

## *CITY OF BETHEL, ALASKA*

### **Ordinance #11-09**

#### **AN ORDINANCE PROVIDING FOR COUNCIL ACTION ON BEHALF OF A COMMISSION WHEN THE COMMISSION IS UNABLE TO TAKE REQUIRED ACTION DUE TO LACK OF QUORUM OR OTHERWISE**

**WHEREAS**, per the Bethel Municipal Code, commissions have certain duties they are required to perform on behalf of the city;

**WHEREAS**, due to a lack of a quorum or otherwise, commissions are sometimes unable to take necessary action on some of their prescribed duties;

**WHEREAS**, to allow for a continuation of the process, the council should be allowed to take action on the duties outlined for the commission in the occasion the commission is unable.

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

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

**SECTION 2. Amendment.** Sections 2.24.030, 2.25.020, and 14.03.020 of the Bethel Municipal Code is amended as follows (new language is underlined and old language is stricken out).

### **Chapter 2.24 Planning Commission**

#### **2.24.030 Planning, subdivision and land use functions.**

A. The planning commission may:

1. Review and make recommendations on existing and proposed federal, state and city land selection, acquisition, disposal or management practices that affect the city;
2. Make recommendations concerning the city's annual planning budget and work program;
3. Make recommendations concerning all planning consulting contracts to which the city is or proposes to be a party;
4. Make recommendations concerning needed or proposed public improvements;

5. Recommend to the city council the prioritization of the projects in the city's annual and long-term capital improvements program;
  6. Recommend to the city council adoption of and changes to subdivision, land use, site plan, land acquisition and disposal, flood control, housing, building and similar codes.
- B. The planning commission shall:
1. Maintain and update the official map of the city;
  2. Recommend to the city council integrated or consolidated land use and related codes;
  3. Regularly review the comprehensive plan or its components and recommend to the city council updates or other changes. The comprehensive plan should include:
    - a. Statements of policies, goals and standards,
    - b. A land use plan,
    - c. A community facilities plan,
    - d. A transportation plan, and
    - e. Recommendations for implementation of the comprehensive plan;
  4. Recommend to the city council ordinances to implement the comprehensive plan;
  5. Act as the platting authority for the city;
  6. Perform such other duties and functions as are provided for in BMC Titles 15, 16, 17 and 18 and other provisions of this code.
  7. If within a 60 day period the commission is unable to take required action because of a lack of a quorum or otherwise, the item may be referred to the city council for action. When taking action on commission matters all ordinances and outlined procedures pertaining to the action must be followed by the council.

## **Chapter 2.25 Public Safety and Transportation Commission.**

### **2.25.020 Powers and duties.**

- A. With respect to providing advice regarding public safety and transportation issues, the PSTC shall:
1. Hear and review public safety and transportation concerns and advise the city council on these issues;
  2. Hear and review citizen complaints regarding the police and fire departments and provide suggestions for resolution of the complaints to the city manager;
  3. Produce reports on specific public safety and transportation concerns when appropriate;
  4. Inform the city council on municipal and state legislation relevant to public safety and transportation;
  5. Support municipal legislative programs on state issues relevant to public safety and transportation, when appropriate;

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Vote: 0-5

6. Review information presented regarding the availability of all federal, state, municipal and private resources for public safety and transportation in the city, and advise the city council;
  7. Advise the council with respect to the operation, management, regulation, and control of the city's public and private ground transportation facilities;
  8. Advise the council with respect to the operation, management, regulation, and control of the city's public and private ground transportation facilities in accordance with Chapters 5.20, 5.30, 5.40, 5.45 and 5.50 BMC, and other applicable ordinances now in effect or hereinafter enacted;
  9. Advise the council with respect to the integration of public and private ground transportation facilities within Bethel;
  10. Periodically review the budget, capital improvement programs and funding of city-owned ground transportation systems and report its findings to the city council;
  11. Periodically study and advise the city council with respect to location and development of transportation systems, transportation coders, traffic movement, and those aspects of urban growth which facilitate or impede movement of people and goods, and those aspects of transportation that contribute to orderly economic development within the city;
  12. Perform such other duties as the city council may refer to it from time to time;
  13. Do such other acts as are necessary and proper to the performance of the duties and functions set forth in this chapter.
- B. With respect to regulating taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services, the PSTC shall:
1. Regulate taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services in accordance with Chapters 5.20 through 5.50 BMC and other applicable law;
  2. Hold public hearings as necessary to investigate the quality of service rendered by taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services and make such recommendations to the council as it deems necessary for the improvement of such services;
  3. Administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the PSTC for the purpose of regulating taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services. The commission may petition a court of the state to enforce its subpoenas or other process;
  4. Conduct hearings pursuant to Chapter 5.20 BMC and other applicable ordinances now in effect or hereinafter enacted;
  5. Perform such other duties as the city council may refer to it from time to time;
  6. Do such other acts as are necessary and proper to the performance of the duties and functions set forth in this chapter.
- C. Nothing in this chapter should be construed to provide the following authority to the PSTC:

1. To hear or advise on any concerns or complaints related to potential or pending litigation with the city;
2. To review or advise on any complaints, concerns or negotiation strategies related to labor contracts with the city;
3. To review or advise on any hiring or disciplinary decisions made by the Bethel police or fire departments;
4. To review or advise on past, pending or potential grievance, arbitration or administrative matters that pertain to public safety personnel;
5. To review any personnel files of public safety employees;
6. To review police reports and records unless, prior to review by the PSTC, the city attorney determines that review of such reports and records complies with applicable law;
7. To issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the PSTC for any purpose other than for the purpose of regulating taxicabs, limousines or airport limousines, chauffeurs and dispatch services.

D. If within a 60 day period the commission is unable to take required action because of a lack of a quorum or otherwise, the item may be referred to the city council for action. When taking action on commission matters all ordinances and outlined procedures pertaining to the action must be followed by the council.

## **Chapter 14.03 Port Commission.**

### **14.03.020 Duties.**

The port commission shall:

- A. Regulate the operation of the port facilities by promulgating a terminal tariff and rates, charges, rent, fee schedules, rules, and regulations applicable at the port and subject to the approval of the city council and the Federal Maritime Commission if applicable;
- B. Advise the city council with respect to the port facilities concerning the acquisition, ownership, exchange, transfer, lease, rent, conveyance, or disposal, and use of real or personal property and interest therein;
- C. Review contracts prior to execution and monitor and periodically report to the city council concerning the status of all contracts executed with respect to the port facilities;
- D. Advise the city council with respect to the construction, improvement, alteration, or repair of port facilities;
- E. Assist the city council in developing ways and means whereby the city may encourage and permit the development of port facilities by private and public developers and builders;
- F. Hear appeals resulting from actions of the port director and take action on matters referred to the commission by the port director or city council;
- G. Periodically review the budget, capital improvement programs, funding of port facilities and systems and report its findings to the city council;
- H. Perform other such duties as the city council may refer to it from time to time;
- I. Do other such acts as are necessary and proper for the performance of the duties and functions set forth in this title;

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J. The port commission may, at its discretion, hold formal public hearings on any question which may come before it;

K. The city council shall be the board of appeals for all port commission action.

L. If within a 60 day period the commission is unable to take required action because of a lack of a quorum or otherwise, the item may be referred to the city council for action. When taking action on commission matters all ordinances and outlined procedures pertaining to the action must be followed by the council.

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

**ORDINANCE NOT ENACTED VOTED 0-5, ALL OPPOSED.**

ATTEST:

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Eric Middlebrook, Mayor

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Lori Strickler, City Clerk