason for trip sheets in that trip sheets could be helpful in a police investigation and gave an example. He said trip sheets are to assist the community. City manager Herron also commented in response to an e-mail written to Council by Mr. Atchak, dated June 29, 2001, in that cameras are already used 24-hours at the Port dock and ramp.

Council member Drake said in all fairness, trip sheets have been implemented and Council should allow trip sheets to be in place for an extended period of time to give the system a chance. He said if necessary, Council could bring it up at a latter time. He reiterated, let it work into the system and give it a chance.

Council member Pobrislo commended Andrew Steele on how well he handled the e-mail communications with Mr. Atchak.

Council member Notti restated his objection to trip sheets. Discussion briefly ensued.

Item B — Introduction—Ordinance #01-27: Amending Chapter 17 of the BMC in regard to lot line adjustments

Introduced under the consent agenda and set for public hearing July 24, 2001.

Item C — Introduction—Ordinance #01-28: Amending various sections of Chapters 4.14, 4.16 and 5.04 of the BMC regarding administration of the transient lodging business tax; sales tax exemptions and administration; and business license fees

MOVED BY:	Drake	To introduce Ordinance #01-28 and set the public hearing for July 24, 2001
SECONDED BY:	Pobrislo	

Council member Berger asked for clarification on the new section added to 4.14 in regard to transient business tax. The city clerk explained in an effort to make language consistent throughout the sales tax code for clarity and for administration purposes, the language for delinquent operators and accelerated return requirements were changes to the language used for sales tax administration. Discussion briefly ensued. *Council member Drake called the question.*

VOTE ON MOTION	Motion carried by a unanimous voice vote

Item D — Introduction—Ordinance #01-29: Amending Chapter 4.15 of the BMC to increase the rate of levy of the motor vehicle registration tax

Introduced under the consent agenda and set for public hearing July 24, 2001.

Item E — Introduction—Ordinance #01-30: Amending various sections of Chapters 5.20 and 5.30 of the BMC regarding regulation of taxicabs

City of Bethel, Alaska
City Council Minutes

July 24, 2001 Regular Meeting Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on July 24, 2001, at 6:30 p.m. in the Council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:34 p.m.

ROLL CALL

Comprising a quorum of the Council, the following were present:

Jerry Drake
Agnes Phillips
Karol Pobrislo
Thor Williams
Stanley "Tundy" Rodgers
Dario Notti
Carl Berger

Also in attendance were the following:

Robert Herron, City Manager
Laurie Walters, Acting City Clerk
Louann Cutler, City Attorney

PEOPLE TO BE HEARD

Karol Pobrislo, city council member, commented that Kipnuk offers paper bags to its customers and said she wanted to make a public show of the fact that Kipnuk offers paper bags. She held the paper bag up for viewing.

APPROVAL OF MINUTES

MOVED BY:	Drake	To approve the minutes of the July 10, 2001 regular meeting
SECONDED BY:	Pobrislo	

**Corrections noted by acting city clerk*

VOTE ON MOTION	Motion carried by unanimous voice vote.

APPROVAL OF AGENDA

MOVED BY:	Drake	To approve the regular agenda after adding a public hearing for Determination of Safe Speed Zone and postponing old business item D: Ordinance 01-29 until the next regular meeting
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by unanimous voice vote.

VOTE ON MOTION	Motion, as amended, carried by a roll-call vote 7-0

Dave Trantham commended Crowley and BNC's interest in serving the community and said competition will be good.

Willy Keppel said Council should follow its ordinances in that everything dealing with land should go through the Planning Commission. He said as Council, they should leave the public process to the Planning Commission and then take the Planning Commission's recommendations under advisement.

Item C — Public Hearing – Ordinance #01-27: Amending Chapter 17 of the BMC in regard to lot line adjustments

Mayor Rodgers opened the public hearing. There was no one from the public to be heard.

MOVED BY:	Drake	To adopt Ordinance #01-27
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by a roll-call vote 7-0

Item C — Public Hearing – Ordinance #01-28: Amending various sections of Chapters 4.14, 4.16 and 5.04 of the BMC regarding administration of the transient lodging business tax; sales tax exemptions and administration; and business license fees

Mayor Rodgers opened the public hearing. There was no one from the public to be heard.

City manager Herron said Administration recommends Council pass Ordinance #01-28.

MOVED BY:	Drake	To adopt Ordinance #01-28
SECONDED BY:	Williams	

VOTE ON MOTION	Motion carried by a roll-call vote 6-1 (Berger)

Item E — Public Hearing – Ordinance #01-30: Amending various sections of Chapters 4.14, 4.16 and 5.04 of the BMC regarding administration of the transient lodging business tax; sales tax exemptions and administration; and business license fees

changes to BMC 5.20 + 5.30

Mayor Rodgers opened the public hearing. There was no one from the public to be heard.

City manager Herron said Administration recommends Council pass Ordinance #01-30. Council member Berger requested an overview of changes. The City Attorney, Louann Cutler, explained the changes to Council. Discussion briefly ensued in regard to validity of state driver's license and accumulation of points against an applicant's license. Ms. Cutler recommended an amendment be made to the language for clarity. Discussion briefly ensued.

MOVED BY:	Notti	To adopt Ordinance #01-30 with amendment to paragraph 5, page 2 noted by city clerk
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by a roll-call vote 7-0

NEW BUSINESS—*There was no new business to be discussed.*

Introduced by: City Manager Foley
Date: June 23, 2009
Public Hearing: July 14, 2009
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Ordinance #09-17

AN ORDINANCE AMENDING SECTION 5.04.050A OF THE BETHEL MUNICIPAL CODE, TO AMEND THE ADDITIONAL FEES FOR GAMES OF SKILL AND CHANCE

WHEREAS, the City of Bethel ("City") charges a current sales tax of six (6) percent; and

WHEREAS, the City provides clear notice to businesses engaged in games of skill and chance of the exact percentage of the gross revenues from sales that will be required; and

WHEREAS, the City's Finance Committee resolves that section 5.04.050A of the Bethel Municipal Code should be amended;

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

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

SECTION 2. Amending BMC 5.04.040A. The Bethel Municipal Code section 5.04.050A, is amended as follows (new language is underlined and ~~old language is stricken out~~):

5.04.050A Additional Fees for Games of Skill and Chance.

A. Each business selling games of skill and chance shall pay an additional fee equal to ~~five (5)~~ **six (6)** percent of the gross revenues from sales of games of skill and chance. Gross revenues from a sale is the total cost to the player for the right to each single chance or play, whether paid to the operator or qualified organization in cash or by relinquishment of winnings or in exchange for other things of value.

SECTION 6. Effective Date. This section shall become retroactive to January 1, 2008, as stipulated in Ordinance 08-01.

ENACTED THIS 14 DAY OF JULY 2009, BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

Joseph Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk

City of Bethel City Council Meeting Minutes

June 23, 2009 Regular Meeting Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on June 23, 2009 at 6:30p, in the Council Chambers, Bethel, Alaska.

II. ROLL CALL

Members present:
Mayor Joseph Klejka
Vice-Mayor Eric Middlebrook
Council Member Dan Leinberger
Council Member LaMont Albertson
Council Member Thor Williams
Council Member Beverly Hoffman
Council Member Hugh Dyment

III. PEOPLE TO BE HEARD

Jeremy Westlake
Spoke in opposition to the Bethel Aquatic Training and Health Center due to the lack of funding.

Fritz Charles -
Explained the hardship the City Shop will face once the FY 2010 budget goes into effect July 1, 2009. Staffing issues will become even more burdensome due to funding limitations and employee cuts.

Kate Huckert-
As a physical therapist, spoke in support of the Bethel Aquatic Training and Health Center and the benefits it would provide to all everyone within the community.

Willy Keppel-
Spoke in support of Ordinance 09-14 Exempting City of Bethel Water, Sewer And Solid Waste Services From The Current 6% Sales Tax And Increasing The Rates/Fees Charged For City Of Bethel, Water, Sewer And Solid Waste By A Corresponding 6%.
Questioned when the wind turbines were approved to be used for the purpose of the Bethel Aquatic Training and Health Center.

Dave Trantham-

IX. NEW BUSINESS

Item A – Resolution 09-27: Support For The Preparation And Submission Of FFY 2011 Municipal Harbor Facility Grant.

Passed on the consent agenda.

Item B - Resolution 09-28: A Resolution Supporting The Preparation And Submission Of An FFY 2009 State Homeland Security Grant Application To Benefit The Police, Fire And Port Departments.

Passed on the consent agenda.

Item D -Introduction Of Ordinance 09-15: An Ordinance Amending 5.20.060 A. Of The Bethel Municipal Code Removing Dispatch Service From Required Fees.

Passed on the consent agenda.

Item E - Introduction Of Ordinance 09-16: Amending Limousine Permit Requirements.

Passed on the consent agenda.

Item F -Introduction Of Ordinance 09-17: Amending Section 5.04.050 Of the Bethel Municipal Code, To Amend The Additional Fees For Games Of Skill And Chance.

Passed on the consent agenda.

Item G - AM 09-17: Authorizing The Purchase Of Pumps Necessary For The QFC #2 Lift Station And Force Main Improvements Capital Project.

MOVED:	Leinberger	Motion to approve AM 09-17.
SECONDED:	Hoffman	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Middlebrook	Motion to extend the meeting past 12:00.
SECONDED:	Williams	

City of Bethel City Council Meeting Minutes

July 14, 2009 Regular Meeting Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on July 14, 2009 at 6:30p, in the Council Chambers, Bethel, Alaska.

The meeting was called to order at 6:30p.

II. ROLL CALL

Members present:
Council Member Lamont Albertson
Council Member Hugh Dyment
Council Member Beverly Hoffman
Mayor Joseph Klejka
Council Member Dan Leinberger
Vice-Mayor Eric Middlebrook
Council Member Thor Williams

Others present:
City Manager Lee Foley
City Clerk Lori Strickler

III. PEOPLE TO BE HEARD

Michael Tunley –
- The prominent concern with the construction and maintenance of the BATH facility is the money it will cost the community.

Teens Acting Against Violence –
- Spoke in favor of the BATH Center, due to the recreational opportunities it will provide the young members of the community.

Raymond Pete –
- Spoke in favor of the BATH Center, however does not believe the City can financially support the operation.

John Sargent –
- Spoke in favor of the BATH Center, and possible solutions to offset the cost.
- Encouraged the council to take advantage of the lead architect on the job during his presence at the council meeting.

MOVED:	Leinberger	Motion to suspend the rules to hear from the Chief of Police, Larry Elarton.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	All in favor	
VOTE ON MAIN MOTION	1-6 Motion fails, Klejka in favor	

Item E - Public Hearing Of Ordinance 09-16: Amending Limousine Permit Requirements.

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

MOVED:	Middlebrook	Motion to adopt Ordinance 09-16.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	All in favor	

Item F - Public Hearing Of Ordinance 09-17: Amending Section 5.04.050 Of the Bethel Municipal Code, To Amend The Additional Fees For Games Of Skill And Chance.

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

MOVED:	Hoffman	Motion to adopt Ordinance 09-17.
SECONDED:	Middlebrook	
MOVED:	Williams	Motion to amend to strike ~~6%~~ and insert 7% and have the effective date August 14, 2009.
SECONDED:	Dyment	
VOTE ON MAIN MOTION	All opposed	
VOTE ON MAIN MOTION	All in favor	

Item J- Transfer Of The Senior Center Building And Lease Of Senior Center Versus Property Disposal.